

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

SEPTEMBER 2, 2014

immediately following 6pm LPA

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. If the public wishes to speak on a matter on the consent agenda they must inform the City Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.
 - A. APPROVAL OF MINUTES:**
 - July 8, 2014 Commission Meeting
 - July 11, 2014 Commission Meeting
 - July 11, 2014 Workshop Meeting
 - July 15, 2014 Commission Meeting
 - B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, SUPPORTING THE PROPOSED MIAMI TO ORLANDO PASSENGER TRAIN SERVICE PROJECT OF FLORIDA EAST COAST INDUSTRIES, WHILE CALLING UPON MIAMI- DADE COUNTY AND FDOT TO ADDRESS EXISTING TRAFFIC SAFETY CONCERNS RELATED TO THE RAILROAD CROSSING AT U.S. 1 AND MIAMI GARDENS DRIVE; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
 - C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA 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 THE ATTACHED CONTRACT FOR PROFESSIONAL LEGISLATIVE RELATIONS AND LOBBYING SERVICES BETWEEN THE CITY OF AVENTURA AND RONALD L. BOOK, ESQ., AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
- E. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND MIAMI-DADE COUNTY FOR THE MULTI-AGENCY GANG TASK FORCE; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- F. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$63,000 FOR TRAFFIC MOTORCYCLES AND CARBINE SUPPRESSORS FROM THE FEDERAL POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.**
- G. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$12,000 FOR CRIME PREVENTION PROGRAMS, EQUIPMENT AND TRAINING FROM THE STATE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.**
- H. CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE CITY OF AVENTURA CITY OF EXCELLENCE SCHOOL**

MOTION TO ACCEPT FOR FILING THE SPECIAL PURPOSE FINANCIAL REPORT FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR THE FISCAL YEAR ENDED JUNE 30, 2014 AND TO ACCEPT FOR FILING THAT LETTER DATED AUGUST 15, 2014 ATTACHED AS ATTACHMENT 1

I. CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL

MOTION TO ACCEPT AVENTURA CITY OF EXCELLENCE SCHOOL OUT-OF-FIELD WAIVERS AS OUTLINED IN THE CITY MANAGER'S MEMORANDUM DATED AUGUST 20, 2014

J. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-187 FOR PROFESSIONAL DESIGN SERVICES FOR THE NE 207TH STREET ROAD RESURFACING IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

K. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA SELECTING THE FIRM OF BERMELLO AJAMIL & PARTNERS, INC. TO PROVIDE PARK DESIGN AND ENGINEERING SERVICES FOR THE PROPOSED NE 188TH STREET PARK IN ACCORDANCE WITH RFP NO. 14-8-08-2; AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS AND FEES FOR SAID SERVICES; AUTHORIZING NEGOTIATIONS WITH AN ALTERNATE FIRM TO PERFORM THE REQUIRED SERVICES SHOULD NEGOTIATIONS WITH SELECTED FIRM BE UNSUCCESSFUL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR 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. **NONE**

7. ORDINANCES: FIRST READING—PUBLIC INPUT:

A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING CHAPTER 36 "RETIREMENT," ARTICLE II "POLICE PENSION PLAN AND TRUST FUND," IN

ACCORDANCE WITH CHANGES CONTAINED IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND DADE COUNTY POLICE BENEVOLENT ASSOCIATION FOR THE PERIOD OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016; BY AMENDING SECTION 36-22 "DEFINITIONS" TO REVISE THE DEFINITION OF "EARNABLE COMPENSATION"; BY AMENDING SECTION 36-24 "CONTRIBUTIONS" TO CHANGE THE EMPLOYEE CONTRIBUTION RATE; AND BY ADDING SECTION 36-36 "COST OF LIVING ADJUSTMENT"; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

- B. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2014-07, WHICH ORDINANCE ADOPTED A CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2014/2015 (JULY 1 – JUNE 30) BY REVISING THE 2014/2015 FISCAL YEAR BUDGET DOCUMENT 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.

- C. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(5)b. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO HEIGHT OF SHOPPING CENTER BUILDINGS; AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(1)t. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO PET SHOPS; AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, SUBSECTION (e)(2) OF SECTION 4-2 TO CLARIFY EXEMPTION FOR DINING ROOMS AND RESTAURANTS; AMENDMENT TO SECTION 31-234, OUTDOOR LIGHTING STANDARDS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND AMENDING SECTION 31-221, LANDSCAPING REQUIREMENTS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND TO INCREASE THE MINIMUM HEIGHT OF TREES; PROVIDING

FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

8. ORDINANCES – SECOND READING – PUBLIC HEARING: None

9. RESOLUTIONS – PUBLIC HEARING: None

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

FUTURE MEETINGS

COMMISSION MTG. 1st BUDGET	SEPTEMBER 8, 2014	6PM	COMMISSION CHAMBER
COMMISSION MTG. 2nd BUDGET	SEPTEMBER 17, 2014	6PM	COMMISSION CHAMBER
COMMISSION WORKSHOP	SEPTEMBER 18, 2014	9AM	EX. CONFERENCE RM.

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
July 8, 2014 6 p.m.**

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, Michael Stern, Howard Weinberg, Luz Urbaz Weinberg, Vice Mayor Billy Joel, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney Alan Gabriel. As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: Led during LPA.

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

4. SPECIAL PRESENTATIONS: Vice Provost Steve Moll presented Award Certificates to the FIU First Generation Scholarship recipients.

5. CONSENT AGENDA: There were no requests from the public to address the Commission. A motion to approve the Consent Agenda was offered Commissioner Cohen, seconded by Commissioner Stern, passed unanimously by roll call vote and the following action was taken:

A. The following minutes were approved:

June 3, 2014 Commission Meeting
June 19, 2014 Workshop Meeting

B. The following motion was adopted:

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

C. Resolution No. 2014-32 was adopted as follows:

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

D. Resolution No. 2014-33 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA RE-ADOPTING CHAPTER 6.6 OF THE ADMINISTRATIVE POLICY DIRECTIVES AND PROCEDURES MANUAL, AS ATTACHED HERETO, ENTITLED "INVESTMENT OBJECTIVES AND PARAMETERS" AS THE CITY'S INVESTMENT POLICY FOR THE MANAGEMENT OF PUBLIC FUNDS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

E. Resolution No. 2014-34 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDDING AND LETTING A BID/CONTRACT FOR RFP NO. 14-05-06-2, SCHOOL UNIFORMS, TO IN UNISON UNIFORM COMPANY IN ACCORDANCE WITH THE RFP DOCUMENT ATTACHED AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

F. Resolution No. 2014-35 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO APPROVE THE CITY OF AVENTURA TITLE VI PROGRAM IN ACCORDANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

G. Resolution No. 2014-36 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, CONCERNING IMPROVED ANIMAL SERVICE PROGRAMS TO BE PROVIDED BY MIAMI-DADE COUNTY; PROVIDING FOR DISTRIBUTION OF RESOLUTION; AND PROVIDING FOR 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.
None.

7. ORDINANCES: FIRST READING – PUBLIC INPUT: Mr. Gabriel read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE 2014 EVALUATION AND APPRAISAL BASED AMENDMENTS TO THE CITY OF AVENTURA COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval, including the incorporation by reference into this hearing of all amendments and testimony, written and verbal, relative to this item given at the preceding Local Planning Agency meeting was offered by Commissioner Holzberg, and seconded by Vice Mayor Joel. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote.

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

9. RESOLUTIONS – PUBLIC HEARING: Mr. Gabriel read the following resolution by title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACCEPTING AND ADOPTING IN PRINCIPLE, SUBJECT TO ANNUAL REVISION AND AUTHORIZATION, THE CITY OF AVENTURA CAPITAL IMPROVEMENT PROGRAM DOCUMENT FOR FISCAL YEAR 2014/15 TO 2018/19 AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Howard Weinberg, and seconded by Commissioner Luz Weinberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously and **Resolution No. 2014-37** was adopted.

10. REPORTS: As presented.

11. PUBLIC COMMENTS: Martin Zilberg, candidate for Miami-Dade Circuit County Judge.

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 6:25 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
COMMISSION MEETING
JULY 11, 2014 9 AM**

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

1. **CALL TO ORDER/ROLL CALL.** The meeting was called to order at 9:00 a.m. by Mayor Susan Gottlieb. Present were Commissioners Enbar Cohen (via speakerphone), Teri Holzberg, Michael Stern, Howard Weinberg, Luz Urbáez Weinberg, Vice Mayor Billy Joel, 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. **OVERVIEW AND REVIEW OF PROPOSED BUDGET:** Mr. Soroka reviewed the highlights of the budget process for the upcoming year as outlined in his budget message. He then reviewed the proposed 2014/2015 budget document, as follows:

A. GENERAL FUND, including Revenues, General Government Departments (City Commission, City Manager, Finance, Information Technology, Legal, City Clerk), Public Safety Department, Community Development Department, Community Services Department, Arts & Cultural Center, Non-Departmental and Capital Outlay.

A motion for approval of the General Fund Budget Revenues was offered by Vice Mayor Joel, seconded by Commissioner Stern, and unanimously passed.

A motion for approval of the City Commission budget was offered by Commissioner Stern, seconded by Commissioner Luz Weinberg, and unanimously passed.

A motion to approve the City Manager budget was offered by Commissioner Howard Weinberg, seconded by Commissioner Holzberg, and unanimously passed.

A motion to approve the Legal Department budget was offered by Commissioner Holzberg, seconded by Commissioner Stern and unanimously passed.

A motion to approve the City Clerk budget was offered by Commissioner Luz Weinberg, seconded by Vice Mayor Joel and unanimously passed.

A motion to approve the Finance Department budget was offered by Vice Mayor Joel, seconded by Commissioner Holzberg, and unanimously passed.

A motion to approve the Information Technology budget was offered by Commissioner Cohen, seconded by Commissioner Howard Weinberg and unanimously passed.

A motion to approve the Public Safety budget was offered by Commissioner Luz Weinberg, seconded by Commissioner Holzberg, and unanimously passed.

A motion to approve the Community Development Department budget was offered by Commissioner Stern, seconded by Commissioner Howard Weinberg and unanimously passed.

A motion to approve the Community Services Department budget was offered by Commissioner Cohen, seconded by Commissioner Holzberg, and unanimously passed.

A motion to approve the Arts & Cultural Center Department budget was offered by Vice Mayor Joel, seconded by Commissioner Holzberg, and unanimously passed.

A motion to approve the Non-Departmental budget was offered by Commissioner Stern, seconded by Commissioner Luz Weinberg, and unanimously passed.

A motion to approve the Capital Outlay budget was offered by Commissioner Howard Weinberg, seconded by Commissioner Stern, and unanimously passed.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE 2014/2015 FISCAL YEAR; PROVIDING FOR THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the resolution, which establishes a millage rate for the 2014/15 fiscal year of 1.7261 per \$1,000 of taxable assessed value, was offered by Commissioner Luz Weinberg, and seconded by Commissioner Stern. The motion unanimously passed and **Resolution No. 2013-38** was adopted.

Mr. Soroka announced the dates of the Budget Hearings as September 8, 2014 and September 17, 2014, both at 6 p.m. in the Commission Chamber of the Aventura Government Center, 19200 West Country Club Drive, Aventura, FL.

C. POLICE EDUCATION FUND: A motion for approval was offered by Commissioner Holzberg, seconded by Vice Mayor Joel, and unanimously passed.

D. TRANSPORTATION AND STREET MAINTENANCE FUND: A motion for approval was offered by Commissioner Holzberg, seconded by Commissioner Luz Weinberg, and unanimously passed.

E. 911 FUND: A motion for approval was offered by Commissioner Cohen, seconded by Commissioner Holzberg, and unanimously passed.

F. DEBT SERVICE FUND: A motion for approval was offered by Commissioner Stern, seconded by Commissioner Howard Weinberg, and unanimously passed.

G. CAPITAL PROJECTS FUND: A motion for approval was offered by Commissioner Luz Weinberg, seconded by Commissioner Holzberg, and unanimously passed.

H. STORMWATER UTILITY FUND: A motion for approval was offered by Commissioner Holzberg, seconded by Commissioner Howard Weinberg, and unanimously passed.

I. POLICE OFF-DUTY SERVICES FUND: A motion for approval was offered by Commissioner Cohen, seconded by Commissioner Luz Weinberg, and unanimously passed.

3. CITY CLERK SELECTION PROCESS INTERVIEWS: As recommended by the City Clerk Selection Committee, the Commission interviewed Bal Harbour Village Clerk Ellisa Horvath and Miami Shores Village Clerk Barbara Estep. A motion to select Ellisa Horvath as the City Clerk to replace City Clerk Teresa M. Soroka due to her retirement, contingent upon a successful background check and benefits package negotiation with the City Manager, for approval by Commission, was offered by Commissioner Luz Weinberg, seconded by Vice Mayor Joel, and unanimously passed.

4. ADJOURNMENT: There being no further business to come before the Commission, the meeting adjourned at 10:30 a.m.

Teresa M. Soroka, MMC

Approved by the Commission on _____.

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
WORKSHOP MEETING
July 11, 2014

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

CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Susan Gottlieb at 10:30 a.m. immediately following the 9:00 a.m. Budget Meeting. Present were Commissioners Enbar Cohen (via speakerphone), Teri Holzberg, Michael Stern, Howard Weinberg, Luz Weinberg, Vice Mayor Billy Joel, 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.

- 1. REQUEST OF ALL ABOARD FLORIDA FOR RESOLUTION OF SUPPORT:** (City Manager) Ali Soule, Public Affairs Manager for All Aboard Florida, made a presentation to the Commission requesting it adopt a resolution supporting the FEC Industries' construction of a 235 mile passenger railroad train from Miami to Orlando. **CITY MANAGER SUMMARY:** Consensus to adopt resolution at September Commission meeting. In addition, the Commission requested staff prepare a resolution urging the appropriate agencies to once again investigate the intersection of Miami Gardens Drive and Biscayne Boulevard for improvement and efficiency.

ADJOURNMENT: There being no further business to come before the Commission at this time, the meeting adjourned.

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 MEETING
July 15, 2014 9 AM

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 9 a.m. Present were Commissioners Teri Holzberg, Michael Stern, Howard Weinberg, Luz Weinberg, Vice Mayor Billy Joel, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorneys David M. Wolpin and Matthew Mandel. Commissioner Enbar Cohen was absent. As a quorum was determined to be present, the meeting commenced.

At the recommendation of Mr. Soroka, a motion to add to the agenda a motion for approval of the City Clerk candidate's salary/benefits package was offered by Vice Mayor Joel, seconded by Commissioner Luz Weinberg and unanimously passed.

2. **MOTION AND ACTION CONCERNING BUILDING PERMIT COVENANT MATTER:** (City Attorney) Mr. Wolpin addressed the Commission and offered background to this item. He then reviewed the proposed Covenant of Indemnification in detail. The following members of the public addressed the Commission: Daniel and Ellisa Sowicki, Island Estates; and Susan Rafanello, Esq., Coffee Burlington. There were no other speakers. A motion to approve the Covenant was offered by Commissioner Luz Weinberg, seconded by Vice Mayor Joel and unanimously passed (6-0) with Commissioner Cohen absent.

A motion to approve the salary/benefits package for the City Clerk candidate, as negotiated by Mr. Soroka, was offered by Vice Mayor Joel, seconded by Commissioner Holzberg and unanimously passed.

3. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 10:10 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.

RESOLUTION NO. 2014_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, SUPPORTING THE PROPOSED MIAMI TO ORLANDO PASSENGER TRAIN SERVICE PROJECT OF FLORIDA EAST COAST INDUSTRIES, WHILE CALLING UPON MIAMI- DADE COUNTY AND FDOT TO ADDRESS EXISTING TRAFFIC SAFETY CONCERNS RELATED TO THE RAILROAD CROSSING AT U.S. 1 AND MIAMI GARDENS DRIVE; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the construction of a 235- mile high speed passenger train running from Miami to Orlando (the Railway Project”), as proposed and being diligently pursued by Florida East Coast Industries is expected to create 10,000 construction jobs each year during the course of the Railway Project , and 5,000 permanent jobs once the Railway Project is complete ; and

WHEREAS, it is estimated that within Miami- Dade County alone, the Railway Project would generate economic benefits valued at more than \$1.5 Billion Dollars; and

WHEREAS, the Railway Project will enable residents, tourists, business travelers and others to travel in comfort from Miami to Orlando in less than three (3) hours time, while providing substantial economic benefits to the Greater Miami- and Ft. Lauderdale area via increased business revenue, new construction jobs, increased tourism and enhanced railroad safety; and

WHEREAS, as a prelude to construction of the Railway Project, it is necessary that Miami- Dade County and FDOT work together to improve motor vehicle traffic convenience and safety at heavily trafficked railway crossings, including the railway crossing at U.S. 1 and Miami Gardens Drive in Miami- Dade County, Florida, which is a vital and much- used crossing for the Aventura community, so that motorists are not further adversely impacted by the increased volume of train traffic from the Railway Project.

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

Section 1 . Recitals Adopted. That each of the above – recitals is hereby adopted and confirmed.

Section 2: Support.

- A. That, subject to the requirements of paragraph (B) below, the City Commission of the City of Aventura, Florida, hereby supports the Miami to Orlando Railway Project of Florida East Coast Industries.
- B. That the City Commission respectfully calls upon Miami- Dade County and the FDOT to work together to first remediate and improve the railway crossing at U.S. 1 and Miami Gardens Drive in Miami- Dade County, Florida, before that crossing is impacted by additional daily rail traffic which will be generated by the Railway Project, and requests that the Florida East Coast Industries support and encourage such County and FDOT action.

Section 3: Implementation. That the City Manager of the City of Aventura is hereby authorized to do all things necessary to carry out the aims and purposes of this Resolution.

Section 4. Effective Date. That this Resolution shall become effective immediately upon its passage and adoption by the City Commission.

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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbàez Weinberg	_____
Vice-Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 2nd day of September, 2014.

Susan Gottlieb, Mayor

Attest:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: July 24, 2014

SUBJECT: **Resolution Declaring Equipment Surplus**

September 2, 2014 Commission Meeting Agenda Item 5C

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. 2014-__

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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 2nd day of September, 2014.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

Date: July 22, 2014
To: Eric Soroka, City Manager
From: Julie Alm, Principal
Re: Surplus furniture



With the renovation of the staff dining room we have furniture that is no longer needed and request permission to surplus the following.

10 burgundy/metal stackable chairs
7 round tables
1 tall metal cabinet with doors
28 chairs with wheels
3 multi-slot mailboxes
2 adjustable height rectangle tables
1 rectangle table with big round black legs

Additional furniture items that were in storage and are no longer needed.

18 Beige folding tables
1 cart of room dividers (screen-flex)
10 Brown rectangle table tops plus legs
40 Blue plastic stackable chairs
1 Brown round conference table
1 rectangular grey table
1 metal teacher desk
5 attached lobby chairs
14 red topped metal stools (art), 2 are broken
1 metal shelving unit
5 grey topped elementary desks
1 wooden rolling computer cart/desk
15 middle school desks

CITY OF AVENTURA

COMMUNITY SERVICES DEPARTMENT

MEMORANDUM

TO: Eric M. Soroka, ICMA-CM, City Manager
FROM: Robert M. Sherman, Director of Community Services
DATE: August 4, 2014
SUBJECT: **Surplus Property**



I am requesting to have the following City property listed below declared as surplus property. These items have outlived their useful life and have become unusable for Department use:

7 picnic benches
12 trash containers

RMS14017

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

TO: Eric M. Soroka, City Manager

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

DATE: 5 August 2014

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:

Request the below vehicle be surplus by the Commission:

2009	2FAHP71V99X111099	Crown Victoria
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CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: July 29, 2014

SUBJECT: Revision to Ronald L. Book, P.A.
Professional Services Agreement

September 2, 2014 City Commission Meeting Agenda Item 5-D

RECOMMENDATION

It is recommended that the annual fee for the subject Professional Services Agreement be revised from \$50,000 to \$52,500.

BACKGROUND

Over the years, Mr. Book has been instrumental in obtaining over \$2,000,000 from the State of Florida and other governmental agencies to assist the City in drainage and park improvements. He has represented our interests well during the State Legislative Sessions and has assisted the City on special projects such as 199th Street, red light camera program and charter school funding.

The fee has not been increased in ten (10) years. Based on the foregoing, it is recommended that the annual fee be increased from to \$50,000 to \$52,500.

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

EMS/act

CCO1848-14

RESOLUTION NO. 2014-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED CONTRACT FOR PROFESSIONAL LEGISLATIVE RELATIONS AND LOBBYING SERVICES BETWEEN THE CITY OF AVENTURA AND RONALD L. BOOK, ESQ., 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 hereby authorized to execute the attached contract for professional legislative relations and lobbying services between the City of Aventura and Ronald L. Book, Esq.

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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 2nd day of September, 2014.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CONTRACT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made and entered into this September 2, 2014 by and between the City of Aventura, a Florida Municipal Corporation ("CITY"), and Ronald L. Book, Esq. ("BOOK"), an attorney and member of the Florida Bar, doing business as Ronald L. Book, P.A.

THE PARTIES HERETO DO COVENANT AND AGREE AS FOLLOWS:

I. PURPOSE

The purpose of this Agreement is to provide for the CITY to retain the professional services of BOOK for coordination of the CITY'S legislative relations and for lobbying requirements, as described in paragraph II herein below.

II. SERVICES

Book shall provide all necessary legislative relations and lobbying services to the City of Aventura. Such services shall include work for the purpose of securing funds and grants for various purposes from State, County, Federal and other sources, promoting intergovernmental cooperation in achieving the CITY'S objectives, and securing funds and grants for parks and recreation purposes, drainage improvements, crime prevention, economic development, and other purposes. BOOK shall regularly report the status of his efforts to the City Manager and/or the City Attorney.

III. COMPENSATION

A. For all professional services by BOOK hereunder as described in paragraph II, the CITY shall pay BOOK annual compensation of

Fifty Two Thousand and Five Hundred (\$52,500.00) Dollars, payable in equal monthly installments on or before the 20th day of each month of the term hereof.

B. In the event that an extraordinary matter arises hereunder which itself substantially consumes the time, effort and resources otherwise available, the CITY may, at the City Commission's discretion, provide additional reasonable compensation to BOOK.

IV. EFFECTIVE DATE/DURATION

This Agreement shall be effective immediately upon execution by both parties and shall be terminated in accordance with Section V.

V. TERMINATION

Either party hereto, at its discretion, may terminate this contract at any time, upon thirty (30) days advance written notice to the other. In the event of such termination, the City shall only be obligated for costs incurred prior to the termination notice.

VI. PRIORITY

BOOK shall not be prohibited from representing or providing the like services to other persons and entities beside CITY, so long as BOOK shall avoid any representation or relation which would create an adversarial (litigation against the City) conflict of interest, as determined by the City Attorney and City Commission. Further, BOOK shall not take on any client or matter which would jeopardize BOOK'S ability to devote the time, resources and effort necessary to fulfill his obligations to CITY hereunder.

VII. MALPRACTICE INSURANCE

BOOK shall carry lawyer's professional malpractice insurance or other form of insurance which shall provide coverage of not less than \$500,000.

VIII. PROCESSING OF COSTS

BOOK shall be reimbursed by CITY for reasonable costs, including travel expenses, telephone, copying fees, federal express and postage, unless paid in advance by the CITY. Such costs shall not exceed Five Thousand (\$5,000.00) Dollars on an annual basis, between the City and Book, unless approved by the City Manager. If BOOK is traveling on behalf of several clients, the City shall be responsible for such costs on a pro-rated and equal basis.

IX. NOT ASSIGNABLE

This Agreement shall not be subject to assignment by either party hereto.

IN WITNESS WHEREOF the undersigned parties have executed this Agreement on the date indicated above.

WITNESSED:

RONALD L. BOOK, P.A.

CITY OF AVENTURA

Eric M. Soroka, City Manager

ATTEST

Teresa M. Soroka, CMC, City Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

City Attorney

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: July 24, 2014

SUBJECT: **Resolution Authorizing Execution of Mutual Aid Agreement Between the County and City for the Multi-Agency Gang Task Force**

September 2, 2014 Commission Meeting Agenda Item 5-E

RECOMMENDATION

It is recommended that the City Commission authorize the execution of the attached Mutual Aid Agreement between the County and the City for the Multi-Agency Gang Task Force.

BACKGROUND

This is a renewal of a previous Agreement entered in the past. This Mutual Aid Agreement is separate from, and more specific in purpose, than the Law Enforcement Mutual Aid Agreement for Voluntary Cooperation and Operational Assistance currently in effect. This Agreement addresses proactive gang enforcement operations in conjunction with the County and is another law enforcement tool to protect our community.

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

EMS/act

Attachment

CCO1847-14

RESOLUTION NO. 2014-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND MIAMI-DADE COUNTY FOR THE MULTI-AGENCY GANG TASK FORCE; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The City Manager is hereby authorized on behalf of the City of Aventura to execute and otherwise enter into that certain Mutual Aid Agreement between the City of Aventura and Miami-Dade County for the Multi-agency Gang Task Force in substantially the form as attached hereto.

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

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

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

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

PASSED AND ADOPTED this 2nd day of September, 2014.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**MUTUAL AID AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
CITY OF AVENTURA
FOR THE
MULTI-AGENCY GANG TASK FORCE**

WHEREAS, it is the responsibility of the governments of Miami-Dade County and the City of Aventura to ensure the public safety of their citizens by providing adequate levels of police services; and

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

WHEREAS, this Mutual Aid Agreement is entered into by Miami-Dade County, by and through its department, the Miami-Dade Police Department and the City of Aventura, by and through its department, the Aventura Police Department. For readability and brevity, this Mutual Aid Agreement will herein be referred to as the "MAA", Miami-Dade County will be referred to as the "COUNTY", the City of Aventura will be referred to as the "AGENCY", and when referred to collectively the COUNTY and AGENCY will be referred to as the "PARTIES", and where referred to singularly, the COUNTY or AGENCY may be referred to as a "PARTY"; and

WHEREAS, the purpose of this MAA is to allow the AGENCY to assist the COUNTY with its Multi-Agency Gang Task Force, referred to as MAGTF, which was created to conduct proactive gang enforcement operations and investigate criminal activity, apprehend, and prosecute those who are outside of the jurisdictional boundaries of the AGENCY as both PARTIES recognize that criminals do not operate with regard to jurisdictional boundaries; and

WHEREAS, the apprehension and prosecution of these criminals should reduce crime both inside and outside AGENCY limits regardless of where these criminals are ultimately apprehended; and,

WHEREAS, this MAA is separate from, and more specific in purpose than, the "Law Enforcement Mutual Aid Agreement for Voluntary Cooperation and Operational Assistance," signed by COUNTY and AGENCY representatives,

NOW, THEREFORE, BE IT KNOWN that the COUNTY and the AGENCY, and the undersigned representatives, invoke mutual aid and voluntary cooperation between the Director of the Miami-Dade Police Department and the Chief of Police of the Aventura Police Department by signing this MAA, for the purposes described herein pursuant to the Florida Mutual Aid Act, ss. 23.12 - 23.22, Florida Statutes, and in consideration for mutual promises to render valuable aid, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions.

SECTION I. DEFINITIONS

1. Chief Executive Official: Either the Mayor of the COUNTY, or the Government Executive (highest ranking official) of the AGENCY, who has the authority to contractually bind the

respective law enforcement agency and has executed this Agreement, upon the approval of the governing body of each of the PARTIES. Subsequent to the execution by the executive officials, this Agreement shall be filed with the Clerk of the Court for the COUNTY, and the Clerk of the AGENCY. This MAA may be amended at any time by filing subsequent Amendment(s), which will be subject to the same approval process, and shall thereafter become a part of this MAA.

2. Miami-Dade Police Department head: The Director of the Miami-Dade Police Department, or the Director's designee; and the Chief of Police of the Aventura Police Department, or the Chief's designee.
3. Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

SECTION II. TERMS AND PROCEDURES

1. Operations:
 - a. The AGENCY agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the COUNTY as required to assist the COUNTY to investigate, apprehend and prosecute those people who are engaging in criminal gang activity, and other violent crimes, outside of the jurisdictional boundaries of the AGENCY, however, the AGENCY shall not be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.
 - b. The agency heads, or their designees, shall establish procedures for giving control of the mission definition to the COUNTY, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this MAA to the COUNTY.
2. Powers, Privileges, Immunities, and Costs:
 - a. All employees of the Aventura Police Department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the City pursuant to a request for aid made in accordance with this MAA, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties for the party by which they are normally employed.
 - b. The party having financial responsibility for the law enforcement agency providing services, personnel, vehicles, equipment, or facilities pursuant to the provisions of this MAA shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.
 - c. The AGENCY shall compensate all of its employees rendering aid pursuant to this MAA and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
 - d. All exemption from ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any PARTY when performing their respective functions within the territorial limits of their respective agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extra territorially under the provisions of this MAA. The provisions of this MAA shall apply with equal effect to paid and auxiliary employees.

3. Indemnification: Each PARTY participating in the Multi-Agency Gang Task Force pursuant to this MAA agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating herein and pursuant to this MAA, subject to the provisions of Section 768.28, Florida Statutes, where applicable. "Assume Responsibility" shall mean incurring any and all costs associated with any suit, action, or claim for damages arising from the performance of this agreement.
4. Forfeitures: Investigators operating pursuant to this MAA may encounter property subject to forfeiture pursuant to the Florida Contraband Forfeiture Act, Florida Statutes. Such property may be seized, forfeited, and equitably distributed among the PARTIES in proportion to the amount of investigation and participation performed by each law enforcement agency, less the costs associated with the forfeiture action. The COUNTY shall have the exclusive right to control and maintain the property, including, but not limited to, the complete discretion to bring the action, or to dismiss the action, or to negotiate a settlement. All seizures (currency, narcotics, evidence or other property) will remain in the control and custody of Miami-Dade Police officers and will be impounded in accordance with COUNTY procedures. The AGENCY must request its share of seized property in writing when the initial seizure documentation is provided to the Miami-Dade Police Department, Police Legal Bureau, or the AGENCY will be barred from claiming any portion of the seized property that may be ultimately forfeited.
5. Conflicts: Any conflicts between this MAA and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.

SECTION III. COMMAND AND SUPERVISORY RESPONSIBILITY

1. Command: The personnel and equipment that are assigned by the AGENCY shall be under the immediate command and direct supervision of a supervising officer designated by the Director of the Miami-Dade Police Department, or his/her designee.
2. Conflicts: Whenever an officer is rendering assistance pursuant to this MAA, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his or her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the COUNTY, then such rule, regulation, policy, general order or procedure of the AGENCY shall control, and shall supersede the direct order.
3. Complaints: Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this MAA, the Director or Chief of Police, or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Director or Chief of Police or designee should ascertain at a minimum:
 - The identity of the complainant;
 - An address where the complainant can be contacted;
 - The specific allegation; and;
 - The identity of the employees accused without regard as to agency affiliation.

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

SECTION IV. PROVISIONS FOR MUTUAL AID AND VOLUNTARY AND OPERATIONAL ASSISTANCE

1. In compliance with and under the authority of this MAA heretofore entered into by the COUNTY and the AGENCY, it is hereby declared that COUNTY is requesting assistance from the AGENCY to investigate, apprehend and prosecute those people who are engaging in criminal gang activity, and other crimes, outside of the jurisdictional boundaries of the AGENCY.
2. A deputy sheriff or police officer of either the COUNTY or the AGENCY shall be considered to be operating under the provisions of this MAA when participating in law enforcement activities that are preplanned and approved by each respective agency head or appropriately dispatched for the purposes of this MAA.
3. The AGENCY agrees to provide personnel to the COUNTY to achieve the purposes of this MAA. AGENCY personnel will only be assigned to participate in operations and investigations governed by this MAA after receiving approval from the COUNTY through the Miami-Dade Police Department.
4. The COUNTY and the AGENCY will furnish their own vehicles and will be responsible for the expenses, maintenance and any liability incurred with respect to the use of their respective vehicles.
5. **RECORDS AND REPORTS:** All investigative reports and arrest reports will be maintained by the COUNTY. With respect to any other records that either PARTY may maintain, each PARTY agrees to comply with public records laws. More specifically, each PARTY will:
 - a. Keep and maintain public records that ordinarily and necessarily would be required by the PARTY in order to perform the services required by this MAA.
 - b. Provide the public with access to public records at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
 - c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
 - d. Meet all requirements for retaining public records and transfer, at no cost, to the other PARTY.
6. **PROSECUTION:** The criteria for the decision whether to have any particular case prosecuted in the State or Federal system will be based on which level of prosecution and venue would provide the greatest benefit to the overall objectives of the investigation. In all cases, timely notification will be made to the appropriate prosecuting authority.
7. **SCHEDULE OF WORK HOURS:** Work hours may vary to meet operational needs.
8. **INFORMANTS:** Funds to pay any confidential informants for information relating to criminal activity will be supplied by the confidential informants' controlling police department. Informants will be paid in accordance with the specific department's rules and regulations.
9. **RELEASE OF INFORMATION TO THE PRESS:** At no time will any employee of either PARTY release to or discuss with any member of the press any aspect of operations or any aspect of the direction, focus, or general purpose of the investigation without first consulting with the appropriate supervisor of the Miami-Dade Police Department. Subsequent to the consultation, officers acting pursuant to the MAA will discuss any information release with the affected investigators and/or prosecutors to assure that the integrity of the investigation will not be jeopardized. In most, if not all cases, the release of any information, no matter how generic, will be made jointly with the participation of both PARTIES and pursuant to Florida Statutes Chapter 119 and any other applicable statutes governing the disclosure of public records.

SECTION V. EFFECTIVE DATE

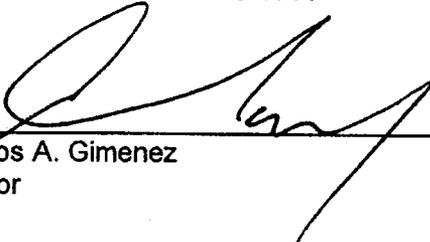
This Agreement shall be in effect from the date of signing and will continue year to year. Under no circumstances may this MAA be renewed, amended, or extended except in writing.

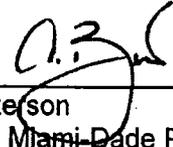
SECTION VII. CANCELLATION

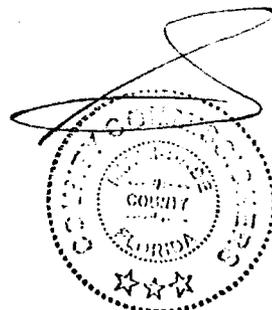
This Agreement may be cancelled by either PARTY upon thirty (30) days written notice to the other PARTY. Cancellation will be at the discretion of the Chief Executive Official of the PARTIES hereto.

AGREED TO AND ACKNOWLEDGED this _____ day of _____, 20__

FOR MIAMI-DADE COUNTY:

for  _____ 6/30/14
Carlos A. Gimenez
Mayor Date

for  _____ 6.26.14
J.D. Patterson
Director, Miami-Dade Police Department Date



CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: August 15, 2014

SUBJECT: **Disbursement of Police Forfeiture Funds**

September 2, 2014 City Commission Meeting Agenda Item 5-F

RECOMMENDATION

It is recommended that the City Commission adopt the following Motion to expend funds from the Federal Police Forfeiture Fund:

“Motion authorizing the appropriation of up to \$63,000 for traffic motorcycles and carbine suppressors from the Federal Police Forfeiture Funds in accordance with the City Manager’s memorandum.”

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

EMS/act

Attachment

CCO1850-14

CITY OF AVENTURA

POLICE DEPARTMENT

INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: ~~Steven Steinberg, Chief of Police~~
DATE: 12 August 2014
SUBJECT: Use of Forfeiture Funds

The Federal Equitable Sharing Agreement (FESA), Section VIII allows for the use of federally forfeited funds for law enforcement. Section IX, A9 of the Federal Equitable Sharing agreement requires that the funds be expended only upon request of the Chief of Police to the governing body of the municipality and approval of the governing body.

I am requesting City Commission approval for the expenditure of:

Traffic Enforcement Motorcycles	\$55,000
Carbine suppressors	\$8,500

Total Expenditure Request: \$63,500

Summary

Traffic Enforcement Motorcycles – This request is being made to allow the PD to lease two (2) motorcycles for a period of 2 years from the date of Commission approval. This request also includes the costs for all equipment related to the use of the motorcycles for the two year period.

The motorcycles will be used by members of the Traffic Unit in conjunction with the traffic enforcement duties. Motorcycles have proven to be a better mobile means of taking enforcement action against traffic violators. They are more maneuverable in traffic and are cheaper to maintain than a standard police vehicle. All motorcycle officer candidates must go through 2 weeks of training prior to being able to ride the motorcycle.

I am asking that the Commission approve forfeiture funds can be expended up to \$55,000 toward this equipment.

Carbine suppressors – This purchase will be used to supply suppressors for use with the SWAT team.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: August 15, 2014

SUBJECT: **Disbursement of Police Forfeiture Funds**

September 2, 2014 City Commission Meeting Agenda Item 5-6

RECOMMENDATION

It is recommended that the City Commission adopt the following Motion to expend funds from the State Police Forfeiture Fund:

“Motion authorizing the appropriation of up to \$12,000 for crime prevention programs, equipment and training from the State Police Forfeiture Funds in accordance with the City Manager’s memorandum.”

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

EMS/act

Attachment

CCO1851-14

Summary

Crime Prevention equipment, programs and training - This is a request to spend up to \$12,000 of forfeiture funds to fund our departmental Crime Prevention unit. Funds will be used for crime prevention programs, equipment and training for the upcoming FY 2014-2015. All expenses for FY 2014 – 2015 for the Crime Prevention unit will come out of these approved funds in lieu of the Operating budget or CIP budget.

CITY OF AVENTURA

FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission (ACES Board of Directors)

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

By:  Brian K. Raducci, Finance Director

DATE: August 20, 2014

SUBJECT: **Special Purpose Financial Report for ACES FY June 30, 2014**

September 2, 2014 City Commission Meeting Agenda Item 5-H

Recommendation

It is recommended that the City Commission approve the following motion:

“Motion to accept for filing the Special Purpose Financial Report for the Aventura City of Excellence School for the fiscal year ended June 30, 2014 and to accept for filing that letter dated August 15, 2014 attached hereto as Attachment 1.”

Background

The Special Purpose Financial Report for ACES was electronically distributed to the Mayor and Commissioners on August 20, 2014 along with our memorandum. In addition, a letter dated August 15, 2014 (Attachment 1) from our auditors – Keefe McCullough was attached to the Commission agenda for your review.

The Rules of the Auditor General, Chapter 10.550, requires that the Report be filed as an official record at a public meeting. This motion satisfies that requirement. In addition, the auditors have requested that their letter (Attachment 1) be accepted for filing with the City Commission.

A representative from Keefe McCullough will be present at the meeting. However, since the Report is the responsibility of the City, I respectfully request that any questions be discussed with the City Manager prior to the meeting.

CITY OF AVENTURA

FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission (ACES Board of Directors)

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

FROM:  Brian K. Raducci, Finance Director

DATE: August 20, 2014

SUBJECT: **Aventura City of Excellence School (the "School")
Special Purpose Financial Report**

Background

As required by State law and our Charter School Contract with the Miami-Dade County Public School District, we have prepared the School's financial statements for the fiscal year ended June 30, 2014 (attached). These statements encompass the School's 11th year of operations and were audited by Keefe McCullough.

The Report complies with Generally Accepted Accounting Principles (GAAP), which includes Governmental Accounting Standard Board (GASB) Statement No 34. The cover reflects that the Report contains the "Special Purpose Financial Report" for the "Aventura City of Excellence School, a Special Revenue Fund of the City of Aventura, Florida." As a result, the School's financial operations will be reflected in the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2014, as well as in this Report.

The key schedules in this Report are – 1.) Statement of Revenues, Expenditures and Change in Fund Balance – Governmental Fund and the; 2.) Statement of Revenues and Expenditures Budget and Actual – Special Revenue Fund, which can be found on pages 12 and 26, respectively. Please note that on page 26, revenue and expenditures (Actual Amounts GAAP Basis Column), aggregated \$8,149,525 and \$8,181,424 respectively. The negative net difference of \$31,899 when added to the beginning fund balance of \$1,881,569, resulted in an ending fund balance of \$1,849,670 (bottom of page 12). The fund balance decreased \$31,899 from the prior year which was less than the budgeted use of reserves of \$204,969 primarily due to the receipt of higher than anticipated revenues. Of the \$1,849,670 ending fund balance, \$100,886 is being utilized to balance the 2014/15 budget.

Actual expenditures (on a budgetary basis) totaled \$8,149,731 or 99.53% of the total budget of \$8,188,589.

Page (2)
Aventura City of Excellence School
Special Purpose Financial Statements

The balance of the Report contains the School's statements and a narrative on a GASB 34 basis. The purpose of the GASB 34 governmental financial statements is to more closely resemble the financial statements of non-governmental entities. Therefore, page 8 contains a Statement of Net Position which is reconciled to the Balance Sheet at the bottom of page 11. Similarly, the Statement of Activities (page 9) reflects a change in net position which is reconciled to the Statement of Revenues, Expenditures and Change in Fund Balance of the Governmental Fund at the bottom of page 13.

Whether you look at the School's operations from either a GASB 34 non-governmental basis (pages 8 – 9) or a traditional governmental basis (pages 10, 12 and 26), the School continues to operate well both from an educational and financial perspective.

The letter dated August 15, 2014 is also required to be distributed to the City Commission by generally accepted auditing standards and was accordingly attached to the September 2, 2014 City Commission Meeting Agenda. The Reports contained on pages 28 – 31 of the Special Purpose Financial Report are required by generally accepted auditing standards and the Rules of the Auditor General of the State of Florida. Please note that none of these documents contain any negative comments about the School or City's operations.

Future Actions

A motion will be placed on the September 2, 2014 agenda, to satisfy the Auditor General's requirement (Chapter 10.550), that the Financial Reports be filed as an official record at a public meeting.

Upon your review of this memorandum, if you should have any questions, please feel free to contact the City Manager.



August 15, 2014

To the Honorable Mayor,
Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

We have audited the financial statements of the Aventura City of Excellence School (a special revenue fund of the City of Aventura, Florida) (the "School"), as of and for the year ended June 30, 2014. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter to you dated April 28, 2014. Professional standards also require that we provide you with the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the School are described in Note 2 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2014. We noted no transactions entered into by the School during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the School's financial statements was:

- *Depreciation of capital assets* – Depreciation is provided on a straight-line basis over the respective estimated useful lives ranging from 3 to 25 years. Management has informed us they used all relevant facts available to them at the time of acquisition to make the best judgments about depreciation methods and estimated useful lives of capital assets.

We evaluated the key factors and assumptions used by management to develop and report the above estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent and clear.

Difficulties Encountered in Performing the Audit

We encountered no difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. We did not identify material misstatements as a result of our audit procedures.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated August 15, 2014.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the School's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We are to discuss with the City Commission any major issues discussed with management in connection with our retention as auditors, including the application of accounting principles or auditing standards. There were no issues discussed with management in connection with our retention as auditors.

Other Matters

We applied certain limited procedures to the Management's Discussion and Analysis (MD&A) and the Statement of Revenues and Expenditures-Budget and Actual, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

This information is intended solely for the use of the City Commission and management of the School and is not intended to be, and should not be, used by anyone other than these specified parties.

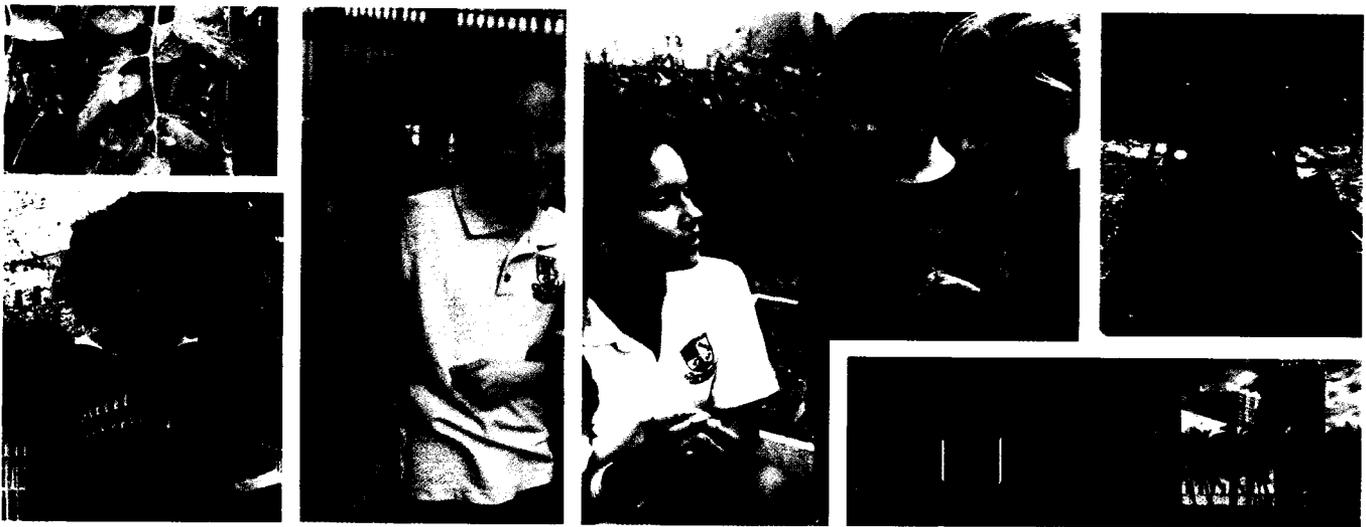
We would be pleased to discuss any questions that you may have.

Keefe McCullough
KEEFE McCULLOUGH

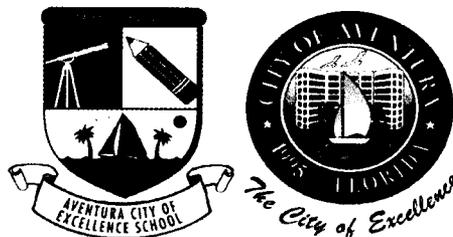
AVENTURA

CITY OF EXCELLENCE SCHOOLS

**A Special Revenue Fund of the
City of Aventura, Florida**



**Special Purpose Financial Report
For the Fiscal Year Ended
June 30, 2014**



AVENTURA CITY OF EXCELLENCE SCHOOL
(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)

**BASIC FINANCIAL STATEMENTS AND
ADDITIONAL INFORMATION**

June 30, 2014

AVENTURA CITY OF EXCELLENCE SCHOOL
BASIC FINANCIAL STATEMENTS AND ADDITIONAL INFORMATION
 June 30, 2014

TABLE OF CONTENTS

	<u>PAGES</u>
Independent Auditor’s Report	1-2
Management’s Discussion and Analysis (Not covered by Independent Auditor’s Report)	3-7
BASIC FINANCIAL STATEMENTS	
Government-wide Financial Statements:	
Statement of Net Position	8
Statement of Activities	9
Fund Basic Financial Statements:	
Balance Sheet - Governmental Fund	10
Reconciliation of the Balance Sheet of Governmental Fund to the Statement of Net Position	11
Statement of Revenues, Expenditures and Change in Fund Balance - Governmental Fund	12
Reconciliation of the Statement of Revenues, Expenditures and Change in Fund Balance of the Governmental Fund to the Statement of Activities	13
Notes to Basic Financial Statements	14-25
REQUIRED SUPPLEMENTARY INFORMATION (UNAUDITED)	
Statement of Revenues and Expenditures Budget and Actual – Special Revenue Fund	26
Notes to Required Supplementary Information	27
OTHER INDEPENDENT AUDITOR’S REPORTS	
Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	28-29
Independent Auditor’s Report to Management	30-31

INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor, Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida (the "School"), as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the School's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, the financial position of the School, as of June 30, 2014, and the changes in its financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 2, the financial statements of the School are intended to present the financial position and change in financial position of only the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida, that portion that is attributable to the transactions of the School. They do not purport to, and do not, present fairly the financial position of the City of Aventura, Florida, as of June 30, 2014 and its changes in financial position or budgetary comparisons, where applicable, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the budgetary comparison information as listed in the table of contents, respectively, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated August 15, 2014, on our consideration of the School's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the School's internal control over financial reporting and compliance.



KEEFE McCULLOUGH

Fort Lauderdale, Florida
August 15, 2014

MANAGEMENT'S DISCUSSION AND ANALYSIS

AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2014

Our discussion and analysis of the Aventura City of Excellence School's (the "School") financial performance provides an overview of the School's financial activities for the fiscal year ended June 30, 2014. Please read it in conjunction with the School's basic financial statements which immediately follow this discussion.

OVERVIEW OF THE BASIC FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the School's basic financial statements. The basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) the notes to financial statements. This report also includes required supplementary information intended to furnish additional detail to support the basic financial statements themselves.

Government-Wide Financial Statements

The government-wide financial statements, which consist of the statement of net position and the statement of activities, are designed to provide readers with a broad overview of the School's finances, in a manner similar to a private-sector business.

The statement of net position presents financial information on all of the School's assets, liabilities, and deferred inflows/outflows of resources, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the School's financial position is improving or deteriorating. However, as a governmental entity, the School's activities are not geared toward generating profit as are the activities of commercial entities. Other factors such as the safety at the School and quality of education, must be considered in order to reasonably assess the School's overall performance.

The statement of activities presents information and shows how the School's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The School has only one (1) category of funds - governmental funds.

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in assessing the School's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the School's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures and change in fund balance provide a reconciliation to facilitate this comparison between the governmental fund and governmental activities.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2014**

Notes to the Basic Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Required Supplementary Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the School's adopted budget to actual results.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position over time, may serve as a useful indicator of financial position. The following table presents a comparative analysis of the condensed government-wide statements of net position:

Aventura City of Excellence School Net Position			
	2014	2013	Variance
ASSETS:			
Current and other assets	\$ 2,660,664	\$ 2,609,010	\$ 51,654
Capital assets, net of depreciation	1,852,628	1,977,606	(124,978)
Total assets	4,513,292	4,586,616	(73,324)
LIABILITIES:			
Current liabilities	822,924	737,361	85,563
Noncurrent liabilities	35,789	29,759	6,030
Total liabilities	858,713	767,120	91,593
NET POSITION:			
Net investment in capital assets	1,852,628	1,977,606	(124,978)
Unrestricted	1,801,951	1,841,890	(39,939)
Total net position	\$ 3,654,579	\$ 3,819,496	\$ (164,917)

Current and other assets increased due to an increase in pooled cash, cash equivalents and investments along with an increase in due from other governments and prepaid expenses. Capital assets, net of depreciation, decreased due to the net effect of depreciation expense over new capitalized equipment. The increase in total liabilities is due to the short term effect of year-end accrued expenses.

Resources that are subject to external restrictions on how they may be used are classified as restricted assets. As of June 30, 2014 and 2013, the School had no restricted assets. The remaining unrestricted balance may be used in any of the School's ongoing operations.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2014**

The following table presents comparative information of the condensed government-wide statements of changes in net position:

Aventura City of Excellence School Change in Net Position			
	2014	2013	Variance
REVENUES:			
General revenues and transfers	\$ 6,447,087	\$ 6,084,591	\$ 362,496
Program revenues:			
Charges for services	651,496	639,086	12,410
Operating grants and contributions	501,111	278,559	222,552
Capital grants and contributions	549,831	461,973	87,858
Total revenues	8,149,525	7,464,209	685,316
EXPENSES:			
Instruction	5,201,083	4,704,482	496,601
Instructional media services	81,356	75,532	5,824
Operation of facility	1,772,746	1,705,563	67,183
School administration	892,925	892,025	900
Pupil transportation services	183,600	182,580	1,020
Community services	182,732	147,429	35,303
Total expenses	8,314,442	7,707,611	606,831
Change in net position	\$ (164,917)	\$ (243,402)	\$ 78,485

- General revenues increased approximately 4% primarily due to the State Legislature increase in funding for education. In addition, the departmentalization of the fourth grade allowed increasing the School's capacity by 12 students (from 984 to 996) in the 2013/14 school year. Furthermore, transfers from the City's general fund increased \$ 100,000 in the 2013/2014 school year, due to available proceeds from the sale of certain City property.
- Operating grants and contributions increased primarily due to additional funding from the Miami-Dade County School Board such as: the Teacher Salary Allocation and District Bandwidth Support.
- Instructional expenses increased primarily as a result of teacher salary increases based on the revised pay plan and the services award based on years of service. The total number of employees was 91 full-time and 15 part-time. An Aide position was reclassified from full-time to part-time. One additional teacher was added to act as the Response for Intervention Specialist. Included in the full-time positions are Teachers, Instructional Counselor, Media Specialist and a Computer Network/Technician.
- Operation of facility expenses increased primarily due to the School's initiative to replace computers and servers, upgrade network switches, replace AV equipment and smartboards, and expand the mobile classroom.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2014**

FINANCIAL ANALYSIS OF THE SCHOOL'S FUNDS

As noted earlier, the School uses fund accounting to maintain control over resources that have been segregated for specific activities or objectives. The focus of the School's governmental funds is to provide information on near-term inflows, outflows and balances of spendable resources. Such information is useful in assessing the School's financing requirements. In particular, assigned fund balance may serve as a useful measure of the School's net resources available for spending at the end of the fiscal year.

As of the end of fiscal year 2013/14 the School's governmental fund reported ending fund balance of \$ 1,849,670. The fund balance assigned and available for spending at the School's discretion is \$ 1,839,140. These funds will be available for the School's future ongoing operations. The fund balance decreased by \$ 31,899 from the prior year which was less than the budgeted reserves of \$ 204,969.

BUDGETARY HIGHLIGHTS

This year a great deal of time and effort was expended on professional development and curriculum alignment based on Florida's Next Generation Sunshine State Standards and transition to Common Core, increasing parental involvement, intramural and competitive sport programs and identifying and working with at-risk students. This year we maintained and expanded all our present academic programs with an emphasis on professional development and implementation related to the Common Core standards. These standards will replace the current Next Generation Sunshine State Standards in 2014/15.

CAPITAL ASSETS AND DEBT ADMINISTRATION

As of June 30, 2014, the School had an investment in capital assets of \$ 1,852,628. This amount is net of accumulated depreciation of \$ 957,877. This amount represents a net decrease of \$ 124,978 or 6.3%.

The School has no outstanding debt.

ECONOMIC FACTORS

Facts, decisions or conditions that are expected to have a significant effect on the financial position or results of operations of the School in fiscal year 2014/15 include the following:

- The 2014/15 school year represents the 12th year of operations of the school. Our past has shown that we can continue to operate a high performing school providing quality education for our students, within the school-based revenues. We have also been fortunate to have a strong business community and involved parents that participate in fund raising activities for school improvements.
- Based on proposals submitted at the State level the FTE revenues are conservatively expected to increase by 2%. The School will continue to increase the school enrollment by 12 students this upcoming year. The School's capacity enrollment will increase from 996 to 1,008 students for the 2014/15 school year.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2014**

The following items represent other important highlights:

- Teacher salary increases will reflect a step increase based on the revised pay plan. In addition it continues the policy of rewarding teachers with a service award based on years of service. The pay plan continues to exceed Miami-Dade County Schools' current plan.
- An Instructional Technology Teacher has been added to oversee the account management of all web based instructional tools, all mobile laptops and iPad carts. This position will provide support to teachers related to the effective use of technology in the classroom. This support would include modeling teaching strategies and integrated unit planning. The staff member will be responsible for developing and implementing a Science, Technology, Engineering, Arts and Math (STEAM) elective course for middle school students.
- Funds have been budgeted to provide for computer replacements and expanding the use of laptops in the classroom.
- Revenue in the amount of \$ 100,000 from the Intersection Safety Camera Program is included to assist in funding the contingency line item in the budget.

The overall budget increased by 3.2% or \$ 252,274, largely due to the addition of one new position, health insurance and employee salary increases. The budget includes funding for lease payments to the City's Debt Service Fund to pay annual costs associated with the long term debt borrowed for the construction of the elementary school wing. It is important that the School continues to maximize the school dollars as much as possible and maintain efficient use of budgeted funds.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the Aventura City of Excellence School's finances for all those with an interest. If you should have any questions pertaining to the information presented in this report or would like additional information, please contact the Finance Director at the City of Aventura, 19200 West Country Club Drive, Aventura, Florida 33180.

BASIC FINANCIAL STATEMENTS

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF NET POSITION
June 30, 2014

ASSETS

	<u>Governmental Activities</u>
CURRENT ASSETS:	
Cash, cash equivalents, and investments	\$ 2,613,982
Due from other governments	36,152
Prepaid expenses	<u>10,530</u>
Total current assets	<u>2,660,664</u>
NONCURRENT ASSETS:	
Capital assets, net of accumulated depreciation	<u>1,852,628</u>
Total assets	<u>4,513,292</u>

LIABILITIES AND NET POSITION

CURRENT LIABILITIES:	
Accounts payable	220,633
Accrued expenses	590,361
Compensated absences	<u>11,930</u>
Total current liabilities	<u>822,924</u>
NONCURRENT LIABILITIES:	
Compensated absences	<u>35,789</u>
Total noncurrent liabilities	<u>35,789</u>
Total liabilities	<u>858,713</u>
COMMITMENTS AND CONTINGENCIES (Note 7)	-
NET POSITION:	
Net investment in capital assets	1,852,628
Unrestricted	<u>1,801,951</u>
Total net position	<u>\$ 3,654,579</u>

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF ACTIVITIES
For the Year Ended June 30, 2014

		Program Revenues			Governmental Activities
Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Net Revenue (Expense) and Change in Net Position	
FUNCTIONS/PROGRAMS:					
Instruction	\$ 5,201,083	\$ -	\$ 311,631	\$ -	\$ (4,889,452)
Instructional media services	81,356	-	-	-	(81,356)
Operation of facility	1,772,746	382,454	73,767	549,831	(766,694)
School administration	892,925	-	-	-	(892,925)
Pupil transportation services	183,600	-	115,713	-	(67,887)
Community services	182,732	269,042	-	-	86,310
	<u>\$ 8,314,442</u>	<u>\$ 651,496</u>	<u>\$ 501,111</u>	<u>\$ 549,831</u>	<u>(6,612,004)</u>
Total governmental activities					
General revenues:					
					6,079,652
					159,954
					7,481
					200,000
					<u>200,000</u>
					Total general revenues and transfers
					<u>6,447,087</u>
					Change in net position
					<u>(164,917)</u>
					Net position, July 1, 2013
					<u>3,819,496</u>
					Net position, June 30, 2014
					<u>\$ 3,654,579</u>

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
BALANCE SHEET - GOVERNMENTAL FUND
June 30, 2014

A S S E T S

		Special Revenue Fund
		<u> </u>
ASSETS:		
Cash, cash equivalents and investments	\$	2,613,982
Due from other governments		36,152
Prepaid expenditures		<u>10,530</u>
Total assets	\$	<u><u>2,660,664</u></u>

L I A B I L I T I E S A N D F U N D B A L A N C E

LIABILITIES:		
Accounts payable	\$	220,633
Accrued expenses		<u>590,361</u>
Total liabilities		<u>810,994</u>
COMMITMENTS AND CONTINGENCIES (Note 7)		-
FUND BALANCE:		
Nonspendable		10,530
Assigned		<u>1,839,140</u>
Total fund balance		<u>1,849,670</u>
Total liabilities and fund balance	\$	<u><u>2,660,664</u></u>

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUND
TO THE STATEMENT OF NET POSITION
 June 30, 2014

TOTAL FUND BALANCE - GOVERNMENTAL FUND, PAGE 10	\$	1,849,670
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Amounts reported for governmental activities in the Statement of Net Position are different because:

Capital assets used in governmental activities are not financial resources; and therefore, are not reported in the governmental fund:

Cost of capital assets is	\$	2,810,505	
Accumulated depreciation is		<u>(957,877)</u>	1,852,628

Long-term liability which is not due and payable in the current period; and therefore, is not reported in the governmental fund:

Compensated absences	<u>(47,719)</u>
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NET POSITION OF GOVERNMENTAL ACTIVITIES, PAGE 8	\$	<u><u>3,654,579</u></u>
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The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGE IN FUND BALANCE - GOVERNMENTAL FUND
For the Year Ended June 30, 2014

		Special Revenue Fund
REVENUES:		
Federal sources	\$	73,767
State sources		7,056,827
Local sources		811,450
Investment earnings		7,481
		7,949,525
Total revenues		7,949,525
EXPENDITURES:		
Current:		
Instruction		5,201,083
Instructional media services		81,356
Operation of facility		1,437,320
School administration		884,885
Pupil transportation services		183,600
Community services		182,732
Capital outlay		210,448
		8,181,424
Total expenditures		8,181,424
Excess (deficiency) of revenues over expenditures		(231,899)
OTHER FINANCING SOURCES:		
Transfers from other funds of the City		200,000
		200,000
Total other financing sources		200,000
Net change in fund balance		(31,899)
FUND BALANCE, July 1, 2013		1,881,569
FUND BALANCE, June 30, 2014	\$	1,849,670

The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES AND CHANGE IN FUND BALANCE
OF THE GOVERNMENTAL FUND TO THE STATEMENT OF ACTIVITIES
For the Year Ended June 30, 2014

NET CHANGE IN FUND BALANCE - TOTAL GOVERNMENTAL FUND, PAGE 12	\$	(31,899)
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Amounts reported for governmental activities in the
Statement of Activities are different because:

The governmental fund reports capital outlays as
expenditures; however, in the Statement of Activities
these costs are allocated over their estimated useful
lives as provision for depreciation:

Cost of capital assets		18,646
Current year provision for depreciation		(143,624)

Some revenues and expenses reported in the
Statement of Activities are not reported in the
governmental fund because they have no effect on
current financial resources:

Change in compensated absences payable		<u>(8,040)</u>
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CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES, PAGE 9	\$	<u><u>(164,917)</u></u>
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The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 1 - ORGANIZATION AND OPERATIONS

Aventura City of Excellence School (the "School"), is a special revenue fund of the City of Aventura, Florida (the "City"). The School commenced operations in August 2003 in the City and offers classes for kindergarten through eighth grade with a capacity enrollment of 996 for the year ended June 30, 2014. The School is funded from public funds based on enrollment and can also be eligible for grants in accordance with State and Federal guidelines, including food service and capital outlay. The School can accept private donations and the City can incur debt for the operation of the School.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A summary of the School's significant accounting policies is as follows:

Reporting entity:

The School operates under a charter granted by the sponsoring school district, the Miami-Dade County Public School District (the "District"). The current charter is effective until June 30, 2018 but provides for a renewal of up to 15 years by mutual agreement of both parties. In 2005, the School amended the charter to include grades six through eight. In 2012, the School amended the charter to increase the School capacity from 972 to 1032 over the next five years commencing with the fiscal year 2012/2013. At the end of the term of the charter, the District may choose not to renew the charter under grounds specified in the charter in which case the District is required to notify the School in writing at least 90 days prior to the charter's expiration. During the term of the charter, the District may also terminate the charter for good cause as defined.

The School is owned and operated by the City, is part of the City's government and is not a separate legal entity or otherwise organized apart from the City. The City was incorporated in November 1995. The City operates under a Commission-Manager form of government. In accordance with Chapter 10.850, *Rules of the Auditor General of the State of Florida*, the School is required to prepare special purpose financial statements. Section 10.855(4) states that the special purpose financial statements should present the charter school's financial position including the charter school's current and capital assets and current and long-term liabilities, and net position; and the changes in financial position. The financial statements contained herein present only the operations of the School and do not purport to, and do not, present the financial position and changes in financial position of the City. Only capital assets acquired with School revenues are reported. The facility used by the School is owned by the City and the capital assets and related debt for the facilities are not included in this report.

Basis of presentation:

Based on the guidance provided in the American Institute of Certified Public Accountants, *Audit and Accounting Guide – Audits of State and Local Governments* and the provisions of Section 228.056(9), Florida Statutes, the School is presented as a governmental organization for financial statement reporting purposes.

Government-wide financial statements:

The School's basic financial statements include both government-wide (reporting the School as a whole) and fund financial statements. Both the government-wide and fund financial statements categorize primary activities as either governmental or business-type. All of the School's activities are classified as governmental activities.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

In the government-wide statement of net position, the governmental activities column is reported on a full accrual, economic resource basis, which recognizes all current and noncurrent assets and all current and noncurrent liabilities. The School's net position is reported in three (3) categories: net investment in capital assets; restricted; and unrestricted.

The government-wide statement of activities reports both the gross and net cost of each of the School's functions. The net costs, by function, are supported by general revenues. The statement of activities reduces gross expenses by related program revenues. Program revenues must be directly associated with the function. Operating grants include operating specific and discretionary grants while the capital grants column reflects capital-specific grants.

Fund financial statements:

The School's accounts are organized on the basis of funds. The operations of the fund is accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, equity, revenues and expenditures.

The Charter School *Special Revenue Fund* is a governmental fund type and is used to account for all of the School's financial transactions.

Measurement focus and basis of accounting:

Basis of accounting refers to the point at which revenues or expenditures/expenses are recognized in the accounts and reported in the basic financial statements. It relates to the timing of the measurements made regardless of the measurement focus applied. Governmental funds use the current financial resources measurement focus and the government-wide statement uses the economic resources measurement focus.

Governmental activity in the government-wide financial statements is presented on the accrual basis of accounting. Revenues are recognized when earned and expenses are recognized when a liability is incurred.

The governmental fund financial statements are presented on the modified accrual basis of accounting under which revenue is recognized in the accounting period in which it becomes susceptible to accrual (i.e., when it becomes both measurable and available). Revenues susceptible to accrual include FTE nonspecific revenue, transportation funds, capital grant funds, operating grants and contributions and investment earnings. Intergovernmental revenues are recognized when all eligibility requirements have been met, if available. "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the School considers revenues to be available if they are collected within two (2) months of the end of the current fiscal year. Expenditures generally are recorded when a liability is incurred. However, expenditures related to compensated absences are recorded only when paid from expendable available financial resources.

Capital assets:

Capital assets purchased or acquired with an original cost of \$ 5,000 or more are capitalized at historical cost or estimated historical cost and are reported in the government-wide financial statement. Donated capital assets are valued at the estimated fair market value as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized and depreciated over the remaining useful lives of the related capital assets. Other costs incurred for repairs and maintenance are expensed as incurred.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Capital assets, which include equipment acquired with state shared revenues are reported in the government-wide financial statements.

Depreciation on leasehold improvements and equipment is provided on the straight-line basis over the respective estimated useful lives ranging from 15 to 25 years and 3 to 10 years, respectively.

Within governmental funds, amounts incurred for the acquisition of capital assets are reported as fund expenditures. Depreciation expense is not reported within the governmental fund financial statements.

Deferred outflows/inflows of resources:

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The School does not have any items that qualify for reporting in this category.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The School does not have any items that qualify for reporting in this category.

Unearned revenue:

Unearned revenue arises when the School receives resources before it has a legal claim to them.

Net position classifications:

Government-wide financial statements

Net position is displayed in three (3) components:

Net investment in capital assets - consists of capital assets net of accumulated depreciation and reduced by the outstanding balances of any bonds or other borrowings that are attributable to the acquisition, construction or improvement of those assets.

Restricted - consists of net position with constraints placed on their use either by: 1) external groups such as creditors, grantors, contributors or laws or regulations of other governments, or 2) imposed by law through constitutional provisions or enabling legislation. There are no restricted net assets as of the year-end.

Unrestricted - indicates that portion of net position that is available to fund future operations and that do not meet the definition of "restricted" or "net investment in capital assets".

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Fund balance classifications:

Fund financial statements

The School follows the provisions of Governmental Accounting Standards Board ("GASB") Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This statement requires that governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the School is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent.

The following classifications describe the relative strength of the spending constraints:

- *Nonspendable Fund Balance* – amounts that are not in spendable form (such as prepaid items) or are legally or contractually required to be maintained intact. The School has classified \$ 10,530 of prepaid items as being nonspendable as these items are not expected to be converted to cash.
- *Restricted Fund Balance* – amounts that are constrained to specific purposes by external providers (such as grantors, creditors, etc.) or imposed by law through constitutional provisions, or by enabling legislation.
- *Committed Fund Balance* – amounts constrained to specific purposes by formal action of the government's highest level of decision making. The City Commission is the highest level of decision – making authority for the government and School that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.
- *Assigned Fund Balance* – amounts the School intends to use for a specific purpose but are neither restricted nor committed. Assignments can be made by the City Manager, which the City Commission Members, by resolution, delegated such authority at their direction. The School has a total of \$ 1,839,140 in Assigned Fund Balance, of which \$ 100,886 is being assigned for subsequent year's budget.
- *Unassigned Fund Balance* – amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes within the general fund. Positive amounts are only reported in the General Fund.

The School uses restricted amounts first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing this, such as in grant agreements requiring dollar for dollar spending. Additionally, the School would first use committed fund balance, followed by assigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

Encumbrances:

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Encumbrances are recorded at the time a purchase order or other commitment is entered into. Encumbrances outstanding at year-end represent the estimated amount of expenditures which would result if unperformed purchase orders and orders and other commitments at year-end are completed. Encumbrances lapse at year-end; however, the City and School generally intends to honor purchase orders and other commitments in process. As a result, encumbrances outstanding at year-end are re-appropriated in the next fiscal year and are therefore presented as committed or assigned fund balance for the subsequent year.

At June 30, 2014, there were no encumbrances outstanding.

Deposits and investments:

The School's cash, cash equivalents, and investments are maintained by the City in a pooled account for all funds. This enables the City to invest large amounts of idle cash for short periods of time and to optimize earnings potential. Cash, cash equivalents, and investments represent the amount owned by the Charter School Special Revenue Fund. The City is responsible for all risks related to the School's cash, cash equivalents, and investments. These risks and the City's related policies are disclosed in the Note 3.

Post-retirement benefits:

The City of Aventura provides post-employment healthcare coverage, including medical and dental benefits, to eligible individuals which consist of an implicit subsidy. The estimated liability is recorded in the financial statements of the City. No amount is allocated to the Charter School Special Revenue fund since the amount is deemed insignificant by management as of June 30, 2014.

Compensated absences:

The School's sick leave policy is to permit employees to accumulate earned but unused sick pay benefits. Upon termination, sick pay is paid out between 0-50% based on length of service.

The School's vacation policy is that earned vacation is cumulative although limited to certain maximums based on length of service.

Accumulated compensated absences are recorded in the government-wide financial statements when earned. Expenditures for accumulated compensated absences have been recorded in the governmental fund only if they have matured, (e.g., resulting from employee resignations, terminations or retirements).

State funding (primary source of revenue):

Student funding is provided by the State of Florida through the School Board of Miami-Dade County, Florida. In accordance with the Charter Agreement, the School Board retains 2% as an administrative fee. This funding is received on a pro rata basis over the twelve-month period and is adjusted for changes in full-time equivalent student population. After review and verification of Full-Time Equivalent ("FTE") reports and supporting documentation, the Florida Department of Education may adjust subsequent fiscal period allocations of FTE funding for prior year's errors disclosed by its review as well as to prevent the statewide allocation from exceeding the amount authorized by the State Legislature. Normally, such adjustments are reported in the year the adjustments are made.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Use of estimates:

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Interfund transfers:

Other financing sources include \$ 100,000 in revenue from the Intersection Safety Camera Program and \$ 100,000 from the sale of certain City property. These funds were transferred from the City's general fund to assist in the support of general operations of the School.

Date of management review:

Subsequent events were evaluated by management through August 15, 2014, which is the date the financial statements were available to be issued.

NOTE 3 –DEPOSITS AND INVESTMENTS

As discussed in Note 2, the School's cash, cash equivalents, and investments are maintained by the City in a pooled account for all funds.

Deposits:

The City's custodial credit risk policy is in accordance with Florida Statutes. Florida Statutes authorize the deposit of City funds in demand deposits or time deposits of financial institutions approved by the State Treasurer. These are defined as public deposits. All City public deposits are held in qualified public depositories pursuant to Chapter 280, Florida Statutes, "Florida Security for Public Deposits Act." Under the act, all qualified public depositories are required to pledge eligible collateral having a market value equal to or greater than the average daily or monthly balance of all public deposits times the depository's collateral pledging level. The collateral pledging level may range from 50% to 125% depending upon the depository's financial condition and the length of time that the depository has been established. All collateral must be deposited with the State Treasurer. Any losses to public depositors resulting from insolvency are covered by applicable deposit insurance, sale of securities pledged as collateral and, if necessary, assessment against other qualified public depositories of the same type as the depository in default. The City's bank balances were insured either by the federal depository insurance corporation or collateralized in the bank's participation in the Florida Security for Public Deposits Act.

The Florida SBA Pool is not a registrant with the Securities and Exchange Commission ("SEC"); however, its board has adopted operating procedures consistent with the requirements for a 2a-7 fund. The SBA investments are allocated among two funds, Fund A and Fund B (hereinafter referred to as "Florida PRIME" and "LGIP-B"). For the Florida PRIME, a 2a7-like pool, the value of the City's position is the same as the value of the pool shares and is recorded at amortized cost. At June 30, 2014, the School's investment share in the Florida PRIME was that of \$ 960,856. The LGIP-B pool is accounted for as a fluctuating net asset value "NAV." The balance of the School's investment share in LGIP-B at year end amounted to \$ 566, with a net asset value factor of 1.84438408. The SBA is governed by Chapter 19-7 of the Florida Administrative Code. These rules provide guidance and establish the general operating procedures for the administration of the SBA. Additionally, the Office of the Auditor General of the State of Florida performs the operational audit of the activities and investment of the SBA. The SBA accounts are not subject to custodial credit risk as these investments are not evidenced by securities that exist in physical or bank entry form.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 3 –DEPOSITS AND INVESTMENTS (continued)

Investments:

On June 2, 2009 and on November 1, 2011, the City adopted and re-adopted, respectively, Chapter 6.6 of the Administrative Policy and Directives and Procedures Manual, entitled "Investments Objective and Parameters," as the City's Investment Policy for the management of Public Funds ("the policy"). The policy was created in accordance with Section 218.415, Florida Statutes. The policy applies to all investments held and controlled by the City, with the exception of a defined benefit pension plan and debt issuance where there are other existing policies or indentures in effect for the investment of related funds.

The City's policy for investments other than pension plan and debt issuance is summarized herein. The Finance Director has responsibility for the type of investments the City makes. The investment policy establishes permitted investments, asset allocation, issuer limits, credit rating requirements and maturity limits to protect the City's assets. All investment securities are held by a Trust custodian, and are managed by financial advisors. In general, the City's policy allows to invest in the following: (1) securities and obligations of the United States and its agencies; (2) non-negotiable interest bearing time deposits or savings accounts provided that such deposits are secured by collateral as prescribed by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes; (3) repurchase agreements collateralized by full or general faith and credit obligations of the U. S. Government or Agency securities; (4) the Florida Local Government Surplus Funds Trust Fund "SBA"; (5) intergovernmental investment pools authorized pursuant to the Florida Interlocal Cooperation Act, provided by Section 163.01, Florida Statutes, and provided that such funds contain no derivatives; (6) money market mutual funds - registered investment companies with the highest credit quality rating; (7) commercial paper of any U.S. company; (8) corporate notes; and (9) taxable/tax-exempt municipal bonds.

As of June 30, 2014, the School's allocation of cash, cash equivalents and investments consisted of the following:

State Board of Administration -		
SBA, Florida PRIME	\$	960,856
Deposits and money market funds		
with financial institutions		788,728
U.S. Treasury bills		358,881
U.S. Government obligations		305,190
Corporate bonds		67,038
Mortgage and asset backed securities		49,004
Collateralized mortgage obligations		32,575
Commercial paper		27,651
Municipal obligations		23,093
State Board of Administration -		
SBA, Fund B		566
Petty cash		400
		400
	\$	2,613,982

Interest rate risk - The City's policy is to limit its exposure to fair value losses arising from changes in interest rates by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and investing operating funds primarily in shorter-term securities, money market mutual funds or similar investment pools.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 3 –DEPOSITS AND INVESTMENTS (continued)

This is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The City’s policy is that unless matched with specific cash flow, the City will not directly invest in securities maturing more than seven (7) years from the date of purchase. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds to ensure that proper liquidity is maintained to meet ongoing obligations.

Information about the exposure of the School’s debt-type investments to this risk using the segmented time distribution model is as follows:

Summary of Investments and Interest Rate Risk	Time to Maturity (in Years)		
	Fair Value	Less Than 1 Year	1-5 Years
State Board of Administration - SBA, Florida PRIME	\$ 960,856	\$ 960,856	\$ -
U.S. Treasury bills	358,881	106,588	252,293
U.S. Government obligations	305,190	63,603	241,587
Corporate bonds	67,038	12,483	54,555
Mortgage and asset backed securities	49,004	-	49,004
Collateralized mortgage obligations	32,575	-	32,575
Commercial paper	27,651	27,651	-
Municipal obligations	23,093	-	23,093
State Board of Administration - SBA, Fund B	566	-	566
Total	\$ <u>1,824,854</u>	\$ <u>1,171,181</u>	\$ <u>653,673</u>

Credit Risk - Generally, credit risk is the risk that an issuer of a debt-type investment will not fulfill its obligation to the holder of the investment. This is measured by assignment of a rating by a nationally-recognized rating organization. The City’s investment policy provides strict guidelines and limits investments to highly rated securities with minimum ratings of AAA/Aaa (long term securities), A-1/P-1 (short term securities), and AAAM (money market mutual funds). The Finance Director shall determine the appropriate action for any investment held that is downgraded below the minimum rating by one or more rating agencies.

The School’s portfolio is rated by Standard & Poor’s as follows:

Rating	Fair Value
AAA	\$ 85,841
AAAm	960,856
AA+	697,147
AA	7,752

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 3 – DEPOSITS AND INVESTMENTS (continued)

Rating	Fair Value
AA-	22,162
A-1+	14,661
A-1	27,651
Not Rated	8,784
	\$ 1,824,854

Concentration - The City's policy is to maintain a diversified portfolio to minimize the risk of loss resulting from concentration of assets in a specific issuer. Specific limits have been established which limit the percentage of portfolio assets that can be invested with a specific issuer. GASB Statement No. 40, *Deposit and Investment Risk Disclosures*, requires disclosure when the percentage is 5% or more in any one issuer. Investments issues or explicitly guaranteed by the U.S. government and investments in mutual funds, external investments pools, or other pooled investments are excluded from this requirement. At June 30, 2014, the School had investments from the Federal National Mortgage Association (Fannie Mae) and from the Federal Home Loan Bank amounting to approximately 5.75% and 5.15%, respectively, of the total investments held by the School.

Custodial credit risk - For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The City's investment policy requires securities, with the exception of certificates of deposit, to be registered in the City's name and held with a third party custodian.

Foreign credit risk – For an investment, foreign credit risk is the risk that fluctuations in currency exchange rates may affect transactions conducted in currencies other than U.S. dollars and the carrying value of foreign investments. The City is not exposed to foreign credit risk.

NOTE 4 – DUE FROM OTHER GOVERNMENTS

Due from other governments at June 30, 2014 consists of amounts due from the District for capital outlay funding.

NOTE 5 – CAPITAL ASSETS

A summary of changes in governmental capital assets is as follows:

	Balance July 1, 2013	Additions	Deletions	Balance June 30, 2014
Leasehold improvements	\$ 2,223,897	\$ -	\$ -	\$ 2,223,897
Equipment	567,962	18,646	-	586,608
Less: accumulated depreciation	814,253	143,624	-	957,877
	\$ 1,977,606	\$ (124,978)	\$ -	\$ 1,852,628

The provision for depreciation for the year ended June 30, 2014 amounted to \$ 143,624. The School allocated depreciation to operation of facility.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 6 – LONG-TERM LIABILITIES

The following is a summary of long-term liabilities for fiscal year ended June 30, 2014:

	Balance July 1, 2013	Increases	Decreases	Balance June 30, 2014	Amount Due Within One Year (Estimate)
Compensated absences	\$ 39,679	\$ 35,666	\$ (27,626)	\$ 47,719	\$ 11,930

NOTE 7 - COMMITMENTS AND CONTINGENCIES

Management contract:

The City has a contract with Charter Schools USA, Inc. ("CSUSA") for administrative and educational management services for the operations of the School. All staff of the School, except the principal, two assistant principals (dean of discipline & operations and dean of curriculum) and a custodian, are employees of CSUSA. For the year ended June 30, 2014, the contract provided for a flat rate of \$ 23,250 per month. Total fees paid to the management company for fiscal year 2013/14 were \$ 279,000. The majority of other reimbursed expenditures by the City to CSUSA relate to teachers' salaries and benefits.

The current agreement with CSUSA will expire on June 30, 2018. This agreement provides for an additional renewal term of up to five years upon agreement of both parties and provided the Miami-Dade County School Board extends the charter granted to the City. The fee for services will be 4.3% to be calculated based on certain funding sources of the School for the fiscal year 2014/15 through 2017/18; and to be negotiated thereafter upon reaching a renewal arrangement.

Lease agreement:

The School's operations are located at a facility that is owned by the City. In September 2002, the City entered into a bond indenture agreement with the Florida Intergovernmental Finance Commission through an interlocal governmental agreement. As a result, 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 a community center. Approximately \$ 6,650,000 of the bond issue was related to the acquisition, construction and equipping of the School facility. On June 15, 2012, the City issued \$ 9,885,000 in Series 2012 Refunding Revenue Bonds with a rate of 2.18% to refund the then outstanding balance of the Series 2002 Revenue Bonds. Approximately \$ 5,213,000 of the Series 2012 Refunding Revenue Bonds relates to that portion of the original Series 2002 Revenue Bonds that was utilized for the acquisition, construction and equipping of the School facility. The City refunded the Series 2002 Revenue Bonds to reduce its total debt service payments through maturity (2027) by approximately \$ 3,810,000.

The School is leasing its premises from the City under an operating lease agreement, which expired June 30, 2014, but was renewed for an additional year. The lease can renew each additional year as long as the School operates pursuant to the Charter issued by the School Board of Miami-Dade County. The rent amount is determined annually and is based on the annual debt service of the Refunding Revenue Bonds.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 7 - COMMITMENTS AND CONTINGENCIES (continued)

Future minimum payments required from the School by the City for the debt service of the Revenue Bonds are estimated to be approximately as follows:

Year Ending <u>June 30,</u>		
2015	\$	444,000
2016		442,000
2017		443,000
2018		443,000
2019		393,000
Thereafter		<u>3,558,000</u>
	\$	<u><u>5,723,000</u></u>

Grant Funding:

The School receives financial assistance from federal, state and local governmental agencies in the form of grants. The disbursement of funds received under these programs generally requires compliance with terms and conditions specified in the grant agreements and may be subject to audit by the grantor agencies. In accordance with OMB Circular A-133 *Audits of States, Local Governments and Non-Profit Organizations*, the School was not required to conduct a "single audit" since the required threshold of Federal money is currently \$ 500,000 and the School did not exceed such threshold.

NOTE 8 - RISK MANAGEMENT

The School is exposed to various risks of loss related to torts, thefts of, damage to and destruction of assets, errors and omissions, employee health, workers' compensation and natural disasters for which the City carried commercial insurance. Settlement amounts have not exceeded insurance coverage for the past three (3) years. In addition, there were no reductions in insurance coverage from those in the prior year.

NOTE 9 - DEFINED CONTRIBUTION PENSION PLANS

The City is a single-employer that contributes to four (4) defined contribution pension plans based on employee classification created in accordance with *Internal Revenue Code Section 401 (a)*. The employees of the School are eligible to participate in three (3) of the City's defined contribution pension plans. The School has four (4) full-time employees who are eligible to participate in these plans. Under these plans, the City contributes amounts ranging from 7% to 15% of employee salary for each of the four School employees. The City contributions for the Principal vest in the year they are contributed. The City's contributions to the other employees vest beginning after one (1) year of service through year five (5) in 20% increments. Participants are not permitted to make contributions during the year. The City made plan contributions for these four employees of approximately \$ 35,000 during the year. Plan provisions and contribution requirements may be amended by the City Commission.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2014

NOTE 9 - DEFINED CONTRIBUTION PENSION PLANS (continued)

In addition, the City provides to these full-time employees a deferred compensation plan under *Section 457 of the Internal Revenue Code*. Under this program, employees may voluntarily elect to defer a portion of their salary to future years; with no required contributions from the City.

Both programs are administered by ICMA Retirement Corp. The City does not exercise any control or fiduciary responsibility over the Plans' assets.

**REQUIRED
SUPPLEMENTARY
INFORMATION**

**AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF REVENUES AND EXPENDITURES
BUDGET AND ACTUAL - SPECIAL REVENUE FUND
For the Year Ended June 30, 2014**

	<u>Budgeted Amounts</u>		<u>Actual Amounts, Budgetary Basis</u>	<u>Budget to GAAP Differences Over (Under)</u>	<u>Actual Amounts GAAP Basis</u>	<u>Variance</u>
	<u>Original</u>	<u>Final</u>				
REVENUES AND TRANSFERS:						
FTE nonspecific revenues	\$ 6,162,340	\$ 6,337,520	\$ 6,386,181	\$ 31,693	\$ 6,417,874	\$ 48,661
Capital grant funds	500,000	500,000	523,240	-	523,240	23,240
Charges for services	336,100	336,100	469,957	-	469,957	133,857
Miscellaneous income	183,000	183,000	159,954	-	159,954	(23,046)
Field trip revenue	200,000	200,000	181,539	-	181,539	(18,461)
Transportation funds	147,000	147,000	115,713	-	115,713	(31,287)
Transfers from other funds of the City	100,000	200,000	200,000	-	200,000	-
Operating grants and contributions	71,000	71,000	73,767	-	73,767	2,767
Investment earnings	9,000	9,000	7,481	-	7,481	(1,519)
Allocation of fund balance	204,969	204,969	-	-	-	(204,969)
	<u>7,913,409</u>	<u>8,188,589</u>	<u>8,117,832</u>	<u>31,693</u>	<u>8,149,525</u>	<u>(70,757)</u>
EXPENDITURES:						
Salaries	4,309,008	4,484,188	4,440,386	-	4,440,386	43,802
Professional services	577,000	577,000	672,058	31,693	703,751	(95,058)
Lease expense - transfers	444,000	444,000	444,000	(444,000)	-	-
Repairs and maintenance	316,500	316,500	259,961	-	259,961	56,539
Payroll taxes	329,639	329,639	344,194	-	344,194	(14,555)
Employee health insurance	410,966	410,966	347,451	-	347,451	63,515
Supplies	310,500	315,500	329,006	-	329,006	(13,506)
Field trips	215,000	215,000	187,826	-	187,826	27,174
Capital outlay	160,500	255,500	210,448	-	210,448	45,052
Utilities	181,000	181,000	165,149	-	165,149	15,851
Textbooks	156,000	156,000	141,889	-	141,889	14,111
Bonuses	123,500	123,500	264,969	-	264,969	(141,469)
Food services	64,000	64,000	73,123	-	73,123	(9,123)
Workers' compensation insurance	47,049	47,049	72,465	-	72,465	(25,416)
Telephone	66,400	66,400	72,806	-	72,806	(6,406)
Pension contributions	58,550	58,550	52,107	-	52,107	6,443
Insurance	38,000	38,000	25,982	-	25,982	12,018
Travel	26,400	26,400	25,057	-	25,057	1,343
Stipends	71,570	71,570	19,488	-	19,488	52,082
Dues and fees	6,327	6,327	1,366	-	1,366	4,961
Lease expense	1,500	1,500	-	444,000	444,000	1,500
	<u>7,913,409</u>	<u>8,188,589</u>	<u>8,149,731</u>	<u>31,693</u>	<u>8,181,424</u>	<u>38,858</u>
Net change in fund balance	\$ -	\$ -	\$ (31,899)	\$ -	\$ (31,899)	\$ (31,899)

See Notes to Supplementary Information.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
June 30, 2014

Note A:

The School formally adopted a budget for the year ended June 30, 2014. Budgeted amounts may be amended by resolution or ordinance by the City Commission. The budget has been prepared in accordance with accounting principles generally accepted in the United States of America with the exception of the items described in Note B. A comparison of the actual results of operations to the budgeted amounts for the Special Revenue Fund is presented as required supplementary information.

Note B:

The budget is adopted using the same basis of accounting on which the financial statements are prepared except for a 2% administrative charge that is retained by the School Board of Miami-Dade County. This amount is not reflected on the School's budget basis due to the lack of availability of such funds. For fiscal year 2013/14 this amount was \$ 31,693.

For budgeting purposes, certain amounts are budgeted as transfers out to the City's Debt Service Fund. For separate reporting of the Charter School Special Revenue Fund, these amounts are reclassified as follows:

Lease expense for School facility	\$ 444,000
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**OTHER INDEPENDENT
AUDITOR'S REPORTS**

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER
MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Mayor, Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida (the "School"), as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the School's basic financial statements, and have issued our report thereon dated August 15, 2014.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the School's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the School's internal control. Accordingly, we do not express an opinion on the effectiveness of the School's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Aventura City of Excellence School

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the School's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is intended solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.


KEEFE McCULLOUGH

Fort Lauderdale, Florida
August 15, 2014

INDEPENDENT AUDITOR'S REPORT TO MANAGEMENT

To the Honorable Mayor, Members of the City Commission and City Manager
of the City of Aventura, Florida
Aventura City of Excellence School
Aventura, Florida

Report on the Financial Statements

We have audited the financial statements of the Aventura City of Excellence School, a special revenue fund of the City of Aventura, Florida (the "School"), as of and for the fiscal year ended June 30, 2014, and have issued our report thereon dated August 15, 2014.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Other Reporting Required by *Government Auditing Standards*

We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*. Disclosures in that report, which is dated August 15, 2014, should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.854(1)(e)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no findings or recommendations made in the preceding annual financial audit report.

Financial Condition

Sections 10.854(1)(e)2. and 10.855(11), Rules of the Auditor General, require that we apply appropriate procedures to determine whether or not the School has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that the School did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Sections 10.854(1)(e)6.a. and 10.855(12), Rules of the Auditor General, require that we apply financial condition assessment procedures for the School. It is management's responsibility to monitor the School's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

Aventura City of Excellence School

Transparency

Sections 10.854(1)(e)7. and 10.855(13), Rules of the Auditor General, require that we apply appropriate procedures to determine whether the School maintains on its website the information specified in Section 1002.33(9)(p), Florida Statutes. In connection with our audit, we determined that the School maintained on its website the information specified in Section 1002.33(9)(p), Florida Statutes.

Other Matters

Section 10.854(1)(e)3., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Section 10.854(1)(e)4., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Section 10.854(1)(e)5, Rules of the Auditor General, requires the name or official title of the entity. The official title of the entity is Aventura City of Excellence School.

Purpose of this Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, the City Commission and applicable management and is not intended to be and should not be used by anyone other than these specified parties.



KEEFE McCULLOUGH

Fort Lauderdale, Florida
August 15, 2014



CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

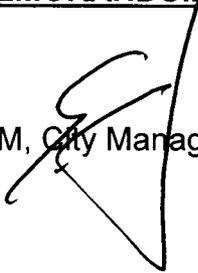
MEMORANDUM

TO: City Commission

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

DATE: August 20, 2014

SUBJECT: **Recommendation to Accept Aventura City of Excellence School Out-Of-Field Waivers**



September 2, 2014 City Commission Meeting Agenda Item 5-I

RECOMMENDATION

It is recommended that the City Commission acting in its capacity as the Governing Board of the Aventura City of Excellence School accept the out-of-field waivers list as outlined in this memorandum.

BACKGROUND

The Miami-Dade County School Board requires the Governing Board of each charter school annually to accept a list of teachers considered out-of-field. Teachers working on additional certification or endorsements for subjects that they are teaching are considered out-of-field until requirements are met. All teachers hold current certification. The additional certification or endorsements are extra credentials. This is a typical practice as teachers expand their professional development.

Below are listings of instructional staff members who are working toward additional certification the following subject areas:

English Speakers of Other Languages (ESOL) Endorsement – This is an add-on to a current certificate to be able to teach English language learners. The following teachers are involved in a five course sequence, allowing six years for completion:

Natalie Kartz, Stephanie Menasche and Beth Greenberg.

Gifted Endorsement – This is an add-on to a current certificate to be able to teach students who are identified as gifted learners. The teachers are involved in a five course sequence, allowing five years for completion:

Memo to City Commission
Page 2

Heather Rausch, Jadal Rodriguez, Christine Pearson and Stacy Mogull.

Exceptional Student Education (K-12) – Lera Tognini

Computer Science – Mark Hilburn

EMS/act

CCO1853-14

CITY OF AVENTURA

CITY MANAGER'S OFFICE

MEMORANDUM

TO: City Commission

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

BY: Antonio F. Tomei, Capital Projects Manager *afj*

DATE: August 19, 2014

SUBJECT: **Recommendation – Work Authorization No. 01-0103-187
Professional Design Services for Road Resurfacing Improvements
NE 207th ST - Biscayne Boulevard to the eastern terminus of City
Right-of-Way - Craven Thompson & Associates, Inc.**

September 2, 2014, City Commission Meeting Agenda Item 5J

Recommendation

It is recommended that the City Commission adopt the attached Resolution awarding Work Authorization No. 01-0103-187 to Craven Thompson and Associates, Inc. for Professional Design Services for Road Resurfacing Improvements to NE 207th Street for an amount of \$79,700. This project is included in the Capital Improvements Program for the 2014/15 fiscal year.

Background

The project is to be designed in accordance with the City's Capital Improvement Program approved by the City Commission. In particular, design plans will address milling and resurfacing improvements to NE 207th Street between Biscayne Boulevard and the eastern terminus of City right-of-way, adjacent to the One Island Place gatehouse. The cost includes services pertaining to surveying, civil design, permitting, bidding, and construction services. The proposed budget is \$565,000 and will be funded by Budget Line Item #120-5001-541-6305.

If you have any questions or need any additional information, please feel free to contact me.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-187 FOR PROFESSIONAL DESIGN SERVICES FOR THE NE 207TH STREET ROAD RESURFACING IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; 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 hereby authorized to execute attached Work Authorization No. 01-0103-187 (\$79,700) for professional design services for the NE 207th Street Road Resurfacing Improvements project by and between the City and Craven Thompson and Associates, Inc.

Section 2 The City Manager is authorized to do all things necessary to carry out the aims of this Resolution.

Section 3 That the funds to be allocated and appropriated pursuant hereto and for the purposes of carrying out the tenets of this Resolution shall be from Budget Line Item Number 120-5001-541-6305.

Section 4 This Resolution shall become effective immediately upon its adoption.

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

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

PASSED AND ADOPTED this 2nd day of September, 2014

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

WORK AUTHORIZATION NO. 01-0103-187

The City of Aventura has requested Work Authorization No. 01-0103-187 as provided for in the Agreement between the City of Aventura and Craven Thompson and Associates, Inc. and approved by the City Commission on July 3, 2001.

This Work Authorization No 01-0103-187 provides for technical services in accordance with Articles 3, 4, 6, 7 and 8 of the Agreement as further detailed in the scope of services in Exhibit A.

Payment for such services shall be in accordance with Article 5 of the Agreement.

Design Phase

Provide Topographic Survey (Task No. 11246).....	\$35,800.00
Prepare Design Drawings (Task No. 34040).....	\$22,700.00
Permitting (Task No. 31080).....	\$3,500.00
Project Management (Task No. 34040)	\$2,000.00
Total Lump Sum Design Phase	\$64,000.00

Bidding Phase

Prepare Bid Documents (Task No. 34060)	\$4,800.00
Total Lump Sum Bidding Phase	\$2,500.00

Construction Phase

Daily Site Visits (based on 60 day const.) (Task No. 34070)	\$8,500.00
Project Closeout Documentation (Task No. 34070).....	\$1,400.00
Total Lump Sum Construction Phase	\$9,900.00

Reimbursable Expenses

Printing, Graphics, Communications, Couriers, Etc. (Task No. 34100).....	\$1,000.00
Total Reimbursable Expenses	\$1,000.00

Total Lump Sum Labor Expenses are	\$78,700.00
Total Estimated Reimbursable Expenses are	\$1,000.00

The time period for this work authorization will be:

Survey Phase	45 Days
Design Phase	30 Days
Permitting Phase.....	90 Days
Bidding Phase.....	75 Days
Construction Services Phase (estimate)	60 Days

CITY:

CITY OF AVENTURA, FLORIDA
through its City Manager

BY _____
City Manager

Eric M. Soroka, ICMA-CM

_____ day of _____, 2014

Notice to Proceed ___ Yes ___ No

Project Initiation Date _____

RECOMMENDED through its
Capital Projects Manager

BY Antonio F. Tomei
Capital Projects Manager

Antonio F. Tomei

19 day of AUGUST, 2014

Exhibit A

Consultant shall prepare roadway milling, resurfacing and pavement marking drawings for the following area: NE 207th Street from Biscayne Boulevard to the eastern terminus of City right-of-way that is located just west of the private gatehouse at One Island Place, a distance of approximately 5,800 feet.

Our scope of service shall include engineering design and construction services. Consultant will more specifically perform the following:

- Prepare a topographic survey of above ground improvements from right-of-way to right-of-way.
- Prepare roadway resurfacing and pavement marking plans.
- Prepare Engineers' Cost Opinion for the proposed improvements.
- Prepare technical specifications for inclusion into the City's Bid package.
- Prepare Bid package and assist City in bidding the project.
- Miscellaneous coordination with agencies, franchise utilities, and/or City.
- Construction services, including periodic observation of the work to document conformance with specifications and drawings.
- Provide construction permit close-out with Miami-Dade County.

CITY OF AVENTURA
PRELIMINARY CONSTRUCTION COST ESTIMATE
MILLING AND RESURFACING OF NE 207TH STREET
CRAVEN THOMPSON AND ASSOCIATES, INC.
 August 14, 2014

ROADWAY CONSTRUCTION	QUANTITY	UNIT MEASURE	UNIT PRICE	COST
1 INCH ASPHALT (SUPERPAVE TYPE SP-9.5)	31,150	SY	\$6.78	\$211,200
MILL EXISTING ASPHALT	31,150	SY	\$2.60	\$81,000
INSTALL ADA RAMP W/ DET. WARNINGS	8	EA	\$1,800.00	\$14,400
INSTALL TRAFFIC SIGNAL LOOPS	14	EA	\$1,520.00	\$21,300
PAVEMENT MARKINGS & SIGNAGE	1	LS	\$72,684.00	\$72,700
GRAND SUB-TOTAL CONSTRUCTION COST				\$400,600
GENERAL CONDITIONS @ 5%				\$20,000
MOBILIZATION @ 8%				\$32,000
MAINTENANCE OF TRAFFIC @ 3%				\$12,000
TESTING AND MISCELLANEOUS @ 2%				\$8,000
GRAND TOTAL CONSTRUCTION COST				\$472,600
DESIGN, PERMITTING & BID PHASE SERVICES				\$69,800
CONSTRUCTION ADMINISTRATION SERVICES				\$9,900
TOTAL DESIGN SERVICES				\$79,700
TOTAL OPINION OF PROBABLE COST				\$552,300.00

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: August 20, 2014

SUBJECT: **Recommendation to Select Firm for Park Design and Engineering Services – RFP #14-8-08-2**

September 2, 2014 City Commission Meeting Agenda Item 5-K

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution that selects the firm for Park Design and Engineering Services for the new park to be located on N.E. 188th Street. The Resolution selects the firm of Bermello Ajamil & Partners, Inc. as the recommend firm and authorizes the City Manager to negotiate a contract for services.

BACKGROUND

The development of the park to be located on N.E. 188th Street is scheduled for 2015/2016 and is included in the CIP. The City issued a Request for Proposals to obtain a firm to design the park to bid for construction in 2015. A Review Team consisting of the Finance Director, Community Services Director and City Manager was formed to evaluate the proposals and interview firms to prepare a recommendation to the City Commission.

The following is a brief summary of the action taken by the Team to arrive at our final recommendations:

1. An RFP advertisement was placed in the newspaper, on the internet and distributed to the vendor list.
2. On August 8, 2014, proposals were publicly opened from the following firms:
 - a. Coastal Systems International, Inc.
 - b. Curtis + Rogers Design Studio
 - c. David Plummer & Associates
 - d. CPH Engineers, Inc.
 - e. BEA Architects, Inc.

f. Craven Thompson & Associates, Inc.
Memo to City Commission
Page 2

- g. Bermello Ajamil & Partners, Inc.
- h. Calvin, Giordano & Associates, Inc.
- i. ArquitectonicaGeo
- j. Chisholm Architects, Inc.

3. The following firms were shortlisted and scheduled for interviews.

- a. Curtis + Rogers Design Studio
- b. Craven Thompson & Associates, Inc.
- c. Bermello Ajamil & Partners, Inc.
- d. Calvin, Giordano & Associates, Inc.
- e. ArquitectonicaGeo

4. The firms were interviewed by the Team on August 19, 2014.

5. Based on the extensive RFP submission requirements and interviews, the Team reached a consensus to recommend one firm to the City Commission, with one alternate that would be called upon should we fail to reach favorable terms with the top ranked firm. A contract to establish the scope of work and fees will be negotiated with the recommended firm.

The Team felt that all five firms were well qualified to perform the work. However, based on a proven track record in designing park projects with numerous cities in South Florida and the ability to look at the project with a fresh perspective, the Team selected Bermello Ajamil & Partners, Inc.

Now that the Team has completed its work, the following actions are necessary to complete the process:

1. Adopt the attached Resolution, which serves three (3) specific purposes. First, it ranks the firms. Secondly, it authorizes the City Manager to negotiate the contract for services. Thirdly, it establishes another firm as an alternate, should we be unable to reach favorable terms with the selected firm.
2. After the contract is negotiated, it will be presented to the City Commission at a future meeting.

Copies of all proposals are available for your inspection in the City Manager's Office.

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

EMS/act
Attachment
CCO1852-14

CITY OF AVENTURA
Proposal Tabulation Sheet
PARK DESIGN & ENGINEERING SERVICES
RFP #: 14-8-08-2
Proposal Open After 2:00 PM Friday, August 8th, 2014.

COMPANY NAME

Coastal Systems International, Inc.

✓ Curtis + Rogers Design Studio

David Plummer & Associates

CPH Engineers, Inc.

BEA Architects, Inc.

✓ Craven Thompson & Associates, Inc.

✓ Bermello Ajamil & Partners, Inc.

✓ Calvin, Giordano & Associates, Inc.

✓ ArquitectonicaGeo

Chisholm Architects, Inc.

Offers listed from the vendors herein are the only offers received timely as of the above opening date and time. All other offer submitted in response to this solicitation, if any, is hereby rejected as late.



Indra Sarju, Purchasing Agent

Aug. 8. 2014

Dated.

CITY OF AVENTURA
RESPONSE TO REQUEST FOR PROPOSAL
RFP # 14-8-08-2
PARK DESIGN & ENGINEERING SERVICES



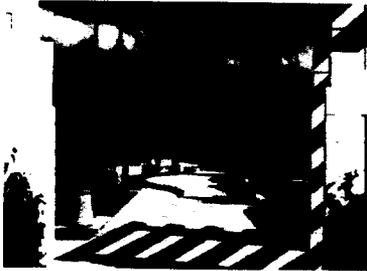
City of Aventura Engineering, Inc.

City of Aventura
August 8, 2014
RFP # 14-8-08-2



Bermello Ajamil & Partners, Inc.

Architecture
Engineering
Planning
Interior Design
Landscape Architecture



August 8, 2014

Mr. Eric Soroka, ICMA-CM
City Manager
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

RE: RFP - #14-8-09-2
Park Design and Engineering Services



Dear Mr. Soroka:

Bermello Ajamil & Partners, Inc. (B&A) along with our partnering sub-consultants, is pleased to respond to the Request for Proposals by the City of Aventura for Professional Design and Engineering Services.



B&A will be the Prime Consultant for this proposed contract and has assembled a team of exemplary professionals uniquely qualified to provide all of the services required in the RFP. Our Team has extensive experience in the design and development of public parks from the initial conceptual ideas and public involvement through to construction administration.



The inhouse professionals and sub-consultants we have assembled for this proposal bring all of the necessary technical, management, and creative skills needed to execute the scope of work outlined in the RFP. Our Team can achieve this in a manner that will provide Aventura with superb design and planning skills while keeping within established budgets and meeting the specific project schedule. The broad experience base, coupled with the unique composition of our Team, allows the City to work with one multidisciplinary group to achieve a successful project.



Mr. Luis Ajamil will be the Principal-in-Charge of this project. His invaluable experience garnered throughout a career that spans more than 40 years developing projects worldwide will be invaluable to the project's success.



I will be the project manager for this project and will be the direct contact between our Team and the City of Aventura for the duration of the contract. As Vice President of B&A and Director of the Planning, Landscape Architecture, and Urban Design Department, I have overseen and managed numerous park design and improvement projects and bring the diversity of skills required of such an assignment. I will be responsible for ensuring that the City's needs are met on a daily basis. From our head office in Coconut Grove, we are less than a 30 minute drive to either the City or the site and can be available on very short notice if need be. My contact information is:

Randy Hollingworth
2601 South Bayshore Drive
10th Floor
Miami, FL 33133
Email: Rhollingworth@BermelloAjamil.com
Direct Line/Mobile: 786-486-5269
Fax: 305-860-3759

We are also proposing Mr. Jorge Ferrer, a partner with the firm, as the Project's Quality Control Officer. Mr. Ferrer brings over 20 years of experience to the team and has extensive experience working with municipalities. Mr. Ferrer will work side by side with me to ensure that the City's needs are met and that all deliverables go through B&A's rigorous document review and coordination process.

Along with our inhouse B&A Team members, each of the Firms selected for this assignment understands how to tackle a project of this size and complexity from conceptual design through construction. Moreover, our Team is a collection of highly qualified local talent, representing some of the most prominent consulting firms in their respective fields of expertise. This is a Team that has successfully developed parks throughout south Florida and understands what is needed to complete this project and meet both the City's and Community's needs.

In summary, our Team roles on this project are as follows:

Bermello Ajamil & Partners, Inc	Project Management Master Planning Landscape Architecture Park Planning and Design Architecture Construction Administration Marine Engineering Community Outreach Permitting
Keith & Associates, Inc.	Civil Engineering Surveying Permitting
TRC Worldwide Engineering, Inc	Structural Engineering
Colburn Design Group	Irrigation Design
Tom Graboski Associates, Inc.	Signage and Wayfinding
Delta G Consulting Engineers, Inc	MEP and Fire Protection
E Sciences, Inc	Environmental
Geosol, Inc.	Geotechnical
CMS-Construction Management Services	Cost Control and Estimating

I personally visited the site on July 22, 2014 at 11:00 am to best understand the scope and context of this project. Like other waterfront parks our Team has developed, the location of this park offers the City an opportunity to greatly enhance the community with the addition of a significant new public open space. Although we do not know the agreement terms between the City and the Echo project developer presently utilizing the site, it appears there would be an opportunity to utilize some of the paving and landscape materials already present. This could be a considerable cost saving for the City.

In the following response to the Request for Proposals, we have provided detailed information that demonstrates our experience and capabilities for the key criteria to be evaluated for this contract. As such, we welcome the opportunity to present our proposal to you and your selection committee.

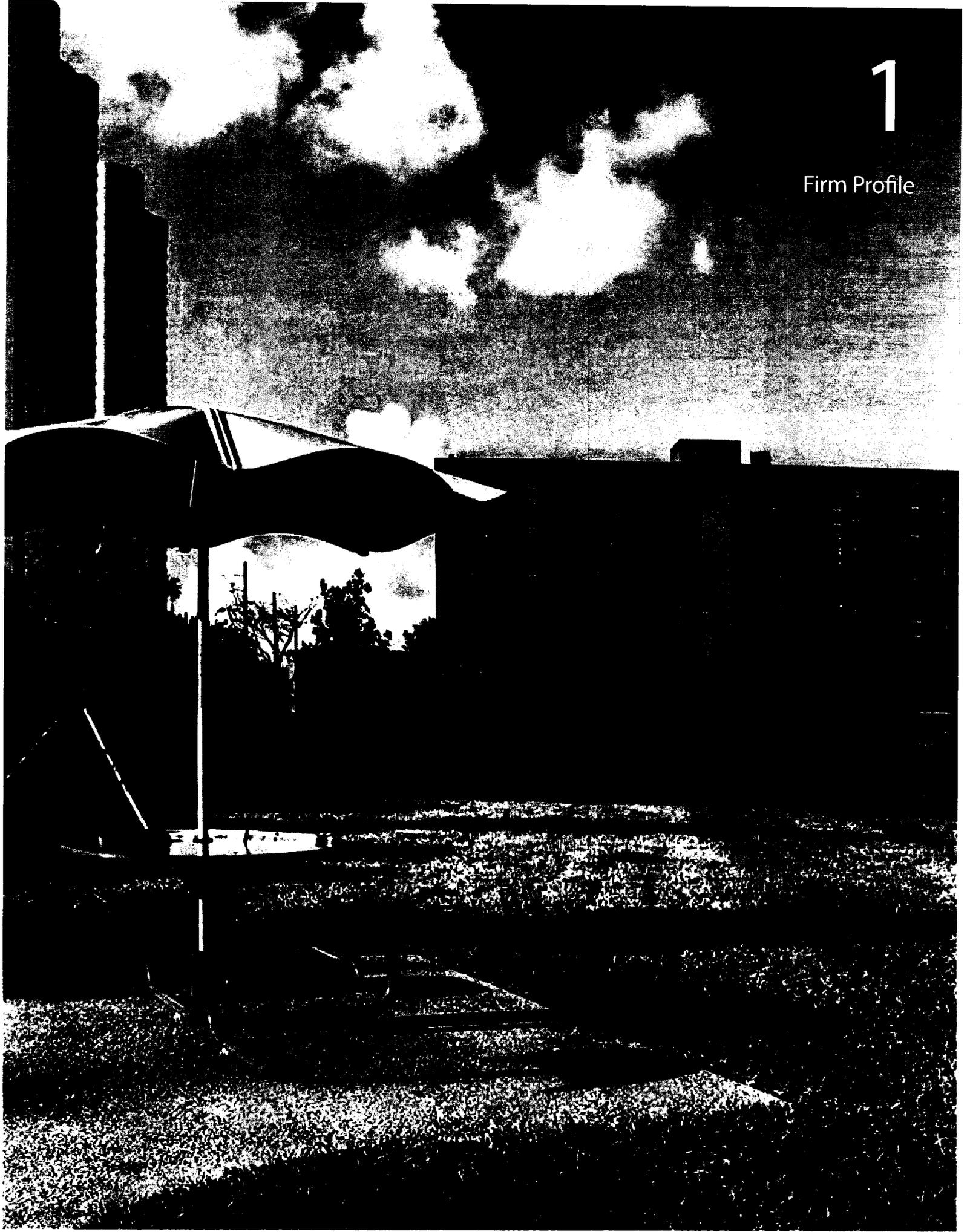
Respectfully,



Randy Hollingworth
Director of Planning, Landscape Architecture and Urban Design
Bermello Ajamil & Partners, Inc.

1

Firm Profile



OVERVIEW

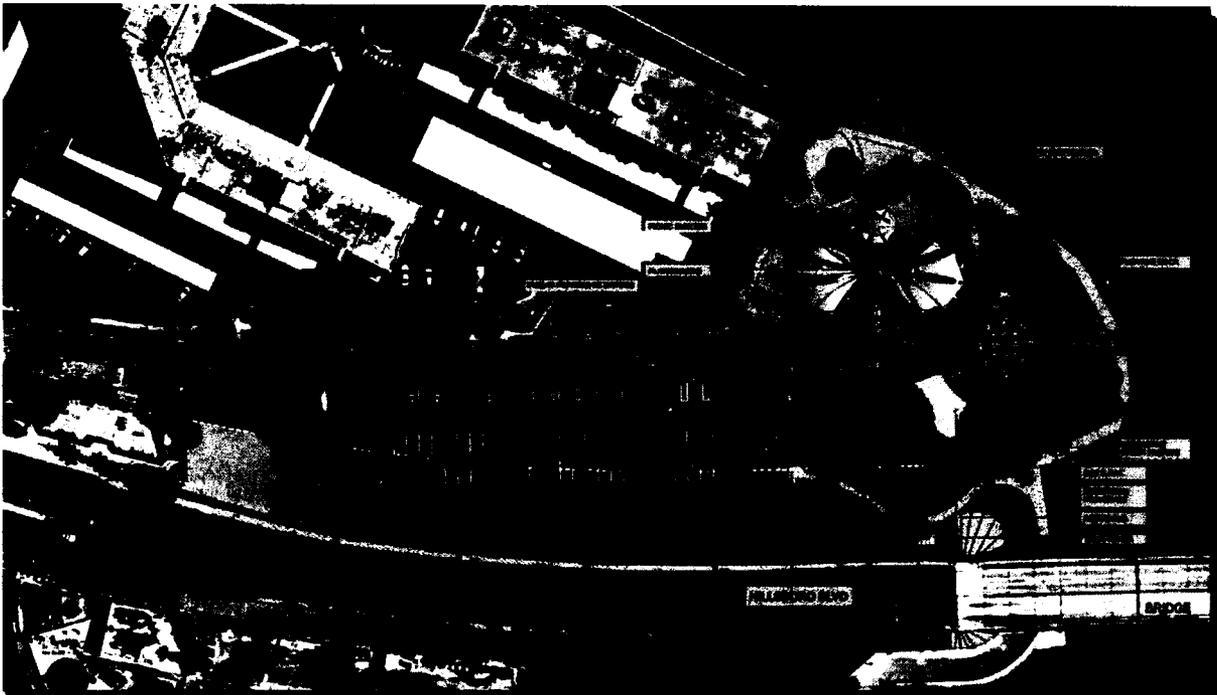
Bermello Ajamil & Partners Inc. (B&A) is a local, award-winning South Florida firm providing Landscape Architecture, Architecture, Engineering, Planning, Interior Design and Construction Services. We specialize in providing these services to municipalities throughout Florida and we hold significant expertise in the planning and design of parks and recreational facilities, government complexes and streetscapes.

B&A's Landscape Architectural Design Studio focuses on providing its Clients with innovative and sustainable design solutions that celebrate the environment and compliment the built environment. Our team brings expertise in many facets of design and development including master planning, defining community aesthetics and enhancements, planning and design of parks and recreation complexes, and municipal facilities.



Joseph Scavo Park, Hallandale Beach, FL

Whether we are revitalizing urban streetscapes, designing recreational facilities or creating wildlife habitats, we undertake all of our projects with a keen understanding of the individual and unique characteristics of each site and each client. The B&A team brings extensive project management and construction administration experience to the design process and to the construction phase of every project.



Sullivan Park, Deerfield Beach, FL

1. FIRM PROFILE



Wittkop Park, Homestead, FL



James Archer Smith Park, Homestead, FL



George Brummer Park, Pompano Beach, FL

B&A is a corporation headquartered in Miami and organized under the laws of the State of Florida. It was originally founded in 1939 as a small local architectural firm and incorporated in the City of Miami under its current name in 1992. We maintain a professional staff of over 70 talented individuals throughout all of our offices, that possess the necessary expertise to successfully execute and complete projects for the City of Aventura.

MAIN OFFICE:

2601 South Bayshore Drive, Suite 1000
Miami, FL 33133

Ph: (305) 859-2050

FX: (305) 859-9638

PROJECT MANAGER FOR CITY ACCOUNT:

Mr. Randy Hollingworth

Director, Urban Planning & Landscape Design

Direct: (786) 486-5269

Email: RHollingworth@bermelloajamil.com

B&A PRINCIPALS:

Willy A. Bermello, AIA

Luis Ajamil, PE

B&A IS AVAILABLE IMMEDIATELY

As demonstrated repeatedly with our previous work on similar contracts, B&A is dedicated to commit its professional resources to insure the greatest workforce flexibility and responsiveness to the City. **WE ARE "ON-CALL" AS NEEDED.** The depth and strength of our experience allows us to perform successfully on all of our contracts, responding in a timely manner and keeping projects on schedule. We have a strong staff in-house with exceptional services from our subconsultant members. The B&A Team is committed to exceeding your expectations and is prepared to commit the necessary staff to meet the City's needs.

The B&A Team is available to start immediately!

EXPERIENCE WITH REGULATORY AGENCIES

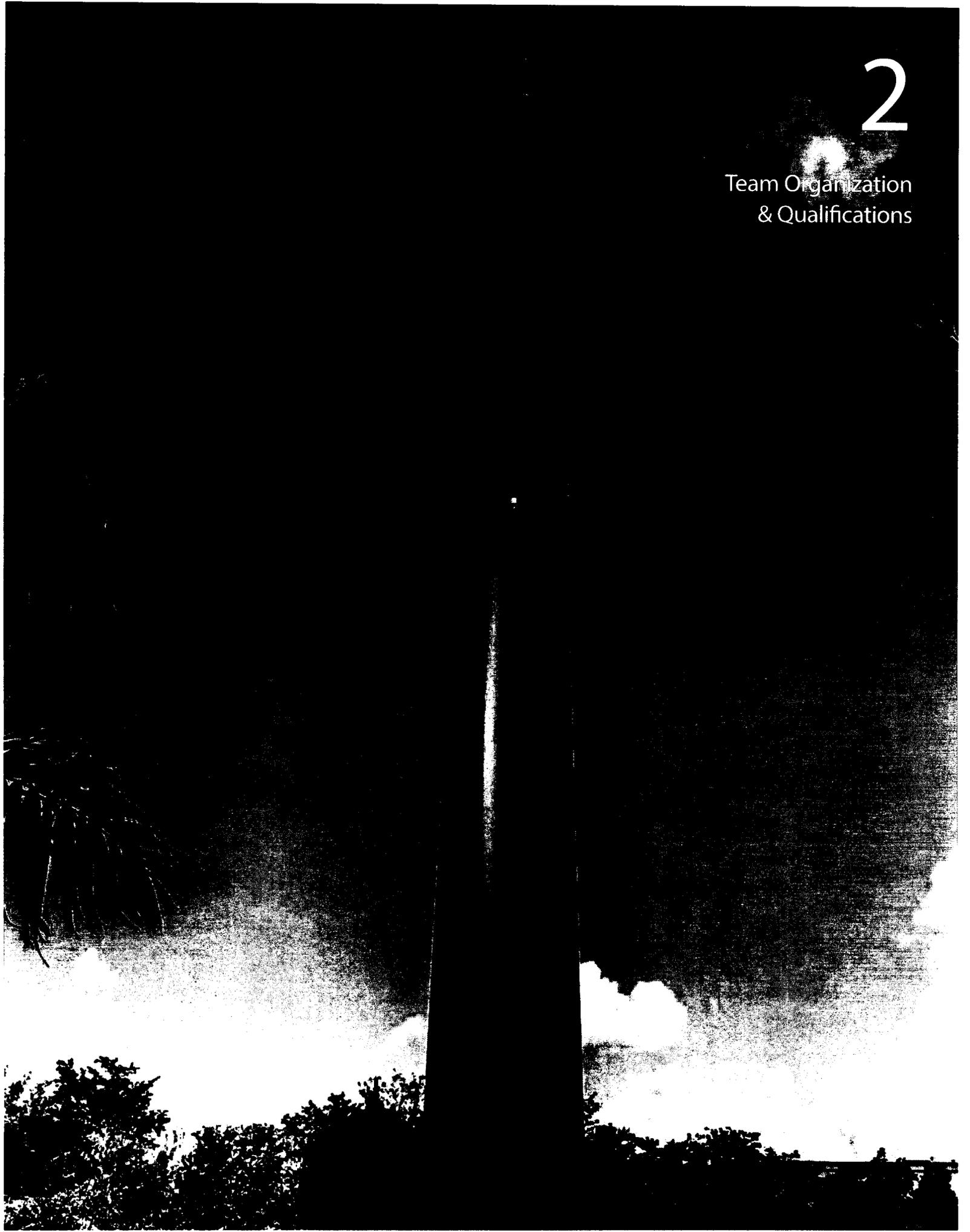
Early identification of the agencies having jurisdiction on a project and a clear understanding of their standards, specifications, permit requirements and time frames associated with processing and review of the plans and permit applications is vital to the success of any project from a scheduling and budgeting perspective.

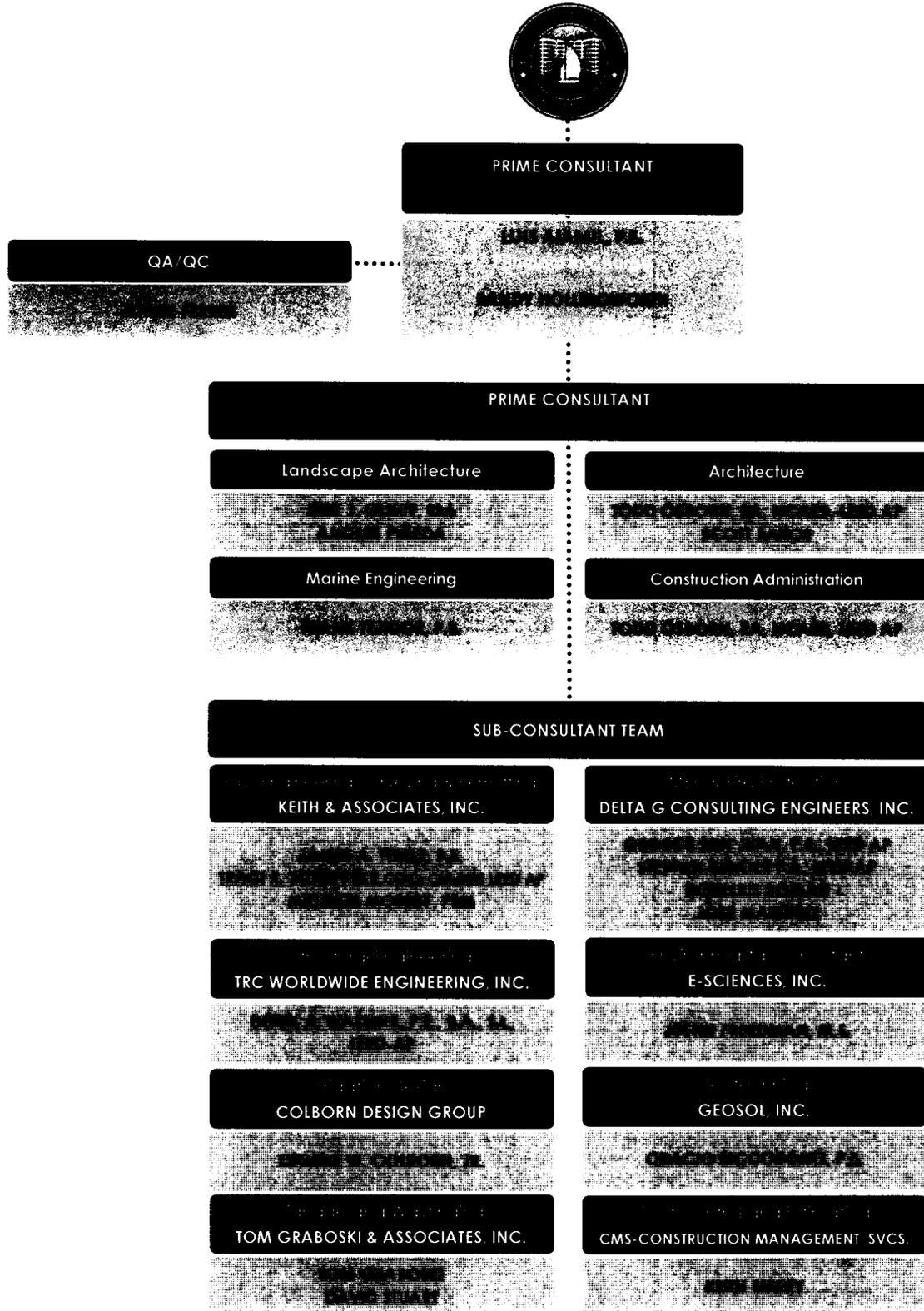
B&A has unparalleled experience with regulatory agencies. The following is a list of some of the agencies that B&A routinely interacts with:

- Miami-Dade County
 - Building and Zoning
 - Public Works
 - Water and Sewer
 - Fire Department
- Florida Department of Transportation
- South Florida Water Management District (SFWMD)
- Florida Department of Environmental Protection (DEP)
- US Army Corp of Engineers (COE)
- DERM Coastal Wetlands Section
- DERM Fresh Water Wetlands Section
- State of Florida Department of Health

2

Team Organization & Qualifications





3. RELEVANT EXPERIENCE

Intracoastal Park Sunny Isles Beach, Florida *Completed in 2014*



Intracoastal Park, in Sunny Isles Beach, Florida, is the development of two, vacant 1.5 acre parcels, located between Collins Avenue and the intracoastal waterway to the west.

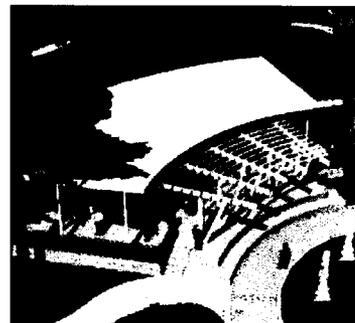
The project included the addition of a 5' tall concrete/CMU screen wall along the southern property line, decorative stone columns and an aluminum picket fence along the Intracoastal Waterway consistent with the City's theme for fencing, benches, trash receptacles, picnic tables with colorful umbrellas, bike racks, paved walkways, site grading, security lighting, landscaping, and irrigation. The project also included the sighting and placement of park

signage and three sculptures provided by the City.

The now completed project provides two new linear passive parks for visitors and neighbors to relax in the sun or shade, throw a Frisbee, kick around a soccer ball or enjoy a walk along the meandering walkway adjacent to the intracoastal waterway. In addition, the park was designed to accommodate a dock facility along the intracoastal to be added in a later phase of development.

3. RELEVANT EXPERIENCE

Sullivan Park
Deerfield Beach, Florida
Estimated completion: 2015



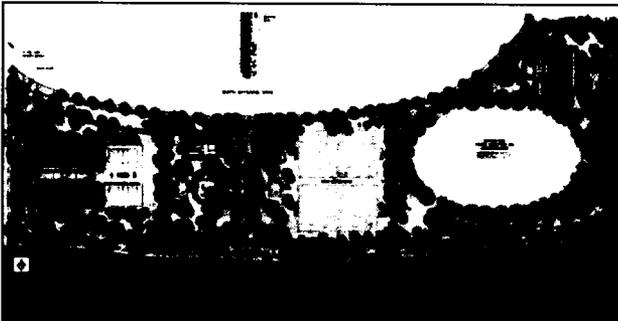
B&A was commissioned by the City of Deerfield Beach to develop alternative master plan concepts for an existing 3-acre, underutilized waterfront park.

Although the existing park was visually isolated due to its location and poorly maintained, the City wished to incorporate the park into redevelopment of the waterfront and the City's new commercial core to the south. With a significant historical background, the site offered an opportunity to educate park users about the colorful history of the community and the role the site played in that history. A primary goal of the park master plan and design was to provide an interpretive program for visitors.

The approved development program for the revitalized park included two playgrounds, a restroom pavillion, picnic shelters, an interactive water feature, a 15-foot-wide waterfront promenade and a new stair tower to connect the site to the bridge leading over to the City's beachfront area. Since the City has limited intracoastal waterfront access, one of the primary goals for the park's redevelopment was to increase public access to the water. This was accomplished by incorporating a small marina along the north shoreline of the park and a floating dock along the east shoreline for safely launching paddle boards and kayaks into the water. Through meetings with City staff and neighboring residents, a final concept design was selected and approved by the CRA.

3. RELEVANT EXPERIENCE

Margaret Pace Park Miami, Florida Completed in 2003



B&A, in conjunction with the City of Miami's Community Redevelopment Agency (CRA), provided the programming, master planning, schematic design, design development and construction documentation for this regional urban park on the City of Miami's waterfront.

The overall park plan includes four tennis courts, two soccer fields, one cricket pitch, covered tot lot and children's playground, exercise stations, street and water oriented urban plazas, waterfront promenade, shoreline stabilization, picnic shelters, site furniture, security lighting and landscape improvements.

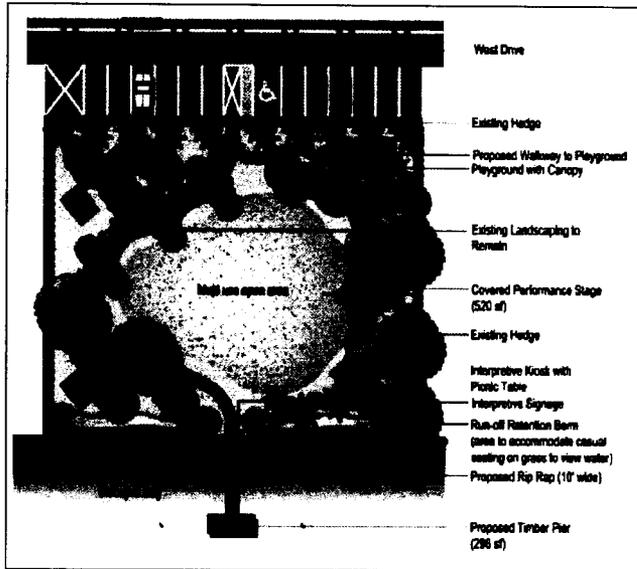
Since the park opened, it has become a social magnet for the community and is popular with all age groups. This urban oasis serves local residents from adjacent high density residential developments and those from other areas of the city.

The incorporation of locally inspired public art provides the park it's own identity and sense of place in the community.

Society of American Registered Architects, Design Award, 2003
Gold Coast American Planning Association Award, 2nd Place, 2003

3. RELEVANT EXPERIENCE

Dr. Paul Vogel Community Park North Bay Village, Florida Completed in 2012



B&A was commissioned to develop a new master plan for this ½-acre waterfront park. The existing park, although popular with local residents, was underutilized and as one of the only public open spaces within the Village, needed to serve all residents.

Fully utilizing the relatively small area of the park, the design for the park incorporates a new performance stage, restrooms, playground, exercise path, picnic shelters and docks for local boating and canoeing enthusiasts. Due to limited funding, the project was specifically designed to be constructed in numerous phases as funds became available for the park's facilities.

With a prime location on the intracoastal waterway, a key objective of the design was to take full advantage of the waterfront location and the spectacular sunsets visible along the seawall. This was accomplished by utilizing berming and landscaping to direct views and provide opportunities for park users to safely enjoy the waterfront location. B&A developed a full set of construction plans for the new park and assisted the Village through the bidding and construction phase of the project.

3. RELEVANT EXPERIENCE

Scavo Park
Hallandale Beach, Florida
Completed in 2014

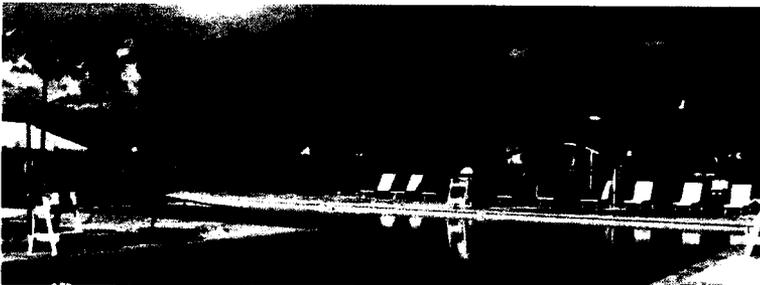
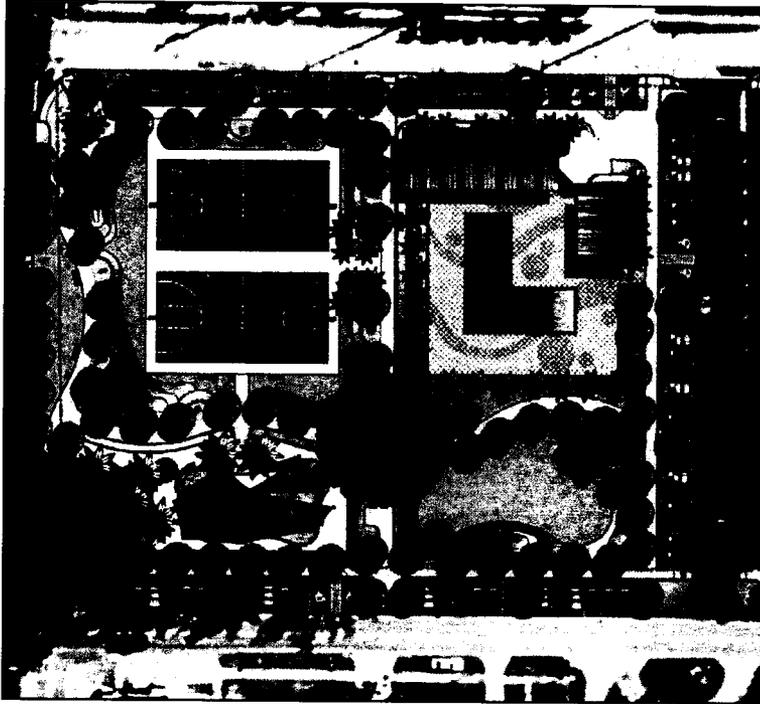


The renovation of this existing 7.25-acre community passive open space was a challenging assignment for our design team, municipal staff and community leaders. The residents were very specific during the master planning process that they desired the park to remain passive with very limited active recreation activities. To accommodate a greater City-wide need for additional recreation space, a compromise was brokered which permitted the inclusion of limited recreation uses including a basketball court, a large covered playground and a new restroom/storage facility.

An extensive tree management plan was necessary in order to create open lawn areas for passive play as well as an organizational tool for walkway alignment. Of particular interest in the development of the park was the inclusion of two dog park areas within the park, while at the same time local ordinances prohibited dogs in parks. Particular care and consideration was used during the site planning process to provide functional access that was acceptable to all.

3. RELEVANT EXPERIENCE

B.F. James Park
Hallandale Beach, Florida
Completed in 2014



This project encompassed the complete redevelopment of an underused, existing neighborhood park through extensive public input and master plan development. From the neighborhood meetings, B&A developed an extensive program for the new park including a new community swimming facility, relocated basketball courts, picnic areas, exercise stations, and an expanded playground for a greater range of age groups. In addition, to meet City code requirements, the park and buildings were designed for LEED Certification. B&A managed the LEED Certification and led the design team through the certification process.

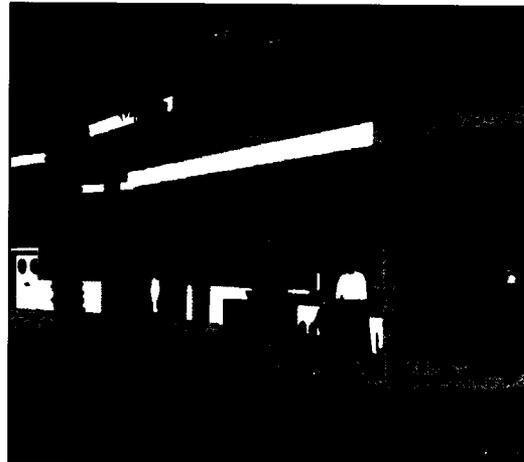
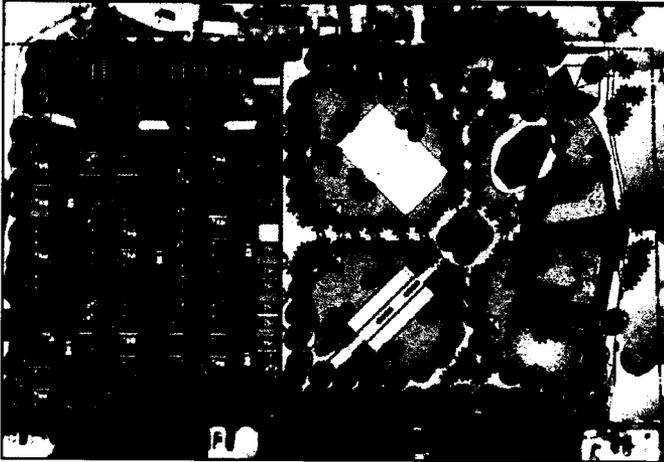
Through the design process, B&A developed various architectural alternatives for the aquatic swim building, a focal point to the park's redevelopment. Although relatively small, the new pool will serve the community's recreational needs and includes a beach entry feature and three lap lanes which can be modified for swim health classes. A new parking lot located along the south side of the park was designed to both improve community access and allow for improved visibility into the park for the police department. The park was designed utilizing numerous CPTED principles to create a safe environment for park users.

3. RELEVANT EXPERIENCE

South City Beach Park

Hallandale Beach, Florida

Estimated completion: 2015



This project includes the complete renovation of one of two beachfront parks in the City. The existing 3.5-acre site, aside from the parking lot, was covered with Category I Invasive Australian Pine Trees that were removed for environmental reasons, making way for a variety of recreational opportunities.

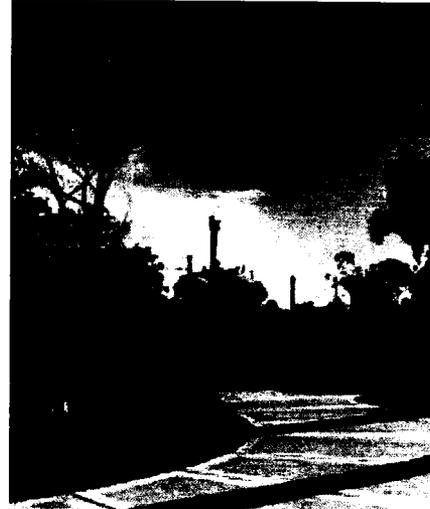
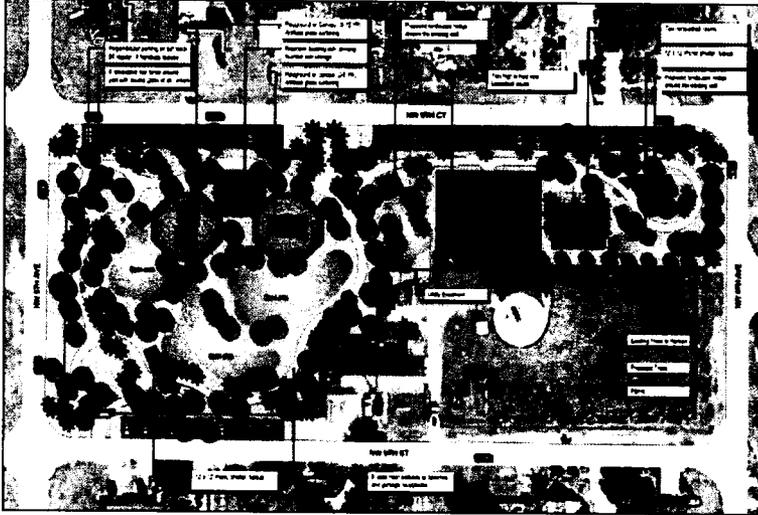
With community input during the master planning process, the park use and amenities were reimagined. The park is divided into four quadrants accessible via bisecting palm shaded walkways. Each quadrant has its own identity and use, from sand volleyball to bocce courts and covered playgrounds with safety surface

to a large beachfront concession and restroom building. This facility is the focal point of the park and is designed as two buildings separated by a breezeway which frames a focused view to the Atlantic Ocean and beachfront. One building is a restroom facility while the other is a built-out shell ready to be leased to a snack bar type vendor/concession.

The project scope included extensive coordination with various permitting agencies and ultimately the acquisition of development permits from Florida Fish and Wildlife and the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems.

3. RELEVANT EXPERIENCE

Wittkop Park Homestead, Florida *Completed in 2012*



The new Wittkop Park includes a number of recreational opportunities and alternatives for local residents. Within the park are two professional level basketball courts, two separate age defined tot lots, two handball courts, a walking trail, picnic areas with shelters, and restroom facilities.

In addition, the park has been provided with convenient on-street parking on both the north and south sides and a new lighting system which provides a safe and attractive environment for

residents at night. Period light fixtures have been selected to light both the on-street parking and all pedestrian walkways in the park.

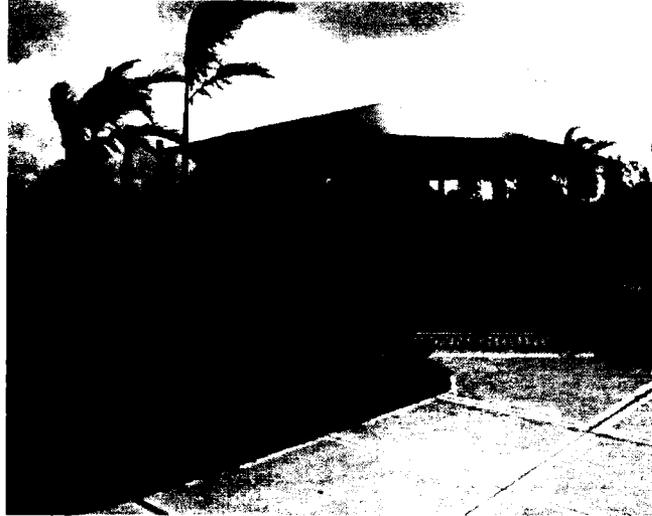
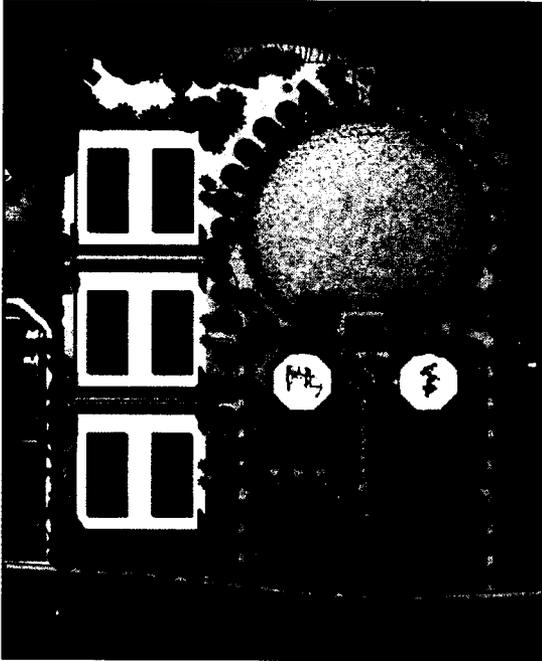
The project is located on 2.5 acres adjacent to the City's Water Tower in Homestead.

3. RELEVANT EXPERIENCE

George Brummer Park (formerly Palm Aire Park)

Pompano Beach, Florida

Completed in 2012



B&A provided landscape architectural, architectural, and engineering services for improvements to George Brummer Park (formerly Palm Aire Park), a community oriented park on the west side of Pompano Beach. The site had previously been utilized as a private tennis club but was sold to the City for use as a public recreation park. Working with the City and local residents, B&A developed multiple design alternatives and presented them at various public workshops and community meetings. After obtaining input from neighboring community organizations and City officials, a final master plan was developed for the park site.

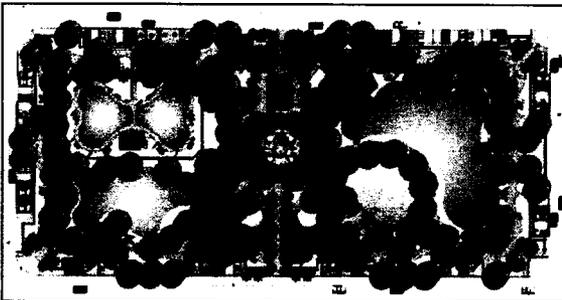
Improvements to the 5-acre parcel included six new tennis courts, two handball courts, two bocce courts, a beach volleyball court, two playgrounds, a basketball court, an outdoor fitness facility, a restroom pavilion and a large waterfront open space for community events and activities. A small parking area was also incorporated into the plan to allow convenient access for the entire community. Once completed, the park became a focal point for local residents of all ages enjoying the extensive opportunities for recreation. B&A also provided construction management services on this project.

3. RELEVANT EXPERIENCE

James Archer Smith Park

Homestead, Florida

Completed in 2009



B&A was awarded a contract to provide the planning, landscape architectural, and architectural designs necessary to renovate and revitalize this 4.70 acre park located in Homestead, Florida. The existing park was underutilized and in a deteriorated state, offering few recreational opportunities except a small playground with outdated equipment and landscaping that was in total disrepair.

In order to breathe new life into this community park, our designers developed a master plan that included the addition of two secured dog parks with specialty canine exercise

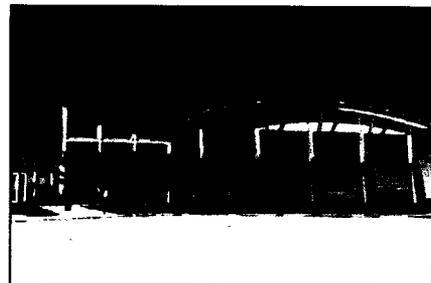
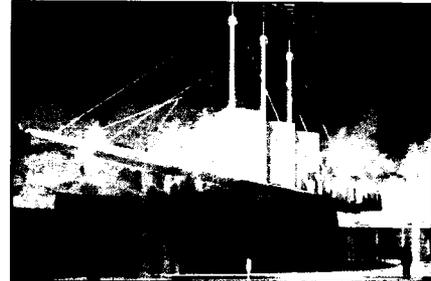
equipment, a children's interactive water feature with an adjacent restroom facility, a playground area utilizing both existing and new playground equipment, a 20-station state-of-the-art exercise system for various age groups, open play and picnic areas with shelters, a peripheral on-street parking layout, extensive landscaping, and both decorative and security lighting throughout the park. Now completed, the park serves as a social focal point for the adjacent community.

3. RELEVANT EXPERIENCE

Harry S. Truman Presidential Park

Key West, Florida

Estimated completion: 2018



B&A was commissioned by the City of Key West to develop an overall master plan for this 23-acre waterfront site adjacent to the historic Fort Zachary Taylor Park and Naval Base. Working with the City, the community, and adjacent neighborhoods, B&A developed an overall plan which would attract both local residents and visitors to the waterfront.

The entire development of the Truman waterfront is envisioned as a water related, park-like environment where the City will enjoy revenue from various commercial components to assist in the expenses of maintaining a worldclass park. The park master plan incorporates a redesigned 50-foot-wide waterfront pedestrian promenade,

a pedestrian bridge to span Admiral's Cut, an open air amphitheater with 200 fixed seats, a renovated Navy Generator Building to be reused as a restaurant, historical museum and public restrooms, an interactive water feature with two adjacent shaded playgrounds, an exercise trail with outdoor exercise stations, a 35,000-SF recreation center with an adjacent synthetic turf multi-purpose athletic and event field, and new horse stables for the Key West Police Department. B&A is presently developing a complete set of construction drawings for the first phase of the project which is expected to cost \$23 million and cover approximately 80% of the site's overall development.

REFERENCES

Proposer shall submit as a part of the proposal package, at least five (5) business references with Project Name/Title, Client Name with Address, Telephone & Fax Numbers, Project Location, Fee Charged, Source of Funds, and Performance Period that have utilized the services being proposed to the City. (*Indicates required information)

Name: City of Pompano Beach CRA
Contact Name: Mr. Horacio Danovich, City Engineer
*Address: 100 West Pompano Boulevard, Pompano Beach, FL 33060
*Telephone No.: (954) 786-7834 *Fax No.: (954) 786-7836
Cell Phone No.: _____ Email: Horcio.Danovich@copbfl.com
Date of Contract: Various

Name: City of Sunny Isles Beach
Contact Name: Ms. Helen Gray, P.E., City Engineer
*Address: 18070 Collins Avenue, Sunny Isles Beach, FL 33160
*Telephone No.: (305) 792-1711 *Fax No.: (305) 949-3113
Cell Phone No.: _____ Email: hgray@sibfl.net
Date of Contract: Various

REFERENCES continued

Name: City of Homestead

Contact Name: Mr. Dennis Maytan, Director of Parks & Public Works

*Address: 650 NE 22nd. Terrace, Homestead, FL 33033

*Telephone No.: (305) 224-4570 *Fax No.: (305) 224-4839

Cell Phone No.: _____ Email: dmaytan@cityofhomestead.com

Date of Contract: Various

Name: City of Deerfield Beach

Contact Name: Ms. Kris Mory, CRA Director

*Address: 150 NE 2nd. Avenue, Deerfield Beach, FL 33441

*Telephone No.: (954) 480-4317 *Fax No.: (954) 480-4268

Cell Phone No.: _____ Email: kmory@deerfield-beach.com

Date of Contract: Various

Name: City of Key West

Contact Name: Mr. Donald Craig, Planning Director

*Address: 3140 Flagler Avenue, Key West, FL 33040

*Telephone No.: (305) 809-3720 *Fax No.: (305) 809-3978

Cell Phone No.: _____ Email: planning@keywestcity.com

Date of Contract: Various

**CITY OF AVENTURA
REQUEST FOR PROPOSAL
14-8-08-2**



PARK DESIGN AND ENGINEERING SERVICES

SUBMITTAL DATE: August 8, 2014 2:00 P.M.

ISSUING DATE: Friday June 27, 2014

TABLE OF CONTENTS

<u>CONTENTS:</u>	<u>PAGE #</u>
FORMAL REQUEST FOR PROPOSAL.....	4
GENERAL INFORMATION	5
ACRONYMS/DEFINITIONS.....	6
REQUEST FOR PROPOSAL.....	9
INTENT	9
BACKGROUND.....	9
SERVICES SOUGHT.....	10
CONTENT OF PROPOSAL	11
EVALUATION OF PROPOSALS.....	12
CITY'S RIGHTS	12
INSURANCE REQUIREMENTS	12
GENERAL REQUIREMENTS	15
NONCONFORMANCE TO CONTRACT CONDITIONS.....	17
ASSIGNMENT	17
AWARD OF PROPOSAL	17
IDENTICAL (TIE PROPOSALS).....	17
PREFERENCE TO LOCAL BUSINESSES	17
HOLD HARMLESS.....	18
CANCELLATION.....	18
DISPUTES	18

ADDENDA, CHANGES OR INTERPRETATIONS DURING BIDDING	18
DEFAULT PROVISIONS.....	19
SECONDARY/OTHER VENDORS	19
CONE OF SILENCE PROVISION.....	19
CAMPAIGN FINANCE RESTRICTIONS ON VENDORS.....	21
PUBLIC ENTITY CRIME/DISQUALIFICATION.....	24
CONFLICTS OF INTEREST	24
RESPONDENT’S CERTIFICATION.....	25
SWORN STATEMENT PURSUANT TO SECTION 287.133(3) (a) FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES.....	27
BUSINESS ENTITY AFFIDAVIT	29
“NO BID OR PROPOSAL” RESPONSE.....	31
REFERENCES.....	32
W-9	34
EXHIBIT A.....	35

**REQUEST FOR PROPOSAL
RFQ # 14-8-08-2
CITY OF AVENTURA**

PARK DESIGN AND ENGINEERING SERVICES

The City of Aventura, Florida, (the "City") is requesting proposals from qualified firms to provide the City with Park Design and Engineering Services. Such proposals, which will be received at the address below, until 2:00 P.M. (EST), Friday, August 8, 2014 at which time they will be opened and read aloud.

**RFP # 14-8-08-2
Office of the City Manager
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180**

Submittals must be received no later than 2:00 P.M. on Friday, August 8, 2014 and clearly marked on the outside "RFP # 14-8-08-2 PARK DESIGN AND ENGINEERING SERVICES. Late submittals will not be accepted.

Interested parties may obtain the Request for Proposal (RFP) package from www.demandstar.com or www.cityofaventura.com/finance/bids.shtml, on or after Friday, June 27, 2014. The RFP package contains detailed information about the Statement of Work, Proposal submission requirements and selection procedure resulting from this RFP.

Any or all questions should be directed to Indra Sarju, Purchasing Agent at (305) 466-8925.

Pursuant to City Code Sec. 2-260 (Ordinance 2002-12), public notice is hereby given that a "Cone of Silence" is imposed concerning this City's competitive purchasing process, which generally prohibits communications concerning the RFP from the time of advertisement of the RFP until the beginning of the City Commission meeting at which the City Manager makes a written recommendation to the City Commission concerning the competitive purchase transaction. Please see the detailed specifications for the public solicitation for services for a statement fully disclosing the requirements of the "Cone of Silence".

The City of Aventura reserves the right to accept or reject any and/or all proposals or parts of proposals, to workshop or negotiate any and all proposals, to waive irregularities and to request re-proposals on the required materials or services.


Eric M. Soroka, ICMA-CM
City Manager

GENERAL INFORMATION

A. SCOPE OF SERVICES

Provide Professional Park Design and Engineering Services.

B. PROPOSAL DUE DATES

Complete proposals are due on Friday, August 8, 2014 at 2:00 P.M. Proposals must be received in the Office of the City Manager by the date and time indicated, with opening immediately following at the City of Aventura, 19200 West Country Club Drive, Aventura, FL 33180.

Proposals should be addressed or delivered to:

RFP # 14-8-08-2
Office of the City Manager
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Questions Concerning this RFP should be directed to:

Ms. Indra Sarju, Purchasing Agent
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180
Phone: (305) 466-8925
Email: sarjui@cityofaventura.com

In order to facilitate review of the proposals, each proposer must submit an original with one (1) CD that contain a single PDF file that contains your entire response in the order as presented in the Proposer document, including any attachments plus three (3) additional copies with CDs of the RFP response on or before the submission deadline indicated herein.

THE RESPONSIBILITY FOR OBTAINING AND SUBMITTING A PROPOSAL TO THE OFFICE OF THE CITY MANAGER ON OR BEFORE THE STATED DATE AND TIME OF:

FRIDAY, AUGUST 8, 2014 AT 2:00 P.M.

IS SOLELY AND STRICTLY THE RESPONSIBILITY OF THE PROPOSER. THE CITY IS NOT RESPONSIBLE FOR DELAYS CAUSED BY ANY MAIL, PACKAGE OR COURIER SERVICE, INCLUDING THE U.S. MAIL, OR CAUSED BY ANY OTHER OCCURRENCE. ANY PROPOSAL RECEIVED AFTER THE DATE AND TIME STATED IN THE SOLICITATION TIMETABLE IN THIS REQUEST FOR PROPOSAL WILL NOT BE OPENED AND WILL NOT BE CONSIDERED. TELEGRAPHIC OR FACSIMILE PROPOSALS SHALL NOT BE CONSIDERED.

Hand-carried Proposals may be delivered to the above address during the City's regular business hours, Monday through Friday, excluding holidays observed by the City, but not beyond the Due Date and Time. Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required information appears on the outer wrapper or envelope used by such service.

The Proposal must be signed by an authorized officer of the Proposer who is legally authorized to enter into a contractual relationship in the name of the Proposer. The submittal of a Proposal by a Proposer will be considered by the City as constituting an offer by the Proposer to perform the required services, and/or provide the required goods, at the price stated by the Proposer.

C. ACRONYMS/DEFINITIONS

For the purposes of this Request for Proposal (RFP), the following acronyms/definitions will be used:

Contract: Shall refer to the Contract that may result from this RFP.

Contractor: The organization(s)/individual(s) that is awarded and has an approved contract with the City for the services identified in this RFP.

City/Owner: City of Aventura or designated representative when appropriate.

Commission: The term Commission as used throughout this document will mean the City Commission of City of Aventura, Florida.

Competitive Solicitation: Means an invitation to bid, a request for proposal, or an invitation to negotiate.

Due Date & Time: Shall refer to the due date and time listed in the Solicitation Timetable of this Solicitation.

Evaluation Committee: An independent committee comprised solely of City representatives established to review proposals submitted in response to the RFP, score the proposals and recommend a Proponent(s).

FSS: Florida State Statutes

May: Indicates something that is not mandatory but permissible.

Offeror: Shall refer to any offerer(s) submitting an Offer in response to this RFP.

Proposal: Shall refer to any offer(s) submitted in response to this RFP.

Proponent: Organization/individual submitting a bid/proposal in response to this RFP.

Proposer: Shall refer to anyone submitting a Proposal in response to the RFP.

Provider or Successful Proposer: ..Shall refer to the Proposer receiving an award as a Result of this RFP.

RFP: Request for Proposal

Request for Proposal, RFP, RFQ or Solicitation

Shall mean this Request for Proposal including all Exhibits and Attachments as approved by the City and amendments or change orders issued by the City.

Responsible Vendor: A vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance

Responsive Bid/Proposal: A bid or proposal or reply submitted by a responsive and responsible vendor that conforms in all material respects to the solicitation.

Shall/Must: Indicates a mandatory requirement. Failure to meet a mandatory requirement will, if material, result in the rejection of a proposal as non-responsive.

Should: Indicates something that is recommended but not mandatory. If the Proponent fails to provide recommended information, the City may, at its sole option, ask the Proponent to provide the information or evaluate the proposal without the information. Failure after demand will result in rejection.

Sub-Contractor & Sub-Consultant: Shall refer to any person, firm, entity, or organization, other than the employees of the Successful Proposer, who contract with the Successful Proposer to furnish labor, or labor and materials, in connection with the Work or Services to the City, whether directly or indirectly, on behalf of the Successful Proposer.

Work, Services, Program, Project or Engagement:

Shall refer to all matters and things that will be required to be done by the Successful Proposer in accordance with the Scope of Work and the Terms and Conditions of this Solicitation.

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REQUEST FOR PROPOSAL

SUBJECT: Park Design and Engineering Services

OPENING DATE & TIME: August 8, 2014 @ 2:00 P.M.

SUBMIT TO: RFP # 14-8-08-2
Office of the City Manager
City of Aventura
19200 West Country Club Drive
Aventura, Florida 33180

RFP NUMBER: 14-8-08-2

INTENT

The City of Aventura, Florida (the "City") is inviting the submission of proposals from qualified firms to provide park design and engineering services for the City.

BACKGROUND

The City has a diverse population of over 37,000 and desires to engage the services of a qualified firm to provide park design and engineering services to design a 1.5 acre waterfront park on the south side of NE 188 Street, opposite the ACES campus.

The City is located in the northeast corner of Miami-Dade County and is approximately 3.5 square miles in size. The City operates the following parks and community facilities:

1. Founders Park: 11 acre multi-use facility that contains an athletic field, two clay tennis courts, fitness course, park building with restrooms, SplashPad interactive water feature playground, 10,000 square foot playground, shelters and parking for 85 cars.
2. Waterways Park: 7 acre multi-use facility that contains a lighted athletic field, 6,500 square foot playground, covered pavilion, outdoor basketball court, exercise path with fitness course, park office building and parking for 85 cars.
3. Veterans Park: 2 acre facility with playground and open field play areas and parking for 23 cars.
4. Waterways Dog Park: 1.5 acre park for leash free park for pets and parking for 20 cars.
5. Don Soffer Exercise Fitness Trail: 3.1 mile paved exercise trail with benches, chilled water fountains, trash cans and ground lighting.

6. Aventura Community/Recreation Center: This membership based 25,000 square foot facility has two multi-purpose classrooms, computer center, arts and crafts room, NCAA gymnasium, aerobics room, and fitness center in a park setting on the Intracoastal Waterway.
7. Aventura City of Excellence School: This K-8 school is located adjacent to the Community Recreation Center and is where summer camp takes place.

SERVICES SOUGHT

The scope of services sought shall include but not be limited to providing municipal park design and engineering services on a contractual basis for the property described on **Exhibit "A"**. Areas of expertise should include the following:

- Park Planning and Design
- Civil Engineering, Surveying and Permitting
- Landscape Architecture
- Project Management, Construction Supervision and Cost Estimating
- Environmental Engineering

In order to facilitate review of the proposals, each proposer must submit an original with one (1) CDs that contain a single PDF file that contains your entire response in the order as presented in the Proposer document, including any attachments plus three (3) additional copies with CDs of the RFP response on or before the submission deadline indicated herein.

Submittals shall be received no later than 2:00 P.M. on Friday August 8, 2014 and clearly marked on the outside **"RFP # 14-8-08-2 PARK DESIGN AND ENGINEERING SERVICES PROPOSAL"**.

**OFFICE OF THE CITY MANAGER
CITY OF AVENTURA
19200 WEST COUNTRY CLUB DRIVE
AVENTURA FL 33180**

The proposal shall include the following information at a minimum.

1. Qualifications of firm and principals, including but not limited to: firm's history; number of years in business; local availability of key personnel; demonstrated ability to cooperate with local municipal agencies; comply with all applicable laws and regulations.
2. Provide all necessary licenses and permits relating to performing all services requested by the City.

3. The successful firm will be required to meet with any involved City department upon request by the City Manager or his designee. The successful firm's project manager will be available to resolve any related issues that arise during the normal course of providing the requested services. The successful firm will be expected to coordinate and communicate effectively with designated City personnel. The frequency, nature, scope, and definition of the services desired by the City may change from time to time, at the City's sole discretion.

This solicitation, although described as a Request for Proposals, shall serve as a request for qualifications pursuant to Sec. 287.055, F.S.

CONTENT OF PROPOSAL

Please submit the following information, with responses numbered accordingly, on 8.5" x 11" sheets:

1. Name, address, telephone, fax number and email address of your firm.
2. Type of organization (i.e., individual, partnership, corporation, joint venture, etc.), year established, and address of home office if different than above.
3. Principals of the firm.
4. Name and title of person who will be responsible for City account.
5. Name, function, and qualifications of personnel in the organization who will be involved in this project. Please note, to receive further consideration, the contact person or project manager assigned to this project must, within the past five (5) years, have conducted or been solely responsible for providing professional design and engineering services in a similar environment.
6. General, workers' compensation, automobile and professional liability insurance company name, and extent of coverage.
7. A complete list of present clients and at least three (3) letters of recommendation.
8. Any other information you feel is appropriate to assist in the selection process.
9. Respondents must submit one (1) original and three (3) copies of the proposal.

EVALUATION OF PROPOSALS

1. A Review Committee consisting of the City Manager, Finance Director, and the Community Services Director will evaluate the written proposals. Evaluation will include the following criteria:
 - ✓ Qualification and experience of personnel who will be directly involved in all elements of the work.
 - ✓ Firm size, age, and organizational structure.
 - ✓ Financial stability of firm.
 - ✓ Firm's experience with park design and engineering services that is similar to the requests of this RFP.
 - ✓ Proven ability of firm to effectively provide professional park design and engineering services, including any innovative ideas.

The evaluation process and criteria which are utilized by City shall comply with Sec. 287.055, F.S., as applicable.

2. The highest ranked proposals will be identified and those firms will be requested to make a formal presentation before the selection committee. The selected firms will then be ranked according to the content of their presentations. The City Manager will then recommend that the City Commission adopt a resolution authorizing the City Manager to negotiate an agreement with the highest-ranking firm to provide park design and engineering services for the City.

CITY'S RIGHTS

The City reserves the right to accept or reject any and/or all proposals or parts of proposals, to workshop or negotiate any and all proposals, to waive irregularities, and to request re-proposals on the required materials or services. The City Commission shall make a final determination and award of proposal(s).

All materials submitted in response to the RFP become the property of the City and will be returned only at the option of the City. The City has the right to use any or all ideas presented in any response to the RFP, whether amended or not, and selection or rejection of the Proposal does not affect this right, provided however, that any submittal that has been submitted to the City Manager's Office may be withdrawn prior to submittal opening time stated herein, upon proper identification and signature releasing submittal documents back to the proposing firm.

INSURANCE REQUIREMENTS

Such policy or policies shall be without any deductible amount unless otherwise noted in this Agreement and shall be issued by approved companies authorized to do business in the State of Florida, and having agents upon whom service of process may be made in Miami-Dade County, Florida. The vendor shall pay all deductible amounts, if any. The vendor shall specifically protect the City and by naming the "City of Aventura" as

additional insureds under the Commercial Liability Policy as well as on any Excess Liability Policy coverage. The official title of the certificate holder is the "City of Aventura." This official title shall be used in all insurance documentation.

The Contractor shall purchase and maintain, in full force and effect for the life of the contract, at contractor's sole expense, the following insurance policies:

1. A business automobile policy (including automobile liability, garage keepers, and garage liability) which covers any vehicles used in connection with this agreement, regardless of whether the vehicle is owned, rented, hired or borrowed by the contractor. Minimum limits for bodily/property damage liability shall be One Million Dollars (\$1,000,000) per occurrence. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office, and must include:

Owned Vehicles, if applicable.

Hired and Non-Owned Vehicles, if applicable.

Employers' Non-Ownership, if applicable.

2. A Comprehensive general liability policy shall be provided which shall contain minimum limits of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) combined single limit for bodily injury liability and property damage liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Commercial General Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office and must include:

Premises and/or operations and independent contractors. Products and/or Completed Operations for contracts. Broad Form Contractual Coverage applicable to this specific Agreement, including any hold harmless *and/or* indemnification agreement.

Personal Injury Coverage with Employee and Contractual Exclusions removed, with minimum limits of coverage equal to those required for Bodily Injury Liability and Property Damage Liability.

3. A workers' compensation and employer's liability policy which covers all of the contractor's employees to be engaged in work on this contract as specified by and in accordance with Chapter 440, Florida Statutes, as may be amended from time to time, the "Workers' Compensation Law" of the State of Florida, and all applicable federal laws. In addition, the policy(ies) must include:

Employers' Liability with a limit of One Hundred Thousand Dollars (\$100,000) each accident.

The contractor acknowledges that the City will not be held responsible for Workers' Compensation or medical care for any/all of the contractor's employees.

4. A crime policy or fidelity bond covering, among other things: theft, employee dishonesty, or embezzlement. The policy or bond shall have minimum limits of Five Hundred Thousand Dollars (\$500,000) per occurrence.

The City of Aventura shall be named as additional insured on policies listed as 1-4 of the contractor's above required policies of insurance except for the Workers' Compensation insurance. The form and types of coverage and sufficiency of insurer shall be subject to approval of the City Manager.

The contractor agrees to indemnify, defend and hold harmless the City of Aventura from and against any and all claims, suits, judgments, executions, and/or liabilities as to bodily injuries and/or property damages which arise or grow out of this contract or contractors performance or operations hereunder. Notwithstanding any other provisions of this solicitation, it is hereby provided that to the extent that Sec. 725.08, F.S., is applicable, the selected contractor/ vendor shall indemnify and hold harmless the City and City's officers and employees solely to the fullest extent authorized by Sec. 725.08(1), F.S., which shall be deemed to be incorporated herein.

The contractor shall, in its contract with the City, be required to indemnify and hold harmless the City and its officers, agents, employees and instrumentalities from any and all liability, claims, liabilities, losses, and causes of action, including attorneys' fees and costs of defense which the City or its officers, employees, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind of nature arising out of, or relating to or resulting from the provision of professional services by the contractor and/or its officers, employees, agents or independent contractors. The contractor shall be required to pay all claims and losses in connections therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments and attorneys' fees which may issue thereon. The City shall require that the contractor expressly understands and agrees that any insurance protection required by this agreement or otherwise provided by the contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City and its officers, employees, agents or instrumentalities as herein provided.

Copies of all policies or certificates of such insurance shall be delivered to the City, and said documentation shall provide for the City to be notified a minimum of thirty (30) days prior to any cancellation, termination, reduction or non-renewal of any required insurance policy.

The Contractor shall also, upon request by the City, provide copies of all official receipts and endorsements as verification of contractor's timely payment of each insurance policy premium as required by this contract.

Coverage is not to cease and is to remain in force (subject to cancellation notice) until all performance required of the vendor is completed. All policies must be endorsed to provide the City with at least thirty (30) days' notice of expiration, cancellation, and/or restriction. If any of the insurance coverages will expire prior to the completion of the work, copies of renewal policies shall be furnished at least thirty (30) days prior to the date of their expiration.

The City reserves the right to review and revise any insurance requirements at the time of renewal or amendment of this Agreement, including, but not limited to, deductibles, limits, coverage, and endorsements based on insurance market conditions affecting the availability or affordability of coverage, or changes in the scope of work or specifications that affect the applicability of coverage. If the vendor uses a subcontractor, then the vendor shall ensure that subcontractor names the City as an additional insured.

GENERAL REQUIREMENTS

- A. Proposers must have been in business for a period of no less than five (5) years. In the event of a joint venture, at least one (1) of the entities must have been in business for a period of no less than five (5) years.
- B. The original proposal with CDs and three (3) additional copies of the RFP response must be furnished on or before the submission deadline indicated herein.
- C. Costs of preparation of a response to this RFP are solely those of the Proposer's. The City of Aventura assumes no responsibility for any such costs incurred by the Proposer's.
- D. Proposing team members responding to this RFP must be present at the presentation to the Selection Committee. The Committee will conduct no phone interviews.
- E. The contents of the written proposal of the successful firm will become part of the contractual obligations.
- F. Proposers shall respond to each item in the Content Proposal Section.
- G. Proposals shall be typed or printed. All corrections made by the Proposer prior to the initial screening must be initialed and dated by the Proposer. No changes or corrections will be allowed after the initial screening of proposals has commenced.

- H. The City of Aventura reserves the right to accept or reject any or all proposals, with or without cause, to waive technicalities, or to accept the proposal which, in its sole judgment, serves the best interest of The City of Aventura.
- I. Any person submitting a proposal in response to this invitation must execute Form PUR.7068. SWORN STATEMENT UNDER SECTION 287.133(A), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES, including proper check(s) in the space provided, and enclosed said form with the proposal (See attached for blank form).
- J. The City reserves the right to issue modifications or addenda to more fully meet the needs of the City.
- K. By submitting a proposal, the Proposer certifies that he or she has fully read and understands the proposal method and has full knowledge of the scope, nature, and quality of work to be performed.
- L. The City reserves the right to negotiate modifications to proposals that it deems acceptable, reject any and all proposals, and to waive minor irregularities in the procedure.
- M. All firms submitting a proposal shall document the date and time they visited the project site.
- N. All proposals submitted shall be binding for one hundred twenty (120) calendar days following opening. Proposals should be prepared simply and economically, providing a straightforward, concise description of the Proposer's ability to fulfill the requirements of the proposal.
- O. In accordance with Chapter 119 Florida Statutes (Public Records Law), and except as may be provided by other applicable State and Federal Law, all Proposers should be aware that Request for Proposals or Request for Qualifications and the responses are public record. All proposals received in response to this Request for Proposal or Request for Qualifications will become the property of the City of Aventura and will not be returned to the Proposers. In the event of contract award, all documentation produced as part of the contract will become the property of the City.

NONCONFORMANCE TO CONTRACT CONDITIONS

Services offered must be in compliance with RFQ/RFP conditions and specifications and any resulting agreement at all times. Services not conforming to RFQ/RFP conditions, specifications or time frames may be terminated at proposer(s) expense and acquired on the open market. Any increase in cost may be charged against the proposer.

ASSIGNMENT

The contractor shall not transfer or assign the performance required by this proposal without the City's prior written consent. Any award issued pursuant to this proposal invitation and monies which may be payable by the City, are not assignable except with the City's prior written approval.

AWARD OF PROPOSAL

The City reserves the right to accept or reject any and/or all proposals or parts of proposals, to workshop or negotiate any and all proposals, to waive irregularities, and to request new proposals on the required materials or services. The City also reserves the right to award the contract on a split order basis, group by group or item by item, or such combination as will best serve the interests of the City unless otherwise stated. The City also reserves the right to waive minor variations to the specifications (interpretation of such to be made by the applicable department personnel). Final determination and award of proposal (s) shall be made by the City Commission.

IDENTICAL (TIE PROPOSALS)

Shall be awarded by the City in compliance with Florida State Statutes providing for a drug free workplace and also City Ordinance #96-07; that is, in the event of an identical tie bid, a preference shall be given to a business having a drug free workplace under Florida State Statute 287.087, as amended. Failure to provide proof of compliance when requested shall be just cause for rejection of the proposal as determined by the City, holding the City harmless for such rejection.

PREFERENCE TO LOCAL BUSINESSES

Pursuant to Section 1(G), of Ordinance No. 96-07, "businesses located within the (corporate limits) of the City shall receive a preference bonus of 10% or 10 points during the tabulation of bid proposals."

HOLD HARMLESS

All proposers shall hold the City, its officials and employees harmless and covenant not to sue the City, its officials and employees from their decisions to reject, award or not award a proposal, as applicable.

CANCELLATION

Failure on the part of the vendor to comply with the conditions, specifications, requirements and terms as determined by the City, shall be just cause for cancellation of the award, with the vendor holding the City harmless.

DISPUTES

If any dispute concerning a question of fact arises under this contract, other than termination for default or convenience, the dispute will be handled in accordance with Section 2-259 of the City Code.

ADDENDA, CHANGES OR INTERPRETATIONS DURING BIDDING

Any inquiry or request for interpretation received five (5) or more days prior to the date fixed for the opening of the proposals will be given consideration. All such changes or interpretations will be made in writing in the form of an addendum and, if desired, will be mailed or sent by available means to all known prospective proposers not later than the established proposal opening date. Each prospective proposer shall acknowledge receipt of such addenda by including it in the proposal form. In case any proposer fails to include such addenda or addendum, his proposal will nevertheless be considered as though it had been received and acknowledged and the submission of his proposal will constitute acknowledgement of the receipt of same. All addenda are a part of the contract documents and each proposer will be bound by such addenda, whether or not received by him. It is the responsibility of each prospective proposer to verify that he has received all addenda issued before proposals are opened.

Any questions regarding the specifications may be directed to the Finance Department, Indra Sarju, Purchasing Agent, located at 19200 W. Country Club Drive, Aventura, FL 33180, (305) 466-8925. Under no circumstances will the City accept facsimile transmissions in lieu of a sealed proposal. Any proposals received in the above manner will be deemed unresponsive and a "no proposal" will be entered for the proposer.

No verbal or written information which is obtained other than by information in this RFP or by Addenda to this RFP shall be binding on the CITY.

DEFAULT PROVISIONS

In case of default by the proposer or contractor, the City may cancel the service agreements, procure the articles or services from other sources and hold the proposer or contractor responsible for any excess costs occasioned or incurred thereby.

SECONDARY/OTHER VENDORS

The City reserves the right in the event the primary proposer cannot provide an item(s) or Service(s) in a timely manner as requested, to contact the second best proposer of this RFP to perform said service. If the secondary contractor is unavailable, the City reserves the right to seek and obtain other sources without thereby violating the intent of the contract.

CONE OF SILENCE PROVISION

- A. Notwithstanding any other provision of these specifications, the provisions of City Code Sec. 2-260 "Cone of Silence" are applicable to this transaction. The "Cone of Silence," as used herein, means a prohibition on any communication regarding a particular Request For Proposal ("RFP"), Request for Qualification ("RFQ") or bid, between:
- a potential vendor, service provider, proposer, bidder, lobbyist, or consultant, and
 - the City Commission, City's professional staff including, but not limited to, the City Manager and his or her staff, any member of the City's selection or evaluation committee.
- B. The Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid.
- C. The Cone of Silence shall terminate at the beginning of the City Commission meeting at which the City Manager makes his or her written recommendation to the City Commission. However, if the City Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation.
- D. The Cone of Silence shall not apply to:
- (1) oral communications at pre-bid conferences;
 - (2) oral presentations before selection or evaluation committees;

- (3) public presentations made to the City Commissioners during any duly noticed public meeting;
- (4) communications in writing at any time with any City employee, unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the City Clerk. The City Clerk shall make copies available to any person upon request;
- (5) communications regarding a particular RFP, RFQ or bid between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the City's Purchasing Agent or City employee designated responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
- (6) communications with the City Attorney and his or her staff;
- (7) duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the City Manager makes his or her written recommendation;
- (8) any emergency procurement of goods or services pursuant to City Code;
- (9) responses to the City's request for clarification or additional information;
- (10) contract negotiations during any duly noticed public meeting;
- (11) communications to enable City staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the City's professional staff including, but not limited to, the City Manager and his or her staff are in writing or are made at a duly noticed public meeting.

E. Please contact the City Attorney for any questions concerning Cone of Silence compliance.

F. Violation of the Cone of Silence by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable by the City Commission and/or City Manager.

CAMPAIGN FINANCE RESTRICTIONS ON VENDORS

- A. Pursuant to Ordinance 2005-14; City Code Section 2-420, vendors of the City are prohibited from in any way providing campaign contributions to City Commission candidates.
- B. City Code Sec. 2-420. Prohibited campaign contributions by vendors.
- (a) *General, prohibition, disqualification, definitions.*
- (1) a. No vendor shall give, solicit for, deliver or provide a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the Offices of Mayor or Commissioner. Commencing on the effective date of this article, all proposed City contracts, as well as requests for proposals (RFP), requests for qualifications (RFQ), requests for letters of interest (RFLI), invitations to submit qualifications (ISQ) or solicitations of bids issued by the City, shall incorporated notice of this section so as to notify potential vendors of the proscription embodied herein.
- b. No candidate or campaign committee of a candidate for the Offices of Mayor or Commissioner, shall deposit into such candidate's campaign account any campaign contribution which is received directly or indirectly from a vendor or which such candidate or campaign committee knows or should know was solicited by or for a vendor or delivered or provided for a vendor. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming through examination of the official vendor list which is posted on the City of Aventura website to verify the vendor status of any potential contributor. A candidate or the campaign committee of a candidate shall not be in violation of this subsection if the vendor ways' not listed as a vendor in the City website at the time that the contribution was received or deposited so long as the candidate or the campaign committee of a candidate did not know that the person or entity was a vendor of the City.
- (2) Each prohibited act of giving, soliciting for, delivering or providing a campaign contribution or depositing a campaign contribution in violation of this section shall constitute a separate violation. All contributions deposited into a candidate's campaign account in violation of this section shall be forfeited to the City's general revenue fund.
- (3) a. A person or entity, other than a then existing vendor, who directly or indirectly makes a campaign contribution to a candidate who is elected to the office of Mayor or Commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the City. A then existing vendor who directly or indirectly makes a contribution to a candidate who is elected to the Office of Mayor or Commissioner, shall be disqualified from serving as a vendor with the City for a period of 12 months from a final finding of a violation of this section, or from the time of action on a waiver request by the City Commission pursuant to subsection (b) below, in the event that a

waiver is sought by the vendor. In the event that such waiver request for a particular transaction is granted, the affected vendor shall nonetheless be disqualified from serving as a vendor with the City as to any other goods, equipment or services to be provided by the vendor to the City, beyond the vendor goods, equipment or services which are the subject matter of any waiver which is granted. In the event such waiver request is denied for a particular transaction the 12-month disqualification period shall continue to apply to both the particular transaction for which the waiver was sought, as well as all other vendor activities for the provision of goods, equipment or services to the City during that 12-month period.

b. For purposes of this section, the term "disqualified" shall be defined to include:

1. Termination of a contributor/vendor's existing contracts with the City, subject to the applicable waiver provisions of subsection (b) herein; and
2. Disqualification of a contributor's response to solicitation requests for prospective vendor contracts with the City, subject to the applicable waiver of subsection (b) herein.

(4) As used in this section:

a. *Vendor.*

1. A "vendor" is a person and/or entity who has been selected by the City as the successful bidder on a present or pending bid to provide to the City goods, equipment or services, or has been approved by the City of a present or pending award to provide to the City goods, equipment or services, prior to, upon or following execution of a contract, or purchase order.

2. "Vendor" shall include natural persons and/or entities who hold a controlling financial interest in a vendor entity. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm. The term "firm" shall mean a corporation, partnership, business trust or any legal entity other than a natural person.

3. "Vendor" shall not include City officers or employees.

4. For purposes of this section, "vendor" status shall terminate upon completion of performance of the agreement for the provision of goods, equipment or service.

b. *Services.* For purposes of this section, the term "services" shall mean the rendering by a vendor through competitive bidding or otherwise, of labor, professional and/or consulting services to the City, including, but not limited to, the provision of lobbying services to the City.

c. *Campaign contributions.* The term "campaign contribution" shall have the meaning which is ascribed to the term "contributions" pursuant to F.S. § 106.011, as amended.

(b) *Waiver of prohibition.*

(1) *Criteria for waiver.* The requirements of this section may be waived by the affirmative vote of five members of the City Commission for a particular transaction after a public hearing, upon finding that:

a. The goods, equipment or services to be involved in the proposed transaction are unique and the City cannot avail itself of such goods, equipment or services without entering into a transaction which would violate this section but for waiver of its requirements; or

b. The business entity involved in the proposed transaction is the sole source of supply as determined by the City Manager in accordance with procedures established by the City Manager; or

c. An emergency contract (as authorized by subsection 2-253(5) of this Code) must be made in order to protect the health, safety or welfare of the citizens of the City; or

d. A contract for the provision of goods, equipment or services exists which, if terminated by the City would be substantially adverse to the best economic interests of the City.

(2) *Limited waiver.* Notwithstanding the denial of the City Commission of a waiver request regarding the provision of goods, equipment or services under an existing contract pursuant to subsection (b)a. above, the City Commission, may by the affirmative vote of five members of the City Commission after a public hearing, grant a limited waiver concerning an existing contract for the provision of goods, equipment or services between a vendor and the City upon finding that in order to protect the health, safety and welfare of the citizens of the City, it is necessary that the affected contract be continued for a limited duration (not to exceed a period of six months) in order for the City to obtain a replacement vendor.

(3) *Full disclosure.* Any grant of a waiver or limited waiver by the City Commission must first be supported with a full disclosure of the subject campaign contribution.

(c) *Implementation.* The City Manager is authorized to adopt additional procurement procedures for goods, equipment or services to implement this section. These procedures shall provide for the assembly, maintenance and posting of an official City vendor list as referenced above.

(d) *Penalty.* The Ethics Commission created pursuant to Miami-Dade County Ordinance 97-105, shall have primary jurisdiction for enforcement of this section. A finding by the Ethics Commission that a person violated this section, shall subject such person to an admonition or public reprimand and/or a fine of \$250.00 for the first violation, and \$500.00 for each subsequent violation.

(e) *Applicability.* This section shall be applied only prospectively to campaign contributions which are made after the date of this section.

(Ord. No. 2005-14, § 3, 10-11-05)

PUBLIC ENTITY CRIME/DISQUALIFICATION

Pursuant to Section 287.133(3)(a), Florida Statute all proposers are advised as follows:

“A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.”

CONFLICTS OF INTEREST

The award of any contract hereunder is subject to the provisions of Chapter 112, Florida State Statutes. BIDDER's must disclose with their Bids, the name of any officer, director, partner, associate or agent who is also an officer or employee of the City of Aventura or its agencies.

THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK

RESPONDENT'S CERTIFICATION

RFP # 14-8-08-2

PROVIDE PARK DESIGN AND ENGINEERING SERVICES

I have carefully examined the Request for Proposal.

I hereby propose to furnish the services specified in the Request for Proposal. I agree that my submittal will remain firm for a period of at least 120 days in order to allow the City adequate time to evaluate the submittals and determine a ranking of the most qualified firms.

I certify that all information contained in this submittal is truthful. I further certify that I am duly authorized to provide this submittal on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

I further certify, under oath, that this submittal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation tendering a submittal for the same service, that no officer, employee or agent of the City of Aventura or any other respondent is interested in said submittal; and that the undersigned executed this Respondent's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

Addendum # ___ Dated _____
Addendum # ___ Dated _____
Addendum # ___ Dated _____

NAME OF BUSINESS

SIGNATURE

NAME & TITLE, TYPED OR PRINTED

MAILING ADDRESS

CITY, STATE, ZIP CODE

(____) _____

TELEPHONE NUMBER

FAX NUMBER

EMAIL ADDRESS

STATE OF)
) SS
COUNTY OF)

The foregoing instrument was sworn to and subscribed before me this ____ day of _____, 20____ by _____ who is personally known to me or produced _____ as identification.

NOTARY PUBLIC, State of _____

Print Name: _____

Commission No.: _____

Commission Expires: _____

**SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a),
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE
PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICAL
AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the **CITY OF AVENTURA, FLORIDA**

By: _____
(print individual's name and title)

For: _____
(print name of entity submitting sworn statement)

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____
(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____ - _____ - _____.)

2. I understand that a "public entity crime" as defined in Paragraph 287.133 (1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentations.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133 (1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or non contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
1. A predecessor or successor of a person convicted of a public entity crime; or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers' directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, and partners. Shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement, which I have marked below, is true in relations to the entity submitting this sworn statement. (Indicate which statement applies).
- Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
 - The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
 - The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

Signature

Sworn to and subscribed before me this _____ day _____, 20__.

Personally known _____

OR _____ Name of Notary
 Produced identification _____ Notary Public – State of _____

BUSINESS ENTITY AFFIDAVIT
(VENDOR/BIDDER DISCLOSURE)

I, _____, being first duly sworn
State:

The full legal name and business address of the person(s) or entity contracting or transacting business with the City of Aventura ("City") are (Post Office addresses are not acceptable), as follows:

Federal Employer Identification Number (If none, Social Security Number)

Name of Entity, Individual, Partners or Corporation

Street Address Suite City State Zip Code

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contact or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who holds directly or indirectly five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full legal name and address shall be provided for each trustee and each beneficiary. All such names and addresses are (Post Office addresses are not acceptable), as follows:

<u>Full Legal Name</u>	<u>Address</u>	<u>Ownership</u>
_____		%
_____		%
_____		%

The full legal names and business address of any other individual (other than subcontractors, material men, suppliers, laborers, or lenders) who have, or will have, any interest (legal equitable, beneficial or otherwise) in the contract or business transaction with the City are (Post Office addresses are not acceptable), as follows:

Signature of Affiant _____
Date

Print Name

Sworn to and subscribed before me this _____ day of _____, 20 ____.

Personally known _____

OR _____

Produced identification _____

Type of identification

Notary Public

Notary Public – State of _____

My Commission expires:

*Printed, typed or stamped
commissioned*

**CITY OF AVENTURA
"NO BID or PROPOSAL" RESPONSE**

If your firm is unable to submit a bid, please complete and return this form prior to date shown for receipt of proposal, and return to:

CITY OF AVENTURA

We have declined to propose on **RFP # 14-8-08-2**, for the following reasons:

- _____ We do not offer this service/product
- _____ Our schedule would not permit us to perform
- _____ Unable to meet specifications
- _____ Unable to meet bond/insurance requirements
- _____ Specifications unclear (please explain below)
- _____ Other (please specify below)

REMARKS _____

Typed Name and Title

Company Name

Address

Business Phone Fax Number

REFERENCES

Proposer shall submit as a part of the proposal package, at least five (5) business references with Project Name/Title, Client Name with Address, Telephone & Fax Numbers, Project Location, Fee Charged, Source of Funds, and Performance Period that have utilized the services being proposed to the City. (*Indicates required information)

Name: _____

Contact Name: _____

*Address: _____

*Telephone No.: _____ *Fax No.: _____

Cell Phone No.: _____ Email: _____

Date of Contract: _____

Name: _____

Contact Name: _____

*Address: _____

*Telephone No.: _____ *Fax No.: _____

Cell Phone No.: _____ Email: _____

Date of Contract: _____

REFERENCES continued

Name: _____

Contact Name: _____

*Address: _____

*Telephone No.: _____

*Fax No.: _____

Cell Phone No.: _____

Email: _____

Date of Contract: _____

Name: _____

Contact Name: _____

*Address: _____

*Telephone No.: _____

*Fax No.: _____

Cell Phone No.: _____

Email: _____

Date of Contract: _____

Name: _____

Contact Name: _____

*Address: _____

*Telephone No.: _____

*Fax No.: _____

Cell Phone No.: _____

Email: _____

Date of Contract: _____

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)	Social security number																				
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3. Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; height: 20px;"></td> </tr> </table>																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;">Employer identification number</td> </tr> <tr> <td style="width: 30px; height: 20px;"></td> </tr> </table>	Employer identification number																			
Employer identification number																					

Part II Certification
Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined below), and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.
Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:
1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
 2. Certify that you are not subject to backup withholding, or
 3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

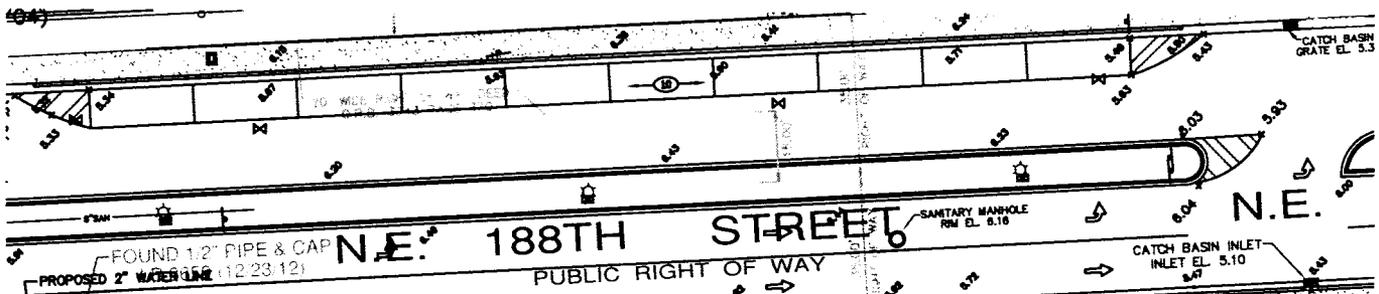
Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

EXHIBIT A

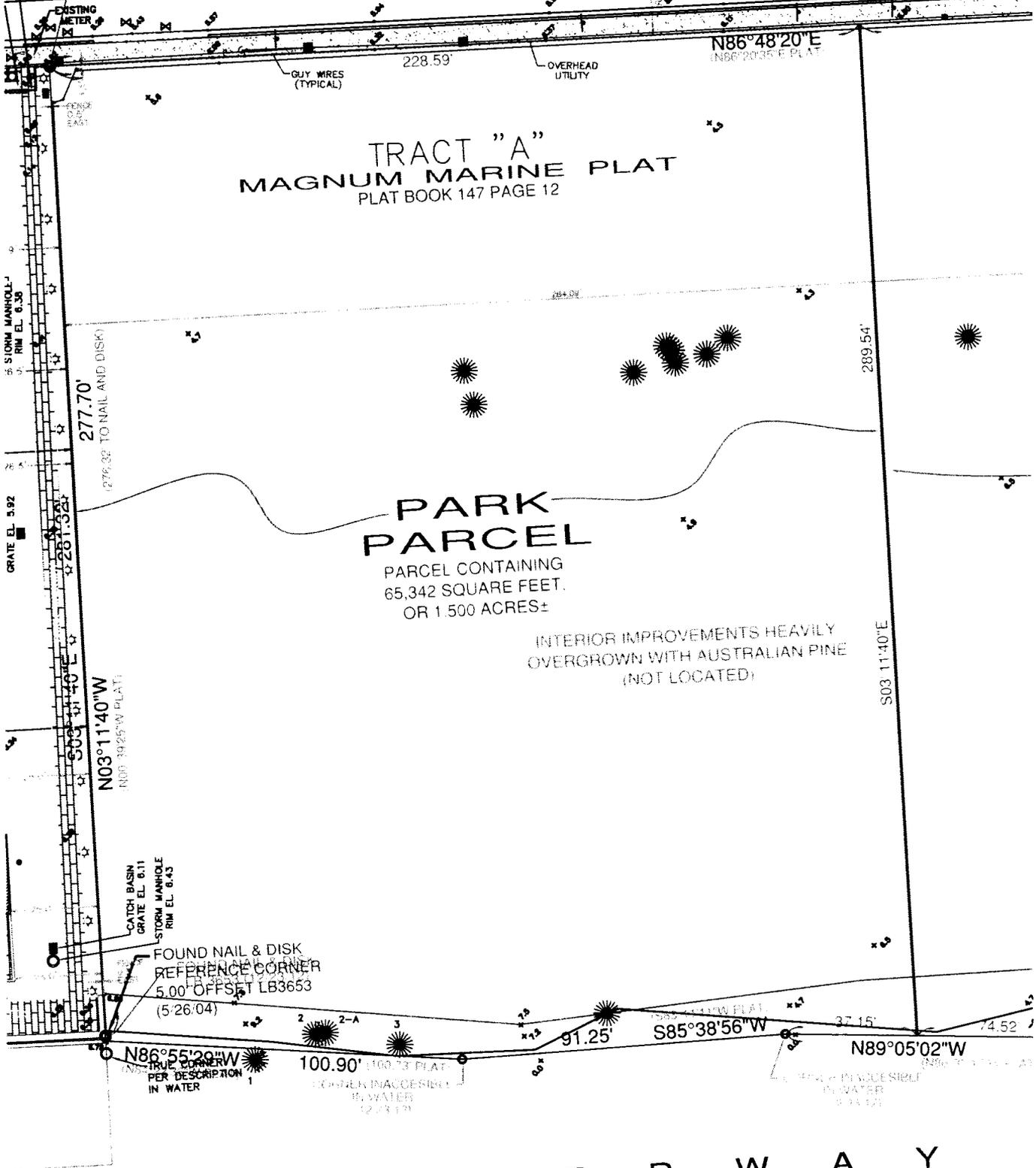


TRACT "A"
MAGNUM MARINE PLAT
PLAT BOOK 147 PAGE 12

PARK
PARCEL

PARCEL CONTAINING
65,342 SQUARE FEET.
OR 1.500 ACRES±

INTERIOR IMPROVEMENTS HEAVILY
OVERGROWN WITH AUSTRALIAN PINE
(NOT LOCATED)



W A T E R W A Y

EASEMENT OVER AND ACROSS CANAL PER
O.R.B. 12226 PAGE 2800 AS MODIFIED BY
CANAL SETTLEMENT AGREEMENT PER O.R.B.
15624 PAGE 3460 AND O.R.B. 16382 PAGE
104 & O.R.B. 3507 PAGE 579.

RESOLUTION NO. 2014-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA SELECTING THE FIRM OF BERMELLO AJAMIL & PARTNERS, INC. TO PROVIDE PARK DESIGN AND ENGINEERING SERVICES FOR THE PROPOSED NE 188TH STREET PARK IN ACCORDANCE WITH RFP NO. 14-8-08-2; AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS AND FEES FOR SAID SERVICES; AUTHORIZING NEGOTIATIONS WITH AN ALTERNATE FIRM TO PERFORM THE REQUIRED SERVICES SHOULD NEGOTIATIONS WITH SELECTED FIRM BE UNSUCCESSFUL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Aventura, in accordance with applicable state law, has requested proposals from firms to provide park design and engineering services for the proposed NE 188th Street Park; and

WHEREAS, said proposals were evaluated by a Review Committee consisting of the City Manager, Finance Director and Community Services Director; and

WHEREAS, said Review Committee recommends the firm of Bermello Ajamil & Partners, Inc., based on said firm's experience and qualifications; and

WHEREAS, said Selection Committee recommends the selection of the firm of Curtis & Rogers Design Studio should the City be unable to reach favorable terms with the firm of Bermello Ajamil & Partners, Inc.; and

WHEREAS, the City Commission desires to authorize the City Manager to negotiate a scope of services and fees with the recommended firm and with the alternate firm, should negotiations with the recommended firm be unsuccessful.

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

Section 1. The firm of Bermello, Ajamil & Partners, Inc. is hereby selected to provide park design and engineering services for the proposed NE 188th Street park relative to RFP No. 14-8-08-2

Section 2. The firm has been selected on the basis of its experience and qualifications and has not finalized a fee structure with the City. Therefore the City Manager shall immediately negotiate the scope of services and basis of fees with said firm.

Section 3. The basis of fees above described shall be negotiated by the City Manager and approved by the City Commission prior to said firm beginning any labor or work for which the City may later be billed.

Section 4. In the event the City is unable to come to favorable terms and fees with the firm of Bermello, Ajamil & Partners, Inc., the City Manager is hereby authorized to negotiate scope of services and fees with the alternate firm of Curtis & Rogers Design Studio

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 Michael Stern	___
Commissioner Howard Weinberg	___
Commissioner Luz Urbáez Weinberg	___
Vice Mayor Billy Joel	___
Mayor Susan Gottlieb	___

PASSED AND ADOPTED this 2nd day of September, 2014.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY:  Brian K. Raducci, Finance Director

DATE: August 6, 2014

SUBJECT: **Amending Ordinance that Amends Chapter 36 "Retirement," Article II "Police Pension Plan and Trust Fund," in accordance with changes contained in the collective bargaining agreement between the City and Dade County Police Benevolent Association for the period October 1, 2013 through September 30, 2016**

1st Reading September 2, 2014 City Commission Meeting Agenda Item 7A
2nd Reading September 17, 2014 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission approve the attached Amending Ordinance that provides amendments to the "Police Pension Plan and Trust Fund" that are consistent with the changes as outlined in the collective bargaining agreement ("CBA") that was ratified by the City and the Dade County Police Benevolent Association ("PBA") on April 17, 2014.

BACKGROUND

As you are aware, the City and the PBA recently ratified the new collective bargaining agreement on April 17, 2014 and at that time the parties agreed that, following ratification of the CBA, the City would adopt an ordinance amending the Plan to provide for the codification of the changes to the Plan set forth in the CBA.

The attached Amended Ordinance was drafted by the City Attorney's Office and was subsequently reviewed by the Police Pension attorney – Sugarman and Susskind. In addition, the proposed changes were independently reviewed by the City's consulting law firm – Klausner, Kaufman, Jensen & Levinson. Now that all three (3) attorneys have had their opportunity to review and comment on the draft, they are of the collective opinion that the ordinance is consistent with the CBA.

The main revisions of the amended ordinance are as follows:

1. Sec. 36-22. - Definitions.

Earnable compensation in terms of overtime is now limited to 300 hours in accordance with State Statute.

2. Sec. 36-24. - Contributions.

Effective October 1, 2015, the member contribution shall increase by 4% from 6.775% to 10.775% of the member's earnable compensation.

3. Sec. 36-36. – Cost of living adjustment. (COLA)

Effective October 1, 2015, an annual COLA of 2% shall be paid each year, beginning the 5th year after a member or beneficiary first begins receiving benefits

According to the "Actuarial Analysis of Benefit Improvement Alternatives" prepared by the Police Pension Plan's actuary – Foster & Foster, Inc. on July 3, 2013, it appears that the cost of the increased benefit will approximate 5% with 4% and 1% funded from an increase in employee and employer contributions, respectively.

If during the life of this Agreement a pension plan actuarial evaluation is completed which requires the City to increase its contribution to the Plan to greater or equal to 22% of covered payroll, the parties agree to reopen the Pension Article within 30 days for the sole purpose of only discussing Article 29 Pensions. All other provisions of the Agreement would remain in full force and effect during any reopening.

If you should have any questions related to this memorandum, please feel free to contact the City Manager.

BKR/bkr

ORDINANCE NO. 2014-_____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING CHAPTER 36 "RETIREMENT," ARTICLE II "POLICE PENSION PLAN AND TRUST FUND," IN ACCORDANCE WITH CHANGES CONTAINED IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND DADE COUNTY POLICE BENEVOLENT ASSOCIATION FOR THE PERIOD OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016; BY AMENDING SECTION 36-22 "DEFINITIONS" TO REVISE THE DEFINITION OF "EARNABLE COMPENSATION"; BY AMENDING SECTION 36-24 "CONTRIBUTIONS" TO CHANGE THE EMPLOYEE CONTRIBUTION RATE; AND BY ADDING SECTION 36-36 "COST OF LIVING ADJUSTMENT"; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Aventura (the "City") maintains a defined benefit pension plan for its certified police officers, which is known as the City of Aventura Police Officers' Retirement Plan (the "Plan"), and which is codified in Chapter 36 of the City Code; and

WHEREAS, on April 17, 2014, the City and the Dade County Police Benevolent Association ("PBA") ratified a collective bargaining agreement ("CBA"), wherein the parties agreed that, following ratification of the CBA, the City would adopt an ordinance amending the Plan to provide for the codification of the changes to the Plan set forth in the CBA; and

WHEREAS, the Plan should be amended to conform with the collectively bargained changes to the Plan as set forth in the CBA; and

WHEREAS, the City Commission finds that it is in the best interest of the City and its employees to amend the Plan; and

WHEREAS, prior to Second Reading of this Ordinance, the City Commission has received, reviewed and considered an actuarial impact statement describing the actual impact of the amendments provided for herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA¹:

Section 1. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. That Chapter 36 "Retirement," Article II "Police Pension Plan and Trust Fund," Section 36-22, "Definitions," of the City Code of Ordinances be amended as follows:

Sec. 36-22. - Definitions.

* * *

Earnable compensation shall mean a member's base pay for regular hours worked as an employee, up to 300 hours per year of overtime pay, amounts paid for administrative leave, bereavement leave, compensatory time paid in lieu of regular wages, court time, Garcia days for K-9 service, holiday leave taken in lieu of regular pay, job basis leave, jury duty, light duty, paid military leave, personal leave taken in lieu of regular pay, storm leave, storm/hurricane pay, suspension with pay, pay for time off due to an on the job injury, vacation leave taken in lieu of regular pay, and workers' compensation paid by the City; and, excluding pay received for off-duty details for third parties, whether or not the payment is made through the City. Earnable compensation shall not include payouts of accumulated leave taken as cash upon separation from service. Retroactive payments shall be credited to the calendar year in which such payments would have been received had they been timely paid. Pursuant to F.S. § 440.21, pension contributions shall not be deducted from a member's workers' compensation award.

¹ Words in ~~strikeout~~ type are deletions from exist text and word in underline type are additions to existing text.

* * *

Section 3. That Chapter 36 "Retirement," Article II "Police Pension Plan and Trust Fund," Section 36-24, "Contributions," of the City Code of Ordinances be amended as follows:

Sec. 36-24. - Contributions.

(a) The City shall pick-up, rather than deduct from each member's pay, beginning with the day of employment, six and three tenths percent of the member's earnable compensation. Effective October 1, 2005, the member contribution shall increase to 6.775 percent of the member's earnable compensation. Effective October 1, 2015, the member contribution shall increase to 10.775 percent of the member's earnable compensation. The monies so picked up shall be deposited in the fund immediately after each pay period. An account record shall be maintained continuously for each member. Pick-up contributions shall continue until death, disability or termination of service, whichever shall occur first. Contributions shall remain in the fund unless withdrawn as provided in the plan. No member shall have the option to choose to receive the contributed amounts directly instead of having them paid by the City directly into the plan. All such pick-up contributions by the City shall be deemed and be considered as part of the member's accumulated contributions and subject to all provisions of the plan pertaining to accumulated contributions of members. The intent of this provision is to comply with Section 414(h)(2) of the Internal Revenue Code. For the purpose of accruing and calculating pension benefits, and for all other purposes of calculating wage related benefits and calculations, the amounts picked up under this section shall be considered part of the earnable compensation.

* * *

Section 4. That Chapter 36 "Retirement," Article II "Police Pension Plan and Trust Fund," Section 36-36, "Cost of living adjustment," of the City Code of Ordinances be added as follows:

Sec. 36-36. – Cost of living adjustment. ~~Reserved.~~

Effective October 1, 2015, an annual cost of living increase of two (2) percent of the benefit paid the preceding month shall be paid each year, beginning the fifth year after a member or beneficiary first begins receiving benefits, to each member who is in service on or after October 1, 2015, and to each beneficiary of a member who is in service on or after October 1, 2015, who is receiving a normal or early service retirement benefit, a deferred vested normal or early service retirement benefit, a survivor annuity benefit, the remainder of a ten year certain benefit, a death benefit, or a disability benefit.

Section 5. Repeal. All sections or parts of sections of the Code of Ordinances of the City of Aventura, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. Severability. Should any section or provision of this Ordinance, or any paragraph, sentence or word, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or a part hereof, other than the part declared to be invalid.

Section 7. Inclusion in the Code. It is the intention of the City Commission of the City of Aventura that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Aventura and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "Chapter", "Section", "Article", or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 8. Effective Date. This Ordinance shall be effective upon passage by the City Commission 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 Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 2nd day of September, 2014.

PASSED AND ADOPTED on second reading this 17th day of September,
2014.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Legal Sufficiency:

City Attorney

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: August 6, 2014

SUBJECT: Ordinance Amending 2014/15 Charter School Fund Budget



1st Reading September 2, 2014 City Commission Meeting Agenda Item 1-B
2nd Reading September 17, 2014 City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission approve the attached Ordinance amending the 2014/15 Charter School Fund Budget. The total amount of the amendment is \$127,000.

BACKGROUND

The attached document has been prepared to update the Budget with more accurate figures based on the completion of the prior fiscal year and new data.

REVENUES

1. Recognizes \$14,000 in Federal E Rate Program funds that will be offset and used to fund technology improvements.
2. Due to accounting requirements, recognizes \$32,000 in additional State Educational Funds which will be offset by budgeting for the Administrative Fee charged by the Miami-Dade School Board on charter schools as an expenditure. Previously, it was deducted from the revenue amount.
3. Combines two similar revenue line items (Miscellaneous Revenues and Special Events) for accounting purposes. The total amount of \$200,000 does not change.
4. Increases the surplus amount by \$26,000 to reflect the results of the year-end audit.

EXPENDITURES

1. Separates Field Trip expenditures and Special Events expenditures into two accounts to more actually reflect the assignment of expenditures and to track revenue offsets.
2. Increases the transit costs by \$11,000 to reflect recent cost increases in the school bus service.
3. As discussed above, creates a separate line item to assign the Administrative Fee charged by Miami-Dade School Board.
4. Increases Computer Supplies / Software line item by \$14,000 to reflect the revenue offset for the Federal E Rate Program.

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

EMS/act

Attachment

CCO1849-14

EXHIBIT A

Budget Amendments
CHARTER SCHOOL FUND 190

OBJECT CODE	CATEGORY	2014/15 ADOPTED BUDGET	2013/14 AMENDED AMOUNT	2014/15 REVISED BUDGET
Revenues				
<u>State Shared Revenues</u>				
	E-Rate Program	\$ -	\$ 14,000	\$ 14,000
3359100	Florida Education Finance Program	6,348,297	32,000	6,380,297
	SUBTOTAL	\$ 6,348,297	\$ 46,000	\$ 6,394,297
<u>Charges for Services</u>				
3479050	After School Programs	\$ 225,000	\$ 55,000	\$ 280,000
<u>Misc. Income</u>				
3661900	Misc. Revenues	\$ 150,000	\$ 50,000	\$ 200,000
3692000	Special Events	50,000	(50,000)	-
	SUBTOTAL	\$ 200,000	\$ -	\$ 200,000
<u>Other Non-Revenues</u>				
3999000	Beginning Surplus	\$ 100,886	\$ 26,000	\$ 126,886
	SUBTOTAL	\$ 100,886	\$ 26,000	\$ 126,886

Total Amendments-Revenues

\$ 127,000

Expenditures

<u>School Administration</u>				
4855	Field Trips	\$ 215,000	\$ (30,000)	\$ 185,000
4856	Special Events	-	100,000	100,000
	SUBTOTAL	\$ 215,000	\$ 70,000	\$ 285,000
<u>Pupil Transit Services</u>				
3190	Prof & Tech Services	\$ 184,000	\$ 11,000	\$ 195,000
	SUBTOTAL	\$ 184,000	\$ 11,000	\$ 195,000
<u>Operation of Plant</u>				
	MDCSB Administrative Fee	\$ -	\$ 32,000	\$ 32,000
5120	Computer Supplies/Software	9,000	14,000	23,000
	SUBTOTAL	\$ 9,000	\$ 46,000	\$ 55,000

Total Amendments-Expenditures

\$ 127,000

ORDINANCE NO. 2014-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2014-07, WHICH ORDINANCE ADOPTED A CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2014/2015 (JULY 1 – JUNE 30) BY REVISING THE 2014/2015 FISCAL YEAR BUDGET DOCUMENT 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 Aventura City of Excellence School 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 2014/2015 Operating and Capital Budget of the Aventura City of Excellence School 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. 2014-07, which Ordinance adopted a budget for the 2014/2015 fiscal year for the Aventura City of Excellence School by revising the 2014/2015 budget as

set forth on the attached Exhibit "A", which exhibit is 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.

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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 2nd day of September, 2014.

PASSED AND ADOPTED on second reading this 17th day of September, 2014.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Legal Sufficiency:

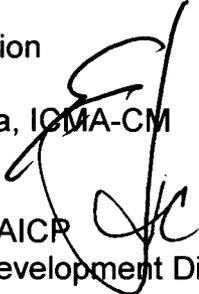
City Attorney

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: August 18, 2014

SUBJECT: Clean-up Amendments to the City Code
(02-LDR-14)

September 2, 2014 Local Planning Agency Agenda Item 4

September 2, 2014 City Commission Meeting Agenda Item 7c

October 7, 2014 City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission approve the clean-up amendments to the City Code listed in this staff report.

THE REQUEST

City staff is requesting amendments to the City Code for clarification of certain sections, for consistency with existing legislation, for updating of existing provisions, and for ease of use of the City Code by its readers.

PROPOSED AMENDMENTS¹

Amendment No. 1

By Ordinance No. 2014-04, passed on March 4, 2014, the City Commission approved an amendment to the maximum lot coverage for shopping center buildings with more than

¹ Underlined provisions constitute proposed additions to existing text; ~~stricken through~~ provisions indicate proposed deletions from existing text.

1,000,000 square feet of gross leasable area. The lot coverage was increased from 40% to 45% with the condition that the shopping center building does not exceed 5 stories in height and that it provides a centralized multimodal transportation facility within a parking structure. This provision should be cross-referenced in the maximum height site development criteria. This is not a change to the B2 zone; merely a cross-reference to another existing provision. The proposed amendment is as follows:

Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

...

(5) *Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

...

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers.

b. Maximum height: 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five (5) stories shall apply only for shopping center buildings which are subject to Subsection (5)(a)(4) above. That portion of the building or structure within 200 feet of any residential zone shall be subject to a height

limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

...

Amendment No. 2

By Ordinance No. 2014-05, the City Commission prohibited pet stores that display, sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of dogs or cats, with the following exceptions: animals bred and reared on the premises, a publicly operated animal control facility or shelter, a private, charitable, non-profit humane society or animal rescue organization and a publicly operated animal control facility or animal rescue organization that operates out of or in connection with a pet store.

This ordinance was enacted as an amendment to Chapter 1 of the City Code. In order that readers of Chapter 31, Land Development Regulations, are readily aware of this prohibition, staff recommends a revision to Section 31-144(c), Community Business District to cross-reference the provision in Chapter 1. The proposed amendment is as follows:

Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

(1) *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

...

t. Pet shops operated in compliance with Section 1-17 of the City Code and dog beauty parlors in air-conditioned buildings.

...

Amendment No. 3

Chapter 4 of the City Code regulates the service and sale of alcoholic beverages. It provides that no premises shall be used for the sale of any alcoholic beverage unless it meets the distance and spacing requirements of this Chapter.

Section 4-2(e), Exemptions to Spacing and Distance Requirements, exempts restaurants in the B1 and B2 zoning districts, if the restaurant serves cooked, full course meals daily prepared on the premises providing that only a service bar is used and alcoholic beverages are sold only to persons seated at tables. Establishments that do not meet these conditions require conditional use approval to serve alcoholic beverages.

Staff is recommending the following addition to the Code to clarify that full service restaurants are contemplated by the exemption above, but that this exemption does not include cafes and/or kiosks that serve light meals such as sandwiches, omelets, pastries, coffee, juices and the like. These types of establishments require conditional use approval by the City Commission in order to serve alcoholic beverages. This is the interpretation currently used by staff in regulating the provisions of this Chapter. The amendment is proposed to provide clarity to readers.

Staff is further recommending that the exemption for full service restaurants also apply to our mixed-use zones that allow restaurant uses, those being, the TC1, TC2 and TC3 zoning districts.

The proposed amendment is as follows:

Chapter 4 ALCOHOLIC BEVERAGES

...

Sec. 4-2. Location of establishments.

(a) *Distance from other establishments.* Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, unabandoned, legally established (and not one of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The 1,500 foot distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

(b) *Distance from religious facility or school.* Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 2,500 feet from a religious facility or school. The 2,500-foot distance requirement shall be measured and computed as follows:

(1) From a religious facility, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility grounds, and

(2) From a school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.

...

(e) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in subsections (a) and (b) above shall not apply:

...

(2) Restaurants in B1, and B2, TC1, TC2 and TC3 Zoning Districts. To dining rooms or restaurants located in the B1, and B2, TC1, TC2 and TC3 Zoning Districts and which do not comply with subparagraph (3) below, but which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal zoning

districts complying with the requirements of the B1, and B2, TC1, TC2 and TC3 Districts and which serve cooked, full course meals, daily prepared on the premises, providing that only a service bar is used and alcoholic beverages are sold only to persons seated at tables. This exemption does not include cafes and/or kiosks that serve light meals, snacks and/or hot and cold beverages.

...

Amendment No. 4

The outdoor lighting standards in Section 31-234 of the City Code was enacted in July of 1999. It has come to staff's attention that Miami-Dade County amended outdoor lighting requirements in November of 2001. The County provisions apply to all incorporated and unincorporated areas. All photometric plans submitted to the City for permitting are currently reviewed by staff for compliance with both the City and County Code criteria. The proposed amendment to the City Code is to provide consistency with the County Code regulation, as follows:

Section 31-234. Outdoor lighting standards.

(a) *General.* No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of this section. The terms used in this section shall have the definition use by the Illuminating Engineers Society. Open parking lots, alleys and access thereto shall be illuminated as set forth below. For purposes of this section, alley is defined as a narrow vehicular thoroughfare up to twenty-five (25) feet in width upon which service entrances or buildings abut and not generally used as a thoroughfare for general traffic; provided, however, alleys shall not include public rights-of-way. Lighting shall be designed and placed to illuminate the ground, a vehicular use area, a building, a street, or a sign. All lighting shall be concentrated on the ground, building, street, or sign it is intended to illuminate. Lighting which is designed to illuminate the building roof area, except for safety reasons as determined by the Community Development Director, shall be prohibited.

(b) *Preparation of site lighting plan.* A plan which shows the photometrics of the site's lighting for vehicular use areas and alleys and access thereto, outside building areas, signs and streets shall be prepared by a registered professional engineer. The plan shall incorporate all existing and proposed sources of artificial light used on the site, including adjoining outparcels. The lighting plan shall be submitted with the final building plans, prepared at the same scale. The plan must indicate and be certified for compliance with the standards of this section.

(c) *Minimum and Maximum illumination.* All multifamily, ~~shopping centers and office buildings~~ shall illuminate parking lots and access thereto and all pedestrian areas to a minimum maintained average of 1.0 footcandle from dusk to dawn and a uniformity ratio not to exceed a maximum to minimum ratio of 12 to 1 footcandles., ~~with no area below the illumination of 0.5 footcandle~~ provided that the lighting level may be reduced by fifty percent (50%) on non-business days and commencing thirty (30) minutes after the termination of each operating day. The area immediately outside of exterior doors shall have security illumination and shall be activated during the dark period of every day.

Parking and nonenclosed areas under or within buildings at grade shall be provided with a maintained minimum of 1 foot candle of light on the parking and walking surfaces from dusk to dawn.

Alleys shall be provided with a maintained minimum of 1/3 foot candle on the alley surface from dusk to dawn.

(d) ~~Maximum illumination.~~ All lighting for parking areas, buildings and signs shall be located, screened, or shielded so that adjacent property, structures, and rights-of-way are not directly illuminated. All lighting for parking areas, buildings and signs shall either be shaded or screened in a manner that will limit spillover of lighting onto adjacent property and public rights-of-way. Spillover shall not exceed 0.5 footcandles measured vertically along the property line at the perimeter of the property.

(e) *Lighting height standards.* All private outdoor lighting shall be designed, located and mounted at heights no greater than:

- (1) 12 feet above grade for non-cut-off type luminaries, and
- (2) 30 feet above grade for cut-off type luminaries.

(f) ~~Exceptions. Public facilities including but not limited to parks; lighted recreation and athletic areas, courts and fields; and water and wastewater treatment facilities shall be exempted from these standards. The provisions of this section shall not apply to governmental facilities not generally open to the public, and shall apply to those governmental facilities that are generally open to the public only during the dusk-to-dawn hours such facilities are open.~~

(g) *Street lighting.* A street lighting system shall be provided in all land development projects with public or private streets. All street lighting shall be installed according to standards established by the City or County.

Amendment No. 5

Section 31-221 has not been updated since its original adoption in July of 1999. Staff is recommending revisions to include Florida-friendly planting principles in the Intent and Purpose section, to add definitions, to increase the minimum height of trees consistent with requirements of other municipalities, to clarify all items to be shown on a landscape plan, to set out guidelines for plan review, to add a requirement for a preparer's statement of compliance, to renumber sections and generally to provide consistency with the landscaping requirements in Chapter 18A of the Miami-Dade County Code. This chapter of the County Code applies to both unincorporated and incorporated areas of the County. The proposed amendments are as follows:

ARTICLE X. LANDSCAPING REQUIREMENTS

Sec. 31-221. Landscaping requirements.

(a) *Intent and purpose.* The purpose and intent of this article is to provide regulation for the installation and maintenance of landscaping and landscaped open space. Trees and plants are integral and vital parts of the earth's ecosystem: they conserve energy; they provide essential and desirable benefits to man, including the production of life supporting oxygen, the reduction of carbon dioxide, the filtering of dust and gaseous pollutants; they serve as a natural abatement to noise pollution; they camouflage unsightly views; they provide shelter to birds and wildlife; they

enhance the value of property; they preserve open space; and they maintain and improve the aesthetic quality of the City of Aventura, thereby promoting the health and general welfare of its citizenry. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain viable vegetation within the City of Aventura. The City encourages the Florida Yards and Neighborhoods Program "Florida-Friendly" Landscaping principles of (1) choosing low-maintenance plants that are able to tolerate short periods without rainfall that have few pest and disease problems and (2) planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalks and power service interruptions.

...

(d) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ANSI A300 Standards: Industry-developed standards of practice for tree care. Acronym for American National Standards Institute.

...

Clear Wood: A measurement from the soil line to the highest point on the trunk free of persistent leaf bases. On palms with a crownshaft, the measure will be from the soil line to the base of the crownshaft.

Clearance pruning: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Controlled Plant Species: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Diameter at breast height ("DBH") shall mean the diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

...

Emitters: Devices which are used to control the discharge of irrigation water from lateral pipes.

Florida Friendly Landscaping: Practices, materials or actions developed by the Florida Yards and Neighborhood Program that help to preserve Florida's natural resources and protect the environment.

Florida Yards and Neighborhood Program: Is a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

~~*Grey wood:* The area of trunk on a palm from ground level to the palm frond sheath, except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: *Schinus terebinthifolius* (Brazilian Pepper), *Metopium toxiferum* (Poison Wood), *Casuarina* spp. (Australian Pine), *Melaleuca quinquenervia* (Cajeput Tree), *Acacia auriculiformis*, *Bischofia javanica*, *Araucaria heterophylla* (Norfolk Island Pine), or *Thespesia populnea* (Seaside Mahoe).~~

Ground cover: Plant material which is a dense, extensive growth of low-growing plants, other than turfgrass, normally reaching a maximum height of not more than 24 inches at maturity.

Hatracking: To flat cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three inches in diameter; or reducing the tree's living canopy by more than one-third except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: ~~Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajoput Tree), Acacia Auriculiformis, Bischofia Javanica, Araucaria heterophylla (Norfolk Island Pine), or Thespesia Populnea (Seaside Mahoe).~~

....

Heat island: An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

...

Hydrozone: A zone in which plant material with similar water needs are grouped together.

Irrigation detail: A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

Irrigation plan: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.

Irrigation system: A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

Landscape feature: Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

Landscaping material: Any of the following or combination thereof such as, but not limited to: Grass, ground cover, shrubs, vines, hedges, and trees, or palms and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

Landscape Manual: The Miami-Dade County Landscape Manual adopted under Chapter 18A of the Code of Miami-Dade County, which is to be used as a guide with this section.

Landscape plan: A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, all landscape calculations, the size and zoning of the subject parcel, the length of all abutting and interior roadways, a north arrow, the scale of the plan, the percentage of native species for all trees and shrubs, graphic depictions of the minimum standards for planting and bracing for all trees, palms, and shrubs, view triangles where required, and all other relevant information as required by this article.

...

Planting detail: A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

Prohibited plant species: Those plants listed in the Miami-Dade County Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems or

human health, safety, and welfare, ~~except as specifically allowed as hedge material only and upon approval of the director.~~

...

Specimen tree: A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-49(4)(f) of the Code of Miami-Dade County;
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus Ficus, and
- (4) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and Phoenix reclinata which have a minimum overall height of fifteen (15) feet.

...

Vegetation survey: A drawing provided at the same scale as the landscape plan which includes relevant information as required by this article.

...

~~Xeriscape: A type of landscaping utilizing native plants and ground cover that needs reduced water and little maintenance, which is detailed in the South Florida Water Management District publication, Xeriscape, Plant Guide II as amended, incorporated herein by reference.~~

- (e) *Landscape plan required.* Prior to the issuance of a building permit or site plan approval, a landscape plan shall be submitted to and approved by the Director of the Community Development Department.

All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. ~~The landscape plan shall be drawn to a scale not less than 1" = 20'-0". All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. This plan shall clearly delineate existing and proposed buildings, parking, driveways, or other vehicular use areas, The plan shall also designate the name (botanical and common), size (height and spread), quantity, quality and location of the plant material to be installed, as well as the name, size, location, and condition of viable, existing vegetation. The plan shall also include a tabulation of required and provided plant materials. The use of xeriscape principles Florida-Friendly Landscaping principles in the development of this plan is strongly encouraged. No building permit or site plan approval shall be issued unless such landscape plan complies with the provisions herein.~~

Landscape plans shall be provided as part of the submission for site plan approval and shall:

- (1) Be drawn to scale not less than 1"=20' and include property boundaries, north arrow, graphic scale, and date.
- (2) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.
- (3) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.

- (4) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of Community Development.
- (5) Identify all landscape features and non-living landscape materials.
- (6) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.
- (7) Illustrate any geologic, historic and archeological features to be preserved.
- (8) Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.
- (9) Document zoning district, net lot area, required open space, and maximum permitted lawn area.
- (10) Complete "Owner's or Preparer's Certification of Landscape Compliance at Time of Landscape Plan Submittal" in form approved by the City Manager.

Landscape plans submitted for permit shall include all of the above, as well as the following:

- (1) A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of Community Services.
- (2) Critical layout dimensions for trees, plant beds and landscape features.
- (3) Method(s) to protect and relocate trees and native plant communities during construction.
- (4) Planting details and specifications.
- (5) Irrigation plans, as required by the zoning district.
- (6) Irrigation details and specifications, as required above.

Prior to the issuance of final landscape approval for any building permit issued by the City, an Owner's, or a Professional Preparer's Certificate of Landscape Compliance for Final Inspection, in a form approved by the City Manager, shall be submitted at the time that the final inspection is requested.

(f) Vegetation survey required. A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. The vegetation survey shall provide the following information:

- (1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Code.
- (2) A table showing the following information:
 - (a) The scientific and common name of each tree, each of which shall be numbered.

(b) The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all trunks.

(c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.

(g) Landscape Plan Review: Landscape plans shall be reviewed in accordance with the following goals and objectives and the guidelines:

(1) Landscape design shall enhance architectural features; relate structure design to the site; visually screen dissimilar uses and unsightly views; reduce noise, glare and heat gain from paved areas, major roadways and incompatible uses; strengthen important vistas and reinforce neighboring site design and architecture.

(2) Existing specimen trees, native vegetation (including canopy, understory, and ground cover) shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met.

(3) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydrozones. Adequate growth area, including rooting space, based on natural mature shape and size shall be provided for all plant materials.

(4) The plan shall include the use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.

(5) Trees and shrubs shall be planted in such a way as to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.

(6) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.

(7) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.

(9) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with this article.

(f) (h) Minimum landscape requirements for all zoning districts.

(1) Tree specifications.

a. Required trees shall be of a species which normally grow to a minimum height of 25 feet and have a mature crown spread of not less than 20 feet with trunks which can be maintained with over six feet of clear wood. Emphasis is given to the use of native species.

b. All required trees shall have a minimum caliper or diameter at breast height (D.B.H) of three inches and be a minimum of ~~42~~ 14 feet in height at time of planting. The minimum tree canopy shall be 7', centered on the trunk. A list of approved required trees is available from the Director of the Community Development Department.

- c. Required palms shall be field grown and have a minimum of 16 feet in overall height with a minimum of 6 feet of clear wood. a minimum of 14 feet in height and six feet of gray-wood.
- d. Adjacent to any street right-of-way, a single trunk palm species with a minimum 10 inches DBH and a minimum of 8 feet of clear wood is required. Queen palms (Syagrus romanzoffiana) shall not be allowed as street trees.
- d.e. No more than 40 thirty (30%) percent of all required gray wood trees shall be of a palm species, as determined by the Director or Designee.
- e.f. Three palm trees shall be clustered to equal one required tree: The three palm trees in the cluster shall be of differing heights, with a minimum three-foot stagger between adjacent palms, but, in no case smaller than 14 16 feet in height. Roystonea sp. (Royal Palm) and Phoenix sp. (Date Palm) may have matching heights. Such clustering shall be determined by Director or Designee.
- f.g. It is prohibited to paint the trunks of trees or palms.
- h. Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.
- i. Of the required trees at least thirty (30%) percent shall be native species and fifty (50%) percent shall be low maintenance and drought tolerant.
- j. Eighty (80%) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.
- k. Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.

(2) Other plant material specifications.

- a. Shrubs and hedges: Shall be of a self-supporting, woody, evergreen species and shall be a minimum of two feet in height at time of planting. Hedges shall be planted and maintained so as to form a continuous, solid visual screen, of not less than three feet in height, within one year of planting. Spacing of plants shall be no more than 24 inches on center. Double staggered rows may be required in some areas as determined by Director or Designee. Of the provided shrubs at least:
 - (a) Thirty (30%) percent shall be native species; and
 - (b) Fifty (50%) percent shall be low maintenance and drought tolerant; and
 - (c) Eighty (80%) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.
- b. Ground covers: May be used in lieu of grass. Ground covers shall present a finished appearance and reasonably complete coverage at time of planting.
- c. Lawn grass: Shall be St. Augustine 'Floritam' solid sod, or other lawn type species well adapted to localized growing conditions, as approved by the Director, reasonably free of insects and noxious weeds. Lawn shall be solid sodded for immediate effect.
- d. Quality: Plant material shall comply with required inspections, grading standards and plant regulations as set forth by the Florida Department of Agriculture and Consumer

Service's most current edition of "Grades and Standards of Nursery Plants, Part I & II", latest revisions, and "Grades and Standards for Nursery Plants, Part II for Palms and Trees", or with superseding standards called for in these specifications. Plants shall conform to Florida No. 1 or better regarding:

1. Shape and form.
2. Health and vitality.
3. Condition of foliage.
4. Root system.
5. Free from pest and mechanical damaged.
6. Heavily branched and with dense foliage.
7. Trees installed pursuant to this Section shall have (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

...

(3) Installation.

...

- c. Existing plant credit: In instances where healthy plant material exists on-site (particularly native or ~~xeriscape~~ Florida-friendly species), the Director or Designee may adjust the requirements of this article to allow credit for such plant material, if, in his or her opinion, such an adjustment is in keeping with and will preserve the intent of this article.

...

(4) Irrigation.

All newly landscaped areas shall be provided with a fully automatic underground irrigation system that provides 100 percent coverage to all landscaped areas. ~~The irrigation system should be designed to provide only the required water to sustain viable plant material. The use of a porous, pipe subsurface irrigation system that requires low water volume and pressure is encouraged when adjacent to vehicular roadway areas.~~

- a. Irrigation systems shall be designed, operated and maintained to:
 1. Meet the needs of all the plants in the landscape.
 2. Consider soil, slope and other site characteristics in order to minimize water waste, including overspray or overflow on to impervious surfaces and other non-vegetated areas, and off-site runoff.
 3. Minimize free flow conditions in case of damage or other mechanical failure.
 4. Use low trajectory spray heads, and/or low volume water distributing or application devices.
 5. Maximize uniformity, considering factors such as:
 - (1) Emitters types,
 - (2) Head spacing,

- (3) Sprinkler pattern, and
- (4) Water pressure at the emitter.
- 6. Use the lowest quality water feasible.
- 7. Rain switches and other devices, such as soil moisture sensors, shall be used with automatic controls.
- 8. Where feasible, drip irrigation or micro-sprinklers shall be used.
- 9. During dry periods, irrigation application rates of between one (1) and one and one-half (1½) inches per week are recommended for turf areas.
- a. 10. The operation of an irrigation system during periods of heavy rainfall is prohibited and shall conform to standards and regulations as established by the South Florida Water Management District. Irrigation controllers shall be switched to manual operation during periods of increased rainfall. Use of rain gauge sensors is required. A functioning moisture or rain sensor shut-off device shall be required on all irrigation systems equipped with automatic controls. The device shall not be installed under the eaves of houses, buildings or other obstructions, nor in the path of the irrigation system.

...

~~(g)~~ (i) Maintenance.

...

(4) Pruning. Trees shall be pruned in the following manner:

- a. All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
- b. Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.
- c. Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
- d. Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
- e. No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.
- f. Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

~~(4)(5)~~ Edging. Edging shall be accomplished in such a manner so as not to destroy landscaping material.

~~(5)(6)~~ Fertilization. Fertilize landscaping material, as needed, to maintain healthy, viable growth. Apply appropriate fertilizer to avoid symptoms of chlorosis and trace element deficiency. Use of environmentally safe fertilizer is required. Application of fertilizer must conform to manufacturers specifications.

~~(h)~~ Tree removal permit. No existing tree on the site having a trunk diameter of three inches or greater, or trees with an overall height of twelve feet and greater, except for Schinus

~~terebinthifolius (Brazilian Petter), Metopium toxiferum (Poison Wood), Albizia Lebbeck (Woman's Tongue), Dalbergia Siseo (Indian Rosewood), Thespesia Populnea (Seaside Mahoe), Hibiscus Tiliaceus (Mahoe), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Gajeput Tree), Ficus Benjamina (Weeping Fig), Ficus Nitida (Laurel Fig) species, Acacia Auriculiformis (Earleaf Acacia), Bishoffia Javanica or Araucaria heterophylla (Norfolk Island Pine)~~ shall not be removed or relocated without a permit from the Community Development Department of the City. In evaluating whether to grant a tree removal permit, the Director or Designee shall consider the size, species (native or not), health, rareness and age of the tree. A tree survey identifying all existing trees over three inches in diameter or trees with an overall height of twelve feet and greater shall be included with any building permit application. This survey drawing shall be overlaid directly upon the site plan sufficiently to provide the accurate location of all existing trees which are proposed to be destroyed, relocated, or preserved, the identification number of each tree, botanical name and common name of each tree, ~~and the diameter at breast height (DBH) of each tree, height and canopy spread of each tree,~~ condition and disposition of each tree. In addition, all applicable portions of ~~Tree Protection Ordinance #89-8~~ Section 24-49 of the Code of Miami-Dade County are adopted herein. Applicability of the Miami-Dade County Ordinance shall be as determined by the Director or Designee.

Excepted from this section are the tree species listed in Section 24-49(4)(f) of the Code of Miami-Dade County.

...

(2) *Relocation standards.* Trees that are to be relocated shall be consistent with the Tree Relocation Standards as set forth in Section 24-49.6 of the Code of Miami-Dade County and the following minimum standards:

...

(i) *Minimum design standards.* The following shall apply to all developments requiring site plan or permit approval except for single and two-family dwellings:

...

(5) *Clear sight triangles.*

- a. When an accessway intersects a public street or alley right-of-way, or another accessway, or when the vehicular use area is contiguous to the intersection of two or more public rights-of-way, all landscaping within the triangular areas created by such intersections and defined below shall provide unobstructed vision clearance at an elevation of ~~30-~~ 2.5 feet to eight feet in height. Vision clearance requirements shall comply with American Association of State Highway & Transportation Officials (AASHTO).
- b. Trees having over six feet of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the vision clearance area shall be permitted, provided they in no way create a traffic hazard. No landscaping elements, except for grass, ground cover, or hedges no greater than 2.5 feet shall be located nearer than five ten feet to any accessway intersection of a public road.

...

ANALYSIS

The proposed amendments to the City's Land Development Regulations have been analyzed using the criteria for amendment in Section 31-77 of the City Code, as follows:

1. The proposed amendment is legally required.

The proposed amendments are legally required to implement the recommended revisions.

2. The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.

The proposed amendments are consistent with the goals and objectives of the Comprehensive Plan.

3. The proposed amendment is consistent with the authority and purpose of the LDR.

The proposed amendments are consistent with the authority and purpose of the Land Development Regulations.

4. The proposed amendment furthers the orderly development of the City.

The proposed amendments further the orderly development of the City.

5. The proposed amendment improves the administration or execution of the development process.

The proposed amendments improve the administration or execution of the development process in that they provide clarification, provide consistency with existing legislation and update existing provisions.

ORDINANCE NO. 2014- _____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(5)b. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO HEIGHT OF SHOPPING CENTER BUILDINGS; AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(1)t. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO PET SHOPS; AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, SUBSECTION (e)(2) OF SECTION 4-2 TO CLARIFY EXEMPTION FOR DINING ROOMS AND RESTAURANTS; AMENDMENT TO SECTION 31-234, OUTDOOR LIGHTING STANDARDS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND AMENDING SECTION 31-221, LANDSCAPING REQUIREMENTS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND TO INCREASE THE MINIMUM HEIGHT OF TREES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Aventura ("City Commission") is desirous of amending the Code of Ordinances ("City Code"), to clarify and to update certain sections of the Code for internal consistency and to provide for updated cross-references, and for consistency with updates to the Miami-Dade Country Code of Ordinances; and

WHEREAS, the City Commission desires to provide internal consistency and cross reference for the maximum height of shopping center buildings that are subject to Section 31-144(c), Subsection (5)(a)(4); and

WHEREAS, the City Commission desires to provide internal consistency and cross reference for permitted use of pet stores in the B2, Community Business District, Section 31-144(c) of the City Code; and

WHEREAS, the City Commission desires to clarify the exemption for dining rooms and restaurants from the distance and spacing requirements of Chapter 4 of the City Code; and

WHEREAS, the City Commission desires to provide for consistency of Section 31-234, Outdoor Lighting Standards, with the provisions of the Miami-Dade County Code of Ordinances; and

WHEREAS, the City Commission desires to provide for consistency of Section 31-221, Landscaping Requirements, with the provision of the Miami-Dade County Code of Ordinances and to increase the minimum size of trees consistent with other municipalities; and

WHEREAS, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the City Commission, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the City Code pursuant to the required public hearing and has recommended approval to the City Commission; and

WHEREAS, the City Commission has reviewed the proposed amendments, and finds that it is in the best interests of the public to amend the City Code as set forth in this Ordinance; and

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

WHEREAS, the City Commission has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT¹:

Section 1. Recitals Adopted. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. City Code Amended. Section 31-144(c) "Community Business (B2) District" of Article VII. "Use Regulations" of Chapter 31, "Land Development Regulations" is hereby amended to read as follows:

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

...

(5) *Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

...

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains

¹ Underlined provisions constitute proposed additions to existing text; ~~stricken through~~ provisions indicate proposed deletions from existing text.

or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers.

b. Maximum height: 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five (5) stories shall apply only for shopping center buildings which are subject to Subsection (5)(a)(4) above. That portion of the building or structure within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

...

Section 3. City Code Amended. Section 31-144(c) "Community Business (B2) District" of Article VII. "Use Regulations" of Chapter 31, "Land Development Regulations" is hereby amended to read as follows:

Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

(1) *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

...

t. Pet shops operated in compliance with Section 1-17 of the City Code and dog beauty parlors in air-conditioned buildings.

...

Section 4. City Code Amended. Chapter 4 “Alcoholic Beverages”, Part II of the City Code of Ordinances, is hereby amended to read as follows:

Chapter 4 Alcoholic Beverages

...

Sec. 4-2. Location of establishments.

(a) *Distance from other establishments.* Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, unabandoned, legally established (and not one of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The 1,500 feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

(b) *Distance from religious facility or school.* Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 2,500 feet from a religious facility or school. The 2,500-foot distance requirement shall be measured and computed as follows:

(1) From a religious facility, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility grounds, and

(2) From a school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.

...

(e) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in subsections (a) and (b) above shall not apply:

...

(2) Restaurants in B1, and B2, TC1, TC2 and TC3 Zoning Districts. To dining rooms or restaurants located in the B1, and B2, TC1, TC2 and TC3 Zoning Districts and which do not comply with subparagraph (3) below, but which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal zoning districts complying with the requirements of the B1, and B2, TC1, TC2 and TC3 Districts and which serve cooked, full course meals, daily prepared on the premises, providing that only a service bar is used and alcoholic beverages are sold only to persons seated at tables. This exemption does not include cafes and/or kiosks that serve light meals, snacks and/or hot and cold beverages.

...

Section 5. City Code Amended. Section 31-234 "Outdoor Lighting Standards" of Article XI. "Development Standard of General Applicability" of Chapter 31 "Land Development Regulations" of the Code of Ordinances is hereby amended to read as follows:

Section 31-234. Outdoor lighting standards.

(a) *General.* No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of this section. The terms used in this section shall have the definition use by the Illuminating Engineers Society. Open parking lots, alleys and access thereto shall be illuminated as set forth below. For purposes of this section, alley is defined as a narrow vehicular thoroughfare up to twenty-five (25) feet in width upon which service entrances or buildings abut and not generally used as a thoroughfare for general traffic; provided, however, alleys shall not include public rights-of-way. Lighting shall be designed and placed to illuminate the ground, a vehicular use area, a building, a street, or a sign. All lighting shall be concentrated on the ground, building, street, or sign it is intended to illuminate. Lighting which is designed to illuminate the building roof area, except for safety reasons as determined by the Community Development Director, shall be prohibited.

(b) *Preparation of site lighting plan.* A plan which shows the photometrics of the site's lighting for vehicular use areas and alleys and access thereto, outside building areas, signs and streets shall be prepared by a registered professional engineer. The plan shall incorporate all existing and proposed sources of artificial light used on the site, including adjoining outparcels. The lighting plan shall be submitted with the final building plans, prepared at the same scale. The plan must indicate and be certified for compliance with the standards of this section.

(c) *Minimum and Maximum illumination.* All ~~multifamily, shopping centers and office buildings~~ shall illuminate parking lots and access thereto and all pedestrian areas to a minimum maintained average of 1.0 footcandle from dusk to dawn and a uniformity ratio not to exceed a maximum to minimum ratio of 12 to 1 footcandles., ~~with no area below the illumination of 0.5 footcandle~~ provided that the lighting level may be reduced by fifty percent (50%) on non-business days and commencing thirty (30) minutes after the termination of each operating day. The area immediately outside of exterior doors shall have security illumination and shall be activated during the dark period of every day.

Parking and nonenclosed areas under or within buildings at grade shall be provided with a maintained minimum of 1 foot candle of light on the parking and walking surfaces from dusk to dawn.

Alleys shall be provided with a maintained minimum of 1/3 foot candle on the alley surface from dusk to dawn.

(d) ~~Maximum illumination.~~ All lighting for parking areas, buildings and signs shall be located, screened, or shielded so that adjacent property, structures, and rights-of-way are not directly illuminated. All lighting for parking areas, buildings and signs shall either be shaded or screened in a manner that will limit spillover of lighting onto adjacent property and public rights-of-way. Spillover

shall not exceed 0.5 footcandles measured vertically along the property line at the perimeter of the property.

(e) *Lighting height standards.* All private outdoor lighting shall be designed, located and mounted at heights no greater than:

- (1) 12 feet above grade for non-cut-off type luminaries, and
- (2) 30 feet above grade for cut-off type luminaries.

(f) *Exceptions.* ~~Public facilities including but not limited to parks; lighted recreation and athletic areas, courts and fields; and water and wastewater treatment facilities shall be exempted from these standards.~~ The provisions of this section shall not apply to governmental facilities not generally open to the public, and shall apply to those governmental facilities that are generally open to the public only during the dusk-to-dawn hours such facilities are open.

(g) *Street lighting.* A street lighting system shall be provided in all land development projects with public or private streets. All street lighting shall be installed according to standards established by the City or County.

Section 6. City Code Amended. Section 31-221 "Landscaping Requirements" of Article X., Landscaping Requirements, of Chapter 31 "Land Development Regulations" is hereby amended as follows:

ARTICLE X. LANDSCAPING REQUIREMENTS

Sec. 31-221. Landscaping requirements.

(a) *Intent and purpose.* The purpose and intent of this article is to provide regulation for the installation and maintenance of landscaping and landscaped open space. Trees and plants are integral and vital parts of the earth's ecosystem: they conserve energy; they provide essential and desirable benefits to man, including the production of life supporting oxygen, the reduction of carbon dioxide, the filtering of dust and gaseous pollutants; they serve as a natural abatement to noise pollution; they camouflage unsightly views; they provide shelter to birds and wildlife; they enhance the value of property; they preserve open space; and they maintain and improve the aesthetic quality of the City of Aventura, thereby promoting the health and general welfare of its citizenry. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain viable vegetation within the City of Aventura. The City encourages the Florida Yards and Neighborhoods Program "Florida-Friendly" Landscaping principles of (1) choosing low-maintenance plants that are able to tolerate short periods without rainfall that have few pest and disease problems and (2) planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalks and power service interruptions.

...

- (d) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ANSI A300 Standards: Industry-developed standards of practice for tree care. Acronym for American National Standards Institute.

...

Clear Wood: A measurement from the soil line to the highest point on the trunk free of persistent leaf bases. On palms with a crownshaft, the measure will be from the soil line to the base of the crownshaft.

Clearance pruning: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Controlled Plant Species: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Diameter at breast height ("DBH") shall mean the diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

...

Emitters: Devices which are used to control the discharge of irrigation water from lateral pipes.

Florida Friendly Landscaping: Practices, materials or actions developed by the Florida Yards and Neighborhood Program that help to preserve Florida's natural resources and protect the environment.

Florida Yards and Neighborhood Program: Is a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

~~*Grey wood:* The area of trunk on a palm from ground level to the palm frond sheath, except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Acacia auriculiformis, Bischofia javanica, Araucaria heterophylla (Norfolk Island Pine), or Thespesia populnea (Seaside Mahoe).~~

Ground cover: Plant material which is a dense, extensive growth of low-growing plants, other than turfgrass, normally reaching a maximum height of not more than 24 inches at maturity.

~~*Hatracking:* To flat cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three inches in diameter; or reducing the tree's living canopy by more than one-third except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca~~

~~quinquenervia (Cajeput Tree), Acacia Auriculiformis, Bischofia Javanica, Araucaria heterophylla (Norfolk Island Pine), or Thespesia Populnea (Seaside Mahoe).~~

....

Heat island: An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

...

Hydrozone: A zone in which plant material with similar water needs are grouped together.

Irrigation detail: A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

Irrigation plan: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.

Irrigation system: A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

Landscape feature: Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

Landscaping material: Any of the following or combination thereof such as, but not limited to: Grass, ground cover, shrubs, vines, hedges, and trees, or palms and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

Landscape Manual: The Miami-Dade County Landscape Manual adopted under Chapter 18A of the Code of Miami-Dade County, which is to be used as a guide with this section.

Landscape plan: A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, all landscape calculations, the size and zoning of the subject parcel, the length of all abutting and interior roadways, a north arrow, the scale of the plan, the percentage of native species for all trees and shrubs, graphic depictions of the minimum standards for planting and bracing for all trees, palms, and shrubs, view triangles where required, and all other relevant information as required by this article.

...

Planting detail: A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

Prohibited plant species: Those plants listed in the Miami-Dade County Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety, and welfare, except as specifically allowed as hedge material only and upon approval of the director.

...

Specimen tree: A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-49(4)(f) of the Code of Miami-Dade County;
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus Ficus, and
- (4) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and Phoenix reclinata which have a minimum overall height of fifteen (15) feet.

...

Vegetation survey: A drawing provided at the same scale as the landscape plan which includes relevant information as required by this article.

...

~~Xeriscape: A type of landscaping utilizing native plants and ground cover that needs reduced water and little maintenance, which is detailed in the South Florida Water Management District publication, Xeriscape, Plant Guide II as amended, incorporated herein by reference.~~

- (e) *Landscape plan required.* Prior to the issuance of a building permit or site plan approval, a landscape plan shall be submitted to and approved by the Director of the Community Development Department.

All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. ~~The landscape plan shall be drawn to a scale not less than 1" = 20'-0". All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. This plan shall clearly delineate existing and proposed buildings, parking, driveways, or other vehicular use areas. The plan shall also designate the name (botanical and common), size (height and spread), quantity, quality and location of the plant material to be installed, as well as the name, size, location, and condition of viable, existing vegetation. The plan shall also include a tabulation of required and provided plant materials.~~ The use of xeriscape principles Florida-Friendly Landscape principles in the development of this plan is strongly encouraged. No building permit or site plan approval shall be issued unless such landscape plan complies with the provisions herein.

Landscape plans shall be provided as part of the submission for site plan approval and shall:

- (1) Be drawn to scale not less than 1"=20' and include property boundaries, north arrow, graphic scale, and date.
- (2) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.
- (3) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.
- (4) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of Community Development.

- (5) Identify all landscape features and non-living landscape materials.
- (6) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.
- (7) Illustrate any geologic, historic and archeological features to be preserved.
- (8) Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.
- (9) Document zoning district, net lot area, required open space, and maximum permitted lawn area.
- (10) Complete "Owner's or Preparer's Certification of Landscape Compliance at Time of Landscape Plan Submittal" in form approved by the City Manager.

Landscape plans submitted for permit shall include all of the above, as well as the following:

- (1) A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of Community Services.
- (2) Critical layout dimensions for trees, plant beds and landscape features.
- (3) Method(s) to protect and relocate trees and native plant communities during construction.
- (4) Planting details and specifications.
- (5) Irrigation plans, as required by the zoning district.
- (6) Irrigation details and specifications, as required above.

Prior to the issuance of final landscape approval for any building permit issued by the City, an Owner's, or a Professional Preparer's Certificate of Landscape Compliance for Final Inspection, in form approved by the City Manager, shall be submitted at the time that the final inspection is requested.

(f) Vegetation survey required. A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. The vegetation survey shall provide the following information:

- (1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Code.
- (2) A table showing the following information:
 - (a) The scientific and common name of each tree, each of which shall be numbered.
 - (b) The diameter at breast height of each tree, or if a multiple trunk tree, the sum DBH for all trunks.

(c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.

(g) Landscape Plan Review: Landscape plans shall be reviewed in accordance with the following goals, objectives and the guidelines:

- (1) Landscape design shall enhance architectural features; relate structure design to the site; visually screen dissimilar uses and unsightly views; reduce noise, glare and heat gain from paved areas, major roadways and incompatible uses; strengthen important vistas and reinforce neighboring site design and architecture.
- (2) Existing specimen trees, native vegetation (including canopy, understory, and ground cover) shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met.
- (3) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydrozones. Adequate growth area, including rooting space, based on natural mature shape and size shall be provided for all plant materials.
- (4) The plan shall include the use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.
- (5) Trees and shrubs shall be planted in such a way as to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.
- (6) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.
- (7) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.
- (9) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with this article.

(f) (h) Minimum landscape requirements for all zoning districts.

(1) Tree specifications.

- a. Required trees shall be of a species which normally grow to a minimum height of 25 feet and have a mature crown spread of not less than 20 feet with trunks which can be maintained with over six feet of clear wood. Emphasis is given to the use of native species.
- b. All required trees shall have a minimum caliper or diameter at breast height (D.B.H) of three inches and be a minimum of 12 14 feet in height at time of planting. The minimum tree canopy shall be 7', centered on the trunk. ~~A list of approved required trees is available from the Director of the Community Development Department.~~

- c. Required palms shall be field grown and have a minimum of 16 feet in overall height with a minimum of 6 feet of clear wood. a minimum of 14 feet in height and six feet of gray wood.
 - d. Adjacent to any street right-of-way, a single trunk palm species with a minimum 10 inches DBH and a minimum of 8 feet of clear wood is required. Queen palms (Syagrus romanzoffiana) shall not be allowed as street trees.
 - ~~d.e.~~ e. No more than 40 thirty (30%) percent of all required gray wood trees shall be of a palm species, as determined by the Director or Designee.
 - e.f. Three palm trees shall be clustered to equal one required tree: The three palm trees in the cluster shall be of differing heights, with a minimum three-foot stagger between adjacent palms, but, in no case smaller than 44 16 feet in height. Roystonea sp. (Royal Palm) and Phoenix sp. (Date Palm) may have matching heights. Such clustering shall be determined by Director or Designee.
 - f.g. It is prohibited to paint the trunks of trees or palms.
 - h. Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.
 - i. Of the required trees at least thirty (30%) percent shall be native species and fifty (50) percent shall be low maintenance and drought tolerant.
 - j. Eighty (80%) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida.
 - k. Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.
- (2) Other plant material specifications.
- a. Shrubs and hedges: Shall be of a self-supporting, woody, evergreen species and shall be a minimum of two feet in height at time of planting. Hedges shall be planted and maintained so as to form a continuous, solid visual screen, of not less than three feet in height, within one year of planting. Spacing of plants shall be no more than 24 inches on center. Double staggered rows may be required in some areas as determined by Director or Designee. Of the provided shrubs at least:
 - (a) Thirty (30%) percent shall be native species; and
 - (b) Fifty (50%) percent shall be low maintenance and drought tolerant; and
 - (c) Eighty (80%) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida.
 - b. Ground covers: May be used in lieu of grass. Ground covers shall present a finished appearance and reasonably complete coverage at time of planting.

- c. Lawn grass: Shall be St. Augustine 'Floritam' solid sod, or other lawn type species well adapted to localized growing conditions, as approved by the Director, reasonably free of insects and noxious weeds. Lawn shall be solid sodded for immediate effect.
- d. Quality: Plant material shall comply with required inspections, grading standards and plant regulations as set forth by the Florida Department of Agriculture and Consumer Service's most current edition of "Grades and Standards of Nursery Plants, Part I & II", ~~latest revisions, and "Grades and Standards for Nursery Plants, Part II for Palms and Trees"~~, or with superseding standards called for in these specifications. Plants shall conform to Florida No. 1 or better regarding:
 - 1. Shape and form.
 - 2. Health and vitality.
 - 3. Condition of foliage.
 - 4. Root system.
 - 5. Free from pest and mechanical damaged.
 - 6. Heavily branched and with dense foliage.
 - 7. Trees installed pursuant to this Section shall have (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

...

(3) Installation.

...

- c. Existing plant credit: In instances where healthy plant material exists on-site (particularly native or ~~xeriscape~~ Florida-friendly species), the Director or Designee may adjust the requirements of this article to allow credit for such plant material, if, in his or her opinion, such an adjustment is in keeping with and will preserve the intent of this article.

...

(4) Irrigation.

All newly landscaped areas shall be provided with a fully automatic underground irrigation system that provides 100 percent coverage to all landscaped areas. ~~The irrigation system should be designed to provide only the required water to sustain viable plant material. The use of a porous, pipe subsurface irrigation system that requires low water volume and pressure is encouraged when adjacent to vehicular roadway areas.~~

a. Irrigation systems shall be designed, operated and maintained to:

- 1. Meet the needs of all the plants in the landscape.
- 2. Consider soil, slope and other site characteristics in order to minimize water waste, including overspray or overflow on to impervious surfaces and other non-vegetated areas, and off-site runoff.

3. Minimize free flow conditions in case of damage or other mechanical failure.
4. Use low trajectory spray heads, and/or low volume water distributing or application devices.
5. Maximize uniformity, considering factors such as:
 - (1) Emitters types.
 - (2) Head spacing.
 - (3) Sprinkler pattern, and
 - (4) Water pressure at the emitter.
6. Use the lowest quality water feasible.
7. Rain switches and other devices, such as soil moisture sensors, shall be used with automatic controls.
8. Where feasible, drip irrigation or micro-sprinklers shall be used.
9. During dry periods, irrigation application rates of between one (1) and one and one-half (1½) inches per week are recommended for turf areas.
- a. 10. The operation of an irrigation system during periods of heavy rainfall is prohibited and shall conform to standards and regulations as established by the South Florida Water Management District. Irrigation controllers shall be switched to manual operation during periods of increased rainfall. Use of rain gauge sensors is required. A functioning moisture or rain sensor shut-off device shall be required on all irrigation systems equipped with automatic controls. The device shall not be installed under the eaves of houses, buildings or other obstructions, nor in the path of the irrigation system.

...

(g) (i) Maintenance.

...

(4) Pruning. Trees shall be pruned in the following manner:

- a. All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
- b. Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.
- c. Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
- d. Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.

- e. No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.
- f. Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

~~(4)~~(5) *Edging*. Edging shall be accomplished in such a manner so as not to destroy landscaping material.

~~(5)~~(6) *Fertilization*. Fertilize landscaping material, as needed, to maintain healthy, viable growth. Apply appropriate fertilizer to avoid symptoms of chlorosis and trace element deficiency. Use of environmentally safe fertilizer is required. Application of fertilizer must conform to manufacturers specifications.

~~(h)~~(i) *Tree removal permit*. No existing tree on the site having a trunk diameter of three inches or greater, or trees with an overall height of twelve feet and greater, except for Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Albizia Lebbeck (Woman's Tongue), Dalbergia Sissoo (Indian Rosewood), Thespesia Populnea (Seaside Mahoe), Hibiscus Tiliaceus (Mahoe), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Ficus Benjamina (Weeping Fig), Ficus Nitida (Laurel Fig) species, Acacia Auriculiformis (Earleaf Acacia), Bishoffia Javanica or Araucaria heterophylla (Norfolk Island Pine) shall not be removed or relocated without a permit from the Community Development Department of the City. In evaluating whether to grant a tree removal permit, the Director or Designee shall consider the size, species (native or not), health, rareness and age of the tree. A tree survey identifying all existing trees over three inches in diameter or trees with an overall height of twelve feet and greater shall be included with any building permit application. This survey drawing shall be overlaid directly upon the site plan sufficiently to provide the accurate location of all existing trees which are proposed to be destroyed, relocated, or preserved, the identification number of each tree, botanical name and common name of each tree, and the diameter at breast height (DBH) of each tree, height and canopy spread of each tree, condition and disposition of each tree. In addition, all applicable portions of ~~Tree Protection Ordinance #89-8~~ Section 24-49 of the Code of Miami-Dade County are adopted herein. Applicability of the Miami-Dade County Ordinance shall be as determined by the Director or Designee.

Excepted from this Section are the tree species listed in Section 24-49(4)(f) of the Code of Miami-Dade County.

...

(2) *Relocation standards*. Trees that are to be relocated shall be consistent with the Tree Relocation Standards as set forth in Section 24-49.6 of the Code of Miami-Dade County and the following minimum standards:

...

~~(i)~~(k) *Minimum design standards*. The following shall apply to all developments requiring site plan or permit approval except for single and two-family dwellings:

...

(5) *Clear sight triangles*.

- a. When an accessway intersects a public street or alley right-of-way, or another accessway, or when the vehicular use area is contiguous to the intersection of two or more public rights-of-way, all landscaping within the triangular areas created by such

intersections and defined below shall provide unobstructed vision clearance at an elevation of ~~30-~~ 2.5 feet to eight feet in height. Vision clearance requirements shall comply with American Association of State Highway & Transportation Officials (AASHTO).

- b. Trees having over six feet of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the vision clearance area shall be permitted, provided they in no way create a traffic hazard. No landscaping elements, except for grass, ground cover, or hedges no greater than 2.5 feet shall be located nearer than five ten feet to any accessway intersection of a public road.

...

Section 7. 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 8. 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; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 9. 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 Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Billy Joel	_____
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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 2nd day of September, 2014.

PASSED AND ADOPTED on second reading this 7th day of October, 2014.

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 October, 2014.

CITY CLERK