

**City Commission**

Enid Weisman, Mayor  
Denise Landman, Vice Mayor  
Teri Holzberg, Commissioner  
Marc Narotsky, Commissioner  
Robert Shelley, Commissioner  
Howard Weinberg, Commissioner



**City Manager**

Eric M. Soroka, ICMA-CM

**City Clerk**

Ellisa L. Horvath, MMC

**City Attorney**

Weiss Serota Helfman  
Cole & Bierman

## **CITY COMMISSION MEETING AGENDA**

**SEPTEMBER 6, 2016**

**Following the Local Planning Agency Meeting at  
6:00 p.m.**

**Aventura 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 12, 2016 Commission Regular Meeting
    - July 21, 2016 Commission Regular Meeting
    - July 21, 2016 Commission Workshop Meeting
  - B. 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 FOR AN EFFECTIVE DATE.**
  - C. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$86,300 FOR BALLISTIC SHIELDS, CHEMICAL AGENTS, MUNITIONS SAFE AND PLATE CARRIERS FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.**

- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE CITY OF MIAMI BEACH FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- E. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA FLORIDA NAMING THE NEW PARK LOCATED AT 3200 N.E. 188<sup>TH</sup> STREET PEACE PARK; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE PERFORMING ARTS CENTER AUTHORITY FOR MANAGEMENT, PROGRAMMING AND OPERATIONAL SUPPORT SERVICES FOR THE AVENTURA ARTS & CULTURAL CENTER; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- G. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING THE APPOINTMENT OF MEMBERS TO THE CITY OF AVENTURA ARTS IN PUBLIC PLACES ADVISORY BOARD FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.**
- H. 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 FOR AN EFFECTIVE DATE.**
- I. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-07-12-2, NE 191<sup>ST</sup> STREET ROADWAY AND DRAINAGE IMPROVEMENTS TO H&R PAVING, INC. AT THE BID PRICE OF \$711,962.55; 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; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.**
- J. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-06-24-3, PARKS & FACILITIES LANDSCAPE MAINTENANCE SERVICES TO BRIGHTVIEW LANDSCAPE MAINTENANCE, INC. AT THE BID PRICE OF \$398,509.75; 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; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**K. A MOTION TO TABLE THE REQUEST OF GULFSTREAM PARK RACING ASSOCIATION, INC. FOR EXTENSION OF THE APPROVALS GRANTED THROUGH RESOLUTION NO. 2006-62 FOR PROPERTY LOCATED ON THE NORTH SIDE OF NE 213 STREET BETWEEN BISCAYNE BOULEVARD AND NE 34 AVENUE, CITY OF AVENTURA, FOR A PERIOD OF 60 DAYS AD RECOMMENDED BY THE CITY MANAGER**

**L. 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, 2016 AND TO ACCEPT FOR FILING THAT LETTER DATED AUGUST 24, 2016 ATTACHED HERETO AS ATTACHMENT 1**

**M. 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 19, 2016**

**N. A MOTION TO CHANGE THE OCTOBER COMMISSION MEETING DATE FROM OCTOBER 5, 2016 TO OCTOBER 6, 2016**

**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. ORDINANCE - FIRST READING/PUBLIC HEARING:**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(c)(2) AND SECTION 31-144(c)(5)b., COMMUNITY BUSINESS (B2) DISTRICT, TO ADD A CONDITIONAL USE FOR AUTOMOBILE PARKING GARAGES IN THE COMMUNITY BUSINESS (B2) DISTRICT WHEN LOCATED DIRECTLY ADJACENT TO AN AUTOMOBILE PARKING GARAGE LOCATED IN A MULTIFAMILY RESIDENTIAL ZONING DISTRICT AND TO CLARIFY THE HEIGHT RESTRICTION IN THE B2 DISTRICT SITE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**8. ORDINANCE - SECOND READING/PUBLIC HEARING:**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(1), COMMUNITY BUSINESS (B2) DISTRICT TO ADD AN ELECTRIC VEHICLE RETAIL SHOWROOM AS A PERMITTED USE IN SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**10. DISCUSSION AND POSSIBLE MOTION TO FILL THE VACANCY IN CITY COMMISSION SEAT 5 CREATED BY ENBAR COHEN'S RESIGNATION**

**11. REPORTS**

**12. PUBLIC COMMENTS**

**13. OTHER BUSINESS: None**

**14. ADJOURNMENT**

**FUTURE MEETINGS\***

**SECOND BUDGET PUBLIC HEARING – SEPTEMBER 14, 2016 AT 6:00 P.M.**

**COMMISSION WORKSHOP – SEPTEMBER 15, 2016 AT 9 AM  
EXECUTIVE CONFERENCE ROOM (5<sup>TH</sup> FLOOR)**

\*Meeting dates and times are subject to change. Please check the City's website for the most current schedule.

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.



1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 6:09 p.m. The roll was called and the following were present: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney James E. White. Commissioner Enbar Cohen was absent. As a quorum was determined to be present, the meeting commenced.

2. **PLEDGE OF ALLEGIANCE:** The Pledge was previously done at the Local Planning Agency Meeting.

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

4. **SPECIAL PRESENTATIONS:**

- **Employee Service Award:** Mr. Soroka and the Commission presented Robert Sherman with a plaque and a token of appreciation recognizing his 20 years of service as the Director of Community Services.

- **Proclamation – Lauren Morris Schulman:** Mayor Weisman and the Commission presented a proclamation to Aventura resident Lauren Morris Schulman.

5. **CONSENT AGENDA:** There were no requests from the public to address the Commission.

A motion to remove Item C from the Consent Agenda was offered by Commissioner Shelley, seconded by Commissioner Holzberg, and passed unanimously.

A motion to approve the remaining items on the Consent Agenda was offered by Commissioner Holzberg, seconded by Vice Mayor Landman, and passed unanimously by roll call vote. The following action was taken:

A. **Minutes** were approved as follows:

- June 7, 2016 Commission Regular Meeting
- June 21, 2016 Commission Workshop Meeting

B. **Resolution No. 2016-40** 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 FOR AN EFFECTIVE DATE.**

**C. Removed for discussion as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, EXPRESSING THE CITY'S STRONG OBJECTION TO MIAMI DADE COUNTY'S PROPOSED MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE COUNTY'S METROPOLITAN SERVICES COMMITTEE NOT TO APPLY THE PROPOSED ORDINANCE WITHIN THE CITY OF AVENTURA OR WITHIN ANY OTHER OBJECTING MUNICIPALITY; PROVIDING FOR DISTRIBUTION; PROVIDING IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**D. Resolution No. 2016-42 was adopted as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-06-22-2, NE 213<sup>TH</sup> SEAWALL RESTORATION TO JONES BENITEZ CORPORATION AT THE BID PRICE OF \$1,387,880; 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; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**E. Resolution No. 2016-43 was adopted as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF AVENTURA AND THE MIAMI-DADE COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) FOR THE UNIFIED MASTER PLAN FOR PEDESTRIAN AND BICYCLE CONNECTIVITY; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**F. Resolution No. 2016-44 was adopted as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED AGREEMENT BY AND BETWEEN THE CITY OF AVENTURA AND THE CORRADINO GROUP, INC. TO PREPARE THE AVENTURA UNIFIED MASTER PLAN FOR PEDESTRIAN AND BICYCLE CONNECTIVITY IN ACCORDANCE WITH THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION GRANT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**G. Resolution No. 2016-45** was adopted as follows:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-06-24-2, RIGHT-OF-WAYS, PUBLIC WORKS & LANDSCAPE MAINTENANCE SERVICES TO LUKES' LANDSCAPING, INC. AT THE BID PRICE OF \$999,477.00; 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; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H. Motion** was approved as follows:

**A MOTION TO TABLE THE REQUEST OF GULFSTREAM PARK RACING ASSOCIATION, INC. FOR EXTENSION OF THE APPROVALS GRANTED THROUGH RESOLUTION NO. 2006-62 FOR PROPERTY LOCATED ON THE NORTH SIDE OF NE 213 STREET BETWEEN BISCAYNE BOULEVARD AND NE 34 AVENUE, CITY OF AVENTURA, FOR A PERIOD OF 60 DAYS AS RECOMMENDED BY THE CITY MANAGER**

Mr. White read the following Resolution by title, for the item removed for discussion:

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, EXPRESSING THE CITY'S STRONG OBJECTION TO MIAMI DADE COUNTY'S PROPOSED MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE COUNTY'S METROPOLITAN SERVICES COMMITTEE NOT TO APPLY THE PROPOSED ORDINANCE WITHIN THE CITY OF AVENTURA OR WITHIN ANY OTHER OBJECTING MUNICIPALITY; PROVIDING FOR DISTRIBUTION; PROVIDING IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Weisman opened the item for public comment.

The following members of the public provided comments: Truly Burton, Executive Vice President (Builders Association of South Florida – 111 NW 183 Street, Suite 111, Miami Gardens).

A motion for approval of the Resolution was offered by Commissioner Narotsky and seconded by Commissioner Holzberg. The motion for approval of the Resolution passed unanimously by roll call vote, and **Resolution No. 2016-41** was adopted.

**6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS:** Mr. White reviewed the quasi-judicial procedures.

**RESOLUTIONS – PUBLIC HEARING:**

Mr. White read the following Resolution by title:

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF VARIANCE TO SECTION 31-238(j) OF THE CITY CODE TO ALLOW A 468 SQUARE FOOT, 12 FOOT TALL ACCESSORY UTILITY SHED AT THE NORTH MARINA AT WILLIAMS ISLAND, WHERE A MAXIMUM 100 SQUARE FOOT, 8 FOOT HIGH UTILITY SHED IS PERMITTED BY CODE; AND VARIANCE FROM SECTION 31-238(j) OF THE CITY CODE TO ALLOW A FRONT YARD SETBACK OF 20 FEET 9 ½ INCHES WHERE A MINIMUM 25 FOOT FRONT YARD SETBACK IS REQUIRED BY CODE, A NORTH SIDE YARD SETBACK OF 4 FEET WHERE A MINIMUM 12 FOOT SIDE YARD SETBACK IS REQUIRED BY CODE AND A 2 FOOT, 3 ¼ INCH REAR YARD SETBACK WHERE A MINIMUM 12 FOOT REAR YARD SETBACK IS REQUIRED BY CODE; ALL FOR A UTILITY SHED ACCESSORY TO THE WILLIAMS ISLAND NORTH MARINA LOCATED AT 4100 ISLAND BOULEVARD, CU-2, CITY OF AVENTURA; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Horvath administered the oath to all those wishing to offer testimony.

A motion for approval of the Resolution was offered by Commissioner Holzberg and seconded by Commissioner Shelley.

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record, which recommended approval, subject to the conditions specified in Section 1 of the Resolution.

The following provided testimony on behalf of the Applicant: Ray Rosario, Operations Coordinator (Williams Island Marina - 4100 Island Boulevard, Suite #2, Aventura).

Mayor Weisman opened the public hearing. There being no speakers, the public hearing was closed.

The motion for approval of the Resolution passed unanimously by roll call vote, and **Resolution No. 2016-46** was adopted.

Mr. White read the following Resolution by title:

- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO SECTION 31-143(f)(4) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO PERMIT THE INSTALLATION OF AN ABOVEGROUND FUEL STORAGE TANK IN THE RMF4, MULTIFAMILY HIGH DENSITY RESIDENTIAL DISTRICT; GRANTING VARIANCE FROM SECTION 31-143(f)(4)a. OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO PERMIT A 2,000 GALLON CAPACITY ABOVEGROUND FUEL STORAGE TANK, WHERE A MAXIMUM 550 GALLON CAPACITY ABOVEGROUND FUEL STORAGE TANK IS PERMITTED BY CODE FOR PROPERTY LOCATED AT 19355 TURNBERRY WAY, CITY OF**

**AVENTURA, FLORIDA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Horvath administered the oath to all those wishing to offer testimony.

A motion for approval of the Resolution was offered by Commissioner Shelley and seconded by Vice Mayor Landman.

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record, which recommended approval, subject to the conditions specified in Section 3 of the resolution.

The following provided testimony on behalf of the Applicant: Jerry Bleiweiss, Community Association Manager (Turnberry Towers Condominium Association, Inc. - 19355 Turnberry Way, Aventura) and Dale Munchler, Contractor (Fred Rice, LLC – 6607 Donlon Road, Fort Pierce).

Mayor Weisman opened the public hearing. There being no speakers, the public hearing was closed.

The motion for approval of the Resolution passed unanimously by roll call vote, and **Resolution No. 2016-47** was adopted.

**7. ORDINANCE - FIRST READING – PUBLIC HEARING:** Mr. White read the following Ordinance by title:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 “BUSINESS ZONING DISTRICTS” OF THE CITY’S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(1), COMMUNITY BUSINESS (B2) DISTRICT TO ADD AN ELECTRIC VEHICLE RETAIL SHOWROOM AS A PERMITTED USE IN SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The staff report and comments provided at the Local Planning Agency Meeting were incorporated into the record by reference.

A motion for approval of the Ordinance was offered by Vice Mayor Landman and seconded by Commissioner Shelley.

Mayor Weisman opened the public hearing. There being no speakers, the public hearing was closed.

The motion for approval of the Ordinance on first reading passed unanimously, by roll call vote.

**8. ORDINANCES - SECOND READING/PUBLIC HEARINGS:** None.

**9. RESOLUTIONS – PUBLIC HEARING:**

Mr. White read the following Resolution by title:

- A. 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 2016/17 TO 2020/21 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 of the Resolution was offered by Commissioner Holzberg and seconded by Commissioner Shelley.

Mr. Soroka explained the Resolution adopting the Capital Improvement Program for 2016/17 to 2020/21.

Mayor Weisman opened the public hearing. There being no comments, the public hearing was closed.

The motion for approval of the Resolution passed unanimously by roll call vote, and **Resolution No. 2016-48** was adopted.

Mr. White read the following Resolution by title:

- B. RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AMENDING RESOLUTION NO. 98-85, WHICH ESTABLISHED THE RATE OF STORMWATER UTILITY FEE, BY AMENDING THE RATE OF THE STORMWATER UTILITY FEE FOR THE CITY OF AVENTURA STORMWATER MANAGEMENT SYSTEM; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion for approval of the Resolution was offered by Commissioner Weinberg and seconded by Commissioner Shelley.

Mr. Soroka explained the Resolution, which provided for an increase in the monthly stormwater fee from \$2.50/ERU to \$3.50/ERU and noted that said fee had not been increased in 18 years. He discussed the uses of the funds, including addressing rising sea level and improvements to the stormwater infrastructure.

Mayor Weisman opened the public hearing. There being no comments, the public hearing was closed.

The motion for approval of the Resolution passed unanimously by roll call vote, and **Resolution No. 2016-49** was adopted.

**10. REPORTS: None.**

11. **PUBLIC COMMENTS:** None.
12. **OTHER BUSINESS:** None.
13. **ADJOURNMENT:** There being no further business to come before the Commission, a motion to adjourn was offered by Commissioner Holzberg, seconded by Vice Mayor Landman, and unanimously approved; thus adjourning the meeting at 7:00 p.m.

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Ellisa L. Horvath, MMC, City Clerk

Approved by the Commission on September 6, 2016.



**CITY COMMISSION  
REGULAR MEETING MINUTES  
JULY 21, 2016  
9:00 A.M.**

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

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 9:00 a.m. Present were the following: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Enbar Cohen, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, 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 the budget message. He then reviewed the proposed 2016/2017 budget document, as follows:

A. **GENERAL FUND:**

- **REVENUES:** A motion to approve the General Fund Budget Revenues was offered by Commissioner Cohen, seconded by Vice Mayor Landman, and unanimously passed.

- **GENERAL GOVERNMENT DEPARTMENTS:**

- **City Commission:** A motion to approve the City Commission Budget was offered by Commissioner Weinberg, seconded by Commissioner Holzberg, and unanimously passed.

- **Office of the City Manager:** A motion to approve the Office of the City Manager Budget was offered by Vice Mayor Landman, seconded by Commissioner Narotsky, and unanimously passed.

- **Legal:** A motion to approve the Legal Department Budget was offered by Commissioner Cohen, seconded by Commissioner Holzberg, and unanimously passed.

- **City Clerk's Office:** A motion to approve the City Clerk Budget was offered by Commissioner Narotsky, seconded by Vice Mayor Landman, and unanimously passed.

- **Finance:** A motion to approve the Finance Department Budget was offered by Commissioner Narotsky, seconded by Commissioner Holzberg, and unanimously passed.

- **Information Technology:** A motion to approve the Information Technology Budget was offered by Commissioner Holzberg, seconded by Vice Mayor Landman, and unanimously passed.

- **PUBLIC SAFETY DEPARTMENT:** A motion to approve the Public Safety Department Budget was offered by Commissioner Shelley, seconded by Commissioner Holzberg, and unanimously passed.
- **COMMUNITY DEVELOPMENT DEPARTMENT:** A motion to approve the Community Development Department Budget was offered by Commissioner Shelley, seconded by Commissioner Cohen, and unanimously passed.
- **COMMUNITY SERVICES DEPARTMENT:** A motion to approve the Community Services Department Budget was offered by Commissioner Holzberg, seconded by Vice Mayor Landman, and unanimously passed.
- **PUBLIC WORKS/TRANSPORTATION DEPARTMENT:** A motion to approve the Public Works/Transportation Department Budget was offered by Commissioner Holzberg, seconded by Vice Mayor Landman, and unanimously passed.
- **ARTS & CULTURAL CENTER DEPARTMENT:** A motion to approve the Arts & Cultural Center Department Budget was offered by Commissioner Cohen, seconded by Vice Mayor Landman, and unanimously passed.
- **NON-DEPARTMENTAL:** A motion to approve the Non-Departmental Budget was offered by Commissioner Shelley, seconded by Commissioner Narotsky, and unanimously passed.
- **CAPITAL OUTLAY:** A motion to approve the Capital Outlay Budget was offered by Commissioner Cohen, seconded by Vice Mayor Landman, and unanimously passed, with Commissioner Narotsky absent.

**B. MOTION TO ADOPT RESOLUTION TO ESTABLISH TENTATIVE MILLAGE RATE:** 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 2016/2017 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 to approve the Resolution was offered by Commissioner Shelley and seconded by Vice Mayor Landman.

Mr. Soroka reviewed the Resolution, which established a millage rate for the 2016/2017 fiscal year of 1.7261 per \$1,000 of taxable assessed value.

Mr. Soroka reviewed the proposed dates for the Budget Hearings. It was the consensus of the Commission to schedule the hearings for September 6, 2016 at 5:30 p.m. and September 14, 2016 at 6:00 p.m., in the Commission Chamber of the Aventura Government Center (19200 West Country Club Drive, Aventura, FL).

The motion to approve the Resolution unanimously passed, by roll call vote, and **Resolution No. 2016-50** was adopted.

C. **POLICE EDUCATION FUND:** A motion to approve the Police Education Fund Budget was offered by Commissioner Holzberg, seconded by Vice Mayor Landman, and unanimously passed by roll call vote.

D. **TRANSPORTATION AND STREET MAINTENANCE FUND:** A motion to approve the Transportation and Street Maintenance Fund Budget was offered by Vice Mayor Landman, seconded by Commissioner Cohen, and unanimously passed.

E. **E911 FUND:** A motion to approve the E911 Fund Budget was offered by Commissioner Weinberg, seconded by Commissioner Narotsky, and unanimously passed.

F. **DEBT SERVICE FUND:** A motion to approve the Debt Service Fund Budget was offered by Commissioner Holzberg, seconded by Commissioner Narotsky, and unanimously passed.

G. **CAPITAL PROJECTS FUND:** A motion to approve the Capital Projects Fund Budget was offered by Commissioner Weinberg, seconded by Vice Mayor Landman, and unanimously passed.

H. **STORMWATER UTILITY FUND:** A motion to approve the Stormwater Utility Fund Budget was offered by Vice Mayor Landman, seconded by Commissioner Holzberg, and unanimously passed.

I. **POLICE OFF-DUTY SERVICES FUND:** A motion to approve the Police Off-Duty Services Fund Budget was offered by Commissioner Weinberg, seconded by Vice Mayor Landman, and unanimously passed.

3. **MOTION TO APPROVE THE PRESENTATION OF A KEY TO THE CITY TO SENATOR GWEN MARGOLIS:** Mayor Weisman read the motion title and spoke in favor of approval.

A motion to approve was offered by Commissioner Holzberg, seconded by Commissioner Weinberg, and unanimously passed by roll call vote.

4. **RESOLUTION:** Mr. Wolpin read the following Resolution by title:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDS RFP 16-07-07-2 TO AVENTURA SPORTS, LLC; AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF AVENTURA AND AVENTURA SPORTS, LLC TO PERFORM YOUTH SPORTS MANAGEMENT SERVICES AS SET FORTH IN RFP 16-07-07-2; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion to approve the Resolution was offered by Commissioner Shelley, seconded by Commissioner Holzberg, and unanimously passed by roll call vote, and **Resolution No. 2015-51** was adopted.

5. **ADJOURNMENT:** There being no further business to come before the Commission, a motion to adjourn was offered by Commissioner Cohen, seconded by Commissioner Holzberg, and unanimously passed. The meeting was adjourned at 10:02 a.m.

---

Ellisa L. Horvath, MMC, City Clerk

Approved by the Commission on September 6, 2016.



**CITY COMMISSION  
WORKSHOP MEETING MINUTES  
JULY 21, 2016  
FOLLOWING COMMISSION MEETING  
AT 9:00 A.M.**

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

**CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 10:09 a.m. The following were present: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Enbar Cohen, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

It was the consensus of the Commission to take the following item out of order:

**Item 2: INVESTMENT IN ISRAELI BONDS (Mayor Weisman):** Mayor Weisman requested that the Commission consider revising the City's current investment policy, to allow investing in Israel bonds.

The following provided comments: Michael Yavner (Development Corporation for Israel).

**City Manager Summary:** It was the consensus of the City Commission to place a Resolution on the September 6, 2016 Commission Meeting Agenda, to revise the City's investment policy to allow for investment in Israel bonds.

**1. MIAMI-DADE COUNTY FIRE RESCUE UPDATE BY FIRE CHIEF DOWNEY (City Manager):** Fire Chief Dave Downey reviewed the annual report summarizing the services that Miami-Dade Fire Rescue provided to the City in 2015.

**City Manager Summary:** No action - this item was provided for informational purposes.

**3. NE 188<sup>th</sup> PARK NAMING (City Manager):** Mr. Soroka reviewed the following top three names recommended by the Community Services Advisory Board, after review of the names submitted by the students at ACES: Thunderboat Alley Park, Peace Park, and Eagles Park.

**City Manager Summary:** It was the consensus of the City Commission to proceed with placing a Resolution on the September 6, 2016 Commission Meeting Agenda, to select the name Peace Park.

The following additional items were discussed: it was the consensus of the City Commission for Mr. Soroka to review the feasibility of sending a letter to FPL opposing their proposed rate increase.

**4. ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting was adjourned by consensus at 10:59 a.m.

---

Ellisa L. Horvath, MMC, City Clerk

Approved by the Commission on September 6, 2016

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: August 22, 2016

SUBJECT: **Resolution Declaring Equipment Surplus**



---

**September 6, 2016 City Commission Meeting Agenda Item 5B**

**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. 2016-\_\_

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 FOR 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 Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

**CITY OF AVENTURA**

**INFORMATION TECHNOLOGY DEPARTMENT**

**MEMORANDUM**

TO: Eric M. Soroka, City Manager  
FROM: Karen J. Lanke, Information Technology Director  
DATE: August 22, 2016  
SUBJECT: Surplus Computer Equipment

---

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

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

Attachment

**City of Aventura  
Computer Equipment Inventory**

**Exhibit A**

Brand	Model	Qty	Serial Number	Type
APC	Back-UPS RS 700	3		UPS
APC	Back-UPS RS 800	4		UPS
Brother	PocketJet6 Plus	1	U62864-B4Z556001	Printer
Daewoo	DTQ-20U4SC	1	GT41A10626	TV
Dell	1704FPTt	1	CN-0Y4299-71618-563-CGPG	Monitor
Dell	1704FPTt	1	CN-0Y4299-71618-563-CGUJQ	Monitor
Dell	1704FPTt	1	CN-0Y4299-71618-621-ATA2	Monitor
Dell	1707FPt	1	CN-0CC280-71618-64I-AGQY	Monitor
Dell	1707FPt	1	CN-0CC280-71618-64J-BFZV	Monitor
Dell	1707FPt	1	CN-0CC280-71618-67L-ADVU	Monitor
Dell	1708FPb	1	CN-0FP816-74261-81U-31YS	Monitor
Dell	1708FPt	1	CN-0KU789-71618-74A-GBSD	Monitor
Dell	1905FP	1	CN-0T6116-71618-583-AA8M	Monitor
Dell	1905FP	1	CN-0T6116-71618-58K-AFQ3	Monitor
Dell	1905FP	1	CN-0T6116-71618-5BC-AJD3	Monitor
Dell	2001FP	1	CN-0C0646-48633-59F-07NL	Monitor
Dell	2007FPb	1	MX-0C9536-46634-66L-14FS	Monitor
Dell	2009Wt	1	CN-0G433H-71618-87N-A06L-A00	Monitor
Dell	2400MP	1	HM4S0D1	Projector
Dell	D520	1	4W9P3F1	Laptop
Dell	D520	1	52L2ZD1	Laptop
Dell	D520	1	72L2ZD1	Laptop
Dell	D520	1	B2L2ZD1	Laptop
Dell	E4200	1	554VUNJ1	Laptop
Dell	E4200	1	F5G9WK1	Laptop
Dell	E6420	1	C7RQCS1	Laptop
Dell	E6430	1	1Y93CW1	Laptop
Dell	E6430	1	244KKV1	Laptop
Dell	E6430	1	2W93CW1	Laptop
Dell	E6430	1	3LVKKV1	Laptop
Dell	E6430	1	3W4KKV1	Laptop
Dell	E6430	1	4F4KKV1	Laptop
Dell	E6430	1	5T3KKV1	Laptop
Dell	E6430	1	5X3KKV1	Laptop
Dell	E6430	1	8C5KKV1	Laptop
Dell	E6430	1	8JG3CW1	Laptop
Dell	E6430	1	92BRRY1	Laptop
Dell	E6430	1	BN3KKV1	Laptop
Dell	E6430	1	BV4KKV1	Laptop
Dell	E6430	1	CHYQRY1	Laptop
Dell	E6430	1	DN3KKV1	Laptop
Dell	E6430	1	DX3KKV1	Laptop
Dell	E6430	1	F2BKKV1	Laptop
Dell	E6430	1	FGH3CW1	Laptop
Dell	E6430	1	GW3KKV1	Laptop
Dell	E6430	1	GYB3CW1	Laptop
Dell	E6430	1	HFH3CW1	Laptop
Dell	E6430	1	HT3KKV1	Laptop
Dell	GX620	1	B5YMS91	Desktop
Dell	Optiplex 745	1	6PVHZC1	Desktop
Dell	Optiplex 745	1	6WLRHD1	Desktop
Dell	Optiplex 745	1	73FDLD1	Desktop
Dell	Optiplex 745	1	B7Q3QD1	Desktop
Dell	Optiplex 745	1	BJ56QD1	Desktop
Dell	Optiplex 755	1	211GWH1	Desktop
Dell	Optiplex 755	1	3SNQGH1	Desktop
Dell	Optiplex 790	1	D5HY1R1	Desktop
Dell	Optiplex 790	1	D5LX1R1	Desktop
Dell	PowerEdge 1950	1	86ZK0G1	Server
Fargo	Direct To Card 550	1	A7461859	Printer
Holmes	HASF-1515	1		Fan
Honeywell	Fusion III	1	K171 658322	DVR
Honeywell	Fusion IV	1	S222 689681	DVR
HP	DeskJet 6940	1	MY814CS1BG	Printer
HP	Deskjet 940c	1	MX2631D2Q2	Printer
HP	Modular Smart Array 20 Controller Module	1	E0AKMLJ19D	Controller Module
HP	ProLiant ML350	1	MXQ737027P	Server
HP	ScanJet 8300	1	CN98SB0244	Scanner
iMPath Networks	Fan Tray Unit	1	AD8636	Fan Tray Unit
iMPath Networks	i-Volution Video Surveillance Gateway	1	AC7421	Video Surveillance Gateway
Miscellaneous	Box of keyboards, mice, and cables	1		

**City of Aventura  
Computer Equipment Inventory**

**Exhibit A**

<b>Brand</b>	<b>Model</b>	<b>Qty</b>	<b>Serial Number</b>	<b>Type</b>
Miscellaneous	Box of keyboards, mice, cables, fiber converters	1		
Miscellaneous	Box of speakers	1		
NEC	LCD1530V	1	1903732IA	Monitor
NEC	LCD1970NX	1	61D06273YA	Monitor
Netopia	3347NWG-006	1	24055324	Router
Panasonic	WV-BP144	1	AHW04033	Camera
Panasonic	WV-BP144	1		Camera
Pelco	System 9760	1	513-0940	Matrix Switcher
Polycom	Viewstation SP 128	1	03C091	Polycom
Sisco	Camera	1	72	Camera
Smart Technologies	Symposium ID250	1	4BFP00024	Touch Monitor
Vicon	V4400QS-1	1	512029	Digital Color Quad Splitter
Vicon	V4400QS-1	1	512030	Digital Color Quad Splitter
Zebra	RW420	1	XXRC09-27-5225	Printer
Zebra	RW420	1	XXRC09-53-0440	Printer
Zebra	RW420	1	XXRCJ122200094	Printer

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

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

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

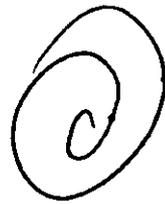
**DATE:** 24 August 2016

**SUBJECT:** Surplus Property

---

I would like to have the below 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:

**See attached memo with list of vehicles and equipment.**



**CITY OF AVENTURA**

**POLICE DEPARTMENT**

**MEMORANDUM**

To: Commander Fogelgren  
From: Captain Castronovo *AKH*  
Subject: Request to Surplus Property  
Date: August 17, 2016

---

Commander,

I am respectfully requesting the following city equipment be converted to surplus property to be disposed of through sale, donation or discarded as necessary:

**Vehicles**

Unit	Model	Year	Vehicle VIN
2851	Chevrolet Tahoe	2008	1GNEC03078R271497

**Misc. Vehicle Equipment**

Quantity	Model	Item
7	Ford Explorer	Rear Seats
4	Whelen	Light Bars
1	Ford Crown Vic	K-9 Cage

**Televisions**

Manufacturer	Model	Serial Number
Panasonic	PV-C202	A0AA13304
Panasonic	PV-C2011	G1AA20885
Philips	20PS47S301	7624647
RCA	T19060GY	724615116
Sony	KV-32HS500	8036248

**Communications Equipment**

<b>QTY</b>	<b>Brand</b>	<b>Type</b>	<b>Serial Number</b>
3	Xybix	Desk Control TMK30	844006901
1	Xybix	Desk Controller	VI600566
1	Dictaphone	Specialty headset	n/a
1	Plantronics	Portable Headset Base	SHS2500-01
1	Netcom, INC	Headset	04010111177
1	Plantronics	Headset	E1167
1	Netcom, INC	Headset Connector	BCE9GT-17339KXN
5	Zetron	Handset with cord	n/a
1	Plantronics	Headset Connector	AJ5073
1	Plantronics	Headset Connector	BF9811
1	Plantronics	Headset Connector	JS5594
1	Plantronics	Headset Connector	IY3279
1	Plantronics	Headset Connector	LR66181
1	Plantronics	Headset Connector	IY3275
1	Plantronics	Headset Connector	J10050
1	Plantronics	Headset Connector	JM7744
1	Plantronics	Headset Connector	JM7743
1	Plantronics	Headset Connector	JS5593
1	Plantronics	Headset Connector	JS5595
1	Unknown	Headset Connector	SI8233
1	Unknown	Headset Connector	RF3635
2	Southwestern Bell	Telephone/ Beige	9700097 not unique
1	General Electric	Telephone/ Black	70036878
1	Ultratec	TTY/ Hearing Impaired Phone	8270003174
1	Plantronics	Headset	n/a
1	Netcom, Inc.	Slim Headset	n/a
1	EDACS	Radio Jack Connector	n/a
1	Lathem Time	Time Recorder	U-107198
1	Roxio	Easy media Creator	223300CA

**Radios & Radio Equipment**

QTY	Brand	Type	Serial Number
1	ComNet Ericsson	Panther 600P Radio	9722633
1	ComNet Ericsson	Panther 600P Radio	9722600
1	ComNet Ericsson	Panther 600P Radio	9722587
1	ComNet Ericsson	Panther 600P Radio	9722383
1	ComNet Ericsson	Panther 600P Radio	9722581
1	ComNet Ericsson	Panther 600P Radio	9722640
1	ComNet Ericsson	Panther 600P Radio	9722566
1	ComNet Ericsson	Panther 600P Radio	9722397
1	MA-COM	Radio Charger	16068439
1	MA-COM	Radio Charger	16068342
1	MA-COM	Radio Charger	16068463
1	MA-COM	Radio Charger	16068397
1	MA-COM	Radio Charger	16068336
1	MA-COM	Radio Charger	16068492
1	MA-COM	Radio Charger	16068332
1	MA-COM	Radio Charger	16068341

**Miscellaneous Items**

Manufacturer	Model	Serial Number
Panasonic VHS Player	AG-1330P	K0KN01758
GBC Image Maker	IM3000-2	IF05936
Latter Sealer	UB-16	889107
Telex Copyette	300350000	33712
NBS Transaction Terminal	Card Swiper	18484
Brother Typewriter	ML-100	E1D284359
IBM Typewriter	Wheelwriter 1000	Asset Tag 0316
Eiki Cassette Recorder	3279A	E164292
Martin Yale Auto Folder	1501X10	32700

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

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

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

**DATE:** 31 August 2016

**SUBJECT:** Surplus Property

---

I would like to have the below 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:

See attached item list



**CITY OF AVENTURA**

**POLICE DEPARTMENT**

**MEMORANDUM**

To: Commander Fogelgren *AF*  
From: Captain Castronovo *CC*  
Subject: Request to Surplus Property  
Date: August 29, 2016

---

Commander,

I am respectfully requesting the following city equipment be converted to surplus property to be disposed of through sale, donation or discarded as necessary:

**Television**

<b>Manufacturer</b>	<b>Model</b>	<b>Serial Number</b>
Sylvania	6842PE	V19638817

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission  
FROM: Eric M. Soroka, ICMA-CM, City Manager  
DATE: July 27, 2016  
SUBJECT: **Disbursement of Police Forfeiture Funds**



---

**September 6, 2016 City Commission Meeting Agenda Item 5C**

**RECOMMENDATION**

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

“Motion authorizing the appropriation of up to \$86,300 for ballistic shields, chemical agents, munitions safe and plate carriers from the 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

CCO1948-16

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

**TO:** Eric M. Soroka, City Manager  
**FROM:** ~~Eric M. Soroka~~  
Steven Steinberg, Chief of Police  
**DATE:** 26 July 2016  
**SUBJECT:** Use of Forfeiture Funds

---

Florida State Statute 932.704 requires that money resulting from forfeitures be maintained in a special law enforcement trust fund, and 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:

Ballistic shields	\$7,300
Chemical agents	\$10,000
Munitions safe	\$9,000
Plate carriers w/plates	\$60,000

**Total Expenditure Request: \$86,300**

I certify that this requested expenditure complies with Florida State Statute 932.704 in that:

1. Funds will be used for an appropriate law enforcement purpose.
2. Funds are not being used as a normal source of revenue for the Police Department.
3. Funds were not considered in the adoption and approval of the budget of the Police Department.

## Summary

**Ballistic shields** – This is a purchase of handheld ballistic shields to protect officers from gun fire. Shields would be available to patrol units in the event they are needed depending on the situation.

**Chemical agents** – This purchase would replace chemical agents already on hand that have expired.

**Munitions safe** – This is a purchase of an ATF approved Level IV outdoor safe for storage of munitions.

**Plate carriers w/plates** – This is a purchase to equip each officer with personal protection from gunfire.

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: July 25, 2016

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



---

**September 6, 2016 City Commission Meeting Agenda Item 5D**

**RECOMMENDATION**

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

**BACKGROUND**

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

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

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

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

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

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

EMS/act

Attachment

CCO1946-16

RESOLUTION NO. 2016-\_\_

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

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

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

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

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

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

Commissioner Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
MAYOR ENID WEISMAN

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

**VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE  
MUTUAL AID AGREEMENT  
BETWEEN THE CITY OF AVENTURA AND  
THE CITY OF MIAMI BEACH, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2016 (Effective Date), by and between the CITY OF MIAMI BEACH, FLORIDA, a municipal corporation having its principal office at 1700 Convention Center Drive, Miami Beach, Florida 33139, and the CITY OF AVENTURA, FLORIDA, having its principal office at 19200 West Country Club Drive, Aventura, Florida, 33180, state as follows:

**RECITALS**

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

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the City of Aventura Police Department or the City of Miami Beach Police Department; and

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

WHEREAS, it is to the advantage of each law enforcement agency to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Continuing, multi jurisdiction law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and
- (2) Intensive situations including, but not limited to, emergencies as defined under Section 252.34 of the Florida Statutes, or requests for certain law enforcement services specified herein and as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the City of Aventura and the City of Miami Beach have the voluntary cooperation and assistance authority under the Florida Mutual Aid Act, Sections 23.12-23.127 of the Florida Statutes, to enter into this Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") for law enforcement service which:

- (1) Permits voluntary cooperation and operational assistance of a routine law enforcement nature across jurisdictional lines as allowed under Section 23.1225 of the Florida Statutes; and
- (2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34 of the Florida Statutes.

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

## **SECTION I: PROVISIONS FOR VOLUNTARY COOPERATION**

Each of the aforesaid law enforcement agencies hereby approve and enter into this Cooperation Agreement whereby each of the agencies may request and render law enforcement assistance to the other in dealing with any violations of Florida Statutes to include, but not necessarily be limited to, investigating sex offenses, robberies, assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts, drug violations pursuant to Chapter 893 of the Florida Statutes, backup services during patrol activities, and interagency task forces and/or joint investigations as set forth pursuant to, and under the authority of Chapter 23 of the Florida Statutes.

## **SECTION II: PROVISIONS FOR OPERATIONAL ASSISTANCE**

The aforesaid law enforcement agencies hereby approve and enter into this Cooperation Agreement whereby each of the agencies may request and render law enforcement assistance to the other to include, but not necessarily be limited to dealing with, the following:

1. Joint multi-jurisdictional criminal investigations
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations and assemblies, controversial trials, political conventions, labor disputes, and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from, or disturbances within, prisoner processing facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
12. Security and escort duties for dignitaries.
13. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene and police information.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

The following procedures will apply in mutual aid operations:

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

### **SECTION III: PROCEDURE FOR REQUESTING ASSISTANCE AND LIMITATIONS OF ASSISTANCE**

In the event that a party to this Cooperation Agreement is in need of assistance as set forth above, the Chief of Police or his/her designee, shall notify the Chief of Police or his/her designee from whom such assistance is requested. The Chief of Police or authorized agency representative whose assistance is sought shall evaluate the situation and the agency's available resources, consult with his/her supervisors, if necessary, and will respond in a manner he/she deems appropriate.

The Chief of Police in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

Should a law enforcement officer be in another subscribed agency's jurisdiction for matters of a routine nature, such as traveling through the area on routine business, attending a meeting or going to or from work, and a violation of Florida Statutes occurs in the presence of said party, representing his/her respective agency, **HE/SHE SHALL ONLY BE EMPOWERED TO RENDER ENFORCEMENT ASSISTANCE AND ACT IN ACCORDANCE WITH FLORIDA LAW**. Should enforcement assistance be taken, said party shall notify the agency having normal jurisdiction and upon the latter's arrival, turn the situation over to them and offer any assistance requested including but not limited to a follow-up written report documenting the event and the actions taken. This provision so prescribed in this paragraph, is not intended to grant general authority to conduct investigations, serve warrants and/or subpoenas, or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address critical, life-threatening or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter and such encounter results in a breach of the peace.

The parties acknowledge that the policy of the Florida Mutual Aid Act is to provide a means to deal with disasters, emergencies, and other major law enforcement problems. This Cooperation Agreement shall not extend police powers beyond the specific additional authority granted by the Legislature in Chapter 23 of the Florida Statutes, which intent was to assure the continued functioning of law enforcement in times of emergencies or in areas where major law enforcement efforts were being thwarted by jurisdictional barriers.

#### **SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY**

The personnel and equipment that are assigned by the assisting Agency shall be under the immediate command of a supervising officer designated by the assisting Agency. Such supervising officer shall be under the direct supervision and command of the Chief of Police or his/her designee of the agency requesting assistance.

#### **SECTION V: CONFLICTS**

Whenever an officer is rendering assistance pursuant to this Cooperation Agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

#### **SECTION VI: HANDLING 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 Cooperation Agreement, the Chief of Police or his/her designee of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:

1. The identity of the complainant.
2. An address where the complaining party can be contacted.
3. The specific allegation.
4. The identity of the employees accused without regard as to agency affiliation.

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

#### **SECTION VII: LIABILITY**

Each party engaging in any mutual cooperation and assistance, pursuant to this Cooperation Agreement, agrees to assume responsibility for the acts, omissions or conduct of such party's own employees while engaged in rendering such aid pursuant to this Cooperation Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable.

#### **SECTION VIII: POWERS, PRIVILEGES, IMMUNITIES AND EXPENDITURES**

(a) Employees of the City of Aventura and the City of Miami Beach, when actually engaging in mutual cooperation and assistance outside of their normal jurisdictional limits but inside this State, under the terms of this Cooperation Agreement, shall pursuant to the provisions of Section 23.127(1), Fla. Stat. (as amended) and this Agreement, have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.

(b) Each party agrees to furnish necessary personnel equipment, resources and facilities and to render services to each other party to this Cooperation Agreement as set forth above; provided however, that no party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

(c) A party that furnishes equipment pursuant to this Cooperation Agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

(d) The agency furnishing aid pursuant to this Cooperation Agreement shall compensate its appointees/employees during the time such aid is rendered and shall defray the actual travel and maintenance expenses of its employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid.

(e) To the extent provided by applicable law, ordinance, or rule, the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this Cooperation Agreement. The provisions of this section shall apply to paid, volunteer, and reserve employees.

(f) Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

(g) Should the City of Miami Beach receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the City of Aventura shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

(h) Should the City of Aventura receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the City of Miami Beach shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

(i) The parties acknowledge that the City of Miami Beach and the City of Aventura are authorized to pursue property seized pursuant to the Florida Contraband Forfeiture Act. Each party shall have exclusive authority to initiate forfeiture

proceedings originating in its respective jurisdiction under the Florida Contraband Forfeiture Act for any matters which arise from a mutual aid event that is covered by this Cooperation Agreement. Each respective party, upon successfully prosecuting a forfeiture action, shall equitably share in those proceeds seized, as acceptable by the Chief of Police of the City of Miami Beach and Chief of Police of the City of Aventura.

**SECTION IX: INSURANCE**

Each party shall provide, upon request, satisfactory proof of liability insurance by one or more of the means specified in Section 768.28(16)(a), Florida Statutes, in an amount which is, in the judgment of the governing body of that party, at least adequate to cover the risk to which that party may be exposed. Should the insurance coverage, however provided, of any party be canceled or undergo material change, that party shall notify all parties to this agreement of such change within ten (10) days of receipt of notice or actual knowledge of such change.

**SECTION X: EFFECTIVE DATE**

This Cooperation Agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect until December 31, 2019. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

**SECTION XI: CANCELLATION**

Either party may cancel its participation in this Cooperation Agreement at any time upon delivery of written notice to the other party.

In witness whereof, the parties hereto cause to these presents to be signed on the date specified.

AGREED TO AND ACKNOWLEDGED this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF MIAMI BEACH, FLORIDA

CITY OF AVENTURA, FLORIDA

\_\_\_\_\_  
DANIEL J. OATES  
POLICE CHIEF

\_\_\_\_\_  
STEVE STEINBERG  
POLICE CHIEF

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JIMMY L. MORALES  
CITY MANAGER

\_\_\_\_\_  
ERIC M. SOROKA  
CITY MANAGER

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
RAFAEL E. GRANADO  
CITY CLERK

\_\_\_\_\_  
ELLISA L. HORVATH  
CITY CLERK

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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 22, 2016

SUBJECT: **Resolution Naming New Park on N.E. 188<sup>th</sup> Street "Peace Park"**



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**September 6, 2016 Commission Meeting Agenda Item 5E**

**RECOMMENDATION**

As discussed at the July Workshop Meeting, it is recommended that the City Commission adopt the attached Resolution naming the new park on N.E. 188<sup>th</sup> Street "Peace Park". The name was developed as part of a contest held at ACES and with input from the Community Services Advisory Board.

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

EMS/act

Attachment

CCO1945-16

**RESOLUTION NO. 2016-\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA FLORIDA NAMING THE NEW PARK LOCATED AT 3200 N.E. 188<sup>TH</sup> STREET PEACE PARK; 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 Commission approved for a new park to be provided on the city-owned property located at 3200 N.E. 188<sup>th</sup> Street; and

**WHEREAS**, the students at the Aventura City of Excellence School (ACES) held a contest to name the new park; and

**WHEREAS**, the Community Services Advisory Board reviewed the top names submitted from ACES and provided a recommendation of three names to the Commission; and

**WHEREAS**, those top three names were reviewed by the City Commission at their Workshop Meeting on July 21, 2016, and there was a consensus to name the park Peace Park.

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

**Section 1.** The city-owned property located at 3200 N.E. 188<sup>th</sup> Street is hereby designated and shall be hereafter known as Peace Park.

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

**Section 3.** This Resolution shall be effective immediately upon adoption hereof.

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

Commissioner Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

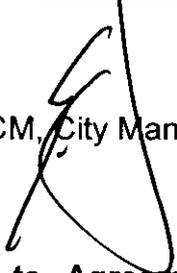
**MEMORANDUM**

TO: City Commission

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

DATE: July 26, 2016

SUBJECT: **Second Amendment to Agreement with Performing Arts Center Authority for Management, Programming and Operational Support Services for the Aventura Arts & Cultural Center**



---

September 6, 2016 City Commission Meeting Agenda Item 5F

**RECOMMENDATION**

It is recommended that the City Commission adopt the Attached Resolution authorizing the execution of the attached Second Amendment to the Agreement with Performing Arts Center Authority (PACA) and the City for Management, Programming and Operational Support Services for the Aventura Arts & Cultural Center.

**BACKGROUND**

Article 4 of the subject Agreement provides that the current Agreement expires September 30, 2016. It also provides that the Agreement shall be renewable in one-year terms not-to-exceed a total of five (5) one-year terms, upon mutual amendment to the Agreement. Attached hereto is the Second Amendment to the Agreement which extends the Agreement for one more year, October 1, 2016 through September 30, 2017.

The Agreement provides for a 3% increase in the fee for services. This has been included in the proposed Budget for 2016/17.

Based on PACA's proven track record, their performance to date and the City's philosophy of privatizing services to provide professional services to our residents in the most economical manner, it is recommended that we continue to utilize PACA to manage the Aventura Arts & Cultural Center and enter into the attached Agreement.

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

EMS/act  
Attachment  
CCO1947-16

RESOLUTION NO. 2016-\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE PERFORMING ARTS CENTER AUTHORITY FOR MANAGEMENT, PROGRAMMING AND OPERATIONAL SUPPORT SERVICES FOR THE AVENTURA ARTS & CULTURAL CENTER; 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 to execute the attached Second Amendment to the Agreement between the City of Aventura and the Performing Arts Center Authority for management, programming and operational support services for the Aventura Arts & Cultural Center.

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

**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 Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

SECOND AMENDMENT TO

AGREEMENT

Between

PERFORMING ARTS CENTER AUTHORITY

and

CITY OF AVENTURA

for

MANAGEMENT, PROGRAMMING AND OPERATIONAL SUPPORT SERVICES FOR THE

AVENTURA ARTS & CULTURAL CENTER

SECOND AMENDMENT

To

AGREEMENT

Between

PERFORMING ARTS CENTER AUTHORITY

and

CITY OF AVENTURA

for

MANAGEMENT, PROGRAMMING AND OPERATIONAL SUPPORT SERVICES FOR THE  
AVENTURA ARTS & CULTURAL CENTER

This is the Second Amendment ("Second Amendment") to the Agreement dated September 28, 2012 ("Agreement" or "AGREEMENT"), between: PERFORMING ARTS CENTER AUTHORITY, an independent special district and a public body, politic and corporate, in Broward County organized in the State of Florida under the laws of Florida (hereinafter "PACA"), which is located at the Broward Center for the Performing Arts in Broward County, Florida 33312, and the City of Aventura (hereinafter "CITY" or "AVENTURA"), a Florida municipal corporation, collectively referred to as the "parties or "Parties".

The parties hereby agree to amend the AGREEMENT, as indicated by underlined text for additions and stricken – through text for deletions from the existing Agreement text of Article 4 and Section 5.2.1, as follows:

ARTICLE 4

TERM AND TIME OF PERFORMANCE

The initial term of this Agreement shall begin on October 1, 2012 ("Effective Date"), and it shall continue in full force and effect for thirty-six (36) months through September 30, 2015, unless terminated sooner as provided in Article 7 herein. Thereafter, the Agreement shall be subject to renewable one-year terms not-to-exceed a total of five (5) one-year terms, upon mutual written amendment to this Agreement by PACA and AVENTURA at the City's discretion. If the term of this Agreement extends beyond a single fiscal year of PACA or of AVENTURA, the continuation of this Agreement beyond the end of any fiscal year shall be subject to the appropriation and availability of funds in accordance with Chapter 129, Florida Statutes, as amended, and Florida Statutes Section 166.241, as amended. The parties hereby agree to renew the AGREEMENT through September 30, 2016, as the first of the above described and permitted one-year renewal

terms. The parties hereby agree to renew the AGREEMENT through September 30, 2017, as the second of the above described and permitted one-year renewal terms.

**5.2 METHOD OF BILLING AND PAYMENT FOR AVENTURA'S PAYMENTS TO PACA**

5.2.1 The fees for Services as stated in Section 5.1.1 shall be payable by AVENTURA to PACA as follows:

Commencing with the Effective Date of this Agreement through the end of the first one-year renewal ending September 30, 2016, the fees for Services, as stated in section 5.1.1 shall be payable to PACA as follows: Eleven Thousand Dollars (\$11,000.00) is due every thirty (30) calendar day cycle. Effective on October 1, 2016, with the commencement of the second renewal period, the fees for Services, as stated in section 5.1.1 shall be payable to PACA as follows: Eleven Thousand Three Hundred Thirty Dollars (\$11,330.00) which is due every thirty (30) calendar day cycle with the first payment due on October 30, 2016. If the gross revenues exceed Two Hundred Twenty-five Thousand Dollars (\$225,000.00) for the period of October 1, 2015 through September 30, 2016, PACA shall be paid an additional \$12,000 for that period no later than October 30, 2016. If the gross revenues exceed Two Hundred Twenty-five Thousand Dollars (\$225,000.00) for the period of October 1, 2016 through September 30, 2017, PACA shall be paid an additional \$12,000.00 for that period no later than October 30, 2017, even if the AGREEMENT is not renewed for a third one-year renewal term. Net revenues as used in this section shall include ticket sales for AACC Presents performances, box office fees, facility fees, facility rent, service package fees, production service fees, net food & beverage revenues, parking revenue and any other net revenues generated by the operations of the AACC from the users of the AACC.

PACA will submit invoices for compensation following the end of each thirty (30) calendar day cycle, after the services for which invoices are submitted have been completed. An original invoice will be submitted by PACA to AVENTURA. Invoices shall designate the nature of the services performed for the period.

**EFFECTIVE DATE**

The effective date of this Second Amendment to the AGREEMENT shall be the date of complete execution by the parties, and the Agreement shall remain in full force and effect, except as amended above.

**[THIS SPACE INTENTIONALLY LEFT BLANK.]**

IN WITNESS WHEREOF, the parties hereto have made and executed this Second Amendment to the Agreement dated September 28, 2012, on the respective dates under each signature: PERFORMING ARTS CENTER AUTHORITY, signing by and through its Chair or Vice Chair, and CITY OF AVENTURA, signing by and through its City Manager, duly authorized to execute same.

**PACA**

PERFORMING ARTS CENTER AUTHORITY, an independent special district and a public body politic and corporate

ATTEST:

\_\_\_\_\_  
PACA's Board Secretary

By \_\_\_\_\_  
Chair

(SEAL)

\_\_\_\_\_ day of \_\_\_\_\_, 2016

Approved as to form by PACA's General Counsel, Joni Armstrong Coffey, Broward County Attorney, in Fort Lauderdale, Broward County, Florida

By \_\_\_\_\_  
Andrea S. Froome (Date)  
Senior Assistant County Attorney

SECOND AMENDMENT TO THE AGREEMENT BETWEEN PERFORMING ARTS CENTER  
AUTHORITY AND CITY OF AVENTURA FOR, MANAGEMENT, PROGRAMMING AND  
OPERATIONAL SUPPORT SERVICES FOR THE AVENTURA ARTS AND CULTURAL CENTER

AVENTURA

CITY OF AVENTURA, a municipality in the  
State of Florida

By \_\_\_\_\_  
Eric M. Soroka, City Manager

\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L  
City Attorney

(SEAL)

# CITY OF AVENTURA

## OFFICE OF THE CITY MANAGER

### MEMORANDUM

TO: City Commission

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

DATE: July 25, 2016

SUBJECT: **Recommended Appointments to the Arts in Public Places  
Advisory Board**

---

September 6, 2016 City Commission Meeting Agenda Item 56

### RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution appointing four members to the Arts in Public Places Advisory Board.

### BACKGROUND

Section 2-201 of the City Code entitled "Arts in Public Places Advisory Board" states the following:

- The Board shall consist of five members, including the Mayor and four residents who shall be appointed by the Mayor, subject to the approval of the City Commission.
- Individuals wishing to be a member of the Board shall make application to the City Manager on the forms provided by the City. City Commissioners may recommend to the City Manager a proposed nominee. The City Manager shall interview all applicants and make recommendation to the Mayor. The Mayor shall appoint to the Board members from the list of applicants recommended by the City Manager, subject to the approval of the City Commission.
- In recommending members of the Board, the following guidelines shall be considered:
  - a. The resident membership of the Board should consist of persons who have demonstrated a strong commitment to arts, including painting, photography, sculpture and other art forms.
  - b. Reasonable efforts should be made for the membership of the Board to be representative of a range of comprehensive adult age groups.

## **PROCESS**

The City received eleven (11) applications from many highly qualified individual as follows:

Adriana Lerner Adelson  
Marco Fidel Nunez Suarez  
Arielle Biscayart  
Arman Ariel Bouadana  
Dr. Miles Kuttler  
Ann Helen Wainer  
Kavita Deshpande  
Marina Wecksler  
Susan Miller  
Marina Kessler  
Dr. Angelique Jackson

On July 19, 2016 the Mayor and I interviewed each applicant.

After a careful review of the applicants and in accordance with the goals of the Ordinance establishing the Board, the Mayor is recommending the City Commission appoint the following individuals to the Board:

Dr. Miles Kuttler  
Adriana Lerner Adelson  
Marina Wecksler  
Marina Kessler

The application forms for the above recommended individuals are attached hereto.

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

EMS/act

Attachment

**RESOLUTION NO. 2016-\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING THE APPOINTMENT OF MEMBERS TO THE CITY OF AVENTURA ARTS IN PUBLIC PLACES ADVISORY BOARD FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 2-201 of the Aventura City Code provides for the creation of the Arts in Public Places Advisory Board; and

**WHEREAS**, in accordance with the provisions of Section 3.11 of the Aventura City Charter, the City Commission wishes to provide for approval of the Mayor's appointment of members to the Arts in Public Places Advisory Board.

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

**Section 1.** The City Commission hereby approves the appointment by the Mayor of the following individuals to serve as members of the Arts in Public Places Advisory Board for a term of two years:

**Adriana Lerner Adelson**

**Marina Kessler**

**Dr. Miles Kuttler**

**Marina Wecksler**

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

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

Commissioner Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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



# CITY OF AVENTURA

## Application for Arts in Public Places Advisory Board

Potential Aventura resident board members must be registered voters who have resided in the City of Aventura for at least six (6) months immediately prior to an appointment to the Board. Applicants must have a strong commitment to the arts, including painting, photography, sculpture and other art forms.

**Name of Applicant**

Adriana Lerner Adelson

**Address**

20720 NE 31st Place, Aventura, FL - 33180

**Phone**

3056321300

**Email**

adriana@arrivalsgate.com

**Business Name**

Arrivals Gate

**Occupation**

Creation & Curation, Business Development

**Business Address**

20720 NE 31 Place

**Business Phone**

3059334575

**Fax**

**Qualifications:** Briefly describe the specific expertise and/or abilities you can contribute as a member of this Board. *(attached)*

I have spent 30 years in the global corporate world and for many years I have been collecting art. I visit Art Basel in Basel, the Miami edition, Art Rio and others every year. Art is my passion. I have recently started my own company where I create and curate handmade pieces from underdeveloped countries like Nepal. My mission is to make a difference in the lives of those who are manufacturing the products while spreading good quality, comfort and happiness to the world.

I have always wanted to help the city where I live since March 1998. I think this could be a great engagement.

**Please attach a resume along with your application.**

*I understand that in accordance with the State of Florida Government in the Sunshine Law, this information may be made public. I understand that all board appointments are for voluntary, uncompensated services and I will be subject to the requirements of the State of Florida Financial Disclosure Requirements.*

June, 13 / 2016

**Signature of Applicant**

**Date**

Fax, Mail or Email completed application & resume to:  
Office of the City Manager  
Government Center  
19200 West Country Club Drive, Aventura, FL 33180  
305-466-8910 Fax: 305-466-8919  
sorokae@cityofaventura.com

JUN 17 2016

JUN 17 2016

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

The Ordinance Establishing the Arts in Public Places Advisory Board is available for review on the City of Aventura's website at cityofaventura.com.

I have spent 30 years in the global corporate world and for many years I have been collecting art. I visit Art Basel in Basel, the Miami edition, Art Rio and others every year. Art is my passion. I have recently started my own company where I create and curate handmade pieces from underdeveloped countries like Nepal. My mission is to make a difference in the lives of those who are manufacturing the products while spreading good quality, comfort and happiness to the world.

I have always wanted to help the city where I live since March 1998. I think this could be a great engagement. I am connected to the local art galleries and museums and I support them as much as I can.

While working at Arrivals Gate I am getting ready for my very first exhibition on Art in Cashmere. It will display 10 different pieces I have created using cashmere and it is named: UNEXPECTED CASHMERE. It will be on display here in Miami Design District at BOSSA Gallery in September, but it will first open in Rio during the Olympic Games.

It will be my pleasure to serve my city. If you want to meet me, please contact me on the number and email above.

Thank you,  
Adriana.

Attached is my resume. It mostly includes my last 30 years, but I have described above my current activity.

# Adriana Lerner Adelson

20720 NE 31st Place | Aventura, FL 33180 | 305 6321300 | [adrianalerner@hotmail.com](mailto:adrianalerner@hotmail.com)

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## GLOBAL BUSINESS DEVELOPMENT & STRATEGY EXECUTIVE

**Go-to-Market Execution | Partnerships & Channel Development | Sales Enablement | Leadership & Mentoring**

Build teams, strategies, and alliances to grow global sales in vertical markets for security, energy management, and IT businesses. Proven ability to source, recruit, develop, mentor and motivate executive-level talent. Champion and trailblazer for corporate social responsibility initiatives that build brand recognition and influence the well-being of local and global communities.

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## PROFESSIONAL EXPERIENCE

**ARRIVALS GATE** | Aventura, FL (Business Development Strategy & Execution) 2015 to Present

**Founder, Business & Product Development Lead**

Lead business & product development efforts

**SCHNEIDER ELECTRIC** | Paris, France (Global Specialist in Energy Management) 2013 to 2015

**Senior Vice President, Strategy**

Negotiated strategic partnerships and alliances, qualified and integrated acquisitions, managed divestitures, and implemented new process for R&D portfolio allocation for a \$1.3B division. Budget: \$100M; Staff: 7

- **Successfully launched global strategy to sell cross-platform energy management.**
  - Created a comprehensive strategy execution/sales enablement plan and communications program to educate worldwide customers, sales and business development teams on go-to-market and cross-selling strategies.
  - Developed an Intranet competitive intelligence community to support real-time exchange and collaboration across divisions; grew to hundreds of active followers.
  - Centralized market research acquisition, which resulted in cutting budget in half without compromising data integrity or scope.
  - Key executive mentor for women and diversity in leadership.

**TYCO INTERNATIONAL** | Boca Raton, FL (Global Leader in Security Solutions) 2007 to 2013

**Vice President, Global Business Development & Brazil Council Leader** | 2009 to 2013

Implemented vertical market solutions and promoted cross-selling programs for a \$700M business. Managed channel development and recruitment plan to grow market share and revenues and improve customer satisfaction in 4 emerging markets (Brazil, China, India, and the Middle East). Chaired cross-business, cross function executive council for Brazil. Budget: \$3M; Staff: 55 direct/indirect reports.

- **Developed groundbreaking platform for corporate social responsibility and aligned with core business strategy, customers, and partners' ecosystem.**
  - Masterminded and continue to engage in a corporate social responsibility educational project to train underprivileged youths to become electronic security technicians and provide coaching and employment at Tyco, its customers, and integrators. Initiative gained significant social media traction and 80 technicians have been certified to date.
- **Initiated and led business development initiatives leveraging cross-selling strategies across 12 verticals.**
  - Doubled revenues in just 18 months for all growth markets by working closely with R&D, analyzing VOC data, streamlining product suite, and integrating complementary offerings.
  - Introduced a more strategic and global approach to business development that focused on key markets with big wins. Built partnerships to enter promising markets that previously had not been considered.
  - Significantly improved business and relationship within internal channel – ADT and global accounts.
- **Fueled 35% growth in Brazil market representing \$600M in business in just 12 months.**
  - Created more targeted approach to account development that optimized effectiveness of sales force.
  - Consolidated existing team and function, retooled the go-to-market strategy and introduced security product division into the market. Accelerated brand awareness by positioning Tyco in key security conferences to position company as vendor of choice in the region.

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# Adriana Lerner Adelson

Page 2 | 305 6321300 | [adrianalesmer@hotmail.com](mailto:adrianalesmer@hotmail.com)

## Senior Director, Global Brand Management & Latin America South Sales | 2008 to 2009

In dual role, managed Access Control and Video Systems sales team and global brand strategy. Grew Brazil revenues by 55%.

## Director, IT Alliances | 2007 to 2008

Partnered with top technology companies Microsoft, Google, and IBM. Developed joint product offering with IBM Tivoli.

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## IBM CORPORATION | Florida, US & Rio de Janeiro, Brazil

1987 to 2007

Progressed through indirect, direct, and channel sales roles with increasing accountability; promoted almost every year. For IBM US, developed global sales strategies and identified and shaped demand generation. For Brazil market, recruited business partners for IBM Brazil. Supported varied product lines: operating systems, security, storage, monitoring software, mainframes, personal computers, as well as e-channels market. Began career as systems engineer and became one of the first systems engineers in Brazil to transition to a pure sales role.

- Created first-of-their-kind channel distribution partnerships that resulted in capturing as much as 50 to 60% of market share per partner.
- Consistently exceeded expectations for cross-selling and new opportunities, achieving as much as 161% of plan annually representing millions of dollars in new revenues.

---

## EDUCATION

Pontificia Universidade Catolica, Rio de Janeiro | MBA 1996

B.Sc. Business Administration | 1992

B.Sc. Information Technology | 1987

Completed courses in business administration, management, and market planning:

(Wharton School), IBM President's Class (Harvard University)

Brand Management (Kellogg School of Management)

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## LANGUAGES & CITIZENSHIP

Fluent in English, Spanish, and Portuguese; knowledge of French.

Dual citizenship Brazilian and American.

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## PUBLICATIONS

Co-author, "Seducao dos Modismos, Adocao Indiscriminada de Novas Praticas Gerenciais", published by McGraw-Hill (Makron Books Brazil), August 1998. Book originated from MBA thesis, "The Fashion of Managerial Theories."

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# Adriana Lerner Adelson

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CITY OF AVENTURA  
APPLICATION FOR  
ARTS & CULTURAL CENTER ADVISORY BOARD

Applicants must have specific experience and a strong commitment to performing arts including music, dance, the dramatic arts, the visual arts and the cultural arts.

Name of Applicant: MARINA KESSLER

Address: 3301 NE 183RD ST #409 (Please Print)

Home Phone: 305 321 0061 Email Address: MARINAKESSLER@GMAIL.COM

Business Name: WATER REAL ESTATE Occupation: MANAGER

Business Address: 19370 COLLINS AVE C/2 SUNNY ISLES

Business Phone: 305 948 9480 Fax: 888 948 9480

Qualifications: FOUNDER & CEO OF LATINARTE, OWNER OF MARINA KESSLER GALLERY, FOUNDER OF  
(Briefly describe the specific expertise and/or abilities you can contribute as a member of this Board.)

WYNWOOD ARTS DISTRICT, FOUNDING MEMBER OF ART BASEL MIAMI BEACH HOST COMMITTEE,

PATRON OF THE ARTS, VISUAL, MUSIC/DANCE. I WOULD LOVE TO CONTRIBUTE WITH MY EXPERIENCE TO  
Please attach a resume along with your application. THE CITY I LIVE IN AND LOVE.

I understand that in accordance with the State of Florida Government in the Sunshine Law, this information may be made public. I understand that all board appointments are for voluntary, uncompensated services and I will be subject to the requirements of the State of Florida Financial Disclosure Requirements.

[Signature]  
Signature of Applicant

6/30/16  
Date

Fax, Mail or E-Mail completed application & resume to:  
Office of the City Manager  
Government Center  
19200 West Country Club Drive, Aventura, FL 33180  
(305) 466-8910 (305) 466-8919 fax  
[sorokae@cityofaventura.com](mailto:sorokae@cityofaventura.com)

The Ordinance Establishing the Arts & Cultural Center Advisory Board is available for review on the City's web site at [www.cityofaventura.com](http://www.cityofaventura.com)



# CITY OF AVENTURA

## Application for Arts in Public Places Advisory Board

Potential Aventura resident board members must be registered voters who have resided in the City of Aventura for at least six (6) months immediately prior to an appointment to the Board. Applicants must have a strong commitment to the arts, including painting, photography, sculpture and other art forms.

Name of Applicant

DR. MILES E. KUTTLER

Address

4000 WILLIAMS ISLAND BLVD, #203, AVENTURA 33160

Phone

305-439-7577

Email

SMILEK@aol.com

Business Name

Occupation

RETIRED

Business Address

Business Phone

Fax

Qualifications: Briefly describe the specific expertise and/or abilities you can contribute as a member of this Board.

LIFELONG INTEREST IN ART & ARCHITECTURE.

MIXED-MEDIA ARTIST/SCULPTOR

FEATURED AT ELAINE BAKER GALLERY & NEIMAN MARCUS BOCA RATON

CHAIRMAN WILLIAMS ISLAND POA ARCHITECTURE COMMITTEE

(2010 TO PRESENT)

Please attach a resume along with your application.

I understand that in accordance with the State of Florida Government in the Sunshine Law, this information may be made public. I understand that all board appointments are for voluntary, uncompensated services and I will be subject to the requirements of the State of Florida Financial Disclosure Requirements.

Signature of Applicant

5/28/16

Date

Fax, Mail or Email completed application & resume to:  
Office of the City Manager  
Government Center  
19200 West Country Club Drive, Aventura, FL 33180  
305-466-8910 Fax: 305-466-8919  
sorokae@cityofaventura.com

The Ordinance Establishing the Arts in Public Places Advisory Board is available for review on the City of Aventura's website at cityofaventura.com.

CITY OF AVENTURA  
APPLICATION FOR  
ARTS IN PUBLIC PLACES ADVISORY BOARD



Potential Aventura resident board members must be registered voters who have resided in the City of Aventura for six (6) months immediately prior to an appointment to the Board. Applicants must have a strong commitment to the arts, including painting, photography, sculpture and other art forms.

Name of Applicant: MARINA WEKSLER

(Please Print)

Address: 3640 YACHT CLUB DR, # 1404

Home Phone: 786 348 41 36 Email Address: marinaweckslera@gmail.com

Business Name: INTERNATIONAL ART VENTURES Occupation: DIRECTOR  
dba WEKSLER PUBLISHING

Business Address: 3640 YACHT CLUB DR #1404

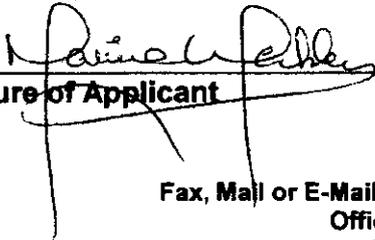
Business Phone: 786 348 41 36

Fax: \_\_\_\_\_

Qualifications: I devote most of my time into developing a publishing house that  
(Briefly describe the specific expertise and/or abilities you can contribute as a member of this Board.)  
specializes in art books, besides undertaking projects as an independent curator  
and advisor for public or private art collections worldwide. My professional  
experience in cultural management, in the production of exhibitions, publications  
and educational programs can be helpful to this board and to this community.

Please attach a resume along with your application.

*I understand that in accordance with the State of Florida Government in the Sunshine Law, this information may be made public. I understand that all board appointments are for voluntary, uncompensated services and I will be subject to the requirements of the State of Florida Financial Disclosure Requirements.*

  
Signature of Applicant

MARCH 7<sup>th</sup>, 2016  
Date

Fax, Mail or E-Mail completed application & resume to:  
Office of the City Manager  
Government Center  
19200 West Country Club Drive, Aventura, FL 33180  
(305) 466-8910 (305) 466-8919 fax  
[sorokae@cityofaventura.com](mailto:sorokae@cityofaventura.com)

The Ordinance Establishing the Arts in Public Places Advisory Board is available for review on the City's web site at [www.cityofaventura.com](http://www.cityofaventura.com)



- 2007 Art Nexus Bogota, Colombia  
**Executive Editor of ArtNexus.com**  
 To design and develop a business plan for a news section on the web page artnexus.com
- 2003 - 2006 Arte al Día International Caracas, Venezuela  
**Director in Venezuela**  
 Representative in Venezuela of this prestigious international magazine of contemporary Latin American art, in charge of the selection of Venezuelan editorial content in the magazine and of the direction of the newspaper **Arte al Día News Venezuela** since its first edition
- 1998 - 2003 Gonzalo Benaim Pinto Cultural Center Caracas, Venezuela  
**Founder and First Director**  
 Three schools were developed: Visual Arts, Music and Theater, besides an intensive annual programming of cultural activities such as recitals, exhibitions and theater plays
- 1998 - 1999 Artist Book 'The Journey...' A traveling exhibition Caracas, Venezuela  
**Curator and General Coordinator**  
 18 outstanding Latin-American contemporary visual artists, and 18 renowned Latin-American writers and poets took part. It was exhibited in major museums in several countries
- 1997 - 1999 Morris E. Curiel Sephardic Museum of Caracas Caracas, Venezuela  
**Member of the Organizing Commission**
- 1996 Kaj Forsblom Gallery Caracas, Venezuela  
**Executive Director**  
 Management and coordination of the exhibition program of the gallery
- 1994 - 1996 MW Art International, Inc. Miami, USA  
**President**  
 The company dealt primarily with monumental sculptures projects contests and proposals for public places and private and corporate collections
- Since 1992 Private and Public Collections Caracas, Venezuela  
**Independent Curator and Art Consultant**  
 Specialist in Venezuelan and Latin-American Contemporary Art
- 1992 - 1994 Art Show: 'Un Marco por la Tierra' Caracas, Venezuela  
**General Manager**  
 A traveling exhibition of art proposals on the ecological subject, in which 72 Latin-American contemporary artists took part
- 1991 - 1994 Artespacio C.A. Caracas, Venezuela  
**President**  
 Private and Corporate Art Consultation and dealership
- 1989 - 1990 Arquin, S.R.L. Interior Design Architects Caracas, Venezuela  
**Architect**  
 Art integrated to architecture. In charge of artist selection and integration of their work in buildings, houses and other projects

1988 – 1989	'Centro de Arte Contemporáneo de Caracas' <b>Art Associate</b> Multiple responsibilities including artist selection and graphic editions coordination	Caracas, Venezuela
1987 – 1988	Michel Benko Oficina de Arquitectura <b>Architect</b> Architectural Design	Caracas, Venezuela

## Publications

2011	<b>Gerardo Goldwasser. Blanco móvil</b> (Gerardo Goldwasser. White target). Centro Cultural DODECÁ. Uruguay, Montevideo. September 2011. El País Arte (digital newspaper) from Museo Virtual de Artes, MUVA	
2007	<b>Eugenio Espinoza expone en Miami. La Consagración de la Primavera y Tres Perspectivas. Artistas Ganadores del Programa de Comisiones CIFO 2007</b> (Eugenio Espinoza latest exhibitions in Miami. The Rite of Spring and Three Perspectives). Published in El Papel Literario of <i>El Nacional</i> on March 17, 2007, Venezuela, Pág. 6-7	
2006	<b>Pasión y razón de un espíritu constructivo</b> (Passion and Reason of a Constructive Spirit). Arte al Día International magazine, Issue 115, August - September 2006, Pág 52-57	

## Other Artistic Interests & Training

1992 – 1993	<b>Sculpture.</b> 'Art Institute Federico Brandt'	Caracas, Venezuela
1975 – 1980	<b>Piano, Guitar.</b> 'Juan Manuel Olivares Conservatory'	Caracas, Venezuela

## Volunteer Activities

2014 – 2016	City of Aventura Art in Public Places <b>Member of the Advisory Board</b>	Aventura, USA
1999 – 2003	Morris E. Curiel Sephardic Museum of Caracas <b>Member of the Board of Directors</b>	Caracas, Venezuela

## Computer Skills

MS Word - MS Excel - MS Power Point - Internet

## Other

Languages: English, Spanish and French  
Dual nationality: Venezuelan and French

**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 16, 2016

SUBJECT: Re-adoption of Chapter 6.6 of the Administrative Policy Directives and Procedures Manual, entitled "Investment Objectives and Parameters" as the City's Investment Policy for the Management of Public Funds.

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**September 6, 2016 City Commission Meeting Agenda Item 5H**

**RECOMMENDATION**

It is recommended that the City Commission adopt the attached resolution re-adopting Chapter 6.6 of the Administrative Policy Directives and Procedures ("APDP") Manual, entitled "Investment Objectives and Parameters" as the City's ("Investment Policy") for the Management of Public Funds.

**BACKGROUND**

As you know, the City's investment manager – Insight Investment ("Insight"), has been instrumental in assisting the City in developing and periodically reviewing and revising Chapter 6.6 of the APDP in order to ensure that the City's Investment Policy considers current market conditions while remaining compliant with Section 218.415, F.S. The statute requires that the City must invest its surplus funds consistent with a written investment plan adopted by the City Commission.

The three (3) main goals of the Investment Policy (listed by priority) continue to be:

1. Safety of Capital
2. Liquidity of Funds
3. Investment Income

At the July 21, 2016 Commission workshop, Mr. Michael S. Yavner of the Development Corporation for Israel made a presentation to the Commission regarding State of Israel Jubilee Bonds. At that time, there was consensus among the Commission to add this type of investment to the City's List of Authorized Investments. Although this type of

investment is specifically allowed for by Florida Statute (Ch. 218.41 – Section 16 f), our current Investment Policy will need to be revised to allow for such investments as it is currently more conservative and restrictive than the State Statute.

Since Insight periodically reviews our Investment Policy to ensure that it considers current market conditions, we asked them to review the entire policy to see if they felt any other revisions were necessary at this time. They have now completed their review and as a result have suggested revisions that:

- assist the City in incorporating State of Israel Bonds into our Investment Policy and List of Authorized Investments; and
- provide for greater flexibility and clarification as more fully-described below:

The following revisions have been made to Section V of the Investment Policy:

**M. Israel Bonds**

- ✓ Incorporated this investment type and corresponding narrative into our Investment Policy and List of Authorized investments. After consulting with our Investment Manager, the City Administration, at this time, feels comfortable limiting our exposure of this investment type to \$150,000.

**D. Interest Bearing Time Deposit or Savings Account**

**E. Repurchase Agreements**

**F. The Florida Local Government Surplus Funds Trust Fund  
(State Board of Administration – SBA)**

**G. Intergovernmental Investment Pools**

**M. Israel Bonds**

- ✓ Added a Superscript asterisk (“\*\*”) after sections D, E, F, G, M to demonstrate that the following investment types are actively managed by the City rather than our Investment Manager.

**K. Taxable/Tax-Exempt Municipal Bonds**

- ✓ Expanded the definition of this investment type to allow for the purchase of similar investments beyond that of the State of Florida and that of General Obligation Debt without changing the overall risk criterion.

**Appendix A – Authorized Investments Summary Table** was modified to correlate to the recommended revisions above.

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

BKR/bkr

RESOLUTION NO. 2016-\_\_

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 FOR AN EFFECTIVE DATE.

WHEREAS, on June 2, 2009, the City Commission adopted Chapter 6.6 of the Administrative Policy Directives and Procedures ("APDP") Manual entitled "Investment Objectives and Parameters"; and

WHEREAS, the City Commission re-adopted Chapter 6.6 by Resolution No. 2014-33 on July 8, 2014; and

WHEREAS, the City Commission is desirous of amending further the above-referenced Chapter 6.6 of the APDP Manual.

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

**Section 1.** The City Commission hereby re-adopts Chapter 6.6 of the APDP Manual, as attached hereto, entitled "Investment Objectives and Parameters" as the City's Investment Policy for the management of public funds.

**Section 2.** The City Manager is hereby 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. This motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Commissioner Teri Holzberg \_\_\_\_\_
- Commissioner Marc Narotsky \_\_\_\_\_
- Commissioner Robert Shelley \_\_\_\_\_
- Commissioner Howard Weinberg \_\_\_\_\_
- Vice Mayor Denise Landman \_\_\_\_\_
- Mayor Enid Weisman \_\_\_\_\_

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

	<b>CITY OF AVENTURA</b> <b>ADMINISTRATIVE POLICY DIRECTIVES</b> <b>AND PROCEDURES MANUAL</b>		6	6	1
			Chapter #	Sub	Page
			Date Issued:	May 22, 2009	
CHAPTER:	FINANCE, BUDGET & PURCHASING	APPROVED:			
		<i>City Manager</i>			
SUBJECT:	INVESTMENT OBJECTIVES AND PARAMETERS				

## PURPOSE

The purpose of this policy is to set forth the investment objectives and parameters for the management of public funds of the City. These policies are designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed and a competitive investment return.

## I. SCOPE

This investment policy applies to the investment of public funds in excess of amounts needed to meet current expenses, which includes cash and investment balances of City funds.

This policy does not apply to the City's pension funds, including those funds in chapters 175 and 185 or funds related to the issuance of debt where there are other existing policies or indentures in effect which govern the investment of such funds.

This policy shall be construed and applied so as to comply with Section 218.415, F.S.

## II. INVESTMENT OBJECTIVES

Investment objectives include safety of capital, liquidity of funds and investment income, in that order. The following objectives will be applied in the management of the City's funds:

### A. Safety of Capital

The primary objective of the City's investment program is the protection of public funds. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

1. Credit Risk – The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
  - a) Limiting investments to the safest type of securities;
  - b) Pre-qualifying the financial institution, broker/dealer, intermediaries and advisors with which the City will do business;
  - c) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
2. Interest Rate Risk – The City will minimize the risk that the market value of securities in the portfolio

will fall due to changes in general interest rates, by:

- a) 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;
- b) Investing operating funds primarily in shorter-term securities, money market mutual funds or similar investment pools.

#### B. Liquidity of Funds

The City's investment strategy will provide sufficient liquidity to meet the City's operating, payroll and capital requirements. To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio also may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.

#### C. Investment Income

The City's investment portfolio shall be designed with the intent of attaining a market rate of return throughout the budgetary and economic cycles, taking into account the City's investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

### III. PERFORMANCE MEASUREMENT

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates while insuring sufficient liquidity within the portfolio.

The short-term investment portfolio shall be designed with the annual objective of exceeding the return of the Florida State Board of Administration LGIP.

The long-term investment portfolio shall be designed with the annual objective of exceeding the return of the Merrill Lynch 1-3 Year Treasury/Agency Index compared to the portfolio's total rate of return. The Merrill Lynch 1-3 Year Treasury/Agency Index represents all U.S. Treasury/Agency securities maturing over one (1) year, but less than three (3) years. This maturity range is an appropriate benchmark based on the objectives of the City.

### IV. ETHICAL STANDARDS

The investment officer and staff, acting in accordance with the written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

#### A. Ethics and Conflicts of Interest

The City's staff involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. All employees involved in the investment process shall

disclose to the City any material financial interests in financial institutions that conduct business with the City, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the City's investment program. Applicable ethics standards provided by the City Charter, City Code, Section 2-11.1 of the Miami-Dade County Code, and Part III of Chapter 112, F.S., shall be complied with.

- B. Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

C. Designation of Investment Officer

The Finance Director is designated as investment officer of the City and is responsible for investment decisions and the day-to-day administration of the cash management program. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures so established. The City may appoint an outside investment manager as "Agent" for the City's cash reserves. The "Agent" for the City shall have discretion over the purchase and sale of securities within and subject to compliance with this investment policy. Such investment manager must be registered under the Investment Advisor Act of 1940. The Finance Director shall consult with the City Manager as necessary regarding the City's investment activity.

Positions authorized as investment signatories are the City Manager and Finance Director.

## V. LISTING OF AUTHORIZED INVESTMENTS – (SUMMARY TABLE IN APPENDIX A)

The following investments will be permitted by this policy as consistent with Section 218.415 (16) F.S. Those investments not listed in this section are prohibited.

### A. **United States Government Securities**

Negotiable direct obligations or obligations the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limited to the following:

- Treasury Bills
- Treasury Notes
- Treasury Bonds
- Treasury Strips
- Treasury Securities – State and Local Government Series ("SLGS")
- Treasury Inflation Protection Securities ("TIPS")

#### **Portfolio Composition**

A maximum of 100% of available funds may be invested in the United States Government Securities with the exception of Treasury Strips which are limited to 10% of available funds.

#### **Maturity Limitations**

The maximum length to maturity of any direct investment in the United States Government Securities is seven (7) years from the date of purchase.

## B. United States Government Agencies

Bonds, debentures or notes which may be subject to call, issued or guaranteed as to principal and interest by the United States Governments agencies, provided such obligations are backed by the full faith and credit of the United States Government. Such securities will include, but not be limited to the following:

- United States Export – Import Bank
  - Direct obligations or fully guaranteed certificates of beneficial ownership
- Farmer Home Administration
  - Certificates of beneficial ownership
- Federal Financing Bank
  - Discount notes, notes and bonds
- Federal Housing Administration Debentures
- FDIC guaranteed notes (“TLGP” bonds)
- Government National Mortgage Association (“GNMA”)
  - GNMA guaranteed mortgage-backed bonds
  - GNMA guaranteed pass-through obligations
- General Services Administration
- New Communities Debentures
  - United States Government guaranteed debentures
- United States Public Housing Notes and Bonds
  - United States Government guaranteed public housing notes and bonds
- United States Department of Housing and Urban Development
  - Project notes and local authority bonds

### **Portfolio Composition**

A maximum of 50% of available funds may be invested in United States Government agencies.

### **Limits on Individual Issuers**

A maximum of 10% of available funds may be invested in individual United States Government agencies.

### **Maturity Limitations**

The maximum length to maturity for an investment in any United States Government agency security is five (5) years from the date of purchase.

## C. United States Government Sponsored Agencies

Bonds, debentures or notes which may be subject to call, issued or guaranteed as to principal and interest by United States Government sponsored agencies which are non-full faith and credit agencies limited to the following:

- Federal Farm Credit Bank (“FFCB”)
- Federal Home Loan Bank or its City Banks (“FHLB”)
- Federal National Mortgage Association (“FNMA”)
- Federal Home Loan Mortgage Corporation (“Freddie-Macs”) including Federal-Home Loan Mortgage Corporation participation certificates

### **Portfolio Composition**

A maximum of 80% of available funds may be invested in Federal Instrumentalities.

**Limits on Individual Issuers**

A maximum of 25% of available funds may be invested in any one (1) issuer.

**Maturity Limitations**

The maximum length to maturity for an investment in any Federal Instrumentality security under this Section (C) is seven (7) years from the date of purchase. Mortgage backed securities will have average duration not greater than five (5) years.

**D. Interest Bearing Time Deposit or Savings Account**

Non-negotiable interest bearing time certificates of deposit or savings accounts in banks organized under the laws of Florida or the United States provided that such deposits are secured by collateral as prescribed by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes.

**Portfolio Composition**

A maximum of 10% of available funds may be invested in non-negotiable interest bearing time certificates of deposit.

**Limits on Individual Issuers**

A maximum of 10% of available funds may be deposited with any one (1) issuer.

**Limits on Maturities**

The maximum maturity on any certificate shall be no greater than one (1) year from the date of purchase.

**E. Repurchase Agreements**

1. Invest in repurchase agreements composed of only those investments based on the requirements set forth by the City's Master Repurchase Agreement. A third party custodian with whom the City has a current custodial agreement shall hold the collateral for all repurchase agreements with a term longer than one (1) business day. A clearly marked receipt that shows evidence of ownership must be supplied to the Finance Director or designee and retained. All firms are required to sign the Master Repurchase Agreement prior to the execution of a repurchase agreement transaction.
2. Collateralized by full faith or general faith and credit obligations of the United States Government or United States Government Agency securities. Securities authorized for collateral must have maturities under five (5) years and with market value for the principal and accrued interest of 102 percent of the value and for the term of the repurchase agreement. Immaterial short-term deviations from 102 percent requirement are permissible only upon the written approval of the Finance Director or designee and/or the City's Investment Manager.

**Portfolio Composition**

A maximum of 20% of available funds may be invested in repurchase agreements excluding one (1)-business day agreements and overnight sweep agreements.

**Limits on Individual Issuers**

A maximum of 5% of available funds may be invested with any one (1) institution excluding one (1)-business day agreements and overnight sweep agreements.

**Limits on Maturities**

The maximum length to maturity of any repurchase agreement is 90 days from the date of purchase.

**F. The Florida Local Government Surplus Funds Trust Fund  
(State Board of Administration – SBA)**

**Portfolio Composition**

A maximum of 50% of available funds may be invested in the SBA.

**G. Intergovernmental Investment Pools**

**Investment Authorization**

Intergovernmental investment pools that are authorized pursuant to the Florida Interlocal Cooperation Act, as provided in Section 163.01, Florida Statutes and provided that said funds contain no derivatives.

**Portfolio Composition**

A maximum of 25% of available funds may be invested in intergovernmental investment pools.

**Due Diligence Requirements**

A thorough review of any investment pool/fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed by the Finance Director or designee and/or the City's Investment Manager that will contain a list of questions that covers the major aspects of any investment pool/fund.

**H. Registered Investment Companies (Money Market Mutual Funds)**

Registered with the Securities and Exchange Commission with the highest credit quality rating from a nationally recognized rating agency; portfolio is limited to direct obligations of the United States Government or any agency or instrumentality thereof.

**Portfolio Composition**

A maximum of 35% of available funds may be invested in money market funds.

**Limits of Individual Issuers**

A maximum of 15% of available funds may be invested with any one (1) money market fund.

**Rating Requirements**

The money market funds shall be rated "AAAm" or "AAAm-G" or better by Standard & Poor's, or the equivalent by another rating agency.

**Due Diligence Requirements**

A thorough review of any money market fund is required prior to investing, and on a continual basis. There shall be a questionnaire developed by the Finance Director or designee and/or the City's Investment Advisor/s that will contain a list of questions that covers the major aspects of any money market fund.

**I. Commercial Paper**

Commercial paper of any United States company that is rated "Prime-1" by Moody's and "A-1" by Standard & Poor's (prime commercial paper). If the commercial paper is backed by a letter of credit ("LOC"), the long-term debt of the LOC provider must be rated "A" or better by at least two (2) nationally recognized rating agencies.

**Portfolio Composition**

A maximum of 25% of available funds may be directly invested in prime commercial paper.

**Limits on Individual Sectors**

A maximum of 10% of available funds may be invested with any one sector.

**Limits on Individual Issuers**

A maximum of 2% of available funds may be invested with any one issuer.

**Maturity Limitations**

The maximum length to maturity for prime commercial paper shall be 270 days from the date of purchase.

**J. Corporate Notes**

Corporate notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States that have a long term debt rating, at the time of purchase, "A" or better by at least two (2) nationally recognized rating agencies.

**Portfolio Composition**

A maximum of 25% of available funds may be directly invested in corporate notes.

**Limits on Individual Sectors**

A maximum of 10% of available funds may be invested with any one sector.

**Limits on Individual Issuers**

A maximum of 2% of available funds may be invested with any one issuer.

**Maturity Limitations**

The maximum length to maturity for corporate notes shall be five (5) years from the date of purchase.

**K. Taxable/Tax-Exempt Municipal Bonds**

Debt obligations of non-profit entities such as states, counties, cities, authorities or other institutions. These may be taxable or tax-exempt and may be General Obligation (GO's) and/or Revenue Bonds and must be rated "A" by Moody's, Standard & Poor's or Fitch for long term debt, or rated at least "MIG-2 by Moody's, SP-2 by Standard & Poor's or F-2 by Fitch.

**Portfolio Composition**

A maximum of 25% of available funds may be directly invested in Taxable and/or Tax Exempt Debt.

**Limits on Individual Issuers**

A maximum of 2% of available funds may be invested with any one issuer.

**Maturity Limitations**

The maximum length to maturity for Taxable and/or Tax Exempt Debt shall be five (5) years from the date of purchase

**L. Asset Backed Securities**

Invest in Asset Backed Securities (ABS) issued by corporations organized and operating within the United States or by depository institutions licensed by the United States that have a long term debt rating, at the time of purchase, AAA or the equivalent by at least two (2) nationally recognized rating agencies.

**Portfolio Composition**

A maximum of 15% of available funds may be directly invested in ABS.

**Limits on Individual Sectors**

A maximum of 10% of available funds may be directly invested in ABS of any one industry sub-sector as defined by Bloomberg Industry Groups.

**Limits on Individual Issuers**

A maximum of 2% of available funds may be invested with any one issuer.

**Maturity Limitations**

The maximum length to maturity for ABS shall be (5) 5 years from the date of purchase.

**M. Israel Bonds**

Direct obligations from the State of Israel denominated in US dollars. Obligations may include, but are not limited to:

- Institutional-class bonds that are broadly syndicated and registered with the SEC or other US regulatory agency
- Retail-class offerings that may require safekeeping arrangements, may not be registered by the SEC or other US regulatory agency and/or may not offer secondary market liquidity

**Portfolio composition**

A maximum of \$150,000.00 in par value may be invested in direct obligations from the State of Israel, excluding securities guaranteed by the US government through its AID program or any of its agencies.

**Maturity Limitations**

The maximum length to maturity for Israel bonds shall be three (3) years from the date of purchase.

**VI. PROHIBITIONS**

The purchase of derivative instruments as defined by the Government Account Standards Board ("GASB") or any investment instrument which is structured to derive a rate of return from an investment source other than the originally purchased investment is strictly prohibited.

**VII. INVESTMENT PARAMETERS****A. Maturity and Liquidity Requirements**

To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched with a specific cash flow, the City will not directly invest in securities maturing more than seven (7) years from the date of purchase. Average life will be used as the maturity for mortgage-backed securities and the intergovernmental pool investments.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as Local Government Investment Pools, or money market funds to ensure that appropriate liquidity is maintained to meet ongoing obligations.

## **VIII. SAFEKEEPING AND CUSTODY**

### **A. Authorized Investment Institutions and Dealers**

The City shall only purchase investments from the State Board of Administration, Florida Municipal Investment Trust, financial institutions which are qualified as public depositories by the Treasurer of the State of Florida, primary security dealers (or their agents) as designated by the Federal Reserve Bank of New York, or by secondary securities dealers (or their agents) who act as investment banking arms of local qualified banking institutions.

All financial institutions and broker/dealers who desire to provide investment services must supply the following as appropriate and as requested:

1. Annual audited financial statements;
2. Public depository certification;
3. Proof of National Association of Securities Dealer ("NASD") Certification;
4. Certification of having read the City's investment policy;
5. Credit rating provided by a nationally recognized monitoring agency.

### **B. Delivery vs. Payment**

All trades where applicable will be executed by delivery versus payment ("DVP") to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

### **C. Master Repurchase Agreement**

The investment policy shall require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the Master Repurchase Agreement. All repurchase agreement transactions shall adhere to the requirements of the Master Repurchase Agreement.

### **D. Bid Requirements**

Investments will be chosen based on liquidity needs and market conditions. The investments will be competitively bid when feasible and appropriate. Except as required by law, the bid deemed to best meet the investment objectives must be selected.

### **E. Internal Controls**

The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Finance Director shall establish a process for an annual independent review as

part of the annual financial audit to assure compliance with the policies and procedures. The internal controls shall address the following points:

1. Control of collusion – Collusion is a situation where two (2) or more employees are working in conjunction to defraud their employer.
2. Separation of transaction authority from accounting and record keeping – By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
3. Custodial safekeeping – All securities, with the exception of certificates of deposit, shall be held with a third-party custodian; and all securities purchased by, and all collateral obtained by the City should be properly designated as an asset of the City. The securities must be held in an account separate and apart from the assets of the financial institution. No withdrawal of such securities, in whole or in part, shall be made from safekeeping except by the Finance Director as authorized herein, or by their respective designee.
4. Certificates of Deposit issued by a local bank or savings and loan association may be held in safekeeping at that institution. The institution shall issue a copy of the certificate of deposit, a safekeeping receipt, or some other confirmation of the purchase that is satisfactory to the Finance Director. This will be kept on file in the Finance Department and will indicate the amount, interest rate, issue date and maturity date of the certificate of deposit.
5. Avoidance of physical delivery securities – Book entry securities are much easier to transfer and account for since actual delivery is never taken. Physical delivery securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
6. Clear delegation of authority to subordinate staff members – Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions.
7. Written confirmation of telephone transactions for investments and wire transactions – Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by appropriate personnel unless an agreement is executed with a financial institution as discussed in paragraph B.8 below.
8. Development of a wire transfer agreement with a bank or third-party custodian – This agreement should outline the various controls and security provisions for making and receiving wire transfers.

## **IX. CONTINUING EDUCATION**

The Finance Director and Controller shall annually complete eight (8) hours of continuing education in subjects or courses of study related to investment practices and products.

## **X. REPORTING**

The Finance Director shall provide a quarterly investment report to the City Manager. The report shall list investments by fund and type and include the book value, income earned and market value as of the report date.

**XI. SECURITIES; DISPOSITION**

- A. Every security purchased under this section on behalf of the governing body of the City must be properly earmarked and:
1. If registered with the issuer or its agents, must be immediately placed for safekeeping in a location that protects the governing body's interest in the security;
  2. If in book entry form, must be held for the credit of the governing body by a depository chartered by the Federal Government, the state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in s. 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state, and must be kept by the depository in an account separate and apart from the assets of the financial institution; or
  3. If physically issued to the holder but not registered with the issuer or its agents, must be immediately placed for safekeeping in a secured vault.
- B. The City may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the Federal Government, this state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in s. 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state.

**XII. SALE OF SECURITIES**

When the invested funds are needed in whole or in part for the purposes originally intended or for more optimal investments, the City may sell such investments at the then-prevailing market price and place the proceeds into the proper account or fund of City.

**XIII. PREEXISTING CONTRACT**

Any public funds subject to a contract or agreement existing on May 1, 2009, may not be invested contrary to such contract or agreement.

**XIV. AUDITS**

Certified public accountants conducting audits of the City pursuant to s. 218.39 shall report, as part of the audit, whether or not the City has complied with section 218.415, F.S., and this Investment Policy.

**XV. AUTHORIZED DEPOSITS**

In addition to the investments authorized for the City in subsection (VIII), as authorized by paragraph (23) of Section 218.415, F.S., the City may deposit any portion of surplus public funds in its control or possession in accordance with the following conditions:

- A. The funds are initially deposited in a qualified public depository, as defined in s. 280.02, selected by the

City.

- B. The selected depository arranges for the deposit of the funds in certificates of deposit in one (1) or more federally insured banks or savings and loan associations, wherever located, for the account of the City.
- C. The full amount of principal and accrued interest of each such certificate of deposit is insured by the Federal Deposit Insurance Corporation.
- D. The selected depository acts as custodian for the City with respect to such certificates of deposit issued for its account.
- E. At the same time the City's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits from customers of other federally insured financial institutions, wherever located, equal to or greater than the amount of the funds initially invested by the City through the selected depository.

## **XVI. PROHIBITED INVESTMENTS**

The City is prohibited from investing in any company that engages in business with the countries of Iran and Sudan. The City Manager may promulgate specific requirements for the implementation of this provision based upon criteria applied by the Local Government Surplus Funds Trust Fund for such purpose.

## **XVII. INVESTMENT POLICY REVIEW**

The Finance Director shall review this Investment Policy on an annual basis. Any recommended changes to this policy must be approved by the City Manager and subsequently by the City Commission. However, upon the initial approval of this Investment Policy by resolution of the City Commission, this Investment Policy shall be amended by the City Manager without the necessity of further action by the City Commission, to the extent that said amendments are necessary for conformance with any amendments made to Section 218.415, F.S.

Originally Adopted – June 2, 2009 (Resolution No. 2009-30)

Revised – September 22, 2009 (Ordinance No. 2009-17)

Revised – November 1, 2011 (Resolution No. 2011-61)

Revised – July 8, 2014 (Resolution No. 2014-33)

Revised – September 6, 2016 (Resolution No. 2016-\_\_)

\*Investments managed internally by City staff, not managed by Investment Advisor

**Appendix A**  
**Authorized Investments Summary Table**

Investment Type	Minimum Rating <sup>1</sup>	Maximum Composition	Subsector Limit	Individual Issuer Limit	Maximum Maturity
United States Government Securities	UST	100%	-	-	7 Years
United States Government Agencies <sup>2</sup>	AGY	50%	-	10%	5 Years
United States Government Sponsored Agencies <sup>3</sup>	AGY	80%	-	25%	7 Years
Interest Bearing Time Deposit or Savings Account <sup>4</sup>	QPD	10%	-	10%	1 Year
Repurchase Agreements <sup>5</sup>		20%	-	-	90 Days
Counterparty	A-1/P-1	5%	-	-	-
Collateral	UST/AGY	-	-	-	-
Florida Local Government Surplus Trust Fund (SBA) <sup>6</sup>	AAAm	50%	-	-	-
Intergovernmental Investment Pools <sup>6</sup>	AAA/Aaa	25%	-	-	-
Money Market Mutual Funds <sup>6</sup>	AAAm/AAAm-G	35%	-	15%	-
Commercial Paper	A-1/P-1 <sup>(A)</sup>	25%	10%	2%	270 days
Corporate Notes	"A" or better by at least 2				
	NRSRO's	25%	10%	2%	5 Years
<b>Taxable and Tax-Exempt Municipal Bonds:</b>	"A"/"A"				
General Obligation Bonds	MIG-2/SP-2	25%	-	-	5 Years
Revenue and Excise Tax Bonds		10% <sup>(B)</sup>	-	-	5 Years
Asset Backed Securities	AAA by at least 2				
	NRSRO's	15%	10%	2%	5 Years
Israel Bonds*		\$ 150,000	-	-	3 Years

1. Investments must meet the Minimum Rating requirement at the time of purchase. The Finance Director shall determine the appropriate action for any investment held that is downgraded below the Minimum Rating by one (1) or more rating agencies

2. Securities purchased under the Temporary Liquidity Guarantee Program (TLGP) are classified as Government Agencies as a result of the Federal Government Guarantee.

3. Federal Agency Mortgage Backed Securities will have an average life of five (5) years or less.

4. Interest Bearing Time Deposit or Savings Accounts will be purchased from/with a Qualified Public Depository defined in Florida State Statute Chapter 280. The list of QPD's can be found on the State of Florida's Chief Financial Officer's website.

5. Collateral for Repurchase Agreements will be limited to United States Government or United States Government Agency securities, have a value of 102% of the Repurchase Agreement, and a final maturity of five (5) years or less. Repurchase Agreements with a maturity of more than one (1) day will be held with a Third Party Custodian.

6. Maximum maturity and weighted average maturity defined in prospectus.

<sup>(A)</sup> If commercial paper is backed by a letter of credit ("LOC"), the long-term debt of the LOC provider must be rated "A" or better by at least 2 nationally recognized rating agencies.

<sup>(B)</sup> Maximum of 10% of available funds may be invested in taxable and tax-exempt Revenue and Excise tax bonds of various municipalities of the State of Florida, provided none of such securities have been in default within 5 years prior to the date of purchase.

\*Investments managed internally by City staff, not managed by Investment Advisor

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

BY: Antonio F. Tomei, Capital Projects Manager

DATE: August 23, 2016

SUBJECT: **Recommendation: Bid No: 16-07-12-2 – NE 191<sup>st</sup> Street Roadway and Drainage Improvements**

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**September 6, 2016 City Commission Meeting Agenda Item 5I**

**Recommendation**

It is recommended that the City Commission adopt the attached Resolution awarding Bid No. 16-07-12-2, NE 191<sup>st</sup> Street Roadway and Drainage Improvements to the lowest responsible and responsive bidder, H & R Paving, Inc. for the price of \$711,962.55. This project is included in the Capital Budget will be funded by Budget Line Item Numbers 120-5001-541-6305 and 410-5001-538-6306.

**Background**

In accordance with the City's Purchasing Ordinance, bids for this project were solicited, advertised, and opened on August 16, 2016. The City received the following five (5) bids for this project:

H&R Paving, Inc.	\$711,962.55
Roadway Construction, LLC	\$716,266.00
Southeastern Engineering Contractors, Inc.	\$721,879.60
Metro Express, Inc.	\$770,975.50
Stanford Construction	\$788,187.99

The bid price allows for roadway resurfacing, signage, roadway markings, and drainage system improvements on NE 191<sup>st</sup> Street from Biscayne Boulevard to NE 29<sup>th</sup> Avenue and south to NE 190<sup>th</sup> Street.

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

**RESOLUTION NO. 2016-\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-07-12-2, NE 191<sup>ST</sup> STREET ROADWAY AND DRAINAGE IMPROVEMENTS TO H&R PAVING, INC. AT THE BID PRICE OF \$711,962.55; 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; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager has, pursuant to the various laws of the State of Florida and the Code of the City of Aventura, properly solicited and accordingly accepted bids for BID NO. 16-07-12-2, NE 191<sup>st</sup> Street Roadway and Drainage Improvements; and

**WHEREAS**, sealed bids have been submitted to and received by the City pursuant to the City's Invitation to Bid/Notice to Bidders, specifications, proposals, and requirements for the project/work as cited above; and

**WHEREAS**, staff has determined that H&R Paving, Inc. submitted the lowest responsible and responsive bid for said project/work; and

**WHEREAS**, the City Commission, upon the recommendation of the City Manager, is therefore desirous of awarding said bid/contract to said lowest responsible and responsive bidder;

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

**Section 1:** That bid/contract for BID NO. 16-07-12-2, NE 191<sup>st</sup> Street Roadway and Drainage Improvements is hereby awarded to H&R Paving, Inc. in the amount of \$711,962.55.

**Section 2:** That the City Manager is hereby authorized to execute, on behalf of the City, a contract by and between the parties embodying the terms, conditions, and specifications as set forth in the subject Invitation to Bid/Notice to Bidders, bid specifications, bid proposal and bid requirements, or if a City prepared contract was part of said bid proposal, said parties shall execute said prepared contract on behalf of the City.

**Section 3:** That the City Manager is hereby authorized and requested to take all necessary and expedient action to carry out the aims of this Resolution in awarding this bid/contract.

**Section 4:** That the funds to be allocated and appropriated pursuant hereto and for the purpose of carrying out the tenets of this Resolution shall be from Budget Line Item Numbers 120-5001-541-6305 and 410-5001-538-6306.

**Section 5:** This Resolution shall be 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 Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

## MEMORANDUM

### CRAVEN THOMPSON AND ASSOCIATES, INC.

Date: August 22, 2016

To: Antonio F. Tomei, Capital Projects Manager  
Office of the City Manager

From: Peter W. Aquart, PE, Consulting Engineer 

Reference: N.E. 191<sup>st</sup> Street Roadway and Drainage Improvements  
Bid Number 16-07-12-2

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We have reviewed the results for the above referenced request for bids. The following contractors submitted a bid:

- Stanford & Sons Trucking
- Southeastern Engineering Contractors, Inc.
- H & R Paving, Inc.
- Roadway Construction, LLC
- Metro Express, Inc.

Enclosed is a bid tabulation spreadsheet showing all of the individual unit prices and extended prices.

The apparent low bidder is H & R Paving, Inc. We consider them to be a responsible bidder.

It is our opinion that H & R Paving, Inc. is the lowest responsible bidder and recommend awarding the contract to them for the total amount of \$711,962.55.

If you have any questions or require any additional information, please call.

Enclosures: Bid Tabulation

**SECTION 00410**

**SCHEDULE OF VALUES – BIDDER'S COMPANY NAME: H&R PAVING, INC.**

Time to Substantial Completion: 135 calendar days upon issuance of the Notice to Proceed.

Time to Final Completion: 45 calendar days.

*TOTAL CONTRACT TIME = 180 CALENDAR DAYS*

Pay Item	Estimated Quantity	Description	Unit	Unit Price	Extended Price
		<b>GENERAL</b>			
100	1	General Conditions and Mobilization	LS	56565.05	56565.05
101	1	Provide Maintenance Of Traffic per FDOT 600 Series Design Standards	LS	54000.00	54000.00
102	1	Provide Erosion Control Measures	LS	2000.00	2000.00
		<b>DEMOLITION</b>			
200	369	Remove and Dispose of Existing Curb (Type D, Type E, Type F, Drop Curb etc.)	LF	10.00	3690.00
201	193	Remove And Dispose of Existing Concrete	SY	20.00	3860.00
202	5	Remove And Dispose of Existing Drainage Structures	EA	1350.00	6750.00
203	497	Remove And Dispose of Existing Drainage Pipe (Up to 36") & Exfiltration Trench Section	LF	40.00	19880.00
204	53	Clearing and Grubbing	SY	200.00	10600.00
205	3	Remove Existing Sign and Post	EA	50.00	150.00

City of Aventura N.E. 191<sup>st</sup> Street  
 Roadway & Drainage Improvements  
 City of Aventura Bid No. 16-07-12-2  
 Addendum No. 2

DRAINAGE					
300	3	Storm Manhole (Type M-4 – 48" Round)	EA	5550.00	16650.00
301	1	Storm Manhole (Type M-5 – 60" Round)	EA	7500.00	7500.00
302	1	Storm Manhole (Type M-5 – 60" x 60" Square)	EA	7500.00	7500.00
303	1	Storm Structure (48X84")	EA	5950.00	5950.00
304	4	Furnish and Install Drainage Well (Total 100' Depth including minimum 20' open hole)	EA	25500.00	102000.00
305	4	Furnish and Install Drainage Well Baffle Structure	EA	13500.00	54000.00
306	6	Pollution Retardant Baffle	EA	405.00	2430.00
307	51	Pipe - 15" Diameter Solid R.C.P. (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	160.00	8160.00
308	42	Pipe - 24" Diameter Solid R.C.P. (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	190.00	7980.00
309	538	Pipe - 24" Diameter Slotted R.C.P., Including Exfiltration Trench (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	150.00	80700.00
310	28	Pipe - 30" Diameter Solid R.C.P. (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	255.00	7140.00
311	2	Connect Prop. Drainage Pipe to Exist. Drainage Structure	EA	1100.00	2200.00
312	15	Connect Exist. Drainage Pipe to Prop. Drainage Structure	EA	1100.00	16500.00
313	353	Clean and Televis Drainage Pipe – 15" Pipe	LF	7.00	2471.00
314	97	Clean and Televis Drainage Pipe – 18" Pipe	LF	7.00	679.00
315	185	Clean and Televis Drainage Pipe – 24" Pipe	LF	6.00	1110.00
316	1282	Clean and Televis Drainage Pipe – 30" Pipe	LF	20.00	25640.00
317	825	Pavement Restoration; Includes Removal and Disposal of Existing Pavement	SY	31.50	25987.50

City of Aventura N.E. 191<sup>st</sup> Street  
Roadway & Drainage Improvements  
City of Aventura Bid No. 16-07-12-2  
Addendum No. 2

<b>ROADWAY</b>					
400	7574	Mill 1" Asphalt, Including Removal and Disposal of Existing Pavement	SY	2.25	17041.50
401	7656	1" Superpave SP-9.5 Asphaltic Concrete Pavement, Including Tack Coat	SY	8.00	61248.00
402	41	8" Limerock Base (min. LBR of 100), including Prime Coat	SY	50.00	2050.00
403	41	12" Stabilized Subgrade (min. LBR of 40)	SY	20.00	820.00
404	166	Type "F" Curb & Gutter, Including 4" Limerock Pad	LF	60.00	9960.00
405	55	Type "D" Curb	LF	50.00	2750.00
406	30	Drop Curb, Including 4" Limerock Pad	LF	60.00	1800.00
407	162	4" Concrete Sidewalk (min. 3,000 psi) with Compacted Subgrade	SY	75.00	12150.00
408	7	6" Concrete Sidewalk (min. 3,000 psi) with Compacted Subgrade	SY	110.00	770.00
409	1	Accessible Ramp Type CR-D with Embedded Detectable Warning Surface	EA	3000.00	3000.00
410	5	Accessible Ramp Type CR-G with Embedded Detectable Warning Surface	EA	2800.00	14000.00
411	5	Adjust Existing Storm and Sanitary Sewer Manhole Rim	EA	300.00	1500.00
412	15	Adjust Existing Water/Force/Gas Main Valve Box	EA	250.00	3750.00
413	3	Replace Roadway Loop Detectors	EA	1500.00	4500.00
<b>SIGNING AND MARKING</b>					
500	2344	6" Solid Yellow (Thermoplastic)	LF	1.00	2344.00
501	3100	6" Solid White (Thermoplastic)	LF	1.00	3100.00
502	786	8" Solid White (Thermoplastic)	LF	2.00	1572.00

City of Aventura N.E. 191<sup>st</sup> Street  
Roadway & Drainage Improvements  
City of Aventura Bid No. 16-07-12-2  
Addendum No. 2

503	336	12" Solid White (Thermoplastic)	LF	2.00	672.00
504	81	18" Solid Yellow (Thermoplastic)	LF	4.00	324.00
505	105	18" Solid White (Thermoplastic)	LF	4.00	420.00
506	300	18" Solid White Chevron (Thermoplastic)	LF	4.00	1200.00
507	51	24" Solid White (Thermoplastic)	LF	4.00	204.00
508	32	6" Skip White 2'-4' (Thermoplastic) [Net length of Thermoplastic Markings]	LF	1.00	32.00
509	84	6" Skip Yellow 6'-10' (Thermoplastic) [Net length of Thermoplastic Markings]	LF	1.00	84.00
510	36	6" Skip White 6'-10' (Thermoplastic) [Net length of Thermoplastic Markings]	LF	1.00	36.00
511	310	6" Skip White 10'-30' (Thermoplastic) [Net length of Thermoplastic Markings]	LF	1.00	310.00
512	80	6" Skip Yellow 10'-30' (Thermoplastic) [Net length of Thermoplastic Markings]	LF	1.00	80.00
513	24	Pavement Message – per letter (Thermoplastic)	EA	10.00	240.00
514	17	Arrow (Thermoplastic)	EA	80.00	1360.00
515	10	Sharrow (Thermoplastic)	EA	300.00	3000.00
516	2344	6" Solid Yellow (Paint)	LF	0.10	234.40
517	3100	6" Solid White (Paint)	LF	0.10	310.00
518	786	8" Solid White (Paint)	LF	0.10	78.60

City of Aventura N.E. 191<sup>st</sup> Street  
Roadway & Drainage Improvements  
City of Aventura Bid No. 16-07-12-2  
Addendum No. 2

519	336	12" Solid White (Paint)	LF	0.20	67.20
520	81	18" Solid Yellow (Paint)	LF	0.30	24.30
521	105	18" Solid White (Paint)	LF	0.30	31.50
522	300	18" Solid White Chevron (Paint)	LF	0.30	90.00
523	51	24" Solid White (Paint)	LF	0.30	15.30
524	32	6" Skip White 2'-4' (Paint) [Net length of Paint]	LF	0.10	3.20
525	84	6" Skip Yellow 6'-10' (Paint) [Net length of Paint]	LF	0.10	8.40
526	36	6" Skip White 6'-10' (Paint) [Net length of Paint]	LF	0.10	3.60
527	310	6" Skip White 10'-30' (Paint) [Net length of Paint]	LF	0.10	31.00
528	80	6" Skip Yellow 10'-30' (Paint) [Net length of Paint]	LF	0.10	8.00
529	24	Pavement Message -- per letter (Paint)	EA	10.00	240.00
530	17	Arrow (Paint)	EA	10.00	170.00
531	10	Yellow Reflective Paint (Bullnose)	SY	2.00	20.00
532	110	Reflective Pavement Marker (RPM) White / Red	EA	3.00	330.00
533	223	Reflective Pavement Marker (RPM) Yellow / Yellow	EA	3.00	669.00
534	6	Reflective Pavement Marker (RPM) Blue / Blue	EA	3.00	18.00

City of Aventura N.E. 191<sup>st</sup> Street  
Roadway & Drainage Improvements  
City of Aventura Bid No. 16-07-12-2  
Addendum No. 2

535	17	Furnish and install new sign and new post.	EA	300.00	5100.00
		<b>MISCELLANEOUS</b>			
600	1	Loop Detector Replacement Permit Fee	AL	\$2,100	2100.00
601	1	Off-Duty Police Services	AL	\$20,000	20000.00
<b>SUB-TOTAL</b>				\$711,962.55	
<b>TOTAL COST</b>				<b>\$711,962.55</b>	

**\* BIDS SHALL BE AWARDED BY THE CITY TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER. IN ANALYZING BIDS, THE CITY MAY ALSO TAKE INTO CONSIDERATION ALTERNATE AND UNIT PRICES. REFER TO SECTION 00710, GENERAL CONDITIONS, ARTICLE 2.1.**

City of Aventura N.E. 191<sup>st</sup> Street  
 Roadway & Drainage Improvements  
 City of Aventura Bid No. 16-07-12-2  
 Addendum No. 2

**CITY OF AVENTURA**

**COMMUNITY SERVICES DEPARTMENT**

**MEMORANDUM**

TO: City Commission

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

BY: Robert M. Sherman, Director of Community Services 

DATE: August 23, 2016

SUBJECT: **Bid No. 16-06-24-3, Parks & Facilities Landscape Maintenance Services**

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**September 6, 2016 City Commission Meeting Agenda Item 5J**

**Recommendation:**

The City Commission adopt the attached Resolution awarding Bid No. 16-06-24-3 Parks & Facilities Landscape Maintenance Services, to the lowest responsible and responsive bidder, BrightView Landscape Maintenance, Inc. for the price of \$398,509.75

**Background:**

In accordance with the City's Purchasing Ordinance, bids for this project were solicited, advertised and opened on June 24, 2016. All contract specifications were reviewed by the Purchasing Agent, Finance Director, City Attorney and Landscape Architect prior to advertising for bids.

Three qualified bids were opened on June 24, 2016 and the results are as follows:

BrightView Landscape Maintenance, Inc.	\$ 398,509.75
Lukes' Landscaping, Inc.	405,535.00
Superior Landscaping & Lawn Service, Inc.	532,000.00

This bid is for one three year term, with the City retaining the sole option to renew the bid for one additional three year term, with the City Manager's approval. The bid specifications included grounds and irrigation maintenance standards at City parks and facilities including the Government Center, Arts & Cultural Center, Community Recreation Center and the ACES campus.

City Commission  
August 23, 2016  
Page Two

Specialized grounds maintenance standards for Bermuda turf and athletic fields in all City parks were addressed as well as specified pricing for planting flowers three times per year and specialized palm tree treatments.

The City's Landscape Architect, Kathy O'Leary-Richards reviewed the bid from BrightView Landscape Maintenance, Inc. Her letter of recommendation is attached.

The bid specifications also require the bidder to provide the City with 24 hour services providing clean-up and recovery services for major emergencies, such as hurricanes, storms and flooding. The successful bidder was also required to own certain equipment necessary to maintain the parks and athletic fields to established City standards.

Based on the bids received, I recommend the lowest responsible and responsive bidder, BrightView Landscape Maintenance, Inc. be awarded Bid No. 16-06-24-3 for the base bid amount of \$398,509.75 per year.

RMS/gf

Attachments

RMS16007

RESOLUTION NO. 2016-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARING AND LETTING A BID/CONTRACT FOR BID NO. 16-06-24-3, PARKS & FACILITIES LANDSCAPE MAINTENANCE SERVICES TO BRIGHTVIEW LANDSCAPE MAINTENANCE, INC. AT THE BID PRICE OF \$398,509.75; 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; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Manager of the City of Aventura, Florida, has, pursuant to the various laws of the State of Florida and the Code of the City of Aventura, properly solicited and accordingly accepted bids for BID NO. 16-06-24-3, PARKS & FACILITIES LANDSCAPE MAINTENANCE SERVICES; and

**WHEREAS**, sealed bids have been submitted to and received by the City pursuant to the City's Invitation to Bid/Notice to Bidders, specifications, proposals, and requirements for the project/work as cited above; and

**WHEREAS**, staff has determined that BrightView Landscape Maintenance, Inc. has submitted the lowest responsible and responsive bid for said project/work; and

**WHEREAS**, the City Commission, upon the recommendation of the City Manager, is therefore desirous of awarding said bid/contract to said lowest responsible and responsive bidder.

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

**Section 1:** That bid/contract for BID NO. 16-06-24-3, PARKS & FACILITIES LANDSCAPE MAINTENANCE SERVICES, is hereby awarded to BrightView Landscape Maintenance, Inc. in the amount of \$398,509.75.

**Section 2:** That the City Manager is hereby authorized to execute, on behalf of

the City, a contract by and between the parties embodying the terms, conditions, specifications as set forth in the subject Invitation to Bid/Notice to Bidders, bid specifications, bid proposal and bid requirements, and said parties shall execute said prepared contract on behalf of the City.

**Section 3:** That the City Manager is hereby authorized and requested to take all necessary and expedient action to carry out the aims of this Resolution in awarding this bid/contract.

**Section 4:** That the funds to be allocated and appropriated pursuant hereto and for the purpose of carrying out the tenets of this Resolution shall be from the General Fund Line Item No. 001-5001-539-3452.

**Section 5:** That this Resolution shall be 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 Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

O'Leary  
Richards  
Design  
Associates,  
Inc.

Landscape Architecture & Planning

July 12, 2016

Mr. Robert M. Sherman, CPRP  
Director of Community Services  
City of Aventura  
19200 West Country Club Drive  
Aventura, Florida 33180

Re: Parks & Facilities Landscape Maintenance Services  
IFB #16-06-24-3

Dear Mr. Sherman:

Pursuant to your directive, we have reviewed the bids submitted for the above-referenced project. Based on our review, it is our recommendation that this contract be awarded to BrightView, the lowest and most responsive bidder.

Please let me know if you require any additional information.

Sincerely,

O'Leary Richards Design Associates, Inc.



Kathryn O'Leary Richards, RLA, ASLA, LEED GA  
President

Oak Plaza Professional Center  
8525 SW 92nd Street, Suite C-11  
Miami, Florida 33156  
tel: 305.596.6628  
fax: 305.596.9160  
LC26000195

[www.olearyrichards.com](http://www.olearyrichards.com)

**City of Aventura  
Parks Facilities Landscape Maintenance Services  
Bid # 16-06-24-3**

**BID TABULATION**  
Bid Opening after 3:00 PM on Friday, June 24, 2016

Bidder	Item #	Description	TOTAL COST PER 12 MONTHS
<b>BrightView Landscape Maintenance, Inc.</b>	1	Parks & Facilities Landscape Maintenance Services within the Scope of this project	\$ 382,387.00
	2	Seasonal Color Replacement, 4 ½" pot, full 3,200 X 3 changes per year	Unit price shall be delivered and in-place: includes removal of prior season's flowers, fertilization, new soil and soil amendments, and pre-emergent herbicide as per specifications. \$1.25 x 9,600 per year = \$12,000.00 TOTAL
	3	Merit Soil Drench for Royal Palms (One application including follow up per year)	Per Application \$ 9.75 x 85 Royal Palms = \$ 828.75 TOTAL
	4	Cygon Foliar Spray for Royal Palms (One application including follow up per year)	Per Application \$ 30.00 x 85 Royal Palms = \$2,550.00 TOTAL
	5	Pheonix Dactylifera Maintenance (Three applications per year)	Per Application \$8.00 x 31 Date Palms x 3 = \$ 744.00 TOTAL
	<b>TOTAL BASE BID</b>		

Bidder	Item #	Description	TOTAL COST PER 12 MONTHS
<b>Superior Landscaping &amp; Lawn Serv.</b>	1	Parks & Facilities Landscape Maintenance Services within the Scope of this project	\$512,485.00
	2	Seasonal Color Replacement, 4 ½" pot, full 3,200 X 3 changes per year	Unit price shall be delivered and in-place: includes removal of prior season's flowers, fertilization, new soil and soil amendments, and pre-emergent herbicide as per specifications. \$1.15 x 9,600 per year = \$11,040.00 TOTAL
	3	Merit Soil Drench for Royal Palms (One application including follow up per year)	Per Application \$ 20.00 x 85 Royal Palms = \$ 1,700.00 TOTAL
	4	Cygon Foliar Spray for Royal Palms (One application including follow up per year)	Per Application \$ 25.00 x 85 Royal Palms = \$2,125.00 TOTAL
	5	Pheonix Dactylifera Maintenance (Three applications per year)	Per Application \$ 50.00 x 31 Date Palms x 3 = \$ 4,650.00 TOTAL
	<b>TOTAL BASE BID</b>		

**City of Aventura  
Parks Facilities Landscape Maintenance Services  
Bid # 16-06-24-3**

Bidder	Item #	Description	TOTAL COST PER 12 MONTHS
Lukes' Landscaping, Inc.	1	Parks & Facilities Landscape Maintenance Services within the Scope of this project	\$ 389,274.00
	2	Seasonal Color Replacement, 4 1/2" pot, full 3,200 X 3 changes per year	Unit price shall be delivered and In-place: includes removal of prior season's flowers, fertilization, new soil and soil amendments, and pre-emergent herbicide as per specifications. \$1.31 x 9,600 per year = \$12,576.00 TOTAL
	3	Merit Soil Drench for Royal Palms (One application including follow up per year)	Per Application \$8.00 x 85 Royal Palms = \$ 680.00 TOTAL
	4	Cygon Foliar Spray for Royal Palms (One application including follow up per year)	Per Application \$8.00 x 85 Royal Palms = \$ 680.00 TOTAL
	5	Pheonix Dactylifera Maintenance (Three applications per year)	Per Application \$25.00 x 31 Date Palms x 3 = \$ 2,325.00 TOTAL
<b>TOTAL BASE BID</b>			<b>\$405,535.00</b>

Rank	Bidder	Base Bid
1	BrightView Landscape Maintenance, Inc.	\$398,509.75
2	Lukes' Landscaping, Inc.	\$405,535.00
3	Superior Landscaping & Lawn Service, Inc.	\$532,000.00

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

Name: \_\_\_\_\_

Indra Sarju

Dated: \_\_\_\_\_

**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 24, 2016

SUBJECT: Request of Gulfstream Park Racing Association Inc. for extension of the approvals granted through Resolution No. 2006-62 for property located on the north side of NE 213 Street between Biscayne Boulevard and NE 34 Avenue, City of Aventura (02-CU-06 EXT)

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**September 6, 2016 City Commission Meeting Agenda Item 5K**

**RECOMMENDATION**

The City Manager recommends that the City Commission, by motion, table the applicant's conditional use approval extension request for sixty (60) days from September 6, 2016 to facilitate ongoing discussions regarding overall development of that portion of the Gulfstream Park property lying within the City of Aventura.

**THE REQUEST**

The applicant, Gulfstream Racing Association Inc., requested a six (6) month extension of the conditional use approvals granted through Resolution No. 2006-62 passed on October 3, 2006.

At its meeting of July 12, 2016, the City Commission tabled this extension request for sixty (60) days to facilitate ongoing discussions between the applicant and the City Manager. The sixty (60) day extension expires on September 12, 2016. Discussions are still ongoing and a further sixty (60) tabling of the extension request is recommended. If the City Commission approves the applicant's request for conditional use approval extension when the matter is next considered, the requested six (6) month extension would run from the date of passage of the motion or resolution for approval.

**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 26, 2016

SUBJECT: **Special Purpose Financial Report for ACES FY June 30, 2016**

September 6, 2016 City Commission Meeting Agenda Item 5L

**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, 2016 and to accept for filing that letter dated August 24, 2016 attached hereto as Attachment 1.”

**Background**

The Special Purpose Financial Report for ACES was electronically distributed to the Mayor and Commissioners on August 26, 2016 along with our memorandum. In addition, a letter dated August 24, 2016 (Attachment 1) from our auditors – Alberni Caballero & Fierman, LLP was attached to the Commission agenda for your review.

The Rules of the Auditor General, Chapter 10.550, require 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 Alberni Caballero & Fierman, LLP 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.

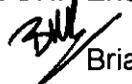
**CITY OF AVENTURA**

**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 26, 2016

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, 2016 (attached). These statements encompass the School's 13<sup>th</sup> year of operations and were audited by Alborni Caballero & Fierman, LLP.

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, 2016, as well as in this Report.

The key schedules in this Report include the:

1. Statement of Revenues, Expenditures and Change in Fund Balance – Governmental Fund (page 12), and the;
2. Schedule of Revenues and Expenditures and Change in Fund Balance Budget and Actual – Special Revenue Fund, (page 25).

Please note that on page 25, revenue and expenditures (Actual Amounts GAAP Basis Column), aggregated \$8,926,406 and \$8,821,077 respectively. The positive net difference of \$105,329 is then added to the beginning fund balance of \$2,052,321, resulted in an ending fund balance of \$2,157,650 (page 12 bottom). The increase in fund balance was primarily due to lower than budgeted expenditures.

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

Actual expenditures (on a budgetary basis) totaled \$8,821,077 or 96.16% of the total budget of \$9,173,472.

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 25), the School continues to operate well both from an educational and financial perspective.

The auditor letter dated August 24, 2016 is also required to be distributed to the City Commission by generally accepted auditing standards and was therefore attached to the September 6, 2016 City Commission Meeting Agenda. The Reports contained on pages 27 – 30 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 6, 2016 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, please contact the City Manager with any questions you may have.



**Alberni Caballero & Fierman, LLP**  
4649 Ponce de Leon Blvd  
Suite 404  
Coral Gables, FL 33146  
T: 305.662.7272 F: 305.662.4266  
**ACF-CPA.COM**



August 24, 2016

Honorable Mayor and Members of the City Commission  
City of Aventura, Florida  
Aventura City of Excellence School (a Special Revenue Fund of the City of Aventura, Florida)  
Aventura, Florida

We have audited the financial statements of the governmental activities, and the major fund of the Aventura City of Excellence School (the "School") (a Special Revenue Fund of the City of Aventura, Florida) as of and for the fiscal year ended June 30, 2016. 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 letter to you dated April 9, 2015. Professional standards also require that we communicate to you 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 fiscal year 2016. However, the School did implement Governmental Accounting Standard Board (GASB) Statement No. 72, *Fair Value Measurement and Application*. 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. There were no sensitive estimates affecting the financial statements.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

The disclosure of Commitments and Contingencies in Note 7 to the financial statements.

The disclosure of Related Party Transactions in Note 8 to the financial statements.

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 clearly trivial, and communicate them to the appropriate level of management. There were no such misstatements.

*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 24, 2016.

*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 generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the School's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the management's discussion and analysis and budgetary comparison information, 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.

Restriction on Use

This information 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 Mayor, Commission Members, School's management, the Auditor General of the State of Florida and the School Board of Miami-Dade County and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

*Alberni, Caballero & Fierman, LLP*

Alberni, Caballero & Fierman, LLP  
Coral Gables, Florida

# AVENTURA

CITY OF EXCELLENCE SCHOOL

A Special Revenue Fund of the  
City of Aventura, Florida



## Special Purpose Financial Report For the Fiscal Year Ended June 30, 2016



**AVENTURA CITY OF EXCELLENCE SCHOOL  
(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)  
BASIC FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION  
FOR THE YEAR ENDED JUNE 30, 2016**

**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**BASIC FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION**  
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**JUNE 30, 2016**

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INDEPENDENT AUDITORS' REPORT

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## INDEPENDENT AUDITORS' REPORT

Honorable Mayor and Members of the City Commission  
City of Aventura, Florida  
Aventura City of Excellence School (a Special Revenue Fund of the City of Aventura, Florida)  
Aventura, Florida

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and the major fund of the Aventura City of Excellence School (the "School") (a Special Revenue Fund of the City of Aventura, Florida), as of and for the fiscal year ended June 30, 2016, 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.

### Auditors' 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 above present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of the Aventura City of Excellence School, as of June 30, 2016, and the respective changes in financial position for the fiscal year then ended in conformity with accounting principles generally accepted in the United States of America.

**Emphasis of a Matter**

As discussed in Note 1, the financial statements present only the Aventura City of Excellence School, a Special Revenue Fund of the City of Aventura, Florida. These financial statements do not purport to, and do not, present fairly the financial position of the City of Aventura, Florida as of June 30, 2016 or its changes in financial position for the fiscal 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 budgetary comparison information on pages 3 through 7 and 25 and 26 be presented to supplement the basic financial statements. Such information, although not 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 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 24, 2016, 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.

*Alberni Caballero & Fierman, LLP*

Alberni Caballero & Fierman, LLP  
Coral Gables, Florida  
August 24, 2016

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MANAGEMENT'S DISCUSSION AND ANALYSIS  
(Required Supplementary Information)

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**AVENTURA CITY OF EXCELLENCE SCHOOL  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
JUNE 30, 2016**

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, 2016. 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 financial 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.

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.

**AVENTURA CITY OF EXCELLENCE SCHOOL  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
JUNE 30, 2016**

**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  
Summary of Net Position

	<u>2016</u>	<u>2015</u>	<u>Variance</u>
<b>Assets:</b>			
Current Assets	\$ 2,999,600	\$ 2,788,328	\$ 211,272
Capital assets, net of depreciation	<u>1,663,594</u>	<u>1,738,588</u>	<u>(74,994)</u>
Total assets	<u>4,663,194</u>	<u>4,526,916</u>	<u>136,278</u>
<b>Liabilities:</b>			
Current liabilities	857,455	751,686	105,769
Noncurrent liabilities	<u>46,516</u>	<u>47,039</u>	<u>(523)</u>
Total liabilities	<u>903,971</u>	<u>798,725</u>	<u>105,246</u>
<b>Net position:</b>			
Investment in capital assets	1,663,594	1,738,588	(74,994)
Unrestricted	<u>2,095,629</u>	<u>1,989,603</u>	<u>106,026</u>
Total net position	<u>\$ 3,759,223</u>	<u>\$ 3,728,191</u>	<u>\$ 31,032</u>

Current assets increased mainly due to an increase in pooled cash, cash equivalents and investments. Capital assets, net of depreciation, decreased due to the net effect of depreciation expense over new capitalized equipment. The decrease in total liabilities is due to the short term effect of year-end accounts payable and accrued expenses.

Resources that are subject to external restrictions on how they may be used are classified as restricted assets. As of June 30, 2016 and 2015, 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, 2016**

**Government-Wide Financial Analysis (Continued)**

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

Aventura City of Excellence School  
Summary of Changes in Net Position

	<u>2016</u>	<u>2015</u>	<u>Variance</u>
Revenues:			
General revenues	\$ 7,337,657	\$ 7,010,196	\$ 327,461
Program revenues:			
Charges for services	842,071	631,157	210,914
Operating grants and contributions	322,835	343,556	(20,721)
Capital grants and contributions	423,843	474,207	(50,364)
Total revenues	<u>8,926,406</u>	<u>8,459,116</u>	<u>467,290</u>
Expenses:			
Instruction	5,377,790	5,121,226	256,564
Instructional media services	57,858	66,231	(8,373)
Operation of facility	1,930,813	1,682,538	248,275
School administration	1,214,046	1,176,029	38,017
Pupil transportation services	193,400	193,400	-
Community services	121,467	146,080	(24,613)
Total expenses	<u>8,895,374</u>	<u>8,385,504</u>	<u>509,870</u>
Change in net position	<u>\$ 31,032</u>	<u>\$ 73,612</u>	<u>\$ (42,580)</u>

- General revenues increased approximately 4.7% primarily due to the following:
  - The State Legislature increased funding for education per student by approximately 3%.
  - An increase in the School's enrollment capacity of 12 students over the prior year, from 1,008 to 1,020, thus increasing overall funding.
- Program revenues (charges for services) increased by approximately \$ .2 million primarily due to the following:
  - To comply with current National Food Lunch Program guidelines, approximately \$ .2 million of related revenues and expenditures (referenced below) that was previously recorded by the School's Lunch vendor is now required to be reflected in the School's financial statements.
- Total expenses increased approximately \$ .5 million mostly due to the following:
  - An increase in Teacher salaries due to the implementation of a new performance pay plan in accordance with Florida Statute 1012.22, that rewarded teachers who were rated effective and highly effective.
  - The addition of an English language arts teacher, bringing the total number of full-time employees from 92 to 93 while maintaining 9 part-time positions over the same period.
  - The addition of nearly \$ .2 million worth of school lunch expenditures as described above.
- The School continued to maximize the use of technology embedded in classroom instruction as well as in a lab setting.

**AVENTURA CITY OF EXCELLENCE SCHOOL  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
JUNE 30, 2016**

**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 2015/16 the School's governmental fund reported an ending fund balance of \$2,157,650. The fund balance assigned and available for spending at the School's discretion is \$2,148,184. These funds will be available for the School's future ongoing operations. The fund balance increased by \$105,329 from the prior year.

**Budgetary Highlights**

The 2016/17 school year represents the 14th year of operations of the school. This past year a great deal of time and effort was expended on professional development and curriculum alignment based on Florida's State Standards formally referred to as Common Core, increasing parental involvement, integration of science, technology, engineering and math (STEAM), 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 Florida State Standards.

**Capital Assets and Debt Administration**

As of June 30, 2016, the School had an investment in capital assets of \$1,663,594. This amount is net of accumulated depreciation of \$1,115,595. This amount represents a net decrease of \$74,994 or 4.5%.

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 2016/17 include the following:

- Our past has shown that we can continue to operate a high performing school that provides a quality education for our students, within the school-based revenues. We have also been fortunate to have involved parents in fund-raising activities for school improvements.

The following items represent important highlights:

- The school's enrollment will remain at 1,020 students for the 2016/17 school year.
- Teacher salary increases reflect the new performance pay plan in accordance with Florida Statute 1012.22, rewarding teachers who are rated effective and highly effective.
- No additional employee positions are proposed.
- Funds have been budgeted to provide for interactive classroom lesson software and technology enhancements including new laptops, mobile learning computer labs, computer replacements and smartboards.

The overall budget increased by 1.8% or \$ 162,088, largely due to employee salary increases and technology equipment. The budget includes funding for lease payments to the Debt Service Fund to pay annual costs associated with the long term debt borrowed for the construction of the elementary school wing. Based on actions at the State level the FTE revenues are budgeted to increase by 1%.

**AVENTURA CITY OF EXCELLENCE SCHOOL  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
JUNE 30, 2016**

**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 City of Aventura's Finance Director at the City of Aventura, 19200 West Country Club Drive, Aventura, Florida 33180.

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## BASIC FINANCIAL STATEMENTS

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**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**STATEMENT OF NET POSITION**  
**JUNE 30, 2016**

ASSETS

Current assets:	
Cash and cash equivalents	\$ 923,480
Investments	2,040,161
Due from other governments	26,493
Prepaid expenses	<u>9,466</u>
Total current assets	<u>2,999,600</u>
Noncurrent assets:	
Capital assets, net of accumulated depreciation	<u>1,663,594</u>
Total noncurrent assets	<u>1,663,594</u>
Total assets	<u>4,663,194</u>

LIABILITIES

Current liabilities:	
Accounts payable	161,338
Accrued expenses	680,612
Compensated absences	<u>15,505</u>
Total current liabilities	<u>857,455</u>
Noncurrent liabilities:	
Compensated absences	<u>46,516</u>
Total noncurrent liabilities	<u>46,516</u>
Total liabilities	<u>903,971</u>

NET POSITION

Investment in capital assets	1,663,594
Unrestricted	<u>2,095,629</u>
Total net position	<u>\$3,759,223</u>

**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**STATEMENT OF ACTIVITIES**  
**JUNE 30, 2016**

Functions/Programs	Expenses	Program Revenues			Governmental Activities
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Net Revenue (Expense) and Change in Net Position
Instruction	\$ 5,377,790	\$ -	\$ 97,516	\$ -	\$ (5,280,274)
Instructional media services	57,858	-	-	-	(57,858)
Operation of facility	1,930,813	519,892	100,387	423,843	(886,691)
School administration	1,214,046	-	-	-	(1,214,046)
Pupil transportation services	193,400	-	124,932	-	(68,468)
Community services	<u>121,467</u>	<u>322,179</u>	<u>-</u>	<u>-</u>	<u>200,712</u>
Total governmental activities	<u>\$ 8,895,374</u>	<u>\$ 842,071</u>	<u>\$ 322,835</u>	<u>\$ 423,843</u>	<u>(7,306,625)</u>
General revenues:					
FTE nonspecific revenues					7,045,927
Miscellaneous income					174,236
Investment earnings					17,494
Other					<u>100,000</u>
Total general revenues					<u>7,337,657</u>
Change in net position					<u>31,032</u>
Net position, beginning					<u>3,728,191</u>
Net position, ending					<u>\$ 3,759,223</u>

See notes to basic financial statements

**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**BALANCE SHEET - GOVERNMENTAL FUND**  
**JUNE 30, 2016**

	<u>ASSETS</u>	Special Revenue Fund
Cash and cash equivalents		\$ 923,480
Investments		2,040,161
Due from other governments		26,493
Prepaid expenditures		<u>9,466</u>
Total assets		<u>\$ 2,999,600</u>
	<u>LIABILITIES</u>	
Accounts payable		\$ 161,338
Accrued expenses		<u>680,612</u>
Total liabilities		<u>841,950</u>
	<u>FUND BALANCE</u>	
Nonspendable		9,466
Assigned		<u>2,148,184</u>
Total fund balance		<u>2,157,650</u>
Total liabilities and fund balance		<u>\$ 2,999,600</u>

See notes to basic financial statements

**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUND**  
**TO THE STATEMENT OF NET POSITION**  
**JUNE 30, 2016**

Total fund balance - governmental fund	\$2,157,650
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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	2,779,189	
Accumulated depreciation is	<u>(1,115,595)</u>	1,663,594

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>(62,021)</u>
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Net position of governmental activities	<u>\$3,759,223</u>
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**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE**  
**GOVERNMENTAL FUND**  
**JUNE 30, 2016**

	<u>Special Revenue Fund</u>
<b>REVENUES:</b>	
Federal sources	\$ 112,836
State sources	7,864,516
Local sources	931,560
Investment earnings	17,494
Total revenues	<u>8,926,406</u>
<b>EXPENDITURES:</b>	
Current:	
Instruction	5,377,790
Instructional media services	57,858
Operation of facility	1,611,950
School administration	1,214,743
Pupil transportation services	193,400
Community services	121,467
Capital outlay	<u>243,869</u>
Total expenditures	<u>8,821,077</u>
Excess (deficiency) of revenues over expenditures	<u>105,329</u>
Net change in fund balance	105,329
Fund balance, beginning	<u>2,052,321</u>
Fund balance, ending	<u>\$ 2,157,650</u>

See notes to basic financial statements

**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGE**  
**IN FUND BALANCE - GOVERNMENTAL FUND TO THE STATEMENT OF ACTIVITIES**  
**JUNE 30, 2016**

Net change in fund balance - total governmental fund	\$ 105,329
<p>Amounts reported for governmental activities in the statement of activities are different because:</p>	
<p>The governmental fund reports capital outlay as expenditures; however, in the statement of activities these costs are allocated over their estimated useful lives as provision for depreciation:</p>	
Cost of capital assets	84,460
Current year provision for depreciation	(159,454)
<p>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:</p>	
Change in compensated absences payable	<u>697</u>
Change in net position of governmental activities	<u>\$ 31,032</u>

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## NOTES TO BASIC FINANCIAL STATEMENTS

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**AVENTURA CITY OF EXCELLENCE SCHOOL  
(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)  
NOTES TO BASIC FINANCIAL STATEMENTS  
JUNE 30, 2016**

**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 an enrollment of 1,020 for the year ended June 30, 2016. 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:

**A. 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 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.

**B. 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.

**C. 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.

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: investment in capital assets; restricted; and unrestricted.

**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**NOTES TO BASIC FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

**NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**C. Government-wide Financial Statements (Continued)**

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.

**D. 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, deferred outflows of resources, liabilities, deferred inflows of resources, 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.

**E. 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.

**F. 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.

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.

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**NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**F. Capital Assets (Continued)**

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.

**G. 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.

**H. Unearned Revenue**

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

**I. 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. As of June 30, the School did not have any outstanding debt.
- *Restricted* - consists of components of net position with constraints placed on its 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”.

**J. 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:

- *Non-spendable 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 \$ 9,466 of prepaid items as being non-spendable as these items are not expected to be converted to cash.

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**NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**J. Fund Balance Classifications (Continued)**

- *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 \$2,148,184 in Assigned Fund Balance.
- *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.

**K. 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.

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 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, 2016, there were no encumbrances outstanding.

**L. 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.

**AVENTURA CITY OF EXCELLENCE SCHOOL  
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**NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**M. 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, 2016.

**N. 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, and other applicable limits. 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).

**O. 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.

**P. 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.

**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 depositories 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.

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**NOTE 3 –DEPOSITS AND INVESTMENTS (Continued)**

Deposits (Continued)

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 hereinafter referred to as "Florida PRIME". 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, 2016, the School's investment share in the Florida PRIME was that of approximately \$1,057,488. 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 investments 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.

Investments

On July 8, 2014, the City re-adopted 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; (9) asset backed securities issued by corporations organized and operating within the United States or by depository institutions licensed by the United States; and (10) taxable/tax exempt municipal bonds.

As of June 30, 2016, the School's allocation of cash, cash equivalents and investments consisted of the following:

Cash and cash equivalents

Deposits and money market funds with financial institutions	\$ 923,080
Petty cash	400
	<u>\$ 923,480</u>

Investments

State Board of Administration - SBA, Florida PRIME	\$ 1,057,488
U.S. Treasury bills	318,478
Corporate and other bonds	220,600
U.S. Government obligations	262,916
U.S. Sponsored agencies	75,735
Mortgage and asset backed securities	86,513
Commercial paper	18,431
	<u>\$ 2,040,161</u>

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**NOTE 3 –DEPOSITS AND INVESTMENTS (Continued)**

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.

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:

<u>Summary of Investments and Interest Rate Risk</u>	Time to Maturity (in Years)				
	Fair Value	Less than 1 Year	1-5 Years	6-10 Years	Greater than 10 Years
State Board of Administration -					
SBA Florida PRIME	\$ 1,057,488	\$ 1,057,488	\$ -	\$ -	\$ -
U.S. Treasury bills	318,478	54,219	264,259	-	-
Corporate and other bonds	220,600	53,972	166,628	-	-
U.S. Government obligations	262,916	113,949	148,967	-	-
U.S. Sponsored agencies	75,735	3,731	68,367	-	3,637
Mortgage and asset backed securities	86,513	-	86,513	-	-
Commercial paper	18,431	18,431	-	-	-
Total	<u>\$2,040,161</u>	<u>\$ 1,301,790</u>	<u>\$ 734,734</u>	<u>\$ -</u>	<u>\$ 3,637</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 A (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. U.S. Government securities or obligations explicitly guaranteed by the U.S. Government are not considered to have credit risk exposure.

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**NOTE 3 –DEPOSITS AND INVESTMENTS (Continued)**

Credit risk (Continued)

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

Rating	Fair Value
AAA	\$ 54,137
AA+	636,503
AA-	67,807
AA	13,634
A-1+	25,949
A-1	18,431
A+	31,467
A	54,880
A-	18,372
AAAM	1,057,488
BBB+	27,796
NR	33,695
	\$ 2,040,161

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, 2016, the School had no investments in any one issuer, amounting to 5% or more, requiring disclosure under GASB No. 40.

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 –FAIR VALUE MEASUREMENTS**

During the fiscal year 2016, the School implemented Governmental Accounting Standard Board (GASB) Statement No. 72, *Fair Value Measurement and Application*, which addresses accounting and financial reporting issues related to fair value measurements.

The School categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

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**NOTES TO BASIC FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

**NOTE 4 –FAIR VALUE MEASUREMENTS (Continued)**

The School has the following recurring fair value measurements as of June 30, 2016;

	Fair Value Measurements at Reporting Date			
	<u>Fair Value</u>	<u>Quoted Prices in Active Markets for Identical Assets (Level 1)</u>	<u>Significant Other Observable Inputs (Level 2)</u>	<u>Significant Unobservable Inputs (Level 3)</u>
<u>June 30, 2016</u>				
U.S. Treasury bills	\$ 318,478	\$ -	\$ 318,478	\$ -
Corporate and other bonds	220,600	-	220,600	-
U.S. Government obligations	262,916	-	262,916	-
U.S. Sponsored agencies	75,735	-	75,735	-
Mortgage and asset backed securities	86,513	-	86,513	-
Commercial paper	18,431	-	18,431	-
Total	\$ 982,673	\$ -	\$ 982,673	\$ -

Debt Securities of approximately \$983,000 classified in Level 2 of the fair value hierarchy are valued using a matrix pricing technique. Matrix pricing is used to value securities based on the securities' relationship to benchmark quoted prices.

**NOTE 5 –CAPITAL ASSETS**

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

	Balance	Additions	Deletions	Balance
	<u>July 1, 2015</u>			<u>June 30, 2016</u>
Leasehold improvements	\$ 2,223,897	\$ -	\$ -	\$ 2,223,897
Equipment	470,832	84,460	-	555,292
Less: accumulated depreciation	956,141	159,454	-	1,115,595
	\$ 1,738,588	\$ (74,994)	\$ -	\$ 1,663,594

The provision for depreciation for the year ended June 30, 2016 amounted to approximately \$159,000. The School allocated depreciation to operation of facility.

**NOTE 6 - LONG-TERM LIABILITIES**

The following is a summary of long-term liabilities for fiscal year ended June 30, 2016:

	Balance	Additions	Deletions	Balance	Amount Due
	<u>July 1, 2015</u>			<u>June 30, 2016</u>	<u>Year (Estimate)</u>
Compensated absences	\$ 62,718	\$ 28,739	\$ (29,436)	\$ 62,021	\$ 15,505

**AVENTURA CITY OF EXCELLENCE SCHOOL  
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NOTES TO BASIC FINANCIAL STATEMENTS  
JUNE 30, 2016**

**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. Total fees paid to the management company for fiscal year 2015/16 were approximately \$ 280,000. 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 is 4.3% calculated based on certain funding sources of the School, with a not to exceed per student cap, through 2017/18; and to be negotiated thereafter upon reaching a renewal arrangement.

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 Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), the School was not required to conduct a "single audit" since the required threshold of federal or state money is currently \$750,000 and the School did not exceed such threshold.

**NOTE 8 - RELATED PARTY TRANSACTIONS**

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, 2016, 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  
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JUNE 30, 2016**

**NOTE 8 - RELATED PARTY TRANSACTIONS (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>		
2017	\$	443,000
2018		443,000
2019		393,000
2020		394,000
2021		395,000
Thereafter		<u>2,769,000</u>
	\$	<u><u>4,837,000</u></u>

**NOTE 9 - 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 10 - 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 \$38,000 during the year. Plan provisions and contribution requirements may be amended by the City Commission.

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.

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REQUIRED SUPPLEMENTARY INFORMATION  
(Other Than MD&A)

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**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**(A SPECIAL REVENUE FUND OF THE CITY OF AVENTURA, FLORIDA)**  
**SCHEDULE OF REVENUES AND EXPENDITURES AND CHANGE IN FUND BALANCE**  
**BUDGET AND ACTUAL - SPECIAL REVENUE FUND**  
**JUNE 30, 2016**

	Budgeted Amounts		Actual Amounts, Budgetary Basis	Budget to GAAP Difference	Actual Amounts GAAP Basis	Variance
	Original	Final				
<b>Revenues and transfers:</b>						
FTE nonspecific revenues	\$6,983,594	\$7,050,594	\$ 7,143,443	\$ -	\$ 7,143,443	\$ 92,849
Capital grant funds	502,428	502,428	423,843	-	423,843	(78,585)
Charges for services	671,100	671,100	674,328	-	674,328	3,228
Miscellaneous income	247,000	247,000	161,787	-	161,787	(85,213)
Field trip revenue	215,000	215,000	167,743	-	167,743	(47,257)
Transportation funds	138,000	138,000	124,932	-	124,932	(13,068)
Transfers from other funds of the City	100,000	100,000	100,000	-	100,000	-
Operating grants and contributions	83,000	83,000	112,836	-	112,836	29,836
Investment earnings	9,000	9,000	17,494	-	17,494	8,494
Allocation of fund balance	-	157,350	-	-	-	(157,350)
<b>Total revenues and transfers</b>	<b>8,949,122</b>	<b>9,173,472</b>	<b>8,926,406</b>	<b>-</b>	<b>8,926,406</b>	<b>(247,066)</b>
<b>Expenditures:</b>						
Salaries	4,619,526	4,619,526	4,748,436	-	4,748,436	(128,910)
Professional services	765,000	765,000	762,726	-	762,726	2,274
Lease expense - transfers	444,000	444,000	444,000	(444,000)	-	-
Repairs and maintenance	324,500	324,500	234,811	-	234,811	89,689
Payroll taxes	352,706	352,706	353,109	-	353,109	(403)
Administration fee	137,704	137,704	141,446	-	141,446	(3,742)
Employee health insurance	432,658	432,658	377,766	-	377,766	54,892
Supplies and events	441,500	481,500	361,348	-	361,348	120,152
Field trips and after-school	185,000	185,000	184,591	-	184,591	409
Capital outlay	156,500	273,850	243,869	-	243,869	29,981
Utilities	174,000	174,000	162,337	-	162,337	11,663
Textbooks	156,000	156,000	145,511	-	145,511	10,489
Bonuses	122,500	189,500	33,500	-	33,500	156,000
Food services	269,000	269,000	278,869	-	278,869	(9,869)
Workers' compensation insurance	73,531	73,531	79,202	-	79,202	(5,671)
Telephone	72,160	72,160	79,518	-	79,518	(7,358)
Pension contributions	58,260	58,260	58,173	-	58,173	87
Insurance	38,000	38,000	12,792	-	12,792	25,208
Travel	28,400	28,400	30,063	-	30,063	(1,663)
Stipends	91,850	91,850	87,139	-	87,139	4,711
Dues and fees	6,327	6,327	1,871	-	1,871	4,456
Lease expense	-	-	-	444,000	444,000	-
<b>Total expenditures</b>	<b>8,949,122</b>	<b>9,173,472</b>	<b>8,821,077</b>	<b>-</b>	<b>8,821,077</b>	<b>352,395</b>
<b>Net change in fund balance</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 105,329</b>	<b>\$ -</b>	<b>\$ 105,329</b>	<b>\$ 105,329</b>

See notes to required supplementary information

**AVENTURA CITY OF EXCELLENCE SCHOOL**  
**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION**  
**JUNE 30, 2016**

**NOTE 1**

The School formally adopted a budget for the year ended June 30, 2016. 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 2. A comparison of the actual results of operations to the budgeted amounts for the Special Revenue Fund is presented as required supplementary information.

**NOTE 2**

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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## COMPLIANCE SECTION

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Alberni Caballero & Fierman, LLP  
4649 Ponce de Leon Blvd.  
Suite 404  
Coral Gables, Florida 33146  
T: 305.662.7272 F: 305.662.4266  
ACF-CPA.COM



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

Honorable Mayor and Members of the City Commission  
City of Aventura, Florida  
Aventura City of Excellence School (a Special Revenue Fund of the City of Aventura, Florida)  
Aventura, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to the financial audits contained in the *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and the major fund of the Aventura City of Excellence School (the "School") (a Special Revenue Fund of the City of Aventura, Florida) as of and for the fiscal year ended June 30, 2016, 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 24, 2016.

**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 opinion 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 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.

**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 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 School'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.

*Alberni Caballero & Fierman, LLP*

Alberni Caballero & Fierman, LLP  
Coral Gables, Florida  
August 24, 2016



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**MANAGEMENT LETTER REQUIRED BY SECTION 10.850 OF THE RULES OF THE AUDITOR  
GENERAL OF THE STATE OF FLORIDA**

Honorable Mayor and Members of the City Commission  
City of Aventura, Florida  
Aventura City of Excellence School (a Special Revenue Fund of the City of Aventura, Florida)  
Aventura, Florida

**Report on the Financial Statements**

We have audited the basic financial statements of the Aventura City of Excellence School (the "School") (a Special Revenue Fund of the City of Aventura, Florida), as of and for the fiscal year ended June 30, 2016, and have issued our report thereon dated August 24, 2016.

**Auditors' Responsibility**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and Chapter 10.850, Rules of the Auditor General.

**Other Report**

We have issued our Independent Auditors' 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*. Disclosures in that report which is dated August 24, 2016, 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.

**Official Title**

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.

**Financial Condition**

Section 10.854(1)(e)2., Rules of the Auditor General, requires that we report the results of our determination as to 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.

Pursuant to Sections 10.854(1)(e)6.a. and 10.855(12), Rules of the Auditor General, we applied 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.

#### **Transparency**

Sections 10.854(1)(e)7. and 10.855(13), Rules of the Auditor General, require that we report the results of our determination as to 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.

#### **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, City Commission, School's management and the School Board of Miami-Dade County and is not intended to be and should not be used by anyone other than these specified parties.

*Alberni Caballero & Fierman, LLP*

Alberni Caballero & Fierman, LLP  
Coral Gables, Florida  
August 24, 2016



**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

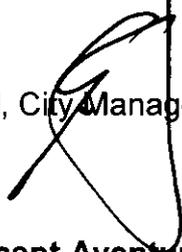
**MEMORANDUM**

TO: City Commission

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

DATE: August 19, 2016

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



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**September 6, 2016 City Commission Meeting Agenda Item 5M**

**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:

Jessica Alvarez-Harris, Elinor Randolph, Sally Perez, Carlynn Cech, Narseen El-Marsi

**Language Arts 5-9**

Narseen El-Marsi, Elinor Randolph

Memo to City Commission  
Page 2

**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:

Carlynn Cech, Andreas Bechrakis, Cristina DiGeronimo, Narseen El-Masri

EMS/act

CCO1951-16

**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 25, 2016

SUBJECT: Application to Amend Section 31-144(c)(2) and Section 31-144(c)(5)b. of the Land Development Regulations to add a conditional use for automobile parking garages in the Community Business (B2) zoning district when located directly adjacent to an automobile parking garage located in a multifamily residential zone and to clarify the height restriction in the B2 District Site Development Standards (03-LDR-16)

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September 6, 2016  
September 6, 2016  
October 6, 2016

Local Planning Agency Agenda Item 4  
City Commission Meeting Agenda Item 1  
City Commission Meeting Agenda Item   

**RECOMMENDATION**

It is recommended that the City Commission approve the request for an amendment to Section 31-144(c)(2) and Section 31-144(c)(5)b. of the Community Business (B2) District to add a conditional use automobile parking garages in the B2, Community Business, District when located directly adjacent to an automobile parking garage located in a multifamily residential zone and to clarify the height restriction in the B2 District site development standards.

**THE REQUEST**

The applicant, Aventura Corporate Center LLLP, has submitted an application to amend Sections 31-144(c)(2) and Section 31-144(c)(5)b. of Chapter 31 of the City Code to add a conditional use for automobile parking garages in the B2, Community Business, District when located directly adjacent to an automobile parking garage in a multifamily residential zoning district and to clarify the height restriction in the B2 District site development standards. (See Exhibit #1 for Letter of Intent)

## **BACKGROUND**

The applicant's request for this Code amendment results from staff review comments on the applicant's site plan approval application for construction of a 10 story, 120 foot tall, 132,690 square foot office building and attached 7 level, 68'10" tall parking garage on its property at 2777 NE 185 Street. The property is approximately 1.45 acres in size and has frontage on both NE 185 Street and NE 187 Street. The office building is designed to front on NE 187 Street in the northerly portion of the site and the parking garage is designed to front on NE 187 Street in the southerly portion of the site. First floor retail and restaurant is proposed in the parking structure on NE 185 Street.

Immediately adjacent to the east of the proposed parking structure is a property zoned RMF4, Multifamily High Density Residential District, with an approved site plan for an 18 story, 158 unit multifamily residential condominium. The 6 level, 73'8" tall parking garage for the residential building is located at the west end of the property, with pool deck and recreational amenities on the top of the parking levels. The proposed 7 level, 68'10" tall parking garage for the office building is immediately adjacent to the residential parking structure and has been designed to be approximately 5 feet shorter than the height of the residential parking structure to minimize impact on the pool deck and other recreational amenities.

The attached Exhibit #2, prepared by the applicant, shows a site plan height summary and an adjacent elevation study for the approved residential development and the proposed office development.

Section 31-144(c)(5)b. of the City Code provides that the maximum height of a structure in the B2 zoning district is 12 stories or 120 feet overall maximum height including structure parking, subject to a limitation that any portion of the building or structure within 200 feet of any residential zone is subject to a height 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.

The residential zoning of the parcel to the east of the proposed parking garage and the distance from that residentially zoned lot results in a height limitation of 25 feet for the applicant's parking garage. The applicant's office building is not subject to this height limitation since the northerly portion of the site on which the office building is proposed is adjacent to another B2 zoned property.

## **DESCRIPTION OF THE PROPOSED AMENDMENT**

The proposed amendment to Section 31-144(c)(2) and Section 31-144(c)(5)b. of Chapter 31, Article VII., Use Regulations, follows and is shown in underlined text:

"Section 31-144 – Business Zoning Districts.

\*\*\*

(c) Community Business (B2) District.

(2) *Conditional use.* The following uses if first approved as a conditional use:

\*\*\*

n. Automobile parking garages located directly adjacent to an automobile parking garage located in a multifamily residential zone that do not meet the height and distance requirement of Section 31-144(c)(5)b. and that include the following design elements:

(i) the automobile parking garage is the same height or less than an existing or approved automobile parking garage located on an adjacent residential plot and

(ii) the top level of the automobile parking garage is completely screened from view of the adjacent residential plot, and

(iii) the openings along the exterior perimeter walls of the automobile parking garage walls within 200 feet of a residential zoned plot shall be screened to minimize adverse effects on the adjacent residential lot.

\*\*\*

(5) Site development standards.

\*\*\*

b. *Maximum height:* 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five stories shall apply only for shopping center buildings which are subject to subsection (5)a.4. above. That portion of the building or structure directly adjacent to and 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, excepting from this height and spacing requirement an automobile parking garage approved as a conditional use pursuant to Section 31-144(c)(2)n.

\*\*\*

## **HISTORY**

As described in the applicant's Letter of Intent attached as Exhibit #1 to this staff report, the applicant's site was originally zoned Community Business (B2) District through enactment of the City's Land Development Regulations in 1999. The property immediately to the east of the applicant's property was also originally zoned Community Business (B2) District.

In June of 2003, the applicant received Administrative Site Plan Approval for a 13 story, 176.83 foot tall hotel. The approved development did not proceed at that time but approval was extended at the applicant's request. The existing site plan approval was modified in 2008 to an 8 story, 93.5 foot tall hotel. This development also did not proceed due to market conditions at that time. These two hotel buildings were not subject to the distance and spacing requirement of the B2 zoning district, since the adjacent lot at the time of the application was also zoned B2 and the site plan approval for the applicant's

site was preserved through extensions under City Code and under State statute. The last extension of the site plan approval for the applicant's property was to January, 2015.

In September of 2003, the property adjacent to the east applied for and was granted a zoning amendment from Community Business (B2) District to Multifamily High Density Residential (RMF4) District. The approved plan for this property includes a 6 level, 73'8" tall parking garage in the westerly portion of the property adjacent to the applicant's property.

In July of 2015, the applicant submitted a new site plan application for a 10 story, 120 foot tall office building with attached 7 level, 68'10" tall parking garage. The proposed parking garage is adjacent to the approved parking garage for the residential condominium to the east and is now subject to the height and distance regulations of the B2 zoning district, which limits any portion of a commercial building within 200 feet of a residential building to one foot in height for every two feet in distance from the residential building. Based on the applicant's lot configuration, the maximum allowable height of the parking garage is 25 feet.

### **ANALYSIS OF THE REQUESTED CODE AMENDMENT**

The applicant's request is to amend the Community Business (B2) District regulations to allow, through public hearing conditional use approval process, a parking garage in the B2 district that is directly adjacent to a parking garage in a multifamily residential district and does not meet the height and distance requirements of the B2 district, with the conditions that the automobile parking garage on the B2 lot is the same height or less than an existing or approved automobile parking garage on the adjacent residential lot, that the top level of the commercial parking garage is screened from view of the residential development and that all openings of the commercial garage within 200 feet of the residential lot are also screened.

There are currently no parking garages on a B2 parcel within 200 feet of a parking garage on a multifamily residential lot. This amendment would only apply if a multifamily residential structure was developed or redeveloped with a parking garage and a B2 parcel was subsequently developed or redeveloped with a parking garage located directly adjacent to the residential parking garage.

The proposed amendment contains conditions on maximum height and screening to ensure compatibility of the two adjacent parking garages and is specific to garage adjacent to garage only. In the event a commercial building is proposed adjacent to a residential lot or in the event that there is no existing or approved parking garage on an adjacent multifamily residential lot, the distance and spacing requirements of Section 31-144(c)(5)b. will continue to apply.

## **ANALYSIS OF STANDARDS FOR REVIEW OF PROPOSED TEXT AMENDMENTS**

Staff provides the following analysis of the request using the standards for reviewing proposed amendments to the text of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

The proposed amendment is legally required to implement the requested revision to the Code.

2. *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan, specifically, Objective 1 and its measure of the Land Use Goal in the Future Land Use Element which states that “the Land Development Regulations shall provide a cohesive blueprint for development and redevelopment of the City that accommodates growth while maintaining the integrity of the built and natural environment.” The measure of Objective 1 above is incorporation of policy provisions in to the Land Development Regulations. This amendment incorporates a policy decision for height of parking garages in the Community Business (B2) District when they are immediately adjacent to a parking garage in a multifamily residential zoning district.

3. *The proposed amendment is consistent with the authority and purpose of the LDRs.*

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. The proposed amendment is consistent with this purpose.

4. *The proposed amendment furthers the orderly development of the City.*

The proposed amendment furthers the orderly development of the City by establishing standards for review and approval of development of land.

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulation by which to approve development or redevelopment projects in the City.

**Exhibit 1  
03-LDR-16**

Brian S. Adler, Esq.  
Tel 305.350.2351  
Fax 305.351.2206  
[badler@bilzin.com](mailto:badler@bilzin.com)

August 23, 2016

**VIA FEDEX AND E-MAIL**

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

**Re: Amendment to the Text of the Land Development Regulations  
Proposed Amendment to Code Section 31-144(c)(2) and (5)**

**AMENDED AND SUPPLEMENTAL LETTER OF INTENT**

Dear Ms. Carr:

This firm represents Aventura Corporate Center, LLLP. Please consider this our formal letter of intent in connection with a Public Hearing Application for Amendment to the Text of the Land Development Regulations. Specifically, this request seeks a modification of the restrictions or permitted heights of parking garages in the B2 zoning district. Our client is requesting a modification to sections 31-144(c)(2) related to Conditional Uses and 31-144(c)(5)(b) related to height only as it pertains to parking garages.

At the time of adoption of the City's land development regulations, the maximum height of structures in the B2 zoning district was 20 stories. The City subsequently amended its land development regulations in 2006 to lower the maximum height to 12 stories or 120 feet as of right, with conditional use approval for heights up to 20 stories or 200 feet. The B2 zoning district then further restricted any portion of a building or structure within 200 feet of a residentially zoned lot to 1 foot of height for each 2 feet of distance from a residentially zoned lot (with a minimum height of 25 feet).

Our client owns the Property located at 2777 N.E. 185th Street. A history of the City approvals on this Property and the adjacent property to the east is particularly instructive.

Our client's Property was originally approved in June 2003 under City of Aventura Administrative Site Plan Approval 15-SP-02 for a 13-story, 176.83 foot tall Embassy Suites hotel, including a 170 room hotel atop a parking pedestal, and located on the portion of the lot adjacent to the property to the East. The structure was within the 200 foot distance of the adjacent parcel to the east, which adjacent parcel, at that time, was similarly zoned B2.

MIAMI 5120691.2 77553/45327

Therefore, while not subject to the spacing or distance requirements at the time, the subsequently adopted changes to the land development regulations related to spacing from residential districts would not have impacted our client's development. Our client's parcel was therefore not subject to the setback and height restriction associated with commercial developments adjacent to residential property or the modified City land development regulation.

In September 2004, through ASPR 15-SP-02 (Rev), the City approved an extension of time to obtain the permit to provide additional time to obtain the consent of the then Walgreens/Pier 1 owner to the covenant in lieu of unity of title. In December 2004 our client submitted an application for a revised site plan for a 14-story office and bank building, however, due to changing market conditions, our client then sought a further modification of the prior approvals, through ASPR 01-SP-08 to revert back to a hotel use for an Aloft hotel with an 8 story structure directly adjacent to the adjacent residential parcel. The two site plan modifications were again not subject to the distance and height restrictions since they were modifications to existing approvals.

In the interim the owner of the adjacent parcel sought and received, in 2003, a voluntary rezoning from B2 commercial to residential. At the time of the rezoning of the parcel to the east, our client's Property was approved for structures adjacent to and within the setback, ranging from 8 to 20 stories. However, the voluntary rezoning of the adjacent parcel unfortunately has now served to restrict the height of commercial structures in the B2 district within 200 feet of that residential district to a height of one foot for every two foot in distance from the residential zone plot, with a minimum of 25 feet.

The rezoning of the adjacent parcel has had significant negative impacts on our client's property which is limited in depth. The consequence was to restrict a portion of our client's property, which is near the town center district and just east of Biscayne Boulevard to two stories when some of these properties previously enjoyed the ability to go up to 12 stories as of right and up to 20 stories via conditional use. In fact, the prior approvals under the B-2 zone previously allowed for an even higher development.

However, due to the changing market and need for additional Class A office buildings in the City of Aventura, our client has applied for a new site plan to seek a 12 story office building and parking garage. Because of the irregular lot configuration, the office building portion of the development is directly adjacent to another B2 zoned parcel and is therefore not subject to the one foot to two foot height and distance restriction. However, the parking garage portion of the development is now adjacent to a residentially zoned lot and is subject to that height restriction.

The result is to limit the height of the parking structure that was previously approved at up to 20 stories to no more than two stories for the portion adjacent to the residential property without receiving a variance. This change essentially artificially limited the height of our client's building to 25 feet across a significant portion of the Property. This impact not only affects the subject portion of the Property but the ability to provide required parking for the use.

If our client's Property was zoned residential, a residential parking garage or even a residential structure would be permitted within the same area as our client's proposed parking garage. There is very little difference in appearance, utilization or impact between a parking

garage servicing a commercial uses versus a parking garage servicing residential uses to justify the distinction in the code as it relates to parking structures as they are both essentially the same parking garages. The protection sought to buffer the adjacent residential structures is more understandable for the actual commercial or office use rather than the parking garage that arguably could service either residential or commercial properties. Further, in today's urban environment, many jurisdictions support the collocation of residential and commercial structures in recognition that these uses are often located in close proximity to each other to support a more walkable development. In fact the City's own Town Center district supports such collocation.

If our client's Property was designated for residential development, our client could as of right construct a twelve story residential tower next to the adjacent residential development. Further, our client could construct an twelve story, as of right, garage next to a residential development.

Therefore, we propose that the B2 Code be modified to eliminate the distinction between the same type of parking garage structure servicing a residential versus a commercial garage and allow for parking garages to be approved via conditional use in the B-2 zone so long as the parking garages are properly screened to avoid light spillage into the adjacent residential development. The proposed modified language is attached as Exhibit A.

Office buildings generally have less late evening trips at the time when the residences are being utilized. Therefore, a residential parking garage arguably has the potential to have more impact rather than less impact than the proposed commercial or office parking garage which generally has daytime office hours. Further, the parking garage portion of a commercial structure is no different than a residential parking garage and therefore, if a residential parking garage is permitted adjacent to a residential property, then a parking garage in support of a commercial use should equally be permitted so long as the commercial uses (retail stores, etc.) are not higher than the 25 feet within 200 feet of the residential property.

Finally, through the conditional use process, the Commission can evaluate in circumstances such as this where the impacted property was commercial and voluntarily sought a zone change to residential, and the inequities associated with impacting neighboring properties based on such change.

We therefore propose the attached language be added to the Code.

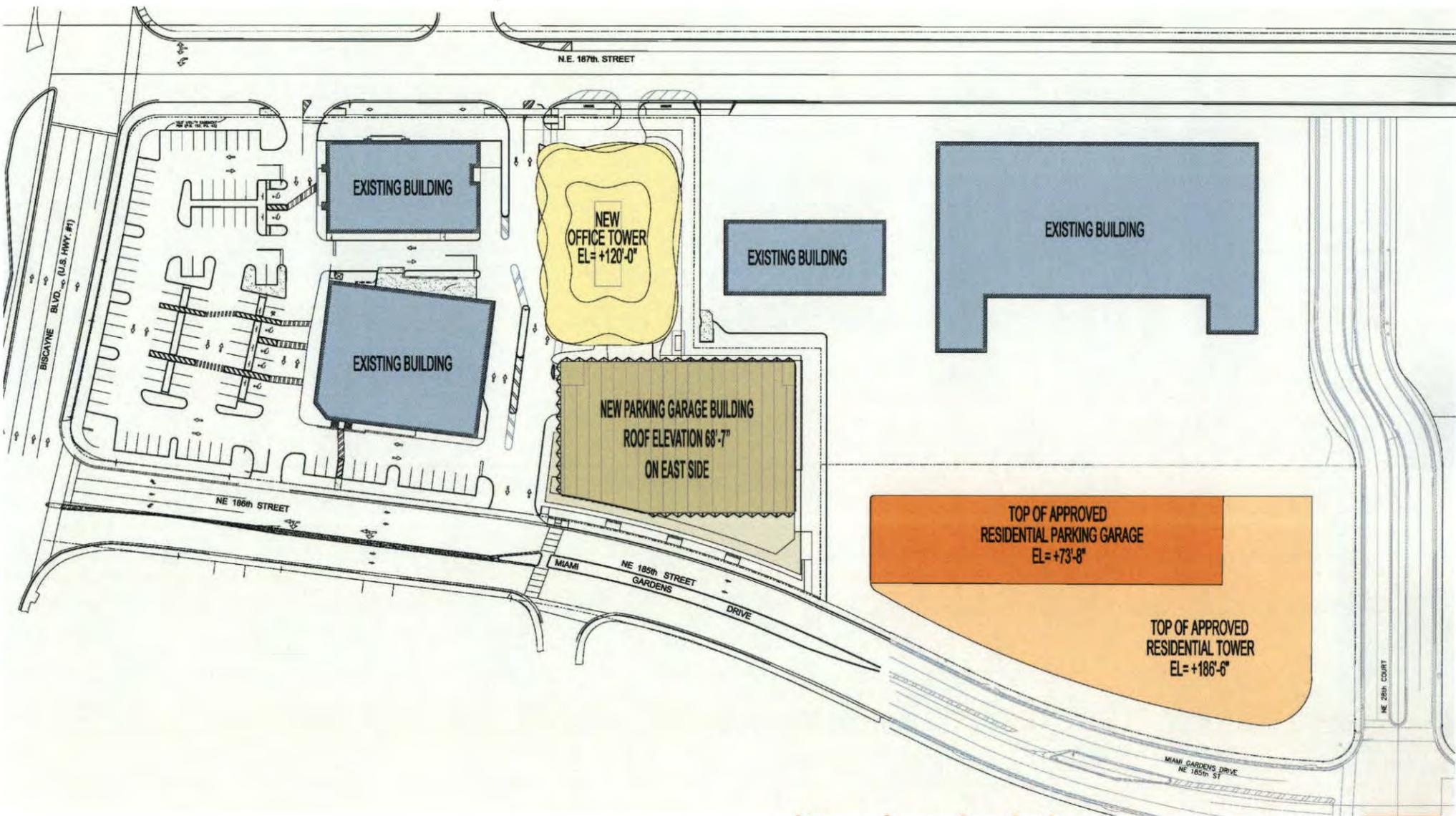
Should you have any questions regarding the above, please do not hesitate to contact me at (305) 350-2351.

Very truly yours,



Brian Adler

BSA/ebi



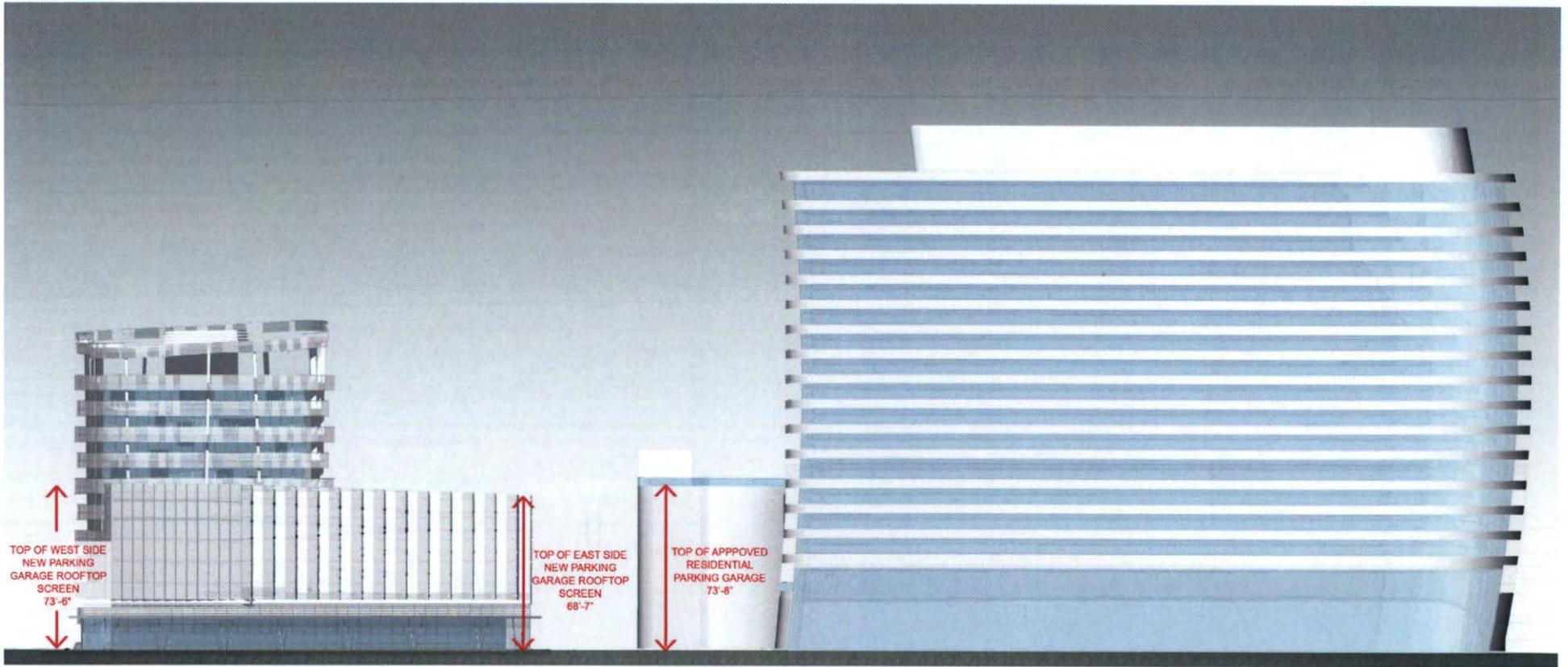
# site plan height summary

08-22-2016

Exhibit 2  
03-LDR-16

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TOP OF WEST SIDE  
NEW PARKING  
GARAGE ROOFTOP  
SCREEN  
73'-6"

TOP OF EAST SIDE  
NEW PARKING  
GARAGE ROOFTOP  
SCREEN  
68'-7"

TOP OF APPROVED  
RESIDENTIAL  
PARKING GARAGE  
73'-8"

adjacency study 08-22-2016



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# APPLICANT REPRESENTATIVE AFFIDAVIT

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

Name	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
Leonel Vasquez	Authorized Signatory
Stanley S. Price	Attorney
Brian S. Adler	Attorney
Lawrence Beame	Architect
Mauricio Rodriguez	Architect

(Attach Additional Sheets If Necessary)

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

WITNESS MY HAND THIS 22 DAY OF AUGUST, 2016

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: [Signature]

Name: LEONEL VASQUEZ

Title: AUTHORIZED SIGNATORY

Address: 19950 W. COUNTRY CLUB DR #900

AVENTURA FL 33180

OWNER

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

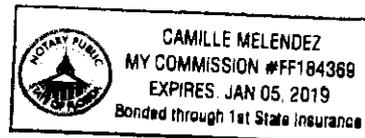
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

SWORN TO AND SUBSCRIBED BEFORE ME this 22<sup>nd</sup> day of August, 2016

AFFIANT  
200

Notary Public State of Florida At Large  
Printed Name of Notary Camille Melendez  
My commission expires Jan 5 2019





# BUSINESS RELATIONSHIP AFFIDAVIT\*

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

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

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

The nature of the Business Relationship is as follows

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

WITNESS MY HAND THIS 9th DAY OF August 2016

APPLICANT REPRESENTATIVE:

By: \_\_\_\_\_ (Signature)  
 Name: Leonel Vasquez (Print)  
 Title: Client Representative (Print)

WITNESS MY HAND THIS 11th DAY OF August 2016

STATE OF FLORIDA )  
 COUNTY OF MIAMI-DADE )

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

SWORN TO AND SUBSCRIBED before me this 11th day of August, 2016.

Leonel Vasquez  
 \_\_\_\_\_  
 Leonel Vasquez

Notary Public State of  
Camille Melendez  
 Printed Name of Notary  
 My commission expires \_\_\_\_\_





# BUSINESS RELATIONSHIP AFFIDAVIT\*

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS 15<sup>th</sup> DAY OF August, 2016.

APPLICANT REPRESENTATIVE:

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

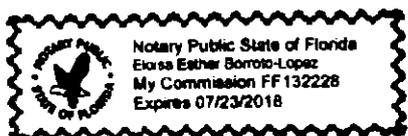
WITNESS MY HAND THIS 15<sup>th</sup> DAY OF August, 2016.

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

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

SWORN TO AND SUBSCRIBED before me this 15<sup>th</sup> day of August, 2016. [Signature]  
Brian S. Adler

[Signature]  
Notary Public State of \_\_\_\_\_  
Printed Name of Notary \_\_\_\_\_  
My commission expires: \_\_\_\_\_





# BUSINESS RELATIONSHIP AFFIDAVIT\*

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

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

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

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

WITNESS MY HAND THIS 9 DAY OF August, 2016.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)  
 Name: Lawrence Beame (Print)  
 Title: Architect (Print)

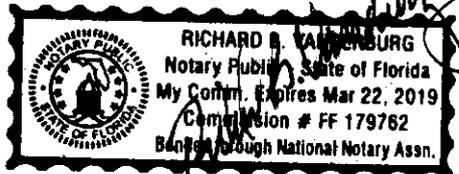
WITNESS MY HAND THIS 9 DAY OF August, 2016.

STATE OF FLORIDA )  
 COUNTY OF MIAMI-DADE )

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

[Signature]  
 Lawrence Beame

SWORN TO AND SUBSCRIBED before me this 9 day of August, 2016.



FLORIDA  
 Notary Public State of  
Richard B. Vandenberg  
 Printed Name of Notary  
 My commission expires: MAR 22, 2019



# BUSINESS RELATIONSHIP AFFIDAVIT\*

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

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
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 \_\_\_\_\_ (List City Commission or City Advisory Board upon which member serves).

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- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 8<sup>th</sup> DAY OF Aug, 2016.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)  
 Name: Mauricio Rodriguez (Print)  
 Title: Architect (Print)

WITNESS MY HAND THIS 8<sup>th</sup> DAY OF August, 2016.

STATE OF FLORIDA            )  
 COUNTY OF MIAMI-DADE    )

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

SWORN TO AND SUBSCRIBED before me this 8<sup>th</sup> day of Aug, 2016.

[Signature]  
 Mauricio Rodriguez

[Signature]  
 Notary Public State of  
DIANA REGO  
 Printed Name of Notary  
 My commission expires: 2/3/19





# BUSINESS RELATIONSHIP AFFIDAVIT\*

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

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

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

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- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year

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

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (Print)

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

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (Print)

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

WITNESS MY HAND THIS 31 DAY OF August, 2016.

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: STAN PRICE (Print)

Title: ATTORNEY (Print)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

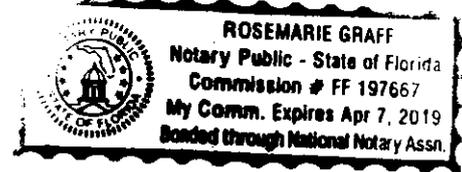
Before me, the undersigned authority, personally appeared Staney Peace the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Staney Peace  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 31 day of August, 2016.

FDL PE20 782 451420  
EX 2021

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



STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

\_\_\_\_\_  
AFFIANT

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

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

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

\_\_\_\_\_  
AFFIANT

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

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

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

\_\_\_\_\_  
AFFIANT

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

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

**ORDINANCE NO. 2016-\_\_**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(c)(2) AND SECTION 31-144(c)(5)b., COMMUNITY BUSINESS (B2) DISTRICT, TO ADD A CONDITIONAL USE FOR AUTOMOBILE PARKING GARAGES IN THE COMMUNITY BUSINESS (B2) DISTRICT WHEN LOCATED DIRECTLY ADJACENT TO AN AUTOMOBILE PARKING GARAGE LOCATED IN A MULTIFAMILY RESIDENTIAL ZONING DISTRICT AND TO CLARIFY THE HEIGHT RESTRICTION IN THE B2 DISTRICT SITE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 31-144(c)(5)b. of the City of Aventura Code of Ordinances ("City Code") limits the height of buildings in the Community Business (B2) District to 12 stories or 120 feet except those portions of buildings which are within 200 feet of any residential zone are limited to one foot of height 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; and

**WHEREAS**, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to add a conditional use for automobile parking garages located in the Community Business (B2) District directly adjacent to an automobile parking garage located in a multifamily residential zoning district and to clarify the height restriction in the District's site development standards; and

**WHEREAS**, the City Commission finds that the proposed amendments to Section 31-144 of the City are consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; 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 Local Planning Agency has reviewed the proposed amendment during the required public hearings and has recommended approval to the City Commission; and

**WHEREAS**, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-144 of Chapter 31 "Land Development Regulations," 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, THAT:**

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

**Section 2. City Code Amended.** That Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows<sup>1</sup>:

\* \* \*

**Sec. 31-144. – Business Zoning Districts.**

\*\*\*

(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.

\*\*\*

"Section 31-144(c) – Business Zoning Districts.

\*\*\*

(c) Community Business (B2) District.

\*\*\*

---

<sup>1</sup> Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

(2) *Conditional use*. The following uses if first approved as a conditional use:

\*\*\*

n. Automobile parking garages located directly adjacent to an automobile parking garage located in a multifamily residential zoning district that do not meet the height and distance requirement of Section 31-144(c)(5)b. and that include the following design elements:

(i) the automobile parking garage is the same height or less than an existing or approved automobile parking garage located on an adjacent residential plot; and

(ii) the top level of the automobile parking garage is completely screened from view of the adjacent residential plot; and

(iii) the openings along the exterior perimeter walls of the automobile parking garage walls within 200 feet of a residential zoned plot shall be screened to minimize adverse effects on the adjacent residential lot.

\*\*\*

(5) Site development standards.

\*\*\*

b. *Maximum height*: 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five stories shall apply only for shopping center buildings which are subject to subsection (5)a.4. above. That portion of the building or structure directly adjacent to and 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, excepting from this height and spacing requirement an automobile parking garage approved as a conditional use pursuant to Section 31-144(c)(2)n.

\*\*\*

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may

be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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

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

Commissioner Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

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 Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED** on first reading on this 6<sup>th</sup> day of September, 2016.

**PASSED AND ADOPTED** on this 5<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

This Ordinance was filed in the Office of the City Clerk this \_\_\_\_ day of \_\_\_\_\_, 2016.

**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: June 20, 2016

SUBJECT: Application to Amend Section 31-144(c)(1) of the Land Development Regulations to add an electric vehicle retail showroom as a permitted use in the B2, Community Business District (02-LDR-16)

---

July 12, 2016                      Local Planning Agency Agenda Item 4  
July 12, 2016                      City Commission Meeting Agenda Item 7  
September 6, 2016                City Commission Meeting Agenda Item 8

**RECOMMENDATION**

It is recommended that the City Commission approve the request for an amendment to Section 31-144, "Business Zoning Districts" of the Land Development Regulations to add an electric vehicle retail showroom as a permitted use for parcels that include one or more shopping center buildings that contain a total of more than 1,000,000 square feet of gross leasable area and that do not exceed five stories in height.

**THE REQUEST**

The owner of the Aventura Mall is currently constructing a retail wing expansion and new parking structure expansion at the mall property. It has requested an amendment to the B2, Community Business District to permit an electric vehicle retail showroom in this zoning district, with the conditions listed in the amendment text below. Automobile sales are currently permitted only as a conditional use in the B3, Heavy Business District in the Land Development Regulations. (See Exhibit #1 for Letter of Intent)

## DESCRIPTION OF THE PROPOSED AMENDMENT

The proposed amendment to the Community Business (B2) District follows in underlined text:

"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:

...

gg. For parcels that include one or more shopping center buildings that contain a total of more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, an electric vehicle retail showroom conforming to the following criteria:

(a) no more than one (1) electric vehicle retail showroom shall be allowed on the parcel, and

(b) no on-site vehicle storage/stock beyond the showroom and vehicles for test drives shall be allowed, and

(c) no more than six (6) electric vehicles produced by the electric vehicle motor company shall be stored on site, outside of the showroom, to be used for test drive purposes, and

(d) no delivery of vehicles and/or service of vehicles shall be permitted on site, and

(e) prior to establishment of the use, a plan describing the proposed location of the test drive vehicles, the proposed hours and proposed location of test drives shall be submitted for review and approval of the City Manager. Such review and approval will include, but is not limited to, consideration of traffic patterns and traffic conditions in the parcel and in the City as a whole.

...

## **ANALYSIS**

Staff provides the following analysis of the request using the standards for reviewing proposed amendments to the text of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

The proposed amendment is legally required to implement the requested revision to the Code.

2. *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The business and office land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan. The Transportation Goal in the Transportation Element of the City's Comprehensive Plan includes the provision of a safe and efficient multimodal transportation system and the promotion of the use of alternative transportation methods. The addition of an electric vehicle retail showroom use will provide information and access to alternative, energy efficient motor vehicles.

3. *The proposed amendment is consistent with the authority and purpose of the LDRs.*

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. This proposed amendment establishes a new use in the B2, Community Business District.

4. *The proposed amendment furthers the orderly development of the City.*

The proposed amendment furthers the orderly development of the City, for the reasons provided in Paragraph 3 above.

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulation to enable a proposed use on a property within the B2, Community Business District.



**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238  
E-MAIL: [mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

VIA FACSIMILE AND E-MAIL

June 17, 2016

JUN 17 2016

Ms. Joanne Carr  
Community Development Director  
City of Aventura  
19200 West Country Club Drive, 4<sup>th</sup> Floor  
Aventura, Florida 33180

Re: Land Development Code Amendment Regarding Electric Vehicle Showrooms

Dear Joanne:

This law firm represents Aventura Mall Ventures and Turnberry Associates, Inc. (the "Applicant"), with regard to an application to amend the City of Aventura Land Development Code to permit electric vehicle showrooms in the B-2 zoning district.

Text Amendment Request. The Applicant seeks to permit electric vehicle showrooms on the Property, subject to specific conditions. Electric vehicle showrooms will only be permitted on properties that include one or more shopping center buildings containing more than 1,000,000 square feet of gross leasable area and do not exceed five (5) stories in height. There can be no on-site vehicle storage, or stock, beyond the showroom and vehicles for test drives. Further, can be no more than six (6) electric vehicles stored on-site, outside of the showroom, to be used for test drive purposes. Additionally, there can be no delivery of vehicles or service of vehicles permitted on site.

Text Amendment Criteria. Section 33-77(g) of the City Code provides standards that staff and the City Commission must consider when reviewing proposed amendments to the text of the City's Land Development Regulations (the "LDRs"). The Applicant's request addresses each of the standards as follows:

**Exhibit 1**  
**02-LDR-16**

**(1) The proposed amendment is legally required.**

In order for electric vehicle showrooms to be permitted within the B-2 district the proposed amendment to the LDRs must be approved and is thus required.

**(2) The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.**

The proposed changes are consistent with the goals and objectives of the Comprehensive Plan, specifically the Business and Office designation. The application is consistent with the goals and objectives of the Comprehensive Plan, specifically the City's objectives of environmental stewardship and responsible development. The electric vehicle showroom will be incorporated into the existing, approved structure and will not require additional development. Further, approval of the proposed use demonstrates the City's openness to innovative and environmentally conscious business uses.

**(3) The proposed amendment is consistent with the authority and purpose of the LDRs.**

The proposed amendment is consistent with the authority and purpose of the LDRs, as described in Section 31-2 of the City Code. Additionally, the electric vehicle showroom will be incorporated into the existing, approved structure and will not require additional development or trigger significant additional impact on the surrounding area.

**(4) The proposed amendment furthers the orderly development of the City.**

The proposed amendment certainly furthers the orderly development of the City. The proposed amendment will permit electric vehicle showrooms to be opened in qualifying shopping center properties. The proposed electric vehicle showrooms are anticipated to be adaptive reuses of existing commercial space. Accordingly, no additional development is anticipated as a result of this text amendment.

**(5) The proposed amendment improves the administration or execution of the development process.**

This amendment itself does not have a direct effect on the administration of the City's development process.

Ms. Joanne Carr

June 17, 2016

Page 4

For all the foregoing reasons, the applicant respectfully requests your department's favorable review and recommendation of this application. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6238.

Sincerely yours,

A handwritten signature in black ink, appearing to read "MJM", written over a faint circular stamp or watermark.

Michael J. Marrero

MM/CMK



# APPLICANT REPRESENTATIVE AFFIDAVIT

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

Name	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
<u>Michael Marrero</u>	<u>Attorney</u>
<u>Jeffrey Beron</u>	<u>Attorney</u>
_____	_____
_____	_____

(Attach Additional Sheets if Necessary)

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

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

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: [Signature]  
 Name: Michael Marrero  
 Title: Attorney  
 Address: 200 So Biscayne Blvd #350  
Miami, FL 33131

OWNER

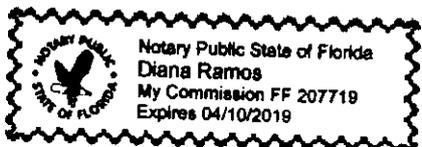
By: [Signature]  
 Name: JONATHAN KURRY  
 Title: Principal / General Counsel  
 Address: 19950 W. Country Club Dr., 10th Floor  
Aventura, FL 33186

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

SWORN TO AND SUBSCRIBED BEFORE ME this 21 day of June

AFFIANT  
[Signature]  
 200\_



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



# BUSINESS RELATIONSHIP AFFIDAVIT

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS 24 DAY OF June, 2016

APPLICANT:   
 By: \_\_\_\_\_ (Signature)  
 Name: Michael Morfitt (Print)  
 Title: Attorney (Print)

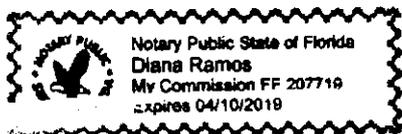
WITNESS MY HAND THIS 27 DAY OF June, 2016

PROPERTY OWNER:   
 By: \_\_\_\_\_ (Signature)  
 Name: JONATHAN KUREY (Print)  
 Title: Principal General Counsel (Print)

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

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

SWORN TO AND SUBSCRIBED before me this 27th day of June, 2016



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



# BUSINESS RELATIONSHIP AFFIDAVIT\*

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS 27 DAY OF June, 2016

APPLICANT:

By: [Signature] (Signature)  
 Name: Michael Marro (Print)  
 Title: Attorney (Print)

WITNESS MY HAND THIS 27 DAY OF June, 2016

PROPERTY OWNER:

By: [Signature] (Signature)  
 Name: JONATHAN KUREY (Print)  
 Title: Principal General Counsel (Print)

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

WITNESS MY HAND THIS 27 DAY OF June, 2006.

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Michael Murren (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Jeffrey Berrow (Print)

Title: Attorney (Print)

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

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

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

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

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

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

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

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

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

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

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

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

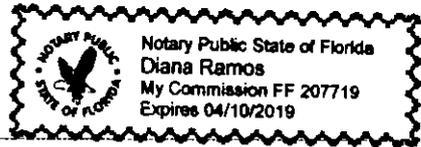
**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

[Signature]  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 27 day of June, 2016



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

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

[Signature]  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 21 day of June, 2016



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

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016

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

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016

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

ORDINANCE NO. 2016-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(1), COMMUNITY BUSINESS (B2) DISTRICT TO ADD AN ELECTRIC VEHICLE RETAIL SHOWROOM AS A PERMITTED USE IN SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to add an electric vehicle retail showroom as a permitted use for parcels that include one or more shopping center buildings with a total of more than 1,000,000 square feet of leasable area and that do not exceed five stories in height; and

**WHEREAS**, the Business and Office future land use category applicable to the proposed amendment provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan"; and

**WHEREAS**, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to add an electric vehicle retail showroom as a permitted use for a large scale shopping center in the B2, Community Business, District is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; 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 Local Planning Agency has reviewed the proposed amendment during the required public hearing and has recommended approval to the City Commission; and

**WHEREAS**, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-144 of Chapter 31 "Land Development Regulations," 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, THAT:**

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

**Section 2. City Code Amended.** That Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows<sup>1</sup>:

\* \* \*

**Sec. 31-144. – Business Zoning Districts.**

...

(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:

...

---

<sup>1</sup> Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

gg. For parcels that include one or more shopping center buildings that contain a total of more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, an electric vehicle retail showroom conforming to the following criteria:

(a) no more than one (1) electric vehicle retail showroom shall be allowed on the parcel, and

(b) no on-site vehicle storage/stock beyond the showroom and vehicles for test drives shall be allowed, and

c) no more than six (6) electric vehicles produced by the electric vehicle motor company shall be stored on site, outside of the showroom, to be used for test drive purposes, and

(d) no delivery of vehicles and/or service of vehicles shall be permitted on site, and

(e) prior to establishment of the use, a plan describing the proposed location of the test drive vehicles, the proposed hours and proposed location of test drives shall be submitted for review and approval of the City Manager. Such review and approval will include, but is not limited to, consideration of traffic patterns and traffic conditions in the parcel and in the City as a whole.

...

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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

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

Commissioner Enbar Cohen	<u>Absent</u>
Commissioner Teri Holzberg	<u>Yes</u>
Commissioner Marc Narotsky	<u>Yes</u>
Commissioner Robert Shelley	<u>Yes</u>
Commissioner Howard Weinberg	<u>Yes</u>
Vice Mayor Denise Landman	<u>Yes</u>
Mayor Enid Weisman	<u>Yes</u>

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 Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	

**PASSED** on first reading on this 12<sup>th</sup> day of July, 2016.

**PASSED AND ADOPTED** on this 6<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

This Ordinance was filed in the Office of the City Clerk this \_\_\_\_ day of \_\_\_\_\_,  
2016.

**CITY OF AVENTURA**  
**OFFICE OF THE CITY COMMISSION**

**MEMORANDUM**

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

FROM: Mayor Enid Weisman

DATE: March 9, 2016

SUBJECT: **Discussion and Possible Motion to Fill the Vacancy in City Commission Seat 5 Created By Enbar Cohen's Resignation.**

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**September 6, 2016 City Commission Meeting Agenda Item 10**

Please place on the September 6, 2016 Commission Meeting a discussion and possible motion to fill the vacancy in City Commission Seat 5 created by Enbar Cohen's resignation.