

City Commission
Susan Gottlieb, Mayor

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

The City of Aventura



City Manager
Eric M. Soroka, ICMA-CM

City Clerk
Teresa M. Soroka, MMC

City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske

SEPTEMBER 6, 2011 6 p.m.

Government Center
19200 West Country Club Drive
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **AGENDA:** Request for Deletions/Emergency Additions
4. **SPECIAL PRESENTATIONS:** Employee Service Awards
5. **CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately.
 - A. **APPROVAL OF MINUTES:**
July 12, 2011 Commission Meeting
July 21, 2011 Commission Meeting
July 21, 2011 Workshop Meeting
 - B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA PROVIDING FOR ACCEPTANCE OF EASEMENT DEDICATION OF PRIVATE PROPERTY FOR THE CITY OF AVENTURA GOVERNMENT INSTRUCTIONAL SIGN AT AVENTURA MALL PROJECT: AUTHORIZING THE CITY MANAGER TO OBTAIN AND EXECUTE INSTRUMENTS CONCERNING DEDICATION; AUTHORIZING ACCEPTANCE OF DEDICATION; PROVIDING FOR EFFECTIVE DATE.**
 - C. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE TOWN OF MEDLEY 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.

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

E. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$15,500 TO FUND CRIME PREVENTION PROGRAMS AND LEGAL FEES RELATING TO FORFEITURE CASE FROM THE POLICE FEDERAL FORFEITURE FUND IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.

F. CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE 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, 2011 AND TO ACCEPT FOR FILING THAT LETTER DATED AUGUST 26, 2011 ATTACHED AS ATTACHMENT 1

G. 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 26, 2011

H. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, SELECTING THE FIRM OF PEAR PROGRAMS, LLC TO PERFORM RECREATION PROGRAMS, ACTIVITIES, EVENTS, CLASSES AND ATHLETIC LEAGUE MANAGEMENT SERVICES RELATIVE TO RFP NO. 11-8-8-2; AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS AND FEES FOR SAID SERVICES; AUTHORIZING NEGOTIATIONS WITH AN ALTERNATE FIRM TO PERFORM THE REQUIRED SERVICES SHOULD NEGOTIATIONS WITH SELECTED FIRM BE UNSUCCESSFUL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO

CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

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

A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR PUBLIC STORAGE AT 2940 NE 188 STREET, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING A SIGN VARIANCE FOR AVENTURA TURNBERRY JEWISH CENTER AT 20400 NE 30 AVENUE, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

7. ORDINANCES: FIRST READING–PUBLIC INPUT:

AN ORDINANCE OF THE CITY OF AVENTURA FLORIDA AMENDING THE CITY CODE BY AMENDING CHAPTER 2 “ADMINISTRATION,” AND CHAPTER 30 “ENVIRONMENT,” TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

8. ORDINANCE – SECOND READING – PUBLIC HEARING: None.

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

SCHEDULE OF FUTURE MEETINGS/EVENTS

COMMISSION MTG 1ST BUDGET HEARING	SEPTEMBER 13, 201	6PM	COMMISSION CHAMBER
WORKSHOP MEETING	SEPTEMBER 15, 2011	9AM	5th FL. EX.CONF.ROOM
COMMISSION MTG 2nd BUDGET HEARING	SEPTEMBER 21, 2011	6PM	COMMISSION CHAMBER
COMMISSION MEETING	OCTOBER 4, 2011	6PM	COMMISSION CHAMBER

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



**MINUTES
CITY COMMISSION MEETING
JULY 12, 2011 6 PM**

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

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

2. PLEDGE OF ALLEGIANCE: Led by Police Chief Steven Steinberg.

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

4. SPECIAL PRESENTATIONS: Employee 10-year service award presented to Joseph Fraher. Employee 15-year service award presented to Robert M. Sherman.

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

A. The following minutes were approved:
June 7, 2011 Commission Meeting
June 16, 2011 Workshop Meeting

B. **Resolution No. 2011-43** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING THE FUND BALANCE POLICY FOR THE GENERAL FUND OF THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

C. **Resolution No. 2011-44** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDING AND LETTING A BID/CONTRACT FOR BID NO. 11-06-01-2, CUSTODIAL SERVICES FOR CITY FACILITIES TO UNITED STATES SERVICE INDUSTRIES, INC. AT THE BID PRICES AS CONTAINED IN EXHIBIT "A" ATTACHED; 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.

D. The following motion was approved:

MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$25,200 FOR THE COST OF ARCHITECTURAL SERVICES TO PREPARE PLANS FOR THE POLICE TRAINING AREA FROM THE POLICE FEDERAL FORFEITURE FUND IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.

E. Resolution No. 2011-45 was adopted as follows:

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

F. Resolution No. 2011-46 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. 11-06-30-2, CITY OF AVENTURA GOVERNMENT INSTRUCTIONAL SIGN AT AVENTURA MALL, TO DON BELL SIGNS, LLC AT THE BID PRICE OF \$68,302.29; 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.

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

Mr. Soroka advised the Commission that subsequent to the agenda preparation, an amended motion had been prepared and was distributed. A motion to consider the amended resolution which includes additional conditions, was offered by Commissioner Diamond, seconded by Commissioner Weinberg and unanimously passed. Mr. Wolpin read the following resolution by title: All those wishing to give testimony in this item were sworn in by Johanna Beltre.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO PERMIT A SYNAGOGUE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NE 185 STREET AND NE 28 COURT, CITY OF AVENTURA AND LEGALLY DESCRIBED AS TRACT "F", MERCO AT AVENTURA, PLAT BOOK 166, PAGE 58, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Diamond, and seconded by Commissioner Weinberg. Mayor Gottlieb opened the public hearing. Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. Stanley Price, Esq., representing the applicant; Jaime Shapiro, Rosie Alphahado, Frank Mascak and Marty Glassman addressed the Commission. There being no further speakers, the public hearing was closed. The motion for approval passed unanimously and **Resolution No. 2011-47** was adopted.

7. **ORDINANCES: FIRST READING/PUBLIC INPUT:** None.

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

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACCEPTING AND ADOPTING IN PRINCIPLE, SUBJECT TO ANNUAL REVISION AND AUTHORIZATION, THE CITY OF AVENTURA CAPITAL IMPROVEMENT PROGRAM DOCUMENT FOR FISCAL YEAR 2011/12 TO 2015/16 AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Joel, and seconded by Commissioner Weinberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously and **Resolution No. 2011-48** was adopted.

10. **REPORTS:** As presented.

11. PUBLIC COMMENTS: None.

12. OTHER BUSINESS: None.

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

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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



**MINUTES
COMMISSION MEETING
JULY 21, 2011 9 AM**

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

1. CALL TO ORDER/ROLL CALL. The meeting was called to order at 9:00 a.m. by Mayor Susan Gottlieb. Present were Commissioners Bob Diamond, Teri Holzberg, Billy Joel, Luz Urbáez Weinberg (arrived at 9:15 a.m.), Michael Stern, Vice Mayor Zev Auerbach, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

2. OVERVIEW AND REVIEW OF PROPOSED BUDGET: Mr. Soroka reviewed the highlights of the budget process for the upcoming year as outlined in his budget message. He then reviewed the proposed 2011/12 budget document, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE 2011/2012 FISCAL YEAR; PROVIDING FOR THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the resolution, which establishes a millage rate for the 2011/12 fiscal year of 1.7261 per \$1,000 of taxable assessed value, was offered by Commissioner Weinberg, and seconded by Commissioner Joel. The motion unanimously passed and **Resolution No. 2011- 49** was adopted.

Mr. Soroka announced the dates of the Budget Hearings as September 13, 2011 and September 21, 2011, both at 6 p.m. in the Commission Chamber of the Aventura Government Center, 19200 West Country Club Drive, Aventura, FL.

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

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

E. POLICE CAPITAL OUTLAY IMPACT FEE FUND: A motion for approval was offered by Commissioner Stern, seconded by Commissioner Holzberg, and unanimously passed.

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

G. DEBT SERVICE FUND: A motion for approval was offered by Commissioner Stern, seconded by Vice Mayor Auerbach, and unanimously passed.

H. POLICE OFF-DUTY SERVICES FUND: A motion for approval was offered by Vice Mayor Auerbach, seconded by Commissioner Holzberg, and unanimously passed.

I. STORMWATER UTILITY FUND: A motion for approval was offered by Commissioner Weinberg, seconded by Commissioner Stern, and unanimously passed.

3. ADJOURNMENT: After motion made, seconded and unanimously passed, the meeting adjourned at 9:47 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on September __, 2011.

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



MINUTES
CITY COMMISSION
WORKSHOP MEETING
JULY, 21, 2011 9:47 a.m.
Following 9 a.m. Commission Meeting

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

CALL TO ORDER/ROLL CALL: The meeting was called to order at 9:47 a.m. by Mayor Susan Gottlieb. Present were Commissioners Bob Diamond, Teri Holzberg, Billy Joel, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Zev Auerbach, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk M. Teresa Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

Community Services Director Robert Sherman reviewed the proposed slate of activities for Founders Day 2011. Consensus of Commission to proceed with the outstanding program as proposed.

1. **NALEO CONFERENCE UPDATE:** (Commissioner Weinberg): Commissioner Weinberg provided an update on the National Association of Latin Elected Leaders, of which she was recently elected Treasurer, its programs and her involvement therein.

CITY MANAGER SUMMARY: No action necessary.

2. **CITY CLERK REVIEW:** Commissioner Joel recommended that the City Clerk receive the compensation as outlined in his memo dated July 15, 2011.

CITY MANAGER SUMMARY: Consensus to approve.

3. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 10:15 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____, 2011.

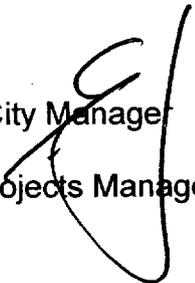
Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence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

CITY OF AVENTURA

CITY MANAGER'S OFFICE

MEMORANDUM

TO: City Commission

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

BY: Antonio F. Tomei, Capital Projects Manager 

DATE: July 19, 2011,

SUBJECT: **City of Aventura Government Instructional Sign at Aventura Mall Easement Dedication**

September 6, 2011 City Commission Meeting Agenda Item 5 B

Recommendation

It is recommended that the City Commission adopt the attached Resolution allowing for a portion of private property to be dedicated to the City of Aventura from Mall Parcels A&C/SR-1 Trust, LLC. providing the City authority and full rights to install and maintain the above referenced instructional sign.

Background

Contracts were awarded to provide and construct a Government Instructional Sign on the NE corner of Biscayne Boulevard and NE 197th Street to provide public information pertaining to the Aventura Arts and Cultural Center. Easement dedication of this private property to the City provides rights to both construct and maintain the Government Instructional Sign.

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA PROVIDING FOR ACCEPTANCE OF EASEMENT DEDICATION OF PRIVATE PROPERTY FOR THE CITY OF AVENTURA GOVERNMENT INSTRUCTIONAL SIGN AT AVENTURA MALL PROJECT: AUTHORIZING THE CITY MANAGER TO OBTAIN AND EXECUTE INSTRUMENTS CONCERNING DEDICATION; AUTHORIZING ACCEPTANCE OF DEDICATION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, contracts have been awarded by the City to provide and install a Government Instructional Sign at Aventura Mall; and

WHEREAS, the proposed location of the proposed Government Instructional Sign at Aventura Mall is on private property; and

WHEREAS, easement dedication provides the right to both construct and maintain the Government Instructional Sign at Aventura Mall to the City; and

WHEREAS, the City Commission finds that it is appropriate and in the best interest of the public to facilitate the dedication of this portion of private property for construction and maintenance of the Government Instructional Sign at Aventura Mall, and to accept the dedication.

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

Section 1: That the easement dedication, as reflected on the attached easement document is hereby accepted and the City Manager is hereby authorized to cause such easement document to be recorded in the Official Records of Miami-Dade County, Florida, subject to confirmation by the City Attorney as to the legal form and sufficiency of the dedication and instrument of conveyance.

Section 2: That the City Manager is hereby authorized and requested to take all necessary and expedient action to carry out the aims of this Resolution.

Section 3: This Resolution shall be effective immediately upon its adoption.

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

Commissioner Bob Diamond	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Zev Auerbach	_____
Mayor Susan Gottlieb	_____

Resolution No. _____
Page 2

PASSED AND ADOPTED this 6th day of September, 2011.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:**

**WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.**
200 East Broward Boulevard, Suite 1900
Fort Lauderdale, FL 33301

For Recording Purposes Only

EASEMENT

THIS EASEMENT (this "Easement") is made this 6 day of September, 2011, by **MALL PARCELS A & C/SR-1 TRUST, LLC**, a Florida limited liability company, having an address at 19501 Biscayne Boulevard, Suite 400, Aventura, Florida 33180 (hereinafter referred to as the "GRANTOR"), to and in favor of the **CITY OF AVENTURA**, a Florida municipal corporation, having an address at 19200 West Country Club Drive, Aventura, Florida 33180 (hereinafter referred to as the "GRANTEE").

RECITALS:

GRANTOR owns fee simple title to certain real property located in Miami-Dade County, Florida, as more particularly described in **Exhibit "A"** attached hereto and by this reference made a part hereof (the "Property").

GRANTOR has agreed to grant to GRANTEE an non-exclusive easement for the limited purposes of: (i) installing, maintaining and replacing an LED display sign and landscaping upon the Property; and (ii) installing, maintaining, repairing and replacing utilities related to the maintenance of the LED display sign and landscaping installed upon the Property such as above-ground and underground electrical, irrigation and sprinkler systems, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, for and in consideration of the premises and the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do hereby agree as follows:

1. **Recitals.** The parties acknowledge that the foregoing recitals are true and correct and hereby incorporated into this Easement as if fully set forth herein.

2. **Grant of Easement.** GRANTOR does hereby grant and convey to the GRANTEE and its licensees, agents independent contractors, successors and assigns, a non-exclusive easement in, over, under, upon, across and through the Property for the limited purposes of installing and

maintaining an LED display sign, landscaping and related utilities such as underground electric, above-ground and underground irrigation and sprinkler systems, as well as ingress and egress in, over, under, upon, across and through the Property with full rights and authority to enter upon the Property in order to install, construct, reconstruct, replace, improve, remove, inspect, repair and maintain such work. The parties acknowledge that the initial work upon the Property shall be installed and constructed substantially in accordance with the plans and specifications prepared by YAZI, dated June 23, 2011, as amended (the "Plans and Specifications"). Subject to the restoration provisions set forth in Section 3 hereof, GRANTOR also grants GRANTEE a license to temporarily locate its equipment and materials on the property of GRANTOR immediately adjoining the Property as may be necessary to perform the foregoing. This Easement shall have a term of seven (7) years, commencing with the Effective Date, and shall be automatically renewed for additional consecutive terms of seven (7) years each, unless GRANTOR sends GRANTEE 120 days prior written notice of termination.

3. **Warranties and Representations.** GRANTOR does hereby covenant with the GRANTEE, that (a) it is lawfully seized and possessed of the Property; (b) it has good and lawful right to enter into this Easement and convey said easement; and (c) all applicable corporate, partnership, trust or other required authorizations, approvals or consents have been obtained and no other authorizations, approvals or consents are required to effectuate GRANTOR's execution and delivery of this Easement. GRANTOR acknowledges that GRANTEE is materially relying on the representations as herein expressed.

4. **Covenants Running with the Land.** This Easement, and the rights and interests created herein shall run with the land and shall be binding upon and inuring to the benefit of the parties hereto and their respective successors and assigns.

5. **Indemnification.** Subject to the provisions and monetary limitations of Section 768.28 (5), Florida Statutes, which limitations shall be applicable regardless of whether such provisions would otherwise apply, and to the extent permitted by law, GRANTEE agrees to indemnify and hold GRANTOR harmless from and against any and all damages, liabilities, costs and matters relating to or arising out of the exercise of its rights under this Easement, except for any claims arising due to the acts or omissions of GRANTOR.

6. **Miscellaneous.** This Easement shall be construed under the laws of the State of Florida. GRANTEE may, at GRANTEE's cost and expense, record this Easement and any amendments hereto in the Public Records of Miami-Dade County, Florida. This Easement may only be modified, supplemented or revised in writing signed by the parties, or their successors or assigns, and any modification shall be effective only upon recordation in the Public Records of Miami-Dade County, Florida.

[Signatures on following page.]

IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed by its duly authorized officer or representative as of the day and year first above written.

WITNESSES:

GRANTOR:

Carol Abramson
Name: Carol Abramson

Stacey Jones
Name: Stacey Jones

Carol Abramson
Name: Carol Abramson

Stacey Jones
Name: Stacey Jones

MALL PARCELS A&C/SR-1 TRUST,
LLC, a Florida limited liability company

By: [Signature]
Jeffrey Soffer, Manager

By: [Signature]
Jacquelyn Soffer, Manager

STATE OF FLORIDA

COUNTY OF Miami-Dade

)
SS:
)

September

THIS IS TO CERTIFY, that on this 6 day of August, 2011, before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared Jeffrey Soffer, as manager of Mall Parcels A&C/SR-1 Trust, LLC, a Florida limited liability company, on behalf of the company, who (check one) is personally known to me or produced _____ as identification.

Carol J. Abramson

NOTARY PUBLIC

Print Name: Carol Abramson

My Commission Expires: 4/14/2014



STATE OF FLORIDA

)
SS:
)

COUNTY OF Miami-Dade

September

THIS IS TO CERTIFY, that on this 6 day of ~~August~~, 2011, before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared Jacquelyn Soffer, as manager of Mall Parcels A&C/SR-1 Trust, LLC, a Florida limited liability company, on behalf of the company, who (check one) is personally known to me or produced _____ as identification.

Carol Abramson

NOTARY PUBLIC

Print Name: Carol Abramson

My Commission Expires: 4/14/2014



JOINDER AND CONSENT

City National Bank of Florida, the holder of

- Mortgage in ORB 18921 at Pg. 2345
- Modification Agreement in ORB 19071 at Pg. 739
- Modification Agreement in ORB 19071 at Pg. 746
- Assignment of Mortgage Agreement in ORB 20071 at Pg. 1
- Modification Agreement in ORB 20071 at Pg. 5
- Modification Agreement in ORB 23035 at Pg. 955
- Modification Agreement in ORB 23265 at Pg. 2356
- Modification Agreement in ORB 26495 at Pg. 695
- Modification Agreement in ORB 27508 at Pg. 4763
- Modification Agreement in ORB 27724 at Pg. 2167,
- Restated Mortgage, Notice of Future Advance, Spreader and Security Agreement in ORB 27770 at Pg. 1632.

all in the Public Records of Miami-Dade County, Florida,

hereby joins in and consents to the recording of the aforesaid Easement Agreement.

CITY NATIONAL BANK OF FLORIDA

By: [Signature]
 Name: Barry R. Stempel
 Title: SVP
 Address: 1450 Brickell Avenue, 28th Floor
 Miami, FL 33131

STATE OF FLORIDA)
) ss:
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 16 day of August, 2011 by Barry R. Stempel as Senior Vice President of CITY NATIONAL BANK OF FLORIDA. He/She is personally known to me or has produced as identification.

[Signature]
 NOTARY PUBLIC, State of Florida
 Print Name: Jacqueline Joao
 Serial No.: 09/30/2011

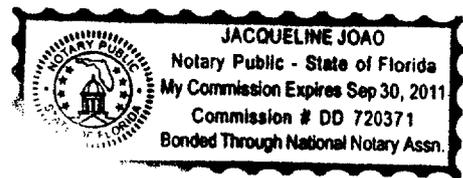
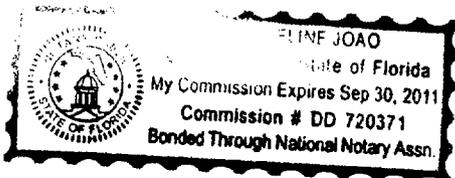


EXHIBIT "A"

THE PROPERTY



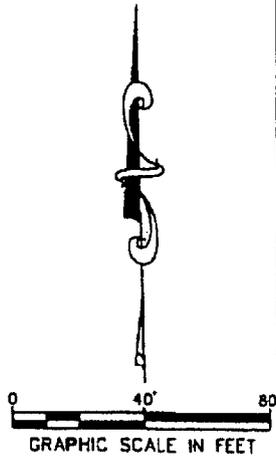
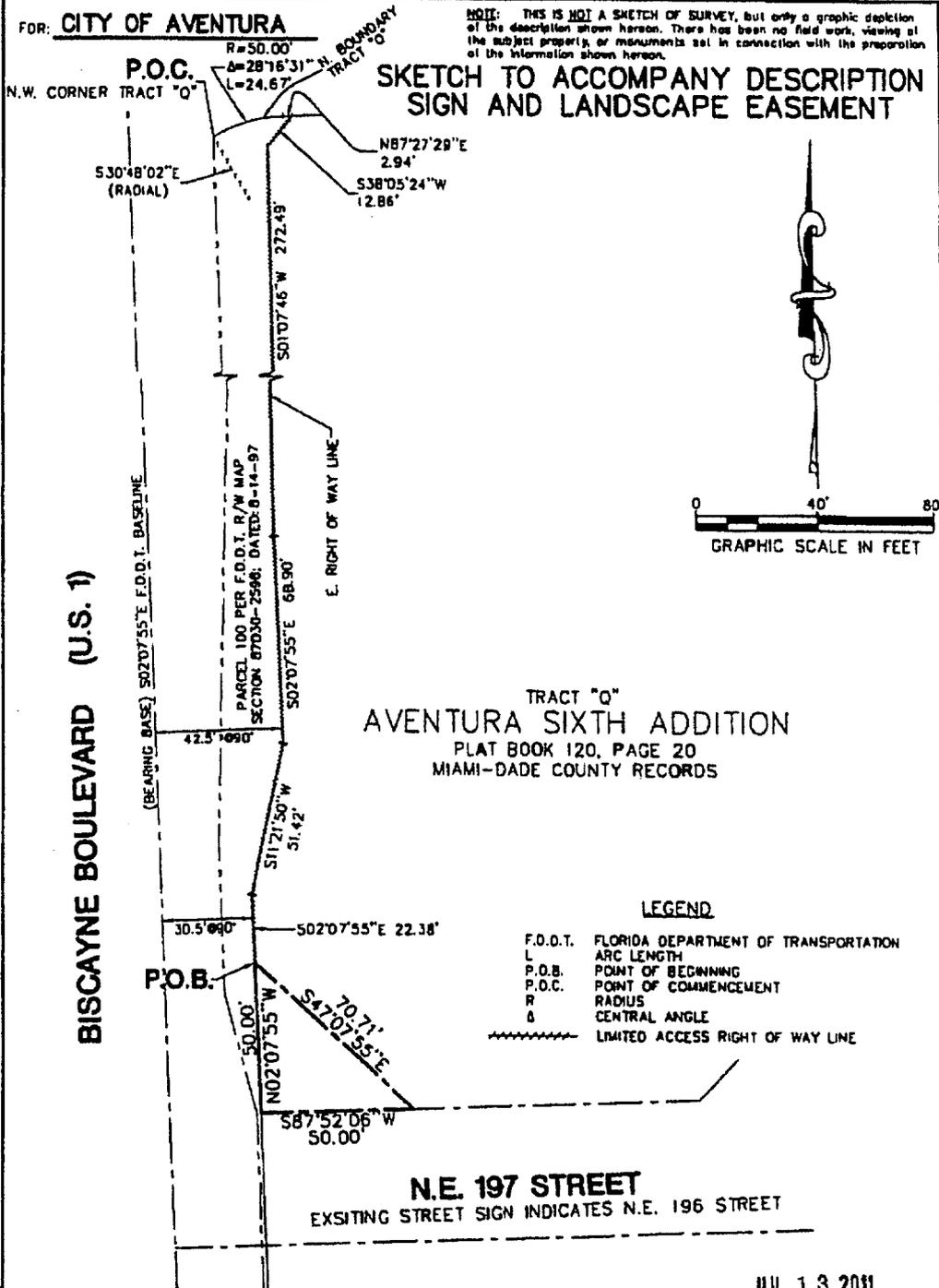
CRAVEN • THOMPSON & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS

3563 N.W. 53RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 739-6409 TEL.: (954) 739-6400
 FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS NO. 273
 FLORIDA LICENSED LANDSCAPE ARCHITECTURE BUSINESS NO. C000114
 MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT
 PERMISSION OF CRAVEN-THOMPSON & ASSOCIATES, INC. WRITING CRAVEN-THOMPSON & ASSOCIATES, INC. COPYRIGHT © 2008

FOR: **CITY OF AVENTURA**

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.

**SKETCH TO ACCOMPANY DESCRIPTION
 SIGN AND LANDSCAPE EASEMENT**



TRACT "Q"
AVENTURA SIXTH ADDITION
 PLAT BOOK 120, PAGE 20
 MIAMI-DADE COUNTY RECORDS

- LEGEND**
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
 - L ARC LENGTH
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - R RADIUS
 - Δ CENTRAL ANGLE
 - ~~~~~ LIMITED ACCESS RIGHT OF WAY LINE

JUL 13 2011
 SHEET 2 OF 2 SHEETS

UPDATES and/or REVISIONS	DATE	BY	CK'D

NOTE: The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or warranties as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification.

NOTE: Lots shown hereon were not abstracted for right-of-way and/or easements of record.

G:\2001\010103.148 BISCAYNE SIGN\DWG\SD_SIGN ESMNT.DWG

DESCRIPTION: SIGN AND LANDSCAPE EASEMENT

A PORTION OF TRACT "Q", AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "Q", SAID NORTHWEST CORNER LYING ALONG THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY FROM WHICH THE RADIUS POINT BEARS SOUTH 30°48'02" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 28°18'31", FOR AN ARC DISTANCE OF 24.67 FEET TO A POINT OF TANGENCY; THENCE NORTH 87°27'28" EAST, A DISTANCE OF 2.94 FEET, THE LAST TWO DESCRIBED COURSES BEING ALONG THE NORTH BOUNDRY OF SAID TRACT "Q"; THENCE SOUTH 38°05'24" WEST, A DISTANCE OF 12.88 FEET; THENCE SOUTH 01°07'46" WEST, A DISTANCE OF 272.49 FEET; THENCE SOUTH 02°07'55" EAST ALONG A LINE 42.5 FEET EAST OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, THE F.D.O.T. BASELINE AS SHOWN ON RIGHT OF WAY MAP SECTION 57030-2595, DATED: 8-14-97, A DISTANCE OF 68.90 FEET; THENCE SOUTH 11°21'50" WEST, A DISTANCE OF 61.42 FEET; THENCE SOUTH 02°07'55" EAST ALONG A LINE 30.5 FEET EAST OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, SAID F.D.O.T. BASELINE, A DISTANCE OF 22.38 FEET TO THE POINT OF BEGINNING, THE LAST FIVE (5) DESCRIBED COURSES BEING ALONG THE EAST RIGHT OF WAY LINE OF BISCAYNE BOULEVARD (U.S. 1); THENCE SOUTH 47°07'55" EAST, A DISTANCE OF 70.71 FEET; THENCE SOUTH 87°52'08" WEST, A DISTANCE OF 80.00 FEET TO A POINT ON SAID EAST RIGHT OF WAY LINE; THENCE NORTH 02°07'55" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF AVENTURA, MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 1,250 SQUARE FEET (0.029 ACRES) MORE OR LESS.

THE BEARINGS REFERENCED HEREIN ARE BASED ON AN ASSUMED BEARING. SAID F.D.O.T. BASELINE IS ASSUMED TO BEAR SOUTH 02°07'55" EAST.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN RULES 6J-17.051 AND 6J-17.052 (FLORIDA ADMINISTRATIVE CODE), AS ADOPTED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SEPTEMBER, 1981, AS AMENDED, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF;

CRAVEN THOMPSON & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 271

 JUL 13 2011

RAYMOND YOUNG
PROFESSIONAL SURVEYOR AND MAPPER NO. 5799
STATE OF FLORIDA

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: July 25, 2011

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

September 6, 2011 City Commission Meeting Agenda Item 5-C

RECOMMENDATION

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

BACKGROUND

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

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

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

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

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

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

EMS/act

Attachment

CCO1749-11

RESOLUTION NO. 2011-__

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

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

Section 1. The City Manager is hereby authorized on behalf of the City of Aventura to execute and otherwise enter into that certain Mutual Aid Agreement between the City of Aventura and the Town of Medley 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 Bob Diamond	___
Commissioner Teri Holzberg	___
Commissioner Billy Joel	___
Commissioner Michael Stern	___
Commissioner Luz Urbàez Weinberg	___
Vice Mayor Zev Auerbach	___
Mayor Susan Gottlieb	___

PASSED AND ADOPTED this 6th day of September, 2011.

Susan Gottlieb, Mayor

Attest:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

/tms

Mutual Aid Agreement
Between the Town of Medley and the
City of Aventura Police Department

Whereas, it is the responsibility of the government of the Town of Medley, Miami-Dade County, Florida and the City of Aventura, Miami-Dade County, Florida to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

Whereas, because of the continuing possibility of the occurrence of the 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 Town of Medley Police Department and/or the City of Aventura Police Department; and

Whereas, in order to ensure the ability of these laws enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and preserve the lives and property of the people of the Town of Medley and the City of Aventura; and

Whereas, Town of Medley and the City of Aventura have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a Mutual Aid Agreement;

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

1. **Short Title**: Mutual Aid Agreement
2. **Description**: Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement

and a requested operational assistance agreement, as describes in Chapter 23, Florida Statutes.

3. **Definitions:**

a. **Joint Declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the joint declaration shall be filed with the clerks of the respective municipalities and shall thereafter become part of this Agreement. Said declaration may be amended or supplemented by mutual agreement at any time, upon filing a subsequent declaration with the clerks of the respective municipalities.

b. **Agency or participating Law Enforcement Agency:** Either the Town of Medley Police Department or the City of Aventura Police Department.

c. **Agency Head:** Either the Chief of Police of the Town of Medley Police Department or the Chief's designees; and the Chief of Police of the City of Aventura Police Department , or the Chief's designees.

d. **Authorized Agency Representative:** Agency head as defined herein.

e. **Participating Municipal Police Department:** The Police Department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of that municipality.

f. **Certified Law Enforcement Employee:** Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

4. **Operations:**

a. In the event that a party to this Agreement is in need of assistance as specified in the applicable joint declaration attached as Exhibit "A", an authorized representative of the Police Department requiring assistance shall notify the Agency from whom such assistance is requested. The authorized Agency Representative (Chief or Designee) whose assistance is sought shall evaluate the situation and his/her available resources, and will respond in a manner deemed appropriate.

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

c. The Agency Head of the participating Law Enforcement Agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting Agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing Agency.

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

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

b. The municipality having financial responsibility for the Law Enforcement Agency providing services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of the same.

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

d. All exemption from ordinance and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death, and other benefits which apply to the

activity of such officers, agents, or employees of any such agency when performing their respective functions within the territorial limits of their respective agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorially under the provisions of this Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid auxiliary employees.

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

7. **Indemnification:** The municipality having financial responsibility for the Law Enforcement Agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting Law Enforcement Agency and its municipality in any suit, actions, or claim for damages resulting from any and all acts or conduct of employees of said providing Agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable. The municipality requesting aid shall indemnify the municipality providing aid from any suits, claims or damages resulting from any act or conduct of employees of the requesting municipality.

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

9. **Effective Date and Duration:** This Agreement shall be in effect from date of signing, through and including, June 29, 2016. Under no circumstances may this Agreement be renewed, amended, or extended except in writing.

10. **Cancellation:** This Agreement may be cancelled by either party upon sixty (60) days written notice to the other party. Cancellation will be at the discretion of the Chief Executive Officer of the parties hereto.

AGREED TO AND ACKNOWLEDGED this _____ day of _____, 2011



RAMON RODRIGUEZ
MAYOR
TOWN OF MEDLEY, FLORIDA

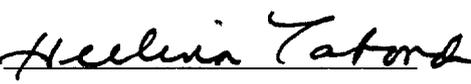
ERIC M. SOROKA
CITY MANAGER
CITY OF AVENTURA, FLORIDA

Date: 10/6/11

Date: _____

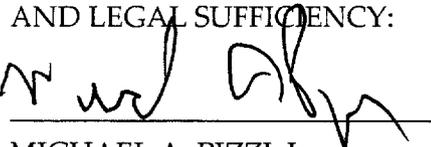
Attest:

Attest:


HERLINA TABOADA
TOWN CLERK
TOWN OF MEDLEY, FLORIDA

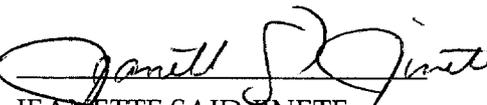
TERESA M. SOROKA
CITY CLERK
CITY OF AVENTURA, FLORIDA

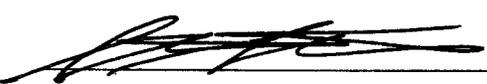
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MICHAEL A. PIZZI, Jr.
TOWN ATTORNEY
TOWN OF MEDLEY, FLORIDA

WEISS SEROTA HELFMAN
CITY ATTORNEY
CITY OF AVENTURA, FLORIDA


JEANETTE SAID-JINETE
CHIEF OF POLICE
TOWN OF MEDLEY, FLORIDA


STEVEN STEINBERG
CHIEF OF POLICE
CITY OF AVENTURA, FLORIDA



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

A Police Officer of either of the participant Law Enforcement Agencies shall be considered to be operating under the provisions of the Mutual Aid Agreement when:

- Participating in law enforcement activities that are pre-planned and approved by each respective Agency Head, or
- Appropriately dispatched in response to a request for assistance from the other Law Enforcement Agency.

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

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

6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, backups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.
16. Participating in exigent situations, without the need for formal request, which situations are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners, traffic stops near municipal boundaries, request for assistance when no available units are nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
17. Mutual enforcement of all existing applicable laws and ordinances and exercise of arrest powers within the area compromising the respective jurisdictional municipal boundaries.

Jeanette Said-Jinete Date: 7/1/11

Jeanette Said-Jinete, Chief
Town of Medley
Police Department

ATTEST:

Heelina Tatrod

Town Clerk, Town of Medley, Florida

Steven Steinberg Date: 7/12/11

Steven Steinberg, Chief
City of Aventura
Police Department

ATTEST:

City Clerk, City of Aventura, Florida



CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission
FROM: Eric M. Soroka, ICMA-CM, City Manager
DATE: August 16, 2011
SUBJECT: **Resolution Declaring Equipment Surplus**



September 6, 2011 Commission Meeting Agenda Item 5-D

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

CCO1751-11

RESOLUTION NO. 2011-__

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

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

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

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

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

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

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

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

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

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

Commissioner Bob Diamond	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Zev Auerbach	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 6th day of September, 2011.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

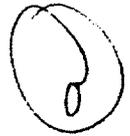
CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: Steven Steinberg, Chief of Police
DATE:  15 August 2011
SUBJECT: Surplus Property

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

Please surplus the attached listed property:

See attached



CITY OF AVENTURA

POLICE DEPARTMENT

MEMORANDUM

TO: Chief Steinberg
VIA: Chain of Command

FROM: Lt. Labombarda

SUBJECT: Surplus Property

Date: August 9, 2011

Chief,

Requesting the following items to be converted to surplus property.

- C.V. REAR DOOR PANELS.....38 UNITS
- C.V. REAR BOTTOM SEATS.....15 UNITS
- C.V. REAR BACK SUPPORT SEATS.....15 UNITS
- WHELEN 400 STROBES.....14 UNITS
- C.V. REAR FLAT DOOR PANELS.....14 UNITS
- K-9 CAGE FOR CROWN VICTORIAS.....ONE UNIT
- K-9 CAGE FOR 2007 DODGE MAGNUM.....ONE UNIT
- GOLF CART _EZ-GO SN#_811497.....ONE UNIT

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: August 23, 2011

SUBJECT: **Disbursement of Police Forfeiture Funds**

September 6, 2011 City Commission Meeting Agenda Item 5E

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 \$15,500 to fund crime prevention programs and legal fees relating to forfeiture case from the Police Federal Forfeiture Fund in accordance with the City Manager’s memorandum”.

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

EMS/act

Attachment

CCO1752-11

CITY OF AVENTURA

POLICE DEPARTMENT

INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: ~~Steven Steinberg, Chief of Police~~
DATE: 16 August 2011
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:

Crime Prevention programs, equipment and training	\$12,000
Legal fees re forfeiture case	\$3,500

Total Expenditure Request: \$15,500

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

Crime Prevention equipment, programs and training - This is a request to spend up to \$12,000 of forfeiture funds to fund our departmental Crime Prevention unit. Funds will be used for crime prevention programs, equipment and training for the upcoming FY 2011-2012. All expenses for FY 2011 – 2012 for the Crime Prevention unit will come out of these approved funds in lieu of the Operating budget or CIP budget.

Legal fees re forfeiture case

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 31, 2011

SUBJECT: **Special Purpose Financial Report for ACES FY June 30, 2011**

September 6, 2011 City Commission Meeting Agenda Item 5-F

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, 2011 and to accept for filing that letter dated August 25, 2011 attached hereto as Attachment 1.”

Background

The Special Purpose Financial Report for ACES was distributed to the Mayor and Commissioners on August 31, 2011 along with our memorandum. In addition, a letter dated August 25, 2011 from the auditors was attached to the Commission agenda for your review.

The Rules of the Auditor General, Chapter 10.550, requires that the Report be filed as an official record at a public meeting. This motion satisfies that requirement. In addition, the independent audit firm, Keefe, McCullough & Co., LLP, has requested that the letter dated August 25, 2011, identified as Attachment I, be accepted for filing with the City Commission.

A representative of Keefe, McCullough & Co., LLP, the audit firm, 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 31, 2011

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 attached School's financial statements for the fiscal year ended June 30, 2011. These statements encompass the 8th year of the School's operations and were audited by Keefe, McCullough & Co., 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, 2011, as well as in this Report.

The key schedules in this Report are – 1.) Statement of Revenues, Expenditures and Change in Fund Balance – Governmental Fund and; 2.) the Statement of Revenues and Expenditures Budget and Actual – Special Revenue Fund, which can be found on pages 12 and 24, respectively. Please note that on page 24, revenue and expenditures (Actual Amounts GAAP Basis), aggregated \$7,950,530 and \$7,313,636 respectively resulting in a \$636,894 net increase to fund balance (page 12). This amount increased the beginning fund balance of \$1,597,418 to result in an ending fund balance of \$2,234,312 as shown at the bottom of page 12. The fund balance increased from the prior year because of higher than anticipated state revenues including FTE and capital outlay in conjunction with lower than projected operating costs. Of the \$2,234,312 fund balance, \$399,935 is being utilized to balance the 2011/12 budget.

Actual Amounts of expenditures, on a budgetary basis, at the end of the 2010/11 school year, totaled \$7,281,096 based on a total budget of \$7,564,885 or 96% of budget.

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

The balance of the Report contains the School's statements and a narrative on a GASB 34 basis. The purpose of the GASB 34 governmental financial statements is to more closely resemble the financial statements of non-governmental entities. Therefore, page 8 contains a Statement of Net Assets 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 assets which is reconciled to the Statement of Revenues, Expenditures and Changes 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 24), the School continues to operate well from both an educational and financial perspective.

The letter dated August 25, 2011 is also required to be distributed to the City Commission by generally accepted auditing standards and was accordingly attached to the September 6, 2011 City Commission Meeting Agenda. The Reports contained on pages 26 – 29 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's or City's operations.

Future Actions

A motion will be placed on the September 6, 2011 agenda, to satisfy the Auditor General's requirement (Chapter 10.550), that the Financial Reports be filed as an official record at a public meeting.

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



Keefe, McCullough & Co., LLP
Certified Public Accountants

August 25, 2011

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

We have audited the financial statements of the Aventura City of Excellence School (a special revenue fund of the City of Aventura, Florida) (the "School"), as of and for the year ended June 30, 2011. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter to you dated May 5, 2010. Professional standards require that we provide you with the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the School are described in Note 2 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2011, except for the implementation and application of GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, as fully described in the notes to the financial statements. We noted no transactions entered into by the School during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

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

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

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

Difficulties Encountered in Performing the Audit

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

Corrected and Uncorrected Misstatements

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

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter that could be significant to the financial statements or the auditors' 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 25, 2011.

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 auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

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

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

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

Keefe, McCullough & Co., LLP

KEEFE, McCULLOUGH & CO., LLP



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, 2011



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

**BASIC FINANCIAL STATEMENTS AND
ADDITIONAL INFORMATION**

June 30, 2011

AVENTURA CITY OF EXCELLENCE SCHOOL
BASIC FINANCIAL STATEMENTS AND ADDITIONAL INFORMATION
June 30, 2011

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INDEPENDENT AUDITORS' REPORT

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

We have audited the accompanying financial statements of the Aventura City of Excellence School (a special revenue fund of the City of Aventura, Florida) (the "School"), as of and for the year ended June 30, 2011, as listed in the table of contents. These financial statements are the responsibility of the School's management. 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 of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

As discussed in Note 2, these 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, 2011, and its changes in financial position or budgetary comparisons, where applicable, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of the School, as of June 30, 2011, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated August 25, 2011 on our consideration of the School's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, 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* and should be considered in assessing the results of our audit.

Aventura City of Excellence School

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

Keefe, McCullough & Co., LLP
KEEFE, McCULLOUGH & CO., LLP

Fort Lauderdale, Florida
August 25, 2011

**MANAGEMENT'S DISCUSSION
AND ANALYSIS**

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2011**

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, 2011. 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 (3) components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the basic financial statements. This report also contains other required supplementary information in addition to the basic financial statements themselves.

Government-Wide Financial Statements

The government-wide financial statements, which consist of the statement of net assets 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 assets provides information on all the School's assets and liabilities, with the difference between the two (2) reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the School's financial position is improving or deteriorating. However, as a governmental entity, the School's activities are not geared toward generating profit as are the activities of commercial entities. Other factors such as the safety at the School and quality of education, must be considered in order to reasonably assess the School's overall performance.

The statement of activities presents information and shows how the School's net assets changed during the year. All changes in net assets 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 balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the School's near-term financing requirements.

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

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2011**

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 basic financial statements.

Supplementary Information

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

GOVERNMENT-WIDE FINANCIAL ANALYSIS

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

	<u>Summary of Net Assets</u>		
	<u>2011</u>	<u>2010</u>	<u>Variance</u>
ASSETS:			
Current and other assets	\$ 3,016,188	\$ 2,183,016	\$ 833,172
Capital assets, net of depreciation	<u>2,074,362</u>	<u>2,198,781</u>	<u>(124,419)</u>
Total assets	<u>5,090,550</u>	<u>4,381,797</u>	<u>708,753</u>
LIABILITIES:			
Current liabilities	749,179	540,249	208,930
Noncurrent liabilities	<u>31,450</u>	<u>17,833</u>	<u>13,617</u>
Total liabilities	<u>780,629</u>	<u>558,082</u>	<u>222,547</u>
NET ASSETS:			
Invested in capital assets	2,074,362	2,198,781	(124,419)
Unrestricted	<u>2,235,559</u>	<u>1,624,934</u>	<u>610,625</u>
Total net assets	<u>\$ 4,309,921</u>	<u>\$ 3,823,715</u>	<u>\$ 486,206</u>

Current and other assets increased due to an increase in pooled cash and cash equivalents.

Resources that are subject to external restrictions on how they may be used are classified as restricted assets. As of June 30, 2011 and 2010, 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, 2011**

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

	Summary of Changes in Net assets		Variance
	2011	2010	
REVENUES:			
General revenues and transfers	\$ 6,555,234	\$ 6,249,627	\$ 305,607
Program revenues:			
Charges for services	676,386	645,257	31,129
Operating grants and contributions	172,289	193,694	(21,405)
Capital grants and contributions	537,463	540,600	(3,137)
Total revenues	7,941,372	7,629,178	312,194
EXPENSES:			
Instruction	4,166,489	4,158,956	7,533
Instructional media services	71,114	58,595	12,519
Operation of facility	1,866,442	1,544,215	322,227
School administration	1,019,985	935,083	84,902
Pupil transportation services	184,140	183,600	540
Community services	146,996	138,148	8,848
Total expenses	7,455,166	7,018,597	436,569
Change in net assets	\$ <u>486,206</u>	\$ <u>610,581</u>	\$ <u>(124,375)</u>

- General revenues increased primarily due to an increase in the aggregate amount of state funding resulting from the addition of 40 new students.
- Instructional expenses increased primarily as a result of teacher salary increases based on years of service and new teacher positions added to accommodate the 40 new students.

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 2010/11 the School's governmental fund reported ending fund balance of \$ 2,234,312. The fund balance assigned and available for spending at the School's discretion is \$ 2,203,737. These funds will be available for the School's future ongoing operations. The fund balance increased by \$ 636,894 from the prior year because of higher than anticipated state revenues including FTE and capital outlay in conjunction with lower than projected operating costs.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2011**

BUDGETARY HIGHLIGHTS

In order to address the Florida Class Size Mandate Legislation, funding was included in the 2008/09 budget to provide for constructing ten (10) new classrooms at an estimated cost of \$ 2,099,000. The classrooms were completed in time for the 2009/10 school year. The ten new classrooms have allowed for the addition of 72 new students with 32 added in 2009/10 and 40 being added in 2010/11 bringing the 2011/12 student population to 972 students.

CAPITAL ASSETS AND DEBT ADMINISTRATION

As of June 30, 2011, the School had an investment in capital assets of \$ 2,074,362. This amount is net of accumulated depreciation of \$ 581,855. This amount represents a decrease of \$ 124,419 or 6%.

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 2011/12 include the following:

The 2011/12 school year represents the ninth year of operations of the school. Our past has shown that we can continue to operate the school at a high level and provide quality education for our students, within the school based revenues. We have also been fortunate to have a strong business community and involved parents that participate in fund raising activities for school improvements.

Based on the State's actions to balance their budget, revenues for next year have been estimated on the conservative side and continue to anticipate funding reductions. The State Legislature continues to attempt to balance their budget by cutting educational funding which will have a negative effect on all the schools. A portion of the reductions will be offset by funds provided by the Education Jobs Fund federal stimulus program and distributed through the state and county to retain or hire teachers.

In order to adhere to new Sunshine State Standards adopted by the Florida Department of Education, expand the school's physical fitness classes and at risk reading program the budget includes four additional teacher positions.

The following represents other important highlights:

- The transfer to the General fund in the amount of \$ 30,000 to offset services provided by the Finance Department, to the school will again be deferred this year.
- Revenue in the amount of \$ 100,000 from the Red Light Violation Program is included to assist in funding the contingency line item in the budget.
- Teacher salary increases will reflect an average increase of 2.3%. In addition, returning teachers will be rewarded with a service award based on years of service. The pay plan continues to exceed Miami-Dade County School's current plan.
- Two additional basketball intramural teams were included and competitive boys' flag football and girls' volleyball were added to the school's athletic offerings.
- Funds have been budgeted to provide a mobile learning computer lab and to install a wireless network for the Middle School Wing.

**AVENTURA CITY OF EXCELLENCE SCHOOL
MANAGEMENT'S DISCUSSION AND ANALYSIS
June 30, 2011**

- The budget continues to include revenue in the amount of \$ 125,000 from the Clear Channel agreement for proceeds from the billboard advertising.

The overall budget increased by 2.6% or \$ 194,556. This is largely due to the addition of four new teachers and employee salary increases. 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.

REQUESTS FOR INFORMATION

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

**BASIC FINANCIAL
STATEMENTS**

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF NET ASSETS
June 30, 2011

A S S E T S

	<u>Governmental Activities</u>
CURRENT ASSETS:	
Cash, cash equivalents, and investments	\$ 2,949,422
Accounts receivable	36,191
Prepaid expenses	<u>30,575</u>
Total current assets	<u>3,016,188</u>
NONCURRENT ASSETS:	
Capital assets, net of accumulated depreciation	<u>2,074,362</u>
Total assets	<u>5,090,550</u>
LIABILITIES AND NET ASSETS	
CURRENT LIABILITIES:	
Accounts payable	145,612
Accrued expenses	588,766
Unearned revenue	11,307
Compensated absences	<u>3,494</u>
Total current liabilities	<u>749,179</u>
NONCURRENT LIABILITIES:	
Compensated absences	<u>31,450</u>
Total noncurrent liabilities	<u>31,450</u>
Total liabilities	<u>780,629</u>
NET ASSETS:	
Invested in capital assets	2,074,362
Unrestricted	<u>2,235,559</u>
Total net assets	\$ <u><u>4,309,921</u></u>

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

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF ACTIVITIES
For the Year Ended June 30, 2011

	<u>Expenses</u>	<u>Program Revenues</u>			<u>Governmental Activities</u>
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	<u>Net Revenue (Expense) and Change in Net Assets</u>
FUNCTIONS/PROGRAMS:					
Instruction	\$ 4,166,489	\$ 79,816	\$ -	\$ -	\$ (4,086,673)
Instructional media services	71,114	-	-	-	(71,114)
Operation of facility	1,866,442	403,579	63,955	537,463	(861,445)
School administration	1,019,985	-	-	-	(1,019,985)
Pupil transportation services	184,140	-	108,334	-	(75,806)
Community services	<u>146,996</u>	<u>192,991</u>	<u>-</u>	<u>-</u>	<u>45,995</u>
 Total governmental activities	 <u>\$ 7,455,166</u>	 <u>\$ 676,386</u>	 <u>\$ 172,289</u>	 <u>\$ 537,463</u>	 <u>(6,069,028)</u>
 General revenues:					
FTE nonspecific revenues					6,340,381
Miscellaneous income					106,704
Investment earnings					8,149
Transfers from other funds of the City					<u>100,000</u>
					 Total general revenues and transfers
					<u>6,555,234</u>
					 Change in net assets
					486,206
					 Net assets, July 1, 2010
					<u>3,823,715</u>
					 Net assets, June 30, 2011
					<u>\$ 4,309,921</u>

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

AVENTURA CITY OF EXCELLENCE SCHOOL
 BALANCE SHEET - GOVERNMENTAL FUND
 June 30, 2011

A S S E T S

	<u>Special Revenue Fund</u>
ASSETS:	
Cash, cash equivalents and investments	\$ 2,949,422
Accounts receivable	36,191
Prepaid expenditures	<u>30,575</u>
Total assets	<u>\$ 3,016,188</u>

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

LIABILITIES:	
Accounts payable	\$ 145,612
Accrued expenses	588,766
Deferred revenue	<u>47,498</u>
Total liabilities	<u>781,876</u>
 FUND BALANCE:	
Nonspendable	30,575
Assigned	<u>2,203,737</u>
Total fund balance	<u>2,234,312</u>
Total liabilities and fund balance	<u>\$ 3,016,188</u>

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

AVENTURA CITY OF EXCELLENCE SCHOOL
RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUND
TO THE STATEMENT OF NET ASSETS
 June 30, 2011

TOTAL FUND BALANCE - GOVERNMENTAL FUND, PAGE 10	\$ 2,234,312
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Amounts reported for governmental activities in the Statement of Net Assets 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	\$ 2,656,217	
Accumulated depreciation is	<u>(581,855)</u>	2,074,362

Some deferred revenues have met the earned criteria for recognition in the Statement of Activities.	36,191
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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>(34,944)</u>
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NET ASSETS OF GOVERNMENTAL ACTIVITIES, PAGE 8	\$ <u><u>4,309,921</u></u>
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The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGE IN FUND BALANCE - GOVERNMENTAL FUND
For the Year Ended June 30, 2011

	<u>Special Revenue Fund</u>
REVENUES:	
Federal sources	\$ 63,955
State sources	6,995,336
Local sources	<u>791,239</u>
Total revenues	<u>7,850,530</u>
 EXPENDITURES:	
Current:	
Instruction	4,166,489
Instructional media services	71,114
Operation of facility	1,516,765
School administration	1,002,874
Pupil transportation services	184,140
Community services	146,996
Capital outlay	<u>225,258</u>
Total expenditures	<u>7,313,636</u>
Excess of revenues over expenditures	<u>536,894</u>
 OTHER FINANCING SOURCES:	
Transfers from other funds of the City	<u>100,000</u>
Total other financing sources	<u>100,000</u>
Net change in fund balance	636,894
FUND BALANCE, July 1, 2010	<u>1,597,418</u>
FUND BALANCE, June 30, 2011	\$ <u><u>2,234,312</u></u>

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

AVENTURA CITY OF EXCELLENCE SCHOOL
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES AND CHANGE IN FUND BALANCE
OF THE GOVERNMENTAL FUND TO THE STATEMENT OF ACTIVITIES
For the Year Ended June 30, 2011

NET CHANGE IN FUND BALANCE - TOTAL GOVERNMENTAL FUND, PAGE 12	\$ 636,894
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Amounts reported for governmental activities in the
Statement of Activities are different because:

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

Current year provision for depreciation	(124,419)
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Deferred revenue, net change, that meets the revenue recognition criteria in the Statement of Activities, but not the fund statements.	(9,158)
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Some revenues and expenses reported in the
Statement of Activities are not reported in the
governmental fund because they have no effect on
current financial resources:

Change in compensated absences payable	(17,111)
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CHANGE IN NET ASSETS OF GOVERNMENTAL ACTIVITIES, PAGE 9	\$ <u><u>486,206</u></u>
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The accompanying notes to basic financial statements are an integral part of these statements.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2011

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 grades with an enrollment of 972 for the year ended June 30, 2011. The School is funded from public funds based on enrollment and can also be eligible for grants in accordance with State and Federal guidelines, including food service and capital outlay. The School can accept private donations and the City can incur debt for the operation of the School.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

Reporting entity:

The School operates under a charter granted by the sponsoring school district, the Miami-Dade County Public School District (the "District"). The current charter is effective until June 30, 2018 but provides for a renewal of up to 15 years by mutual agreement of both parties. In 2005, the School amended the charter to include grades six through eight. 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 assets; 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 FTE funding are reported. The facility used by the School is owned by the City and the capital assets and related debt for the facilities are not included in this report.

Basis of presentation:

Based on the guidance provided in the American Institute of Certified Public Accountants, *Audit and Accounting Guide - Audits of State and Local Governments* and provisions of Section 228.056(10), Florida Statutes, the School is presented as a governmental organization for financial statement reporting purposes.

Government-wide financial statements:

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

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2011

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

In the government-wide statement of net assets, 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 assets are reported in three (3) categories: invested in capital assets; restricted net assets; and unrestricted net assets.

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 (either operating or capital) grants while the capital grants column reflects capital-specific grants.

Fund financial statements:

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

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

Measurement focus and basis of accounting:

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

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

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

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2011

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

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 25 years and 3 to 5 years, respectively.

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

Unearned/deferred revenue:

Resources that do not meet revenue recognition requirements (not earned) are recorded as unearned revenue in the government-wide and deferred revenue in the fund financial statements. In addition, amounts related to governmental fund receivables that are measurable, but not available (not received within 60 days from fiscal year end), are recorded as deferred revenue in the governmental fund financial statements.

Equity classifications:

Government-wide financial statements

Equity is classified as net assets and displayed in three (3) components:

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

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

Unrestricted net assets - all other net assets that do not meet the definition of "restricted" or "invested in capital assets, net of related debt."

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2011

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Fund balance classifications:

Fund financial statements

Beginning with fiscal year 2010/11, the School implemented the provisions of Governmental Accounting Standards Board ("GASB") Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This Statement provides more clearly defined fund balance classifications to report on the nature and extent to which the School is bound to have constraints on the specific purposes for which amounts in those funds can be spent.

The following classifications describe the relative strength of the spending constraints (Note 9):

- *Nonspendable Fund Balance* – amounts that are not in spendable form (such as prepaid items) or are legally or contractually required to be maintained intact.
- *Restricted Fund Balance* – amounts 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 City Commission itself, using its highest level of decision making authority (i.e., the City Commission Members) through resolution or ordinance. To be reported as committed, amounts cannot be used for any other purpose unless the City Commission Members take the same highest level action (i.e., resolution or ordinance) to remove or change the constraint.
- *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 delegated such authority at their direction.
- *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 to be spent first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing this, such as in grant agreements requiring dollar for dollar spending. Additionally, the School would first use committed fund balance, followed by assigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

Encumbrances:

Encumbrances represent commitments relating to unperformed contracts for goods or services. At June 30, 2011, there were no encumbrances outstanding.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2011

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Deposits and investments:

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

Post-retirement benefits:

The City of Aventura provides post-employment healthcare coverage, including medical and dental benefits, to eligible individuals which consists 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, 2011.

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 10-50% based on length of service.

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

Accumulated compensated absences are recorded as expenses in the government-wide financial statements when earned. Expenditures for accumulated compensated absences have been recorded in the governmental fund only in connection with terminated employees.

State funding (primary source of revenue):

Student funding is provided by the State of Florida through the School Board of Miami-Dade County, Florida. Such funding is recorded as FTE nonspecific revenue. 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.

Use of estimates:

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

Interfund transfers:

Other financing sources include \$ 100,000 in revenue from the Red Light Violation Program, from the City's general fund, to assist in the support of general operations of the School.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2011

NOTE 3 –DEPOSITS AND INVESTMENTS

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

Deposits:

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

The Florida SBA Pool is not a registrant with the Securities and Exchange Commission ("SEC"); however, its board has adopted operating procedures consistent with the requirements for a 2a-7 fund. The SBA investments are allocated among two funds, Fund A and Fund B (hereinafter referred to as "Florida PRIME" and "LGIP-B"). For the Florida PRIME, a 2a7-like pool, the value of the City's position is the same as the value of the pool shares and is recorded at amortized cost. At June 30, 2011, the School's investment share in the Florida PRIME was that of \$ 1,139,597. The LGIP-B pool is accounted for as a fluctuating net asset value "NAV." The balance of the School's investment share in LGIP-B at year end amounted to \$ 7,390, with a net asset value factor of 0.78965331. The SBA is governed by Chapter 19-7 of the Florida Administrative Code. These rules provide guidance and establish the general operating procedures for the administration of the SBA. Additionally, the Office of the Auditor General of the State of Florida performs the operational audit of the activities and investment of the SBA. The SBA accounts are not subject to custodial credit risk as these investments are not evidenced by securities that exist in physical or bank entry form.

Investments:

The City had previously 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 below. 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. The City's policy allows them to invest, but is not limited to the following: (1) obligations of the United States and its agencies; (2) highly rated obligations of any state of the United States or of any political subdivision; authority or agency thereof; (3) shares or other interests in custodial arrangements or pools maintaining constant net asset values and in highly rated no-load open-end money market mutual funds (with constant or fluctuating net asset values) whose portfolios are limited to obligations of the United States and its agencies, and repurchase agreements fully collateralized by such obligations; and (4) the Florida Local Government Surplus Funds Trust Fund "SBA".

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
 June 30, 2011

NOTE 3 –DEPOSITS AND INVESTMENTS (continued)

As of June 30, 2011, the City's cash, cash equivalents and investments consisted of the following:

State Board of Administration -			
SBA, Florida PRIME	\$	1,139,597	
Deposits with financial institutions		780,429	
U.S. Government obligations		447,422	
U.S. treasury bills		378,120	
Corporate bonds		111,021	
Collateralized mortgage obligations		41,803	
Municipal obligations		29,158	
Money market funds		7,874	
State Board of Administration -			
SBA, Fund B		7,390	
Mortgage-backed securities		6,208	
Petty cash		400	
		2,949,422	
	\$	2,949,422	

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 City's debt-type investments to this risk using the segmented time distribution model is as follows:

Summary of Investments and Interest Rate Risk	Fair Value	Less Than 1 Year	1-5 Years	6-10 Years
State Board of Administration -				
SBA, Florida PRIME	\$ 1,139,597	\$ 1,139,597	\$ -	\$ -
U.S. Government obligations	447,422	148,375	299,047	-
U.S. treasury bills	378,120	73,720	304,400	-
Corporate bonds	111,021	29,392	81,629	-
Collateralized mortgage obligations	41,803	-	35,423	6,380
Municipal obligations	29,158	7,386	21,772	-
Money market funds	7,874	7,874	-	-
State Board of Administration -				
SBA, Fund B	7,390	-	-	7,390
Mortgage-backed securities	6,208	-	6,208	-
	\$ 2,168,593	\$ 1,406,344	\$ 748,479	\$ 13,770

AVENTURA CITY OF EXCELLENCE SCHOOL
 NOTES TO BASIC FINANCIAL STATEMENTS
 June 30, 2011

NOTE 3 –DEPOSITS AND INVESTMENTS (continued)

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

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

Rating	Fair Value
AAA	\$ 909,917
AAAm	1,139,597
AA+	27,452
AA	55,081
AA-	29,156
Not Rated	7,390
	\$ 2,168,593

Concentration of credit risk - 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. As of June 30, 2011, there were no investments held that represent 5% or more in any one issuer.

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, the owner 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.

NOTE 4 –CAPITAL ASSETS

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

	Balance July 1, 2010	Additions	Deletions	Balance June 30, 2011
Leashold improvements	\$ 2,204,862	\$ -	\$ -	\$ 2,204,862
Equipment	451,355	-	-	451,355
Less: accumulated depreciation	457,436	124,419	-	581,855
	\$ 2,198,781	\$ (124,419)	\$ -	\$ 2,074,362

The provision for depreciation for the year ended June 30, 2011 amounted to \$ 124,419. The School allocated depreciation to operation of facility.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
 June 30, 2011

NOTE 5 - LONG-TERM LIABILITIES

The following is a summary of long-term liabilities for fiscal year ended June 30, 2011:

	Balance July 1, 2010	Increases	Decreases	Balance June 30, 2011	Amount Due Within One Year (Estimate)
Compensated absences	\$ 17,833	\$ 28,656	\$ (11,545)	\$ 34,944	\$ 3,494

NOTE 6 - 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, assistant principal and custodian, are employees of CSUSA. The contract expires in June 2013 and provides for a fee based on a percentage of certain revenues of the School which is 6% for 2007 through 2013; however, the fees for fiscal year 2010/2011 were negotiated at a flat fee of \$ 27,200 per month. Total fees paid to the management company for fiscal year 2010/11 were approximately \$ 326,000. The majority of the costs reimbursed by the City to CSUSA relate to teachers' salaries and benefits.

Lease agreement:

The School's operations are located at a facility that is owned by the City. In September 2002, the City entered into a bond indenture agreement with the Florida Intergovernmental Finance Commission through an interlocal governmental agreement. As a result, the City issued \$ 12,610,000 in Series 2002 Revenue Bonds to finance the acquisition of land and the construction of a charter school as well as the construction of a community center. Approximately \$ 6,651,100 of the bond issue is related to the acquisition, construction and equipping of the School facility. The School is leasing its premises from the City under an operating lease agreement, which expired June 30, 2011, 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 on the obligation of the Series 2002 Revenue Bonds. Future minimum payments required from the School by the City for the Series 2002 Revenue Bonds are approximately as follows:

Year Ending <u>June 30,</u>	
2012	\$ 442,200
2013	443,400
2014	441,600
2015	441,800
2016	444,100
Thereafter	6,842,700
	\$ 9,055,800

Litigation:

A legal action, which arose in the normal course of operations, is pending against the City/School. It is management's opinion, based on the advice of the City Attorney, that the outcome of this legal action will not have a material adverse effect on the financial statements of the City/School. Management also believes that the litigation against the City/School will be covered by insurance.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO BASIC FINANCIAL STATEMENTS
June 30, 2011

NOTE 6 - COMMITMENTS AND CONTINGENCIES (continued)

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

NOTE 7 - 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 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 8 - 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 three (3) full-time employees who are eligible to participate in these plans. Under these plans, the City contributes 15%, 14% or 7% of employee salary for each of the three 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 three employees of approximately \$ 26,500 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.

NOTE 9 - FUND BALANCE

During the fiscal year ended June 30, 2011, the School has adopted GASB No. 54, which redefined how fund balances of the governmental funds are presented in the financial statements. Fund balances (Note 2) are classified as follows:

- *Nonspendable Fund Balance* - amounts that are not in spendable form or are legally or contractually required to be maintained intact. The School has classified \$ 30,575 of prepaid items as being Nonspendable as these items are not expected to be converted to cash.
- *Assigned Fund Balance* - amounts the School intends to use for a specific purpose but are neither restricted nor committed. The School has a total of \$ 2,203,737 in Assigned Fund Balance, of which \$ 399,935 is being assigned for subsequent year's budget.

**SUPPLEMENTARY
INFORMATION**

AVENTURA CITY OF EXCELLENCE SCHOOL
STATEMENT OF REVENUES AND EXPENDITURES
BUDGET AND ACTUAL - SPECIAL REVENUE FUND
For the Year Ended June 30, 2011

	Original and Final Budget	Actual Amounts, Budgetary Basis	Budget to GAAP Differences Over (Under)	Actual Amounts GAAP Basis	Variance
REVENUES AND TRANSFERS:					
FTE nonspecific revenues	\$ 5,904,000	\$ 6,307,841	\$ 32,540	\$ 6,340,381	\$ 403,841
Capital grant funds	500,000	546,621	-	546,621	46,621
Charges for services	281,100	412,259	-	412,259	131,159
Miscellaneous income	100,000	186,520	-	186,520	86,520
Field trip revenue	200,000	184,311	-	184,311	(15,689)
Transportation funds	169,000	108,334	-	108,334	(60,666)
Transfers from other funds of the City	100,000	100,000	-	100,000	-
Operating grants and contributions	32,557	63,955	-	63,955	31,398
Investment earnings	15,000	8,149	-	8,149	(6,851)
Allocation of fund balance	263,228	-	-	-	(263,228)
Total revenues and transfers	7,564,885	7,917,990	32,540	7,950,530	353,105
EXPENDITURES:					
Salaries	3,881,257	3,972,603	-	3,972,603	91,346
Professional services	559,000	610,039	32,540	642,579	51,039
Lease expense - transfers	444,000	444,000	(444,000)	-	-
Repairs and maintenance	295,000	334,909	-	334,909	39,909
Payroll taxes	299,086	304,697	-	304,697	5,611
Employee health insurance	537,415	249,817	-	249,817	(287,598)
Supplies	327,414	230,812	-	230,812	(96,602)
Field trips	210,000	227,594	-	227,594	17,594
Capital outlay	232,800	225,258	-	225,258	(7,542)
Utilities	181,000	165,906	-	165,906	(15,094)
Textbooks	106,000	121,749	-	121,749	15,749
Bonuses	149,500	97,741	-	97,741	(51,759)
Food services	35,000	69,693	-	69,693	34,693
Workers' compensation insurance	48,852	56,969	-	56,969	8,117
Telephone	44,000	56,124	-	56,124	12,124
Pension contributions	54,034	46,789	-	46,789	(7,245)
Insurance	39,000	32,417	-	32,417	(6,583)
Travel	26,800	19,769	-	19,769	(7,031)
Stipends	68,800	9,000	-	9,000	(59,800)
Dues and fees	6,327	5,210	-	5,210	(1,117)
Sick day buyout	12,600	-	-	-	(12,600)
Advertising	4,000	-	-	-	(4,000)
Lease expense	3,000	-	444,000	444,000	(3,000)
Total expenditures	7,564,885	7,281,096	32,540	7,313,636	(283,789)
Net change in fund balance	\$ -	\$ 636,894	\$ -	\$ 636,894	\$ 636,894

See Notes to Supplementary Information.

AVENTURA CITY OF EXCELLENCE SCHOOL
NOTES TO SUPPLEMENTARY INFORMATION
June 30, 2011

Note A:

The School formally adopted a budget for the year ended June 30, 2011. Budgeted amounts may be amended by resolution or ordinance by the City Commission. The budget has been prepared in accordance with accounting principles generally accepted in the United States of America with the exception of the items described in Note B. A comparison of the actual results of operations to the budgeted amounts for the Special Revenue Fund is presented as supplementary information.

Note B:

The budget is adopted using the same basis of accounting on which the financial statements are prepared except for a 2% administrative charge that is retained by the School Board of Miami-Dade County. This amount is not reflected on the School's budget basis due to the lack of availability of such funds. For fiscal year 2010/11 this amount was \$ 32,540.

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

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



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*

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

We have audited the financial statements of the Aventura City of Excellence School (a special revenue fund of the City of Aventura, Florida) (the "School"), as of and for the year ended June 30, 2011, and have issued our report thereon dated August 25, 2011. 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.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the School's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the School's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the School's internal control over financial reporting.

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 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.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the School's financial statements are free of 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*.

Aventura City of Excellence School

This report is intended solely for the information and use of the School's management, the City Commission, 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 those specified parties.

Keefe, McCullough & Co., LLP
KEEFE, McCULLOUGH & CO., LLP

Fort Lauderdale, Florida
August 25, 2011



INDEPENDENT AUDITORS' REPORT TO MANAGEMENT

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

We have audited the financial statements of the Aventura City of Excellence School, (a special revenue fund of the City of Aventura, Florida) (the "School"), as of and for the fiscal year ended June 30, 2011 and have issued our report thereon dated August 25, 2011.

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. We have issued our Independent Auditors' Report on Internal Control Over Financial Reporting and Compliance and Other Matters. Disclosures in that report, which is dated August 25, 2011, should be considered in conjunction with this management letter.

Additionally, our audit was conducted in accordance with the provisions of Chapter 10.850, Rules of the Auditor General, which govern the conduct of charter school and similar entity audits performed in the State of Florida. This letter includes the following information, which is not included in the aforementioned auditors' report:

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 in the preceding annual financial audit report.

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 violations of 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 more than inconsequential. In connection with our audit, we did not have any such findings.

Section 10.854(1)(e)5., Rules of the Auditor General, provides that the auditor may, based on professional judgment, report the following matters that have an inconsequential effect on the financial statements considering both quantitative and qualitative factors: (1) violations of provisions of contracts or grant agreements, fraud, illegal acts, or abuse, and (2) deficiencies in internal control that are not significant deficiencies. In connection with our audit, we did not have any such findings.

Aventura City of Excellence School

Section 10.854(1)(e)6., Rules of the Auditor General, requires the name or official title of the school. The official title of the school is Aventura City of Excellence School.

Section 10.854(1)(e)2., Rules of the Auditor General, requires a statement be included 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)(3)7.a. and 10.855(10), Rules of the Auditor General, we applied financial condition assessment procedures. 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.

Pursuant to Chapter 119, Florida Statutes, this management letter is a public record and its distribution is not limited. Auditing standards generally accepted in the United States of America require us to indicate that this letter is intended solely for the information and use of the School's management, the City Commission, 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.

Keefe, McCullough & Co., LLP
KEEFE, McCULLOUGH & CO., LLP

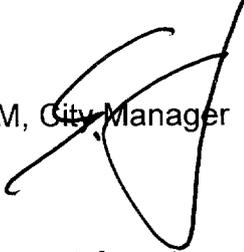
Fort Lauderdale, Florida
August 25, 2011



CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: August 26, 2011

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

September 6, 2011 City Commission Meeting Agenda Item 5-6

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 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:

Monique Alfonso, Rachael Cutrufello, Aida Darby, Sergio Delgado, Katie Frieze, Eleven Rico, Stefanie Seed, Chelsea Slack, Sara Zachar.

Elementary Education – Rachael Cutrufello

Science 5 – 9 – Jessica Jacques

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 involved are involved in a five course sequence allowing five years for completion:

Heather Ramunno, Shawnda Simmons

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

EMS/act

Attachment

CCO1753-11

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 29, 2011

SUBJECT: **Resolution Selecting the Firm of PEAR Programs, LLC to Perform Recreation Programs, Activities, Events, Classes and Athletic League Management Services Relative to RFP No. 11-8-8-2**

September 6, 2011 City Commission Meeting Agenda Item 5H

Recommendation:

It is recommended that the City Commission adopt the attached Resolution that selects the firm to provide recreation management services in accordance with RFP # 11-8-8-2. The resolution selects the firm of PEAR Programs, LLC as the recommended firm and authorizes the City Manager to negotiate a contract for services.

Background:

In accordance with the City's purchasing ordinance, a Request For Proposals (RFP) for providing Recreational Programs, Activities, Events, Classes and Athletic League Management Services was solicited, advertised, and opened on August 8, 2011. A Review Committee consisting of the Finance Director, Community Services Director and both Parks and Recreation Managers in the Community Services Department was formed to evaluate the proposals and interview firms to prepare a recommendation to the City Manager.

Since 2004, the City has an Agreement with Miami Fitness Connection to provide recreation program management services. Their compensation is based on a 70/30 revenue split that is derived from registration fees for recreation programs, activities, camps, classes and youth athletics (after background screening costs for personnel are deducted).

The City collects all revenues and pays Miami Fitness Connection, Inc. 70% of recreation program registration fees on a monthly basis.

The RFP asked for the following information:

- ✓ Qualification and experience of firm and personnel.
- ✓ Firm's size, age, and organization.
- ✓ Firm's experience with providing similar recreational services.
- ✓ Compensation formulas including the requested percentage of revenues derived from registration fees for all programs and activities and the cost basis for providing qualified personnel on an hourly basis.
- ✓ Innovative ideas.
- ✓ Client list.
- ✓ Any other information they felt is appropriate to assist in the selection process.

The following is a brief summary of the action taken by the Review Committee to arrive at their final recommendations:

1. The RFP was published on the DEMANDSTAR website notifying interested firms, and was emailed to the following four firms:

Miami Fitness Connection, Inc.
PEAR Programs, LLC.
Sunshine Child Programs
YMCA

2. Two completed RFP proposals were publicly opened on August 8, 2011 from the following firms:

Miami Fitness Connection, Inc.
PEAR Programs, LLC

3. The two firms were interviewed by the Review Committee on August 25, 2011.
4. Based on the RFP submission requirements and interviews, the Review Committee reached a consensus to recommend one firm to the City Manager, with one alternate firm that would be called upon should we fail to reach favorable terms with the top ranked firm. A contract to establish the scope of work and fees will be negotiated with the recommended firm.

Although both firms are well qualified, the Review Committee selected the firm of PEAR Programs, LLC as the recommended firm. This selection was based on the quality of their presentations and the proposed revenue compensation formulas:

1. PEAR Programs, LLC proposed a 70/30 revenue split, as currently exists with Miami Fitness Connection, Inc. They provide staff training and recreation programming for the cities of Miami Beach, Sunrise and Tamarac. They also provide children's programming for the Trump International Beach Resort and Sole on the Ocean.
2. Miami Fitness Connection, Inc. (our current recreation services contractor) proposed an increase of their share of revenue from 70 to 80%. Based on a registration fee of \$100, the City currently receives \$30 or 30%. In order for the City to receive the same dollar amount under an 80/20 revenue split, the City would have to increase the \$100 registration fee by 50% to \$150 ($\$150 \times 20\% = \30). Their justification and reasoning for this increase was based on increased personnel, equipment, supplies, transportation and insurance costs. Their proposal and presentation made it clear that this proposed revenue split would not be re-considered.

Now that the Review Committee has completed its work, the following actions are necessary to complete this process.

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

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

RMS/gf

Attachments

RMS11022

RESOLUTION NO. 2011- __

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, SELECTING THE FIRM OF PEAR PROGRAMS, LLC TO PERFORM RECREATION PROGRAMS, ACTIVITIES, EVENTS, CLASSES AND ATHLETIC LEAGUE MANAGEMENT SERVICES RELATIVE TO RFP NO. 11-8-8-2; AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS AND FEES FOR SAID SERVICES; AUTHORIZING NEGOTIATIONS WITH AN ALTERNATE FIRM TO PERFORM THE REQUIRED SERVICES SHOULD NEGOTIATIONS WITH SELECTED FIRM BE UNSUCCESSFUL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Aventura, in accordance with applicable State law has requested proposals from firms to provide professional recreation programs, activities, events, classes and athletic league management services at the Community Recreation Center and at various City parks and facilities; and

WHEREAS, said proposals were evaluated by a Selection Committee consisting of the Community Services Director, Finance Director, and Parks and Recreation Managers.

WHEREAS, said Selection Committee recommends the firm of Pear Programs, LLC, based on said firm's experience and qualifications; and

WHEREAS, said Selection Committee recommends the selection of the firm of Miami Fitness Connection, Inc., should the City be unable to reach favorable terms with the firm of Pear Programs, LLC; and

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

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

Section 1: The firm of Pear Programs, LLC is hereby selected to provide professional recreation programs, activities, events, classes and athletic management services relative to RFP No. 11-8-8-2.

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

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

Section 4: In the even the City is unable to come to favorable terms and fees with the firm of Pear Programs, LLC, the City Manager is hereby authorized to negotiate scope of services and fees with the alternate firm of Miami Fitness Connection, Inc.

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

PASSED AND ADOPTED this 6th day of September, 2011.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**CITY OF AVENTURA
REQUEST FOR PROPOSALS
11-8-8-2**



**Recreation Programs, Activities, Events, Classes and
Athletic League Management Services**

SUBMITTAL DATE: August 8, 2011 2:00 P.M.

**REQUEST FOR PROPOSALS
RFP # 11-8-8-2
CITY OF AVENTURA
RECREATION PROGRAMS, ACTIVITIES, EVENTS, CLASSES AND ATHLETIC
LEAGUE MANAGEMENT SERVICES**

The City of Aventura is requesting proposals from qualified firms to provide recreation programs, activities, events, and athletic league management services for the City of Aventura. Interested firms may obtain the Request for Proposals package at www.cityofaventura.com/finance/bids.shtml, or at the following:

**Finance Department
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180**

Submittals must be received no later than 2:00 p.m. on August 8, 2011 and clearly marked on the outside" RFP # 11-8-8-2 Recreation Programs, Activities, Events, Classes and Athletic League Management Services". Late submittals will not be accepted.

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

CAMPAIGN FINANCE RESTRICTIONS ON VENDORS

- A. Pursuant to Ordinance 2005-14; City Code Section 2-420, vendors of the City are prohibited from in any way providing campaign contributions to City commission candidates.
- B. City Code Sec. 2-420. Prohibited campaign contributions by vendors.
 - (a) *General, prohibition, disqualification, definitions.*
 - (1) a. No vendor shall give, solicit for, deliver or provide a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the Offices of Mayor or Commissioner. Commencing on the effective date of this article, all proposed City contracts, as well as requests for proposals (RFP), requests for qualifications (RFQ), requests for letters of interest (RFLI), or solicitations of bids issued by the City, shall incorporated notice of this section so as to notify potential vendors of the proscription embodied herein.
 - b. No candidate or campaign committee of a candidate for the Offices of Mayor or Commissioner, shall deposit into such candidate's campaign

account any campaign contribution which is received directly or indirectly from a vendor or which such candidate or campaign committee knows or should know was solicited by or for a vendor or delivered or provided for a vendor. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming through examination of the official vendor list which is posted on the City's website to verify the vendor status of any potential contributor. A candidate or the campaign committee of a candidate shall not be in violation of this subsection if the vendor was not listed as a vendor on the City's website at the time that the contribution was received or deposited so long as the candidate or the campaign committee of a candidate did not know that the person or entity was a vendor of the City.

(2) Each prohibited act of giving, soliciting for, delivering or providing a campaign contribution or depositing a campaign contribution in violation of this section shall constitute a separate violation. All contributions deposited into a candidate's campaign account in violation of this section shall be forfeited to the City's General Fund.

(3) a. A person or entity, other than a then existing vendor, who directly or indirectly makes a campaign contribution to a candidate who is elected to the office of Mayor or Commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the City. A then existing vendor who directly or indirectly makes a contribution to a candidate who is elected to the Office of Mayor or Commissioner, shall be disqualified from serving as a vendor with the City for a period of 12 months from a final finding of a violation of this section, or from the time of action on a waiver request by the City Commission pursuant to subsection (b) below, in the event that a waiver is sought by the vendor. In the event that such waiver request for a particular transaction is granted, the affected vendor shall nonetheless be disqualified from serving as a vendor with the City as to any other goods, equipment or services to be provided by the vendor to the City, beyond the vendor goods, equipment or services which are the subject matter of any waiver which is granted. In the event such waiver request is denied for a particular transaction the 12-month disqualification period shall continue to apply to both the particular transaction for which the waiver was sought, as well as all other vendor activities for the provision of goods, equipment or services to the City during that 12-month period.

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

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

(4) As used in this section:

- a. *Vendor.*

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

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

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

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

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

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

(b) *Waiver of prohibition.*

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

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

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

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

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

(2) *Limited waiver.* Notwithstanding the denial of the City Commission of a waiver request regarding the provision of goods, equipment or services under an existing contract pursuant to subsection (b)a. above, the City Commission, may by the affirmative vote of five members of the City Commission after a public hearing, grant a limited waiver concerning an existing contract for the provision of goods, equipment or services between a vendor and the City upon finding that in order to protect the health, safety and welfare of the citizens of the City, it is necessary that the affected

contract be continued for a limited duration (not to exceed a period of six months) in order for the City to obtain a replacement vendor.

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

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

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

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

(Ord. No. 2005-14, § 3, 10-11-05)

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

Eric M. Soroka
City Manager

REQUEST FOR PROPOSALS

SUBJECT: Recreation Programs, Activities, Events, Classes and Athletic League Management Services

OPENING DATE & TIME: August 8, 2011 @ 2:00 P.M.

SUBMIT TO: Office of the City Manager
City of Aventura
19200 West Country Club Drive
Aventura, Florida 33180

RFP NUMBER: 11-8-8-2

INTENT

The City of Aventura, Florida is inviting the submission of proposals from qualified firms to provide recreational programs, activities, events, classes, athletic leagues, and other recreational services for the City of Aventura.

BACKGROUND

The City of Aventura has a diverse population of over 36,000, and desires to engage the services of a qualified firm to provide comprehensive recreational programs, events, leagues, services, classes, tournaments, and camps; including but not limited to youth and adult sports, special events, city festivals, senior activities, fitness classes and activities, after school programming and other services as needed. The City of Aventura is located in the northeast corner of Miami-Dade County and is approximately 3.5 square miles in size. The City delivers a majority of its public and community services by utilizing firms employing sound business practices with an emphasis on excellence and effective customer service principles.

The City operates the following parks and community facilities:

1. Founders Park: 11 acre multi-use facility that contains an athletic field, two clay tennis courts, fitness course, park building with restrooms, SplashPad interactive water feature playground, 10,000 square foot playground, shelters, and parking for 85 cars.
2. Waterways Park: 7 acre multi-use facility that contains a lighted athletic field, 6,500 square foot playground, covered pavilion, outdoor basketball court, exercise path with fitness course, park office building, and parking for 85 cars.
3. Veterans Park: 2 acre facility with playground and open field play areas and parking for 23 cars.
4. Waterways Dog Park: 1.5 acre leash free park for dogs and parking for 20 cars.

5. Don Soffer Exercise Fitness Trail: 3.1 mile paved exercise trail with benches, chilled water fountains, trash cans, and ground lighting.
6. Aventura Community/Recreation Center: This membership based 25,000 square foot facility has two multi-purpose classrooms, computer center, arts and crafts room, NCAA gymnasium, aerobics room, and fitness center in a park setting on the Intracoastal Waterway.
7. Aventura City of Excellence School: This K-8 School is located adjacent to the Community Recreation Center, and is where summer camp and after school programming takes place.

SERVICES SOUGHT

The purpose of this request for proposal is to establish the most effective and efficient methods of providing recreational programs, classes, activities, special events, athletic leagues, and other recreational services for the City residents of all ages.

The City utilizes an automated registration system where residents register for programs in person or via the City's website.

The proposal shall include the following information at a minimum.

1. Qualifications of firm and principals, including but not limited to: firm's history; number of years in business; quantity of programs, events, activities, and leagues coordinated; experience of principals in similar settings; safety record; local availability of key personnel; and has demonstrated the ability to cooperate with local leisure services agencies.
2. Evidence of all licenses and permits required for the creation of general recreation programming, athletic leagues, and special events
3. A plan to coordinate, implement and evaluate leagues, programs, and events in conformance with all applicable laws and regulations. Proposers shall provide a complete plan detailing general recreation programming for all ages including fitness programs, senior, cultural, and lifelong classes and activities, youth and adult athletic leagues, and special events.

PERFORMANCE, OPERATIONS, AND PERSONNEL STANDARDS

- ✓ The successful firm shall provide proof that all volunteers, instructors and employees (full time, part time, and temporary/seasonal) assigned to the City have undergone both criminal background screening and drug screening at the time of hire and during the term of the Agreement, at the Contractor's sole expense.
- ✓ The successful firm will be required to meet with any involved City Department upon by the City Manager or his designee. The successful firm's account representative will be available to resolve any related issues that arise during the

normal course of providing the requested services. The successful firm will be expected to coordinate and communicate effectively with designated City personnel. The frequency, nature, scope, and definition of the services desired by the City may change from time to time, at the City's sole discretion.

- ✓ Tobacco use of any kind is not permitted while on duty at all City programs.
- ✓ All financial transactions will be subject to City procedures and audit.
- ✓ All staff shall be fluent in English or be bi-lingual with English as one of the spoken languages.
- ✓ All staff shall have current CPR and Basic First Aid Training certification.
- ✓ All staff shall be groomed to present a professional image for the City and wear approved uniforms.
- ✓ The successful proposer shall have at least one management level employee at each site while recreation activities, events, leagues, classes and programs are being held, and supply enough personnel at all times to provide sufficient supervision, at the City's sole discretion.
- ✓ The successful proposer shall provide services solely as an independent contractor.
- ✓ All staff shall be prompt and dressed in proper uniforms when reporting to duty. Uniforms for participants, coaches, and staff shall be provided by the successful firm at their sole expense with City approval, at its sole discretion.
- ✓ All programs shall be managed, led and operated in a safe, competent and courteous manner.
- ✓ The successful firm will be responsible for providing food and snack concessions to selected programs and events, subject to the City's approval.

CONTENT OF PROPOSAL

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

1. Name, address, telephone, fax number and email address of your firm.
2. Type of organization (i.e., individual, partnership, corporation, joint venture, etc.), year established, and address of home office if different than above.
3. Principals of the firm.
4. Name and title of person who will be responsible for City account.

5. Name, function, and qualifications of personnel in the organization who will be involved in this project. Please note, to receive further consideration, the contact person assigned to this project must, within the past five years, have conducted or been solely responsible for providing recreation program management services.
6. Compensation: Provide the following information:
 - a) Requested percentage of the revenues derived from registration fees for all programs and activities. For example: 50/50 split of revenue between contractor and City.
 - b) The cost basis for providing qualified personnel on an hourly basis. For example: a multiplier of 1.10% times the employee's hourly salary for computing salary costs.
 - c) Any other innovative examples of compensation methods.
7. General, workers compensation, automobile and professional liability insurance company name, and extent of coverage.
8. Dress and/or Grooming Code for employees.
9. A complete list of present clients and at least three letters of recommendation.
10. Any other information you feel is appropriate to assist in the selection process.
11. Respondents must submit five (5) copies of the proposal.

Submittals shall be received no later than 2:00 P.M. on August 8, 2011 and clearly marked on the outside "RFP # 11-8-8-2 Recreation Programs, Activities, Events, Classes and Athletic League Management Services Proposal".

EVALUATION OF PROPOSALS

1. A Review Committee consisting of the Community Services Director, Parks and Recreation Managers and an ACES representative will evaluate the written proposals. Evaluation will include the following criteria:
 - ✓ Qualification and experience of personnel who will be directly involved in all elements of the work.
 - ✓ Firm size, age, and organizational structure.
 - ✓ Financial stability of firm.
 - ✓ Firm's experience with recreation management services that is similar to the requests of this RFP.
 - ✓ Safety record.

- ✓ Innovative and creative approaches, ideas and concepts to providing recreational services as evidenced by the submittal.
 - ✓ Proven ability of firm to effectively manage recreation program management services to ensure successful programs as directed by the City.
2. The highest ranked proposals will be identified and those firms will be requested to make a formal presentation before the selection committee. The selected firms will then be ranked according to the content of their presentations. The City Manager will then recommend that the City Commission adopt a resolution authorizing the City Manager to negotiate an agreement with the highest ranking firm to provide recreation management services for the City; and if an agreement cannot be reached with the top ranked firm, to negotiate with the next highest ranking firm.

QUESTIONS

Questions concerning this Request for Proposals should be directed in writing to:

Eric M. Soroka, City Manager
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Issues of substance that are brought to the attention of the City will be responded to in writing, and copies provided to all firms of record who have received copies of the RFP.

CITY'S RIGHTS

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

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

CONE OF SILENCE PROVISION

- A. Notwithstanding any other provision of these specifications, the provisions of City Code Sec. 2-260 "Cone of Silence" are applicable to this transaction. The "Cone of Silence," as used herein, means a prohibition on any

communication regarding a particular Request For Proposal ("RFP"), Request for Qualification ("RFQ") or bid, between:

A potential vendor, service provider, proposer, bidder, lobbyist, or consultant, and:

the City Commission, City's professional staff including, but not limited to, the City Manager and his or her staff, any member of the City's selection or evaluation committee.

- B. The Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ, or bid.
- C. The Cone of Silence shall terminate at the beginning of the City Commission meeting at which the City Manager makes his or her written recommendation to the City Commission. However, if the City Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be re-imposed until such time as the Manager makes a subsequent written recommendation.
- D. The Cone of Silence shall not apply to:
 - (1) Oral communications at pre-bid conferences;
 - (2) Oral presentations before selection or evaluation committees;
 - (3) Public presentations made to the City Commissioners during any duly noticed public meeting;
 - (4) Communications in writing at any time with any City employee, unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the City Clerk. The City Clerk shall make copies available to any person upon request;
 - (5) Communications regarding a particular RFP, RFQ or bid between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the City's Purchasing Agent or City employee designated responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
 - (6) Communications with the City Attorney and his or her staff;
 - (7) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the City Manager makes his or her written recommendation;

- (8) Any emergency procurement of goods or services pursuant to City Code;
- (9) Responses to the City's request for clarification or additional information;
- (10) Contract negotiations during any duly noticed public meeting;
- (11) Communications to enable City staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the City's professional staff including, but not limited to, the City Manager and his or her staff are in writing or are made at a duly noticed public meeting.

- E. Please contact the City Attorney for any questions concerning Cone of Silence compliance.
- F. Violation of the Cone of Silence by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable by the City Commission and/or City Manager.

INSURANCE REQUIREMENTS

Such policy or policies shall be without any deductible amount unless otherwise noted in this Agreement and shall be issued by approved companies authorized to do business in the State of Florida, and having agents upon whom service of process may be made in Miami-Dade County, Florida. The vendor shall pay all deductible amounts, if any. The vendor shall specifically protect the City and by naming the "City of Aventura" as additional insureds under the Commercial Liability Policy as well as on any Excess Liability Policy coverage. The official title of the certificate holder is the "City of Aventura." This official title shall be used in all insurance documentation.

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

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

Owned Vehicles, if applicable.

Hired and Non-Owned Vehicles, if applicable.

Employers' Non-Ownership, if applicable.

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

Premises and/or operations.

Independent contractors.

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

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

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

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

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

4. A crime policy or fidelity bond covering, among other things: theft, employee dishonesty, or embezzlement. The policy or bond shall have minimum limits of Five Hundred Thousand Dollars (\$500,000.00) per occurrence.

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

The contractor agrees to indemnify, defend and hold harmless the City of Aventura from and against any and all claims, suits, judgments, executions, and/or liabilities as to bodily injuries and/or property damages which arise or grow out of this contract or contractors performance or operations hereunder.

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

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

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

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

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

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, 2011

SUBJECT: Request of Public Storage Inc. for Sign Variance
2940 NE 188 Street, City of Aventura
(02-SV-11)

September 6, 2011 City Commission Meeting Agenda Item 6A

RECOMMENDATION

It is recommended that the City Commission approve the request for variance to permit a wall sign measuring 100.75 square feet on the west building elevation of the Public Storage building at 2940 NE 188 Street, City of Aventura; where no wall sign is permitted by Code for public storage buildings, with the following conditions:

1. That the sign substantially comply with the plans submitted with the application, as follows:
 - "Public Storage", Cover Sheet, prepared by US Signs, dated 7-7-11.
 - "Public Storage", Sheet 1.4, prepared by US Signs, dated 7-7-11.
 - "Public Storage", Sheet 2.4, prepared by US Signs, dated 7-7-11.
 - "Public Storage", Sheet 3.4, prepared by US Signs, dated 7-7-11.
 - "Public Storage", Sheet 4.4, prepared by US Signs, dated 7-7-11.
2. That the owner relinquish all rights to the monument sign permitted by City Code Section 31-191(g)(1) for this property.

THE REQUEST

The applicant, Interstate Sign Crafters, is requesting variance from Section 31-191 of the City Code to permit one wall sign measuring 100.75 square feet on the west elevation of the public storage building at 2940 NE 188 Street, where no wall signs are permitted by Code for public storage buildings. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY	Public Storage
APPLICANT	Interstate Sign Crafters
LOCATION OF PROPERTY	2940 NE 188 Street (See Exhibit #2 for Location Map)
LEGAL DESCRIPTION	Part of the southwest ¼ of Section 3, Township 52 South, Range 42 East Miami-Dade County, City of Aventura (See Exhibit #3 for complete legal description)
ZONING	
Subject property:	TC2, Town Center Marine District
Property to the North:	TC1, Town Center District
Property to the South:	RMF3, Multifamily Medium Density Residential District
Property to the East:	RMF3A, Multifamily Medium Density Residential District
Property to the West:	TC1, Town Center District
EXISTING LAND USE	
Subject property:	Public Storage
Property to the North:	Office/Retail
Property to the South:	Multifamily Residential
Property to the East:	Multifamily Residential
Property to the West:	Marine Manufacture

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

Subject property:	Town Center
Property to the North:	Town Center
Property to the South:	Medium-High Density Residential
Property to the East:	Medium-High Density Residential

Property to the West:

Town Center

The Site - The subject site lies on the south side of NE 188 Street and contains the four story “Aventura Self Storage” building.

The Project – The property has been sold to Public Storage. The new owner will be continuing the existing public storage use of the building. This use is permitted in the TC2 zoning district.

The applicant is proposing one channel letter wall sign measuring 100.75 square feet on the west side of the building. This is the same location as the current “Aventura Self Storage” wall sign. The building has 125 feet of store frontage.

The sign package, showing the wall sign, which requires variance approval and also showing an awning sign, which is permitted by Code, is attached as Exhibit #4.

History of the Site – This public storage building was built in 1997. The City’s sign code allows wall signs on retail, office and hotel buildings but makes no provision for a wall sign on a public storage building. The City’s sign code does allow one monument sign on this property, measuring a maximum of 48 square feet.

The previous owner made application for sign variance in 1997 to permit two 90 square foot wall signs, with one sign on the north elevation and the other on the west elevation. The City Commission granted approval, through Resolution No. 97-82, for one 90 square foot wall sign on either the north or west elevation of the building, with the condition that the owner relinquish all rights to the permitted monument sign for the parcel.

The previous owner made a further sign variance application in 1998 to revise the 1997 approval to allow one 115 square foot sign on the west elevation of the building and to restore the right to erect a 48 square foot monument sign on the parcel. Through Resolution No. 98-65, the City Commission approved the larger wall sign on the west elevation but retained the relinquishment of the right to a monument sign. One of the conditions of Resolution No. 98-65 was that the wall sign read “Aventura Self Storage”.

A copy of Resolution No. 97-82, a copy of Resolution No. 98-65 and a photograph of the existing “Aventura Self Storage” wall sign are attached as Exhibits #5, #6 and #7.

Since the latter resolution restricted the wall sign to specifically read “Aventura Self Storage”, further sign variance approval is required for the new owner’s proposed sign reading “Public Storage”.

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

ANALYSIS

Section 31-191 of the City Code regulates signage. A public storage building is permitted a monument sign not to exceed 48 square feet in area. No provision is made in the Code for wall signs on public storage buildings. For retail, office and hotel buildings, one wall sign is permitted, except for corner or through locations or office and hotel buildings with more than six stories, where two wall signs are allowed. The area of wall signs for these buildings is based on the building frontage, with a maximum sign area of one square foot for each one lineal foot of building frontage.

The applicant requests approval to install one wall sign measuring 100.75 square feet, which is less than the sign size of 115 square feet approved through by Resolution No. 98-65. The applicant has shown in its sign package that the building will be repainted from coral to beige so that the proposed orange-colored "Public Storage" lettering will not conflict with the existing wall color.

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

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

Due to the location of this public storage building, a wall sign rather than a monument sign better serves the intent of the Sign Code. It is the intent of the Code to authorize the use of signs that are legible under the circumstances in which they are seen and effective in indexing needed goods and services. A wall sign on the west elevation of the building will better identify the business to the community than a monument sign on NE 188 Street.

This request does preserve the unique character of the City and is not in conflict with the basic intent and purpose of the sign code. The sign is compatible with surrounding land uses, will not be detrimental to the community and will effectively index the environment. The wall sign will direct customers approaching from the north, south and west of the building.

~~american signcrafters~~
~~interstate signcrafters~~
NEW YORK • NEW JERSEY • FLORIDA • SOUTH CAROLINA

130 Commerce Road
Boynton Beach, FL. 33426
Phone: 561-547-3760 Fax: 561-547-3842

August 29, 2011

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

Re: Public Storage – 2940 NE 188th Street

Dear Ladies and Gentlemen of the Board:

Please be advised that we have been contracted to assist Public Storage in the request for a sign variance at the location above. The property is allowed a 32 square foot monument sign however, Public Storage would like to forgo the monument sign and request a 100.75 square foot wall sign in lieu of the monument. We understand that the previous occupant of the building Public Storage now occupies had requested the same and was granted the variance accordingly. We will be pursuing this same outcome on behalf of our customer.

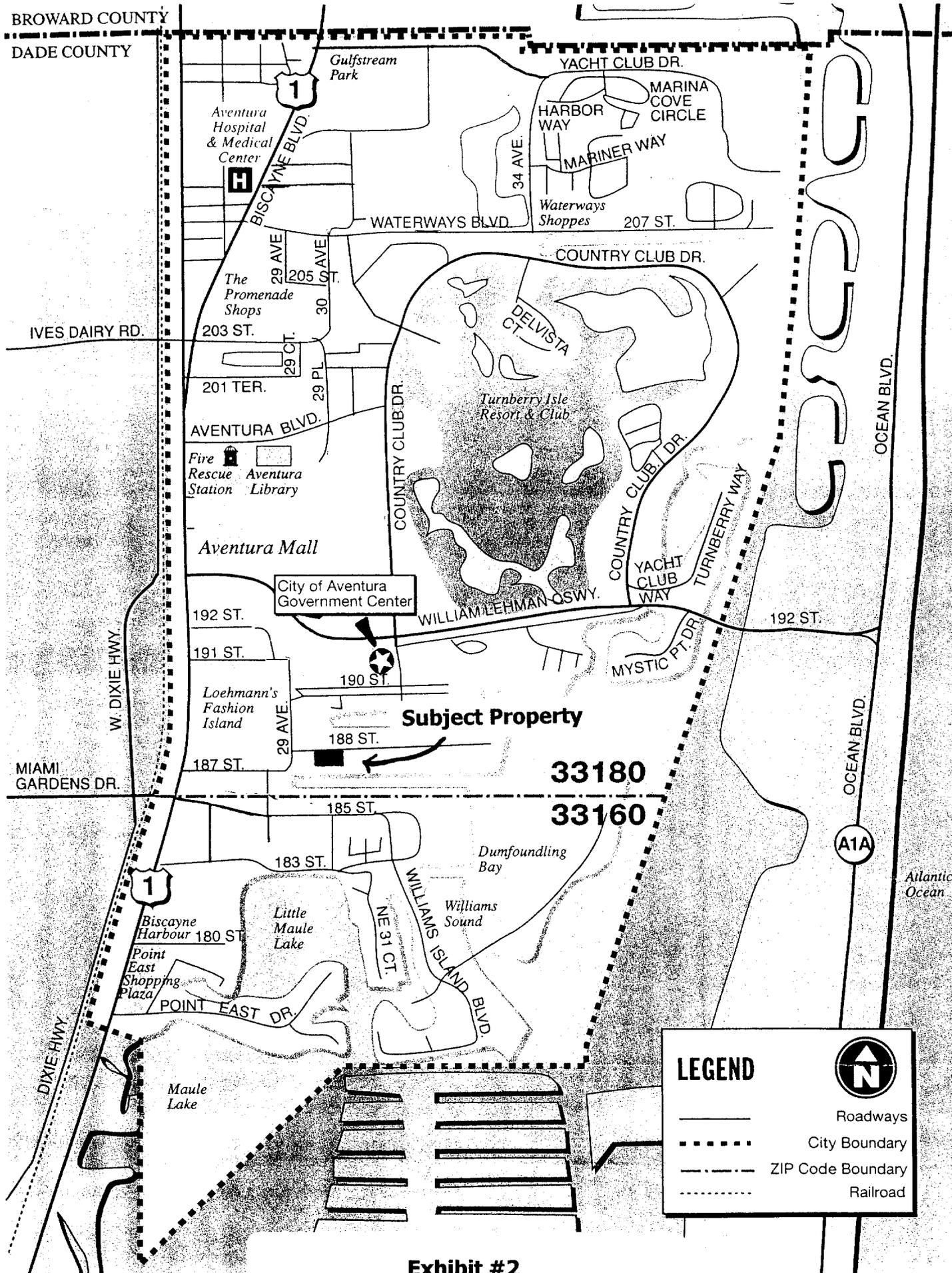
Thank you in advance for your consideration.

Respectfully,


Jeffery Petersen
Qualifier/President

Exhibit #1
02-SV-11

BROWARD COUNTY
DADE COUNTY



LEGEND

- Roadways
- City Boundary
- ZIP Code Boundary
- Railroad

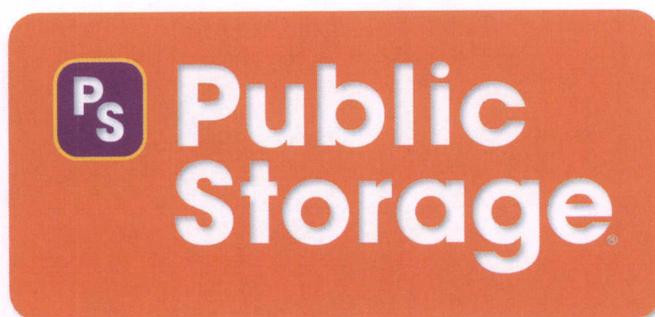
Exhibit #2
02-SV-11

Legal Description:

This parcel of land in the Southwest 1/4 of Section 3, Township 52 South, Range 42 East, Dade County, Florida, described as:

Commence on the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of fractional section 3, township 52 South, Range 42 East, Dade County, Florida; thence run North 00 degrees 39 minutes 25 seconds West along the West line of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said fractional Section 3, for a distance of 180.25 feet to a point; thence run North 89 degrees 20 minutes 35 seconds East for a distance of 270.03 feet to the point of beginning; thence continue North 89 degrees 29 minutes 35 seconds East for a distance of 180.00 feet to a point; thence run South 00 degrees 39 minutes 25 seconds East for a distance of 270.25 feet to a point on the North Bank of the existing Canal; thence run West along the North Bank of the existing Canal; thence run West along the North bank of the existing Canal for a distance of 180.00 feet more or less to point, thence run North 00 degrees 39 minutes 25 seconds West for a distance of 272.36 feet, more or less, to the point of beginning.

**Exhibit #3
02-SV-11**



25750-A R1
2940 NE 188th St

Aventura,
FL 33180

PRESENTED BY : KEVIN BROWN



Houston Corporate Office
6807 Portwest Dr.
Houston, TX 77024
713-977-7900
Fax 713-977-7903

Dallas Regional Office
2220 San Jacinto Blvd.
Suite 365
Denton, Texas 76205
940-380-9153
FAX: 940-380-9395

Exhibit #4
02-SV-11

CLOCK ELEVATION PAINT OPTION 1

SCOPE OF WORK:

REMOVE EXISTING CHANNEL LETTERS
PAINT BUILDING AS SHOWN

PROPOSED



EXISTING



COLOR SCHEDULE

- 1** PS ORANGE PMS 1665
- 2** Sw2059 SAND
- 3** Sw2060 Casa Blanca
- 4** PMS 123 YELLOW
- 5** PMS 249 PURPLE

SIGN 1

SQUARE FEET CALCULATIONS

Allowable	Existing	Proposed
115	125	100.75

THIS DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL AND THE RIGHT TO USE OR EXHIBIT IN ANY FORM IS NOT AUTHORIZED WITHOUT WRITTEN PERMISSION BY US SIGNS.



**Dallas
Houston**

Dallas Regional Office
2220 San Jacinto Blvd.
Suite 365
Denton, Texas 76205
940-380-9153
FAX: 940-380-9395

Houston Regional Office
1800 Bering Drive
Houston, TX 77057
713-977-7900
Fax 713-977-7903

Address: 25750:
2940 NE 188th St

City: Aventura,
State: FL 33180

Account Rep: T. GOMEZ
Sales Rep: K. BROWN

APPROVALS
CLIENT _____
DESIGN _____
PROD. _____

Designer: PETER CARDINAL
Design No: Ua160995A R1

DATE: 7-7-11
Rev. Date: 7-11-11

SEVENAL IS THE APPROVED
AND SEAL FOR P.E. ENGINEERS
AND ARCHITECTS
FLORIDA
PETER CARDINAL
ARCHITECTS
P.A.

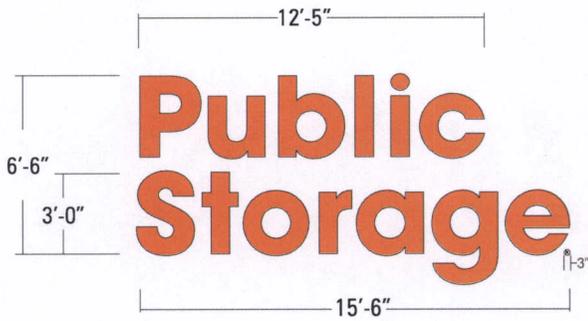
1.4

The purchaser agrees to hold the vendor harmless against all claims for action for damages which may occur as a result of drilling for piles and foundations, including but not limited to, water, gas lines or any other ground obstructions which the purchaser or others may have installed.

STACKED CHANNEL LETTERS

EXPLODED SECTION

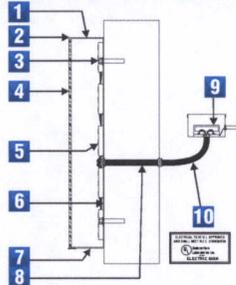
SIGN 1
100.75



SPECIFICATIONS

- 1** 5" Fabricated Aluminum Letter Returns
PAINTED BLACK
Paint interior with light enhancing paint
- 2** 1" Trim Cap BLACK
- 3** Non-Corrosive Installation Hardware:
SEE DETAIL
- 4** White 3/16" Thick Plex/Polycarbonate Face
With Applied Vinyl
- 5** US-LED Diode Module WHITE
- 6** Flat Aluminum Back Welded To Returns
- 7** 1/4" Weep Holes (2) Two Per Letter
- 8** Grounded Wall Pass-Thru
Sealed Water Tight
- 9** Low Voltage Electronic Transformer
Located in Interior Wall Area Inside A Protective
Case Box
- 10** Waterproof Flexible Conduit For Wiring
- 11** Routed Aluminum Disc With Applied Vinyl
(pin Mounted)

SECTION



THIS DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL, AND THE RIGHT TO USE OR EXHIBIT IN ANY FORM IS NOT AUTHORIZED WITHOUT WRITTEN PERMISSION BY US SIGNS.



Dallas Houston
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940-380-9153
FAX: 940-380-9395
Houston Regional Office
1800 Bering Drive
Houston, TX 77057
713-977-7900
Fax 713-977-7903

Public Storage

Address: 25750
2940 NE 188th St

City: Aventura
State: FL 33180

Account Rep: T.GOMEZ
Sales Rep: K. BROWN

APPROVALS
CLIENT _____
DESIGN _____
PROD. _____
Designer: PETER CARDINAL

Design No: U0160995A R1

DATE: 7-7-11

Rev. Date: 7-11-11

ELECTRICAL TO BE U.L. APPROVED
AND SHALL MEET N.E.C. STANDARDS
US SIGNS
ELECTRIC SIGN

3.4

The purchaser agrees to hold the seller harmless against any claims for damage which may occur as a result of drilling for pilot and fasteners, including but not limited to screws, pins, nails or any other hardware which the purchaser or others may deem valuable.

FRONT ELEVATION PAINT OPTION 1

SCOPE OF WORK:
RECOVER AWNING WITH GRAPHICS
PAINT BUILDING AS SHOWN



EXISTING

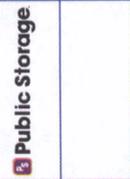


COLOR SCHEDULE

- 1** PS ORANGE PMS 1665
WEBLON ORANGE AWNING
- 2** Sw2059 SAND
- 3** Sw2060 Casa Blanca
- 4** PMS 123 YELLOW
- 5** PMS 249 PURPLE



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Address: 25750-
2940 NE 188th St
City: Aventura,
State: FL 33180
Account Rep: T.GOMEZ
Sales Rep: K. BROWN

APPROVALS
CLIENT _____
DESIGN _____
PROD. _____
Designer: PETER CARDINAL

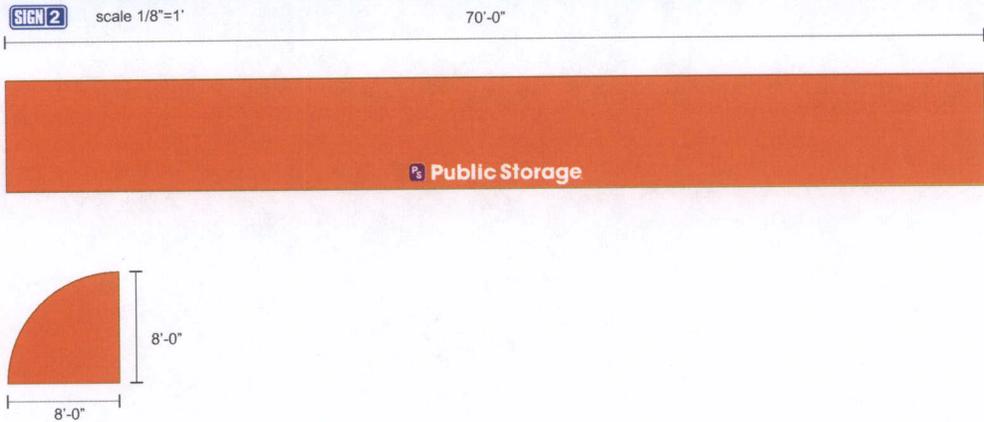
Design No. UH160955A R1
DATE 7-7-11
Rev. Date: 7-11-11

ELECTRICAL TO BE U.S. APPROVED
AND SHALL MEET ALL C. STANDARDS
ELECTRICAL SYMBOLS
ELECTRICAL BOOK

2.4
The purchaser agrees to hold the seller harmless against any claims for damages which may occur as a result of drilling for signs and installations, including but not limited to, water gas lines or any underground utilities which the purchaser or others may locate.

THIS DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL AND THE RIGHT TO USE OR EXHIBIT IN ANY FORM IS NOT AUTHORIZED WITHOUT WRITTEN PERMISSION BY US SIGNS.

RECOVER EXISTING AWNING LAYOUT



SPECIFICATIONS

1 WEBLON ORANGE WITH APPLIED VINYL GRAPHICS (SEE SCHEDULE)

COLOR SCHEDULE

	3M VINYL 3630-3126 ORANGE		WHITE FLEX OF PLASTIC FACE
	3M VINYL 3632-25 YELLOW		PMS WARM GREY # 2
	3M VINYL VQ-7679 PURPLE		



**Dallas
Houston**
Dallas Regional Office
2220 San Jacinto Blvd.
Suite 365
Denton, Texas 76205
940-380-9153
FAX: 940-380-9395
Houston Regional Office
1800 Bering Drive
Houston, TX 77057
713-977-7900
Fax 713-977-7903



Address: 25750;
2940 NE 188th St
City: Aventura,
State: FL 33180
Account Rep: T.GOMEZ
Sales Rep: K. BROWN

APPROVALS
CLIENT _____
DESIGN _____
PROD. _____
Designer: PETER CARDINAL

Design No: US18095A R1
DATE: 7-7-11
Rev. Date: 7-11-11

ELECTRICAL TO BE U.S. APPROVED
AND SHALL MEET ALL CODES
AND REGULATIONS
BY THE
INSTALLER

4.4

The purchaser agrees to hold the seller harmless against any claims for damages which may occur as a result of drilling for wires and conduits, including but not limited to wires, gas lines or any underground utilities which the purchaser or others may have installed.

THIS DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL AND THE RIGHT TO USE OR EXHIBIT IN ANY FORM IS NOT AUTHORIZED WITHOUT WRITTEN PERMISSION BY US SIGNS.

RESOLUTION NO. 97-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENTURA, FLORIDA, GRANTING A SIGN VARIANCE TO PERMIT ONE (1) WALL SIGN, NO GREATER THAN 90 SQUARE FEET, WHERE NO WALL SIGNS ARE PERMITTED ON THE PROPERTY LOCATED AT 2940 NE 188TH STREET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned IU-2, Industrial, Heavy Manufacturing District; and

WHEREAS, the Applicant, Robert Lansburgh, has requested a Sign Variance to permit two (2) Wall Signs on a Self Storage facility where no Wall Signs are permitted for that certain property located at 2940 NE 188th Street; and

WHEREAS, the Applicant has requested one (1) Wall Sign of 90 sq. ft. on the North elevation and one (1) Wall Sign of 90 sq. ft. on the West elevation; and

WHEREAS, the Applicant is permitted one (1) Monument Sign by right; and

WHEREAS, the Community Development Department recommends approval of the Sign Variance request for one (1) of the Wall Signs providing the applicant relinquish all rights to the permitted Monument Sign in exchange for the variance; and

WHEREAS, the City Council has held a public hearing as provided by law; and

WHEREAS, the City Council finds that the Application meets the criteria of the applicable codes and ordinances, to the extent the Application is granted herein.

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

**Exhibit #5
02-SV-11**

Section 1. Application No. 03-SV-98 for a Sign Variance approval on property

legally described as:

See attached Exhibit #1

a.k.a.

2940 NE 188th Street

is hereby granted exclusively to the Applicant subject to the following terms and conditions:

CONDITIONS

1. One (1) Wall Sign no greater than 90 sq. ft. be allowed on either the North or West building elevation.
2. The property owner relinquish all rights to the permitted Monument Sign for the parcel.

Section 2. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

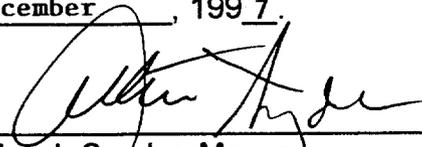
Section 3. This Resolution shall become effective immediately upon its adoption.

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

Councilmember Arthur Berger	yes
Councilmember Ken Cohen	yes
Councilmember Harry Holzberg	yes
Councilmember Jeffrey Perlow	yes

Councilmember Patricia Rogers-Libert	<u>yes</u>
Vice Mayor Jay R. Beskin	<u>yes</u>
Mayor Arthur I. Snyder	<u>yes</u>

PASSED AND ADOPTED this 16 day of December, 1997.



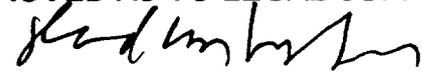
Arthur I. Snyder, Mayor

ATTEST:



Teresa M. Smith, CMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney

This Resolution was filed in the Office of the City Clerk this 17 day of December, 1997.



CITY CLERK

RESOLUTION NO. 98-65

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING MODIFICATION OF PREVIOUSLY APPROVED RESOLUTION NO. 97-82, GRANTING A SIGN VARIANCE FOR AVENTURA SELF STORAGE LOCATED AT 2940 NE 188 STREET, TO PERMIT ONE (1) WALL SIGN NOT TO EXCEED 115 SQUARE FEET IN SIZE WHERE NO WALL SIGNS ARE PERMITTED; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned IU-2, Industrial, Heavy Manufacturing District, a non-residential district; and

WHEREAS, the Applicant, Aventura Self Storage, l.p. (Robert Lansburgh), has previously received approval through Resolution No. 97-82 for one (1) wall sign no greater than 90 square feet to be allowed on either the North or West building elevation and that the property owner relinquish all rights to the permitted Monument Sign for the parcel; and

WHEREAS, the Applicant, through Application No. 08-SV-98, has requested a revision to previously approved Resolution No. 97-82, to allow one (1) wall sign not to exceed 115 square feet on the west elevation and to allow one (1) monument sign with sign area not to exceed 48 square feet for that property located at 2940 NE 188 Street; and

WHEREAS, the Community Development Department recommends approval of the modification to Resolution No. 97-82 and the requested Sign Variance to allow one

**Exhibit #6
02-SV-11**

(1) wall sign not to exceed 115 square feet on the west elevation providing that the applicant relinquish all rights to the permitted Monument Sign as a condition of the variance; and

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

WHEREAS, the City Commission finds that the Application meets the criteria of the applicable codes and ordinances to the extent the Application is granted herein.

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

Section 1. Application No. 08-SV-98 for modification to previously approved Resolution No. 97-82 and Sign Variance approval on property legally described as:

See attached Exhibit #2

aka

2940 NE 188 Street

is hereby granted exclusively to the Applicant subject to the following conditions:

STANDARD CONDITIONS

1. Plans shall substantially comply with those submitted as follows:

- Aventura Self Storage "Site Plan", Sheet SP-1, prepared by South East Architect Services, Inc., revisions dated 5/13/98;

- Aventura Self Storage "Right Side Elevation – West", Sheet A-7, prepared by South East Architect Services, Inc., revisions dated 5/13/98.

PROJECT SPECIFIC CONDITIONS

2. One (1) Wall Sign with copy to read "Aventura Self Storage" with lettering not to exceed 115 square feet is allowed on the wall treatment on the west elevation only.
3. As a condition of this variance, the Applicant shall relinquish all rights to the otherwise permitted Monument Sign for the property.

Section 2. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 3. This Resolution shall become effective immediately upon its adoption and shall supercede any conflicting portions of Resolution No. 97-82.

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

Commissioner Arthur Berger	absent
Commissioner Jay R. Beskin	yes
Commissioner Harry Holzberg	yes
Commissioner Jeffrey M. Perlow	yes
Commissioner Patricia Rogers-Libert	yes
Vice Mayor Ken Cohen	yes
Mayor Arthur I. Snyder	yes

PASSED AND ADOPTED this 4th day of August, 1998.



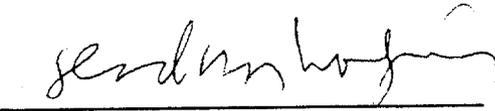
Arthur I. Snyder, Mayor

ATTEST:



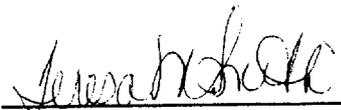
Teresa M. Smith, CMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 13 day of August, 1998.



CITY CLERK

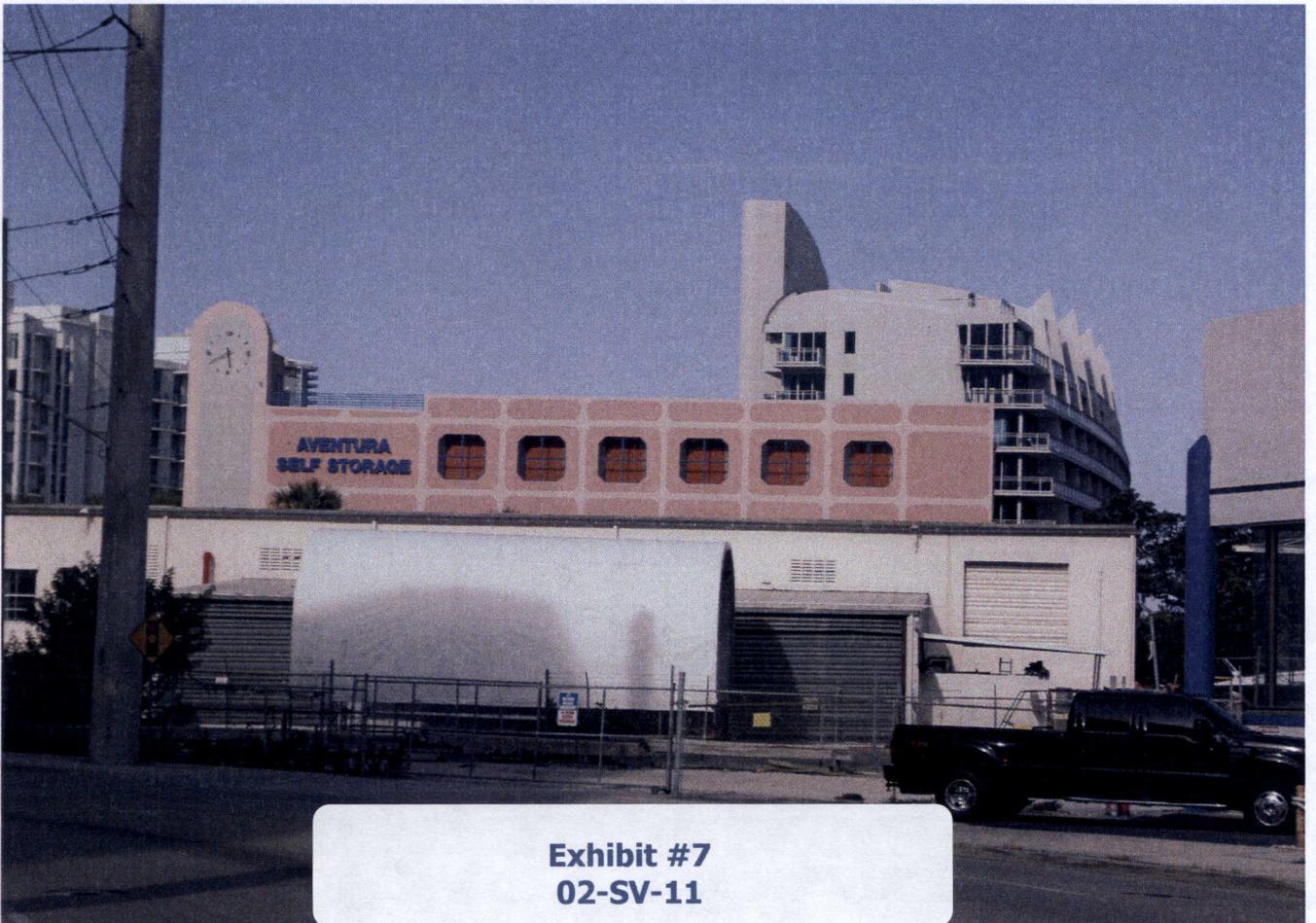
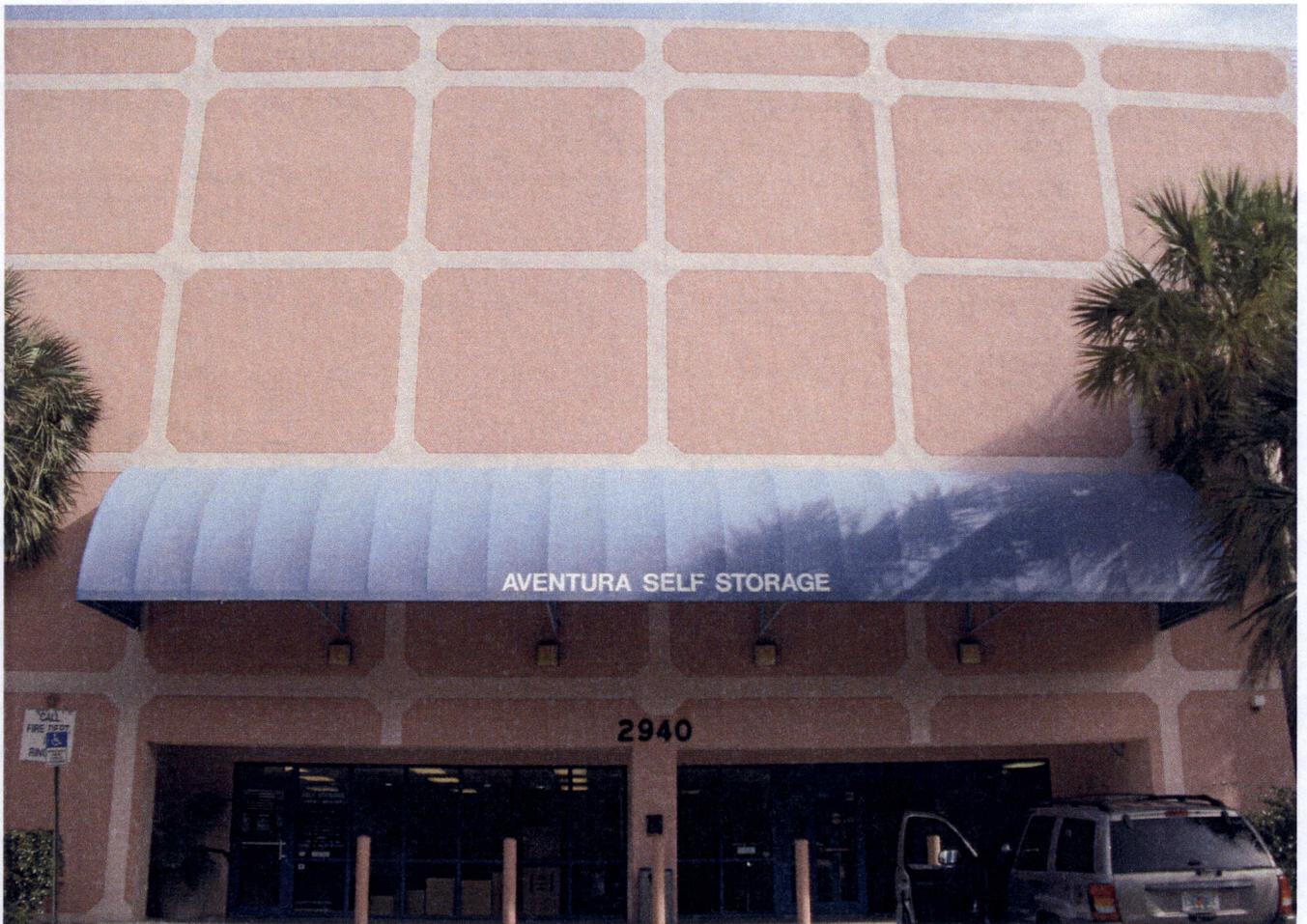


Exhibit #7
02-SV-11



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(f) 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:

Table with 2 columns: Name, Relationship. Rows include Jeffrey Petersen (Qualifier/President, Interstate Signcrafters, Inc.), Lisa Johnson (Vice President, Interstate Signcrafters, Inc.), and Nadine Austerfield (Permit Expediter).

(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 23rd DAY OF August 2011

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: [Signature]
Name: Jeffrey Petersen
Title: Qualifier/President of ISC
Address: 130 Commerce Rd
Boynton Beach, FL 33426

OWNER

By: [Signature]
Name: David Marzocchi
Title: Sr. Vice President
Address: 701 Western Avenue
Glendale, CA 91201

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared 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 ___ day of ___

AFFIANT
200_

SEE ATTACHED

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

JURAT WITH AFFIANT STATEMENT

State of California)
County of Los Angeles)

See Attachment Document (Notary to cross out lines 1-7 below)
See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

~~1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____~~

Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any)

Subscribed and sworn to before me
this 23rd day of August 2011 by

(1) David Marzocchi
Name of Signer(s)

(2) _____
Name of Signer(s)



proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to person relying on the document and could prevent fraudulent removal and reattachment of this form to another document

FURTHER DESCRIPTION OF ANY ATTACHED DOCUMENT

Title or Type of Document: Applicant Representative Affidavit - City of Aventura, FL - Jeffrey Petersen
Document Date: August 23, 2011 Number of Pages: 1 (not including this page)
Signer(s) Other Than Named Above:
N/a



BUSINESS RELATIONSHIP AFFIDAVIT*

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS _____ DAY OF _____, 200_

APPLICANT:

By: [Signature] (Signature)
 Name: Jeffrey Petersen (Print)
 Title: Qualifier/President (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_

PROPERTY OWNER:

By: [Signature] (Signature)
 Name: David Marzocchi (Print)
 Title: Sr. Vice President (Print)

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

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

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: David Marzocchi (Print)

Title: Sr. Vice President (Print)

By: [Signature] (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: [Signature] (Signature)

Name: LISA JOHNSON (Print)

Title: VICE PRESIDENT (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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Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

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

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

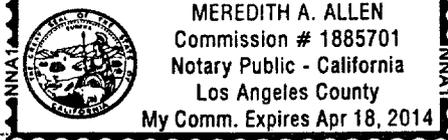
CALIFORNIA
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)
LOS ANGELES

NOTARIZATION PROVISION

Before me, the undersigned authority, personally appeared David Marzocchi 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.

David Marzocchi
AFFIANT

SWORN TO AND SUBSCRIBED before me this 12th day of AUGUST, 2001



Meredith A. Allen
Notary Public State of ~~Florida~~ CALIFORNIA
Meredith A. ALLEN
Printed Name of Notary
My commission expires APRIL 18, 2014

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey Petersen 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.

Jeffrey Petersen
AFFIANT

SWORN TO AND SUBSCRIBED before me this 26 day of Aug, 2001



IRAIMA BEHAR
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD828331
Expires 10/5/2012

Irima Behar
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 Lisa Johnson 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.

Lisa Johnson
AFFIANT

SWORN TO AND SUBSCRIBED before me this 26 day of Aug, 2001



IRAIMA BEHAR
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD828331
Expires 10/5/2012

Irima Behar
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 Nadine Auserfield 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 _____, 2001

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires _____

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR PUBLIC STORAGE AT 2940 NE 188 STREET, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned TC2, Town Center Marine District; and

WHEREAS, the Applicant, Interstate Sign Crafters, through Application No. 02-SV-11, has requested a sign variance to permit one wall sign measuring 100.75 square feet, where no wall signs for public storage buildings are permitted by Code; and

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

WHEREAS, the City Commission finds that the application meets the criteria of the applicable codes and ordinances to the extent the application is approved herein.

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

Section 1. Application No. 02-SV-11 for Sign Variance to allow a wall sign measuring 100.25 square feet for the public storage building at 2940 NE 188 Street, City of Aventura, on property legally described in Exhibit "A" to this resolution, is hereby approved, with the following conditions:

- a. That the sign substantially comply with the plans submitted with the application, namely:

- “Public Storage”, Cover Sheet, prepared by US Signs, dated 7-7-11.
- “Public Storage”, Sheet 1.4, prepared by US Signs, dated 7-7-11.
- “Public Storage”, Sheet 2.4, prepared by US Signs, dated 7-7-11.
- “Public Storage”, Sheet 3.4, prepared by US Signs, dated 7-7-11.
- “Public Storage”, Sheet 4.4, prepared by US Signs, dated 7-7-11.

b. That the owner relinquish all rights to the monument sign permitted by City Code Section 31-191(g)(1) for this property.

Section 2. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

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

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

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

PASSED AND ADOPTED this 6th day of September, 2011.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 7th day of September, 2011.

CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

The parcel of land in the southwest $\frac{1}{4}$ of Section 3, Township 52 South, Range 42 East, Dade County, Florida, described as:

Commence on the southwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Fractional Section 3, Township 52 South, Range 42 East, Dade County, Florida;

Thence run North 00 degrees 39 minutes 25 seconds West along the west line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Fractional Section 3 for a distance of 180.25 feet to a point;

Thence run North 89 degrees 20 minutes 35 seconds East for a distance of 270.03 feet to the point of beginning;

Thence continue North 89 degrees 29 minutes 35 seconds East for a distance of 180 feet to a point;

Thence run South 00 degrees 39 minutes 25 seconds East for a distance of 270.25 feet to a point on the north bank of the existing canal;

Thence run West along the north bank of the existing canal;

Thence run West along the north bank of the existing canal for a distance of 180 feet more or less to a point;

Thence run North 00 degrees 39 minutes 25 seconds West for a distance of 272.36 feet more or less to the point of beginning.

August 27, 2011

City Commission Chamber

City of Aventura Government Center

Miss Teresa M. Soroka, MMC, City Clerk

Appreciate Miss.

The purpose of this letter is to express our point of view regarding the following Notice of Public Hearing:

Date and Time of Public Hearing: Tuesday, September 6, 2011

Applicant Name/Number: Public Storage (02-SV-11)

Location of Subject Property: 2940 NE 188 Street, City of Aventura

Applicant Request: Variance from Section 31-191 of the City Code to permit a wall sign measuring 100.75 s/f on the west elevation of the public storage building located at 2940 NE 188 Street, where no wall is permitted by Code.

We are in total disagreement with this wall sign in the City of Aventura. We believe that Aventura is a very residential neighborhood and **do not** wish to see any big signs or walls around our prestige neighborhood. Unfortunately we will not be able to attend the hearing in person but wanted to send our concern in written.

Thanks for your consideration to this matter.

Kind regards,



Maria Pazmino

Owner at

3001 NE 185Th Street, #203

City of Aventura

August 27, 201

City Commission Chamber

City of Aventura Government Center

Miss Teresa M. Soroka, MMC, City Clerk

Appreciate Miss.

The purpose of this letter is to share our concern about Notice of Public Hearing:

Date and Time of Public Hearing: Tuesday, September 6, 2011

Applicant Name/Number: Public Storage (02-SV-11)

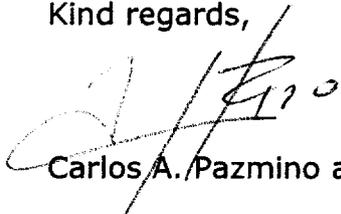
Location of Subject Property: 2940 NE 188 Street, City of Aventura

Applicant Request: Variance from Section 31-191 of the City Code to permit a wall sign measuring 100.75 s/f on the west elevation of the public storage building located at 2940 NE 188 Street, where no wall is permitted by Code.

We are in disagreement with this wall sign in the City of Aventura. We like that Aventura is very residential and green and **do not** wish to see any big signs or walls around our prestige neighborhood. Unfortunately we will not be able to attend the hearing in person but wanted to send our concern in written.

Thanks for your consideration to this matter.

Kind regards,



Carlos A. Pazmino and Angela Mora

Owner at

3001 NE 185Th Street, #717

City of Aventura

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

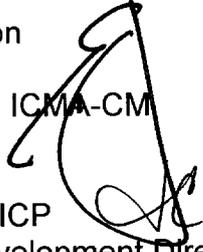
TO: City Commission

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

BY: Joanne Carr, AICP
Community Development Director

DATE: August 24, 2011

SUBJECT: Request of Aventura Turnberry Jewish Center Inc.
for Sign Variance
Directional Sign at 20400 NE 30 Avenue, City of Aventura
(03-SV-11)



September 6, 2011 City Commission Meeting Agenda Item 6B

RECOMMENDATION

It is recommended that the City Commission approve the request for variance to permit a directional sign on the north elevation of the entrance canopy of Aventura Turnberry Jewish Center measuring 28 square feet, where directional signs measuring 4 square feet are permitted by Code, with the following conditions:

- a. That the sign substantially complies with the plan submitted with the application, prepared by Modern Display Signs, dated 8/01/11.
- b. That the applicant agrees that it will not erect any further signs on the exterior of the Aventura Turnberry Jewish Center property, including, but not limited to, any further wall signs, directional signs or monument signs.
- c. That, prior to issuance of a building permit for the sign subject of this approval, the applicant will record the resolution on title and provide the City with a copy of the recorded document.

THE REQUEST

The applicant, Aventura Turnberry Jewish Center Inc., is requesting variance from Section 31-191(g)(7) of the City Code to permit a directional sign measuring 28 square feet on the north elevation of the entrance canopy to the temple, where directional signs measuring 4 square feet are permitted by Code. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY Aventura Turnberry Jewish Center Inc.

APPLICANT Aventura Turnberry Jewish Center Inc.

LOCATION OF PROPERTY 20400 NE 30 Avenue
(See Exhibit #2 for Location Map)

LEGAL DESCRIPTION Part of Tract B, Aventura Turnberry Jewish Center Replat, according to the plat thereof recorded in Plat Book 147, Page 63, in the Public Records of Miami-Dade County, Florida, City of Aventura

ZONING

Subject property: CF, Community Facilities District
Property to the North: RMF3A, Multifamily Medium Density Residential District
Property to the South: B2, Community Business District
Property to the East: RMF3, Multifamily Medium Density Residential District
Property to the West: B2, Community Business District

EXISTING LAND USE

Subject property: House of Worship
Property to the North: Vacant Land
Property to the South: Bank and Offices
Property to the East: Residential Condominium
Property to the West: Retail Plaza

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

Subject property: Business and Office
Property to the North: Medium-High Density Residential
Property to the South: Business and Office

Property to the East:
Property to the West:

Medium-High Density Residential
Business and Office

The Site - The subject site lies on the west side of NE 30 Avenue between NE 203 Street and NE 207 Street and contains the Aventura Turnberry Jewish Center complex.

The Project – The applicant is proposing to erect a directional sign on the north elevation of its entrance canopy on NE 30 Avenue. The sign measures 2 feet high and 14 feet long, for a total of 28 square feet, where directional signs measuring a maximum of 4 square feet are permitted by City Code.

The sign drawing, showing the location of the requested sign, is attached as Exhibit #3.

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

ANALYSIS

Section 31-191(g)(7) of the City Code regulates directional signs in non-residential zoning districts. Directional signs measuring a maximum of 3 feet high and 4 square feet in area are permitted.

The applicant requests approval to erect a directional sign on the northern elevation of its entrance canopy measuring 2 feet high and 14 feet long, for a total area of 28 square feet.

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

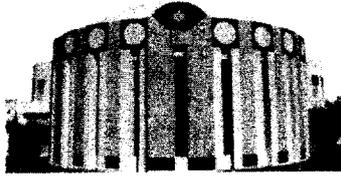
“The Sign Variance maintains the basic intent and purpose of these regulations; particularly as it affects the stability and appearance of the City and provided that the variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary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

The proposed location of the sign does not face the adjacent residential building. The letters are not illuminated so there will be no light disturbance to the neighbors. The sign will direct members of the congregation and visitors to the synagogue entrance.

This request is not in conflict with the basic intent and purpose of the sign code. The sign is compatible with surrounding land uses, will not be detrimental to the community and will effectively index the environment. The sign will direct members of the congregation and visitors to the synagogue entrance.

AVENTURA TURNBERRY JEWISH CENTER

BETH JACOB



Dr. Amir Baron
Executive Vice President

David Muchnick
Cantor

OFFICERS

Neil Bernstein
Vice President

Victor Cynamon
Vice President

Dr. Malcolm Dorman
Vice President

Commissioner Billy Joel
Vice President

Eugene Kessler
Vice President
& Financial Secretary

Gary Krevat
Treasurer

Mayor Jeffrey Perlow
Vice President

Dr. Beny Rub
Vice President

Rose Rubin
Vice President
& Recording Secretary

Carol Soffer
Vice President

Dr. Paul Tartell
Vice President

Herman Tauber
Vice President

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Kenneth Bernstein
Rhoda Bernstein
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Jacob Cohen
*Deceased

William W. Landa
Chairman of the Board

Rabbi Jonathan Berkun

Marcy S. Resnik
President

July 27, 2011

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

Dear Ms. Carr:

We are requesting a sign variance to permit a directional sign on the portico. The proposed plans are attached.

Sincerely,

Dr. Amir Baron
Executive Vice President

AB: dl

Exhibit #1
03-SV-11

20400 N.E. 30th Avenue • Aventura, Florida 33180
305-937-1880 • Fax: 305-792-6072 • www.atjc.org



BROWARD COUNTY
DADE COUNTY

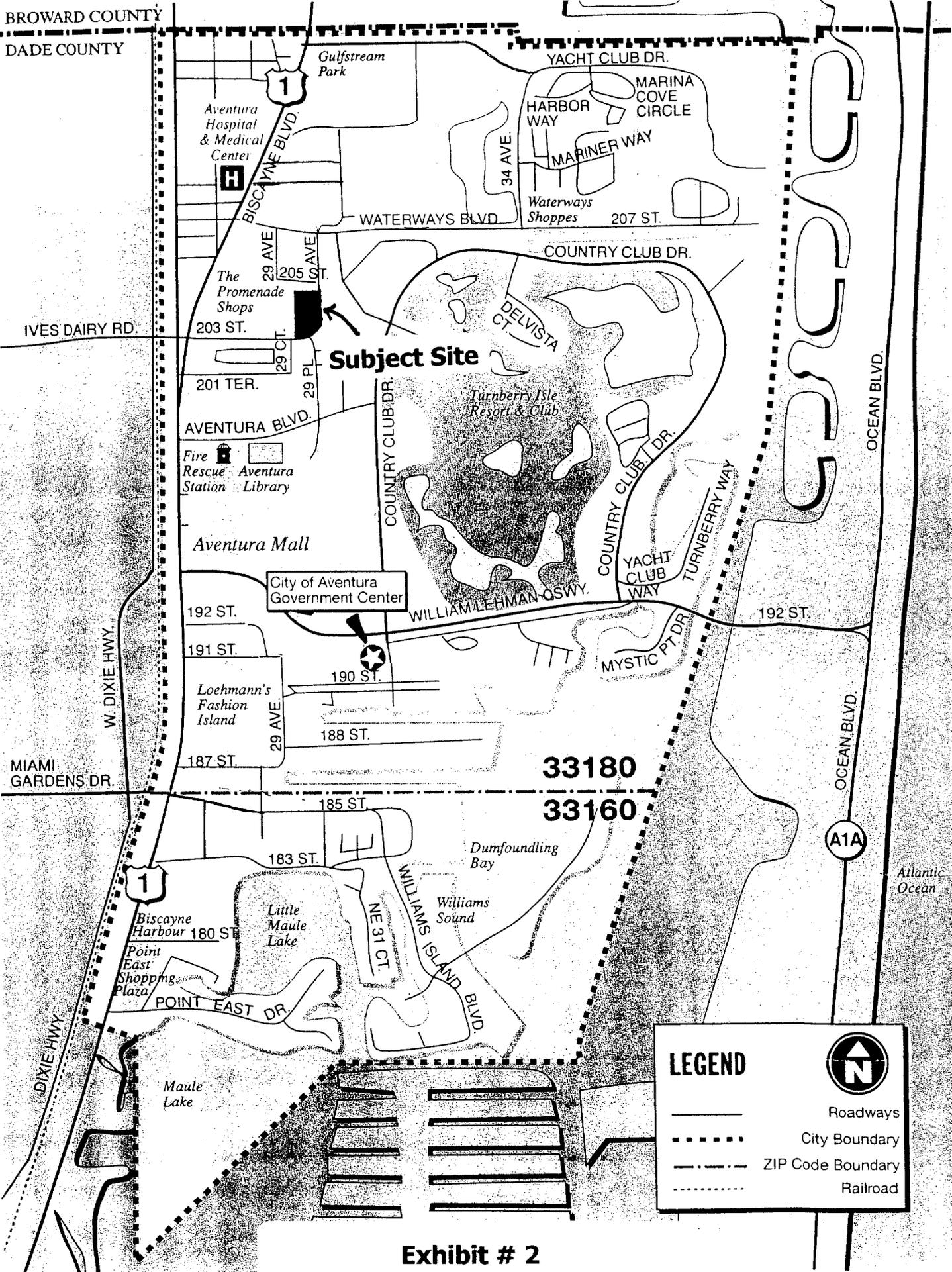
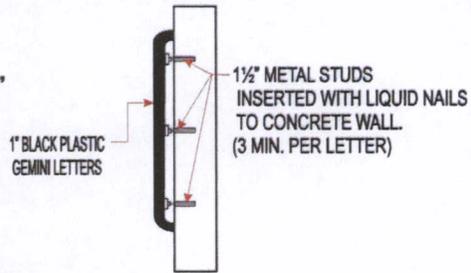


Exhibit # 2
03-SV-11



NORTH ELEVATION

**NON-ILLUMINATED
1" PLASTIC GEMINI LETTERS**



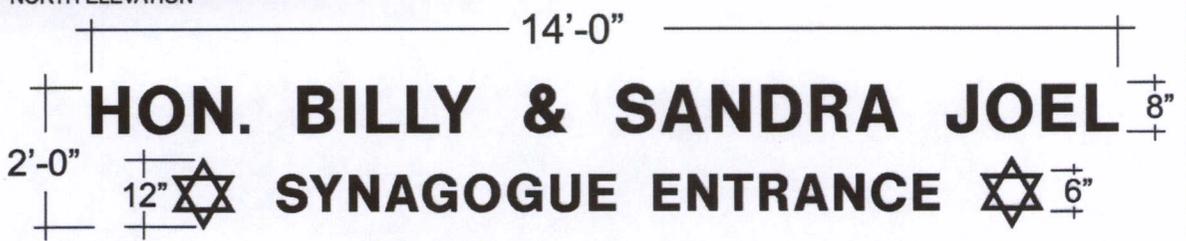
28 SQ.FT.



CERTIFIED STATE CONTRACTORS:
 TIMUR COLAK
 ES12000870
 15337 WEST DIXIE HIGHWAY
 NORTH MIAMI BEACH, FL 33162
 TEL: (305) 947-5876
 FAX: (305) 945-1265
www.moderndisplay.net

JOB NAME & ADDRESS:
 AVENTURA TURNBERRY
 JEWISH CENTER
 20400 N.E. 30th AVE.
 AVENTURA, FL

DATE: 08/01/2011	DESIGNER: ANDY
SALESPERSON: ABE	LIGHTING: NO



**Exhibit #3
03-SV-11**



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>(i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</i>
<u>TIM COLAK</u>	<u>SIGN CONSULTANT</u>
	<u>MODERN DISPLAY SIGNS</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 23 DAY OF AUGUST 2011.

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: _____
(Signature)

Name: _____
(Print)

Title: _____

Address: _____

OWNER

By: A. Baron
(Signature)

Name: DR. AMIR BARON
(Print)

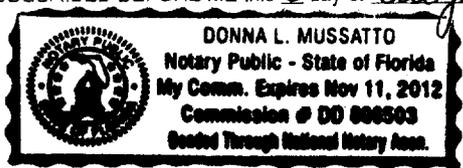
Title: EXECUTIVE VICE-PRESIDENT

Address: 20400 NE 30 AVENUE
AVENTURA, FL 33180

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared DR. AMIR BARON 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 23 day of August, 2011.



A. Baron
AFFIANT

Donna L. Mussatto
Notary Public State of Florida At Large
Printed Name of Notary Donna L. Mussatto
My commission expires: NOV, 11 2012



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 23 DAY OF AUGUST, 2011

APPLICANT:

By: A. Baron (Signature)
 Name: DR. AMIR BARON (Print)
 Title: EXECUTIVE VICE PRESIDENT (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.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared DR. AMIR BARRON 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.

A. Barron
AFFIANT



August, 2011

Donna L. Mussatto
Notary Public State of Florida At Large
Donna L. Mussatto
Printed Name of Notary
My commission expires: NOV 11, 2012

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: _____



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 AUGUST, 2001.

APPLICANT:

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

WITNESS MY HAND THIS _____ DAY OF _____, 2001.

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 24 DAY OF AUGUST, 2001.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: TIMUR COLAK (Print)

Name: _____ (Print)

Title: SIGN CONSULTANT (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

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Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

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

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

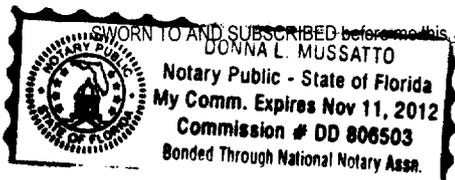
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared TIMUR COLAK 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.

[Handwritten Signature]

AFFIANT



SWORN TO AND SUBSCRIBED before me this 24 day of AUGUST, 2011.

DONNA L. MUSSATTO
Notary Public - State of Florida
My Comm. Expires Nov 11, 2012
Commission # DD 806503
Bonded Through National Notary Assn.

[Handwritten Signature: Donna L. Mussatto]

Notary Public State of Florida At Large
Donna L. Mussatto
Printed Name of Notary
My commission expires: NOV 11, 2012

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: _____

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR AVENTURA TURNBERRY JEWISH CENTER AT 20400 NE 30 AVENUE, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned CF, Community Facilities District; and

WHEREAS, the Applicant, Aventura Turnberry Jewish Center, Inc., through Application No. 03-SV-11, has requested a sign variance to permit a directional sign on the north elevation of the entrance canopy measuring 28 square feet, where directional signs measuring 4 square feet are permitted by Code; and

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

WHEREAS, the City Commission finds that the application meets the criteria of the applicable codes and ordinances to the extent the application is approved herein; and

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

Section 1. Application No. 03-SV-11 for Sign Variance to allow a directional sign measuring 28 square feet on the north elevation of the entrance canopy of Aventura Turnberry

Jewish Center at 20400 NE 30 Avenue, City of Aventura, on property legally described in Exhibit "A" to this resolution, is hereby approved, with the following conditions:

- a. That the sign substantially complies with the plan submitted with the application, prepared by Modern Display Signs, dated 8/01/11.
- b. That the applicant agrees that it will not erect any further signs on the exterior of the Aventura Turnberry Jewish Center property, including, but not limited to, any further wall signs, directional signs, or monument signs.
- c. That, prior to issuance of a building permit for the sign subject of this approval, the applicant will record this resolution on title and provide the City with a copy of the recorded document.

Section 2. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

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

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

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

PASSED AND ADOPTED this 6th day of September, 2011.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 7th day of September, 2011.

CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Part of Tract B, Aventura Turnberry Jewish Center Replat, according to the plat thereof recorded in Plat Book 147, Page 63, of the public records of Miami-Dade County, Florida, City of Aventura.

Memo

To: Mayor and City Commission
City of Aventura

cc: Eric M. Soroka, City Manager

From: David M. Wolpin, City Attorney's Office.

Date: July 19, 2011 **AGENDA ITEM 7**

Re: Ordinance Revising Code to Address 2011 Legislative Preemption and Penalties
for Firearms Regulations

RECOMMENDATION: The attached ordinance is proposed to change those portions of the Code which should be revised to eliminate conflict with the State preemption and avoid the potential for sanctions.

BACKGROUND: Chapter 790, Florida Statutes, regulates weapons and firearms throughout the State. Section 790.33, F.S., adopted in 1987 preempts all local regulations related to ammunition and firearms. The Florida Legislature, during its 2011 session, adopted HB 45 which revises Section 790.33, F.S., and provides significant penalties, both personal and corporate, to any person or organization *adopting* or *enforcing* local ammunition or firearm regulations which are preempted by the State.

Specifically, the preemption states (existing preemption, as coupled with the amendment effective October 1, 2011):

Section 790.33. Field of regulation of firearms and ammunition preempted.

(1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules or regulations are hereby declared null and void.

Portions of the City Code address firearms. Previously, there were no penalties for having firearm regulations and a local government may simply have chosen not to enforce preempted

firearm regulations. However, the new penalties enacted by the legislature are serious enough that we recommend removing the provisions from the City Code to avoid the possibility of some Official or employee overlooking the preemption in the future.

The new penalties for adopting or enforcing firearms regulations in violation of the preemption are extremely onerous and apply not only to the City itself, but also to the individual elected or appointed officials adopting regulations or enforcing regulations. Specifically, from and after October 1, 2011, the repercussions of adopting or enforcing preempted firearm regulations include:

- Court Injunction against enforcement
- Knowing and willful violation – up to a \$5,000 fine against the elected or appointed local government official under whose jurisdiction the violation occurred.
- Public funds may not be used or reimbursed for the defense of a person found to have willfully and knowingly violated the statute.
- Violation is cause for termination of employment or removal from office by the Governor.
- Prevailing Plaintiff's attorney's fees, *including* a contingency fee multiplier.
- Actual damages up to \$100,000.

Attachments 1: Ordinance
2: Memo Summarizing State Laws Governing Firearms and Legislative
Alert re House Bill 45 from Florida League of Cities

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE CITY OF AVENTURA FLORIDA AMENDING THE CITY CODE BY AMENDING CHAPTER 2 "ADMINISTRATION," AND CHAPTER 30 "ENVIRONMENT," TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the requirements of Florida Law; and

WHEREAS, the Florida Statutes were amended in 1987 to address the regulation of ammunition and firearms throughout the state and to attempt to pre-empt the regulation of that field to the State; and

WHEREAS, the City has previously conformed to the firearm preemption by simply not enforcing any City Code provision which was inconsistent with the preemption; and

WHEREAS, the Florida Legislature has, by the adoption of House Bill 45 during the 2011 session, further expanded the preemption of the field of firearms and ammunition , and adopted additional penalties and repercussions for the adoption and enforcement of preempted local regulations of firearms; and

WHEREAS, the City Commission desires to eliminate preempted regulations of ammunition and firearms from the City's Code; and

WHEREAS, ammunition and firearms are addressed in Chapter 2, "Administration," and Chapter 30, "Environment;" of the City Code; and

WHEREAS, the City Commission has reviewed this Ordinance at a duly noticed hearing and determined that it is consistent with State Law; and

WHEREAS, the City Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

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

Section 2. City Code Amended. That Article VIII, “Emergency Management,” of Chapter 2, “Administration” of the City Code is amended to read as follows:¹

Chapter 2 – Administration.

* * *

Article VIII. – Emergency Management.

* * *

Sec. 2-404. - Declaration of a state of emergency.

- (a) The City Manager shall have the sole authority to declare a state of emergency.
- (b) Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article shall be confirmed by the City Commission by resolution no later than at the next regular meeting, unless the nature of the emergency renders a meeting of the City Commission impossible. Confirmation of the emergency declaration shall disclose the reasons for actions proposed and taken to manage the emergency, and other pertinent data relating to the emergency requiring the declaration.
- (c) Emergency resolutions or orders authorized by this article may include, but are not limited to, the following subjects:
 - (1) Evacuation;

¹ Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

- (2) Curfews; declaration of areas off limits;
- (3) Suspension or regulation of the sale of, or offer to sell, with or without consideration: alcoholic beverages; ~~ammunition; firearms;~~ explosives; or combustibles;

* * *

Sec. 2-406. - Police emergencies.

(a) An emergency may be declared because of civil unrest or imminent threat to public peace or order when the Chief of Police, or if unavailable, the next highest ranking officer in the Police Department chain of command certifies to the City Manager that an emergency condition arising from hostile actions of others, armed or unarmed or other imminent threat to public peace or order, requires extraordinary measures for control, including, but not limited to curfew; blockade; proscription of the sale of ~~firearms, other~~ weapons or alcohol beverages; explosives and combustibles; evacuation; and other similar actions. The City Manager may issue a declaration of a state of emergency in accordance with section 2-404. This Section shall not apply to firearms as regulated by Chapter 790, Florida Statutes.

Section 3. City Code Amended. That Section 30-33, "Specific noises prohibited," of Article II, "Noise," of Chapter 30, "Environment" of the City Code is amended to read as follows:

Sec. 30-33. - Specific noises prohibited.

The following acts are declared to constitute a violation of this article:

* * *

- (6) ~~Firearms or e~~ Explosives. The use or firing of any explosives, ~~firearms~~ or similar devices, except in an emergency, or using or firing firecrackers, skyrockets or the like without the prior approval of the City Manager. Nothing in this subsection shall prohibit the use of nail guns used in construction.

Section 4. Repeal. That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict. Further, that any rule, regulation, ordinance or resolution that purports to regulate firearms in a manner contrary to the preemption provided by Sec. 790.33 F.S., is hereby repealed to the extent preempted and shall be deemed to be stricken from any compilation of rules and regulations for municipal facilities or premises.

Section 5. Severability. That 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 6. Inclusion in the Code. That 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 relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 7. Effective Date. That 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 Bob Diamond	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbàez Weinberg	_____
Vice Mayor Zev Auerbach	_____
Mayor Susan Gottlieb	_____

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

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

PASSED AND ADOPTED on first reading this 6th day of September, 2011.

PASSED AND ADOPTED on second reading this ____ day of _____, 2011.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney



To: Municipal Officials and Attorneys

From: Ryan Matthews

Date: July 14, 2011

Re: State Laws on Firearms and Ammunition

During the 2011 Legislative session, the Legislature changed various laws relating to local regulation of firearms and ammunition. Attached is a legislative alert regarding HB 45, and a copy of Enrolled HB 45. This law strengthens the current state preemption with regard to the regulation of firearms, which was passed by the Legislature in 1987. HB 45 provides civil penalties for governments, elected officials and employees who attempt to regulate firearms or ammunition in violation of the preemption. Due to the preemption and new penalty provisions, it is important to consult with your city attorney to identify any local ordinances, rules or regulations that may need to be amended (see attached Alert).

This memo provides a list of state laws regulating firearms and ammunition available for enforcement by local governments. The laws are separated into three sections: (1) laws that apply to all Floridians or universal firearm statutes; (2) laws that apply to those Floridians with a concealed firearms/weapons permit; and (3) other potentially applicable laws.

Section 1 – Universal firearm statutes

Generally, Chapter 790, Florida Statutes, regulates the control, possession, sale, discharge, and manufacture of weapons and firearms in the state. Chapter 790 also lists varying penalties depending on the severity of the violation and the violator's criminal background. Section 790.001, Florida Statutes, defines "firearm" to mean any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an

explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.

- Carrying a concealed firearm – A person who does not have concealed weapons permit may not carry a concealed firearm. Section 790.01, Florida Statutes.
- Open carrying of a firearm – A person may not openly carry on or about his person any firearm. Section 790.053, Florida Statutes.
- Discharging firearm in public – A person may not discharge a firearm knowingly in any public place or on the right of way of any paved public road, highway, or street, or occupied premises. This section does not apply to a person who is lawfully defending life or property or performing official duties requiring the discharge of a firearm. Subsection 790.15(1), Florida Statutes.
 - Any person or occupant of any vehicle may not knowingly and willfully discharge a firearm from a vehicle within 1,000 feet of another person. Subsection 790.15(2), Florida Statutes.
 - Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, may not knowingly direct any other person to discharge a firearm from the vehicle. Subsection 790.15(3), Florida Statutes.
- Using firearms while under the influence of alcoholic beverages, chemical substances, or controlled substances - As used in the law, to “use a firearm” means to discharge a firearm or to have a firearm readily accessible for immediate discharge; and “readily accessible for immediate discharge” means loaded and in a person’s hand. It is unlawful for any person who is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, to use a firearm. Section 790.151, Florida Statutes.
- Shooting into dwellings, public or private buildings, occupied or not occupied, vessels, aircraft, buses, railroad cars, streetcars, or other vehicles – A person may not, wantonly or maliciously, shoot at, within, or into any public or private building, occupied or unoccupied, or public or private bus or any train, locomotive, railway car, caboose, cable

railway car, street railway car, monorail car, or vehicle of any kind which is being used or occupied by any person, or any boat, vessel, ship or barge lying in or plying the waters of the state, or aircraft flying in the airspace of the state. Section 790.19, Florida Statutes.

- Improper exhibition of firearms – A person may not, in the presence of one or more persons, display a firearm in a rude, careless, angry, or threatening manner except for necessary self-defense. Section 790.10, Florida Statutes.
- Possessing or discharging firearms at a school-sponsored event on school property – A person may not exhibit a firearm, except as authorized in support of school sanctioned activities, in a rude, careless, angry or threatening manner at a school-sponsored event or on the property of any school, school bus, or school bus stop or within 1000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity. A person also may not possess or discharge a firearm on the property of any school, school bus or school bus stop. For the purposes of this section a “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or post-secondary school, whether public or private. Section 790.115, Florida Statutes.
- Crimes in Pharmacies: possession of weapons – A person may not possess a concealed firearm within the premises of a pharmacy. Section 790.145, Florida Statutes.
- Discharging Machine guns – A person may not shoot or discharge any machine gun upon, across, or along any road, street, or highway in the state; upon or across any public park in the state; or in, upon, or across any public place where people are accustomed to assemble in the state. This section does not apply to the use of such machine guns by any law enforcement officer while in the discharge of his or her lawful duty. Section 790.16, Florida Statutes.
- Furnishing firearms to minors under 18 years of age – A person may not knowingly or willfully sell or transfer a firearm to a minor under 18 years of age, except that a person may transfer ownership of a firearm to a minor with permission of the parent or guardian, and the parent or guardian must maintain possession of the firearm. Section 790.17, Florida Statutes.

- Safe storage of firearms required – A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor’s parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body. Section 790.174, Florida Statutes.
- Use of BB guns, air or gas operated guns, or electric weapons by minor under 16; possession of a firearm by minor under 18– The Florida Statutes do not appear to have a specific regulation relating to the firing of a BB gun by an adult who is over the age of 19; also a BB gun may not be considered to be a “firearm” for purposes of the preemption in section 790.33, Florida Statutes.
 - The use for any purpose of a BB gun, or electric weapons or devices, by an unsupervised minor under the age of 16 is prohibited; supervising adults must have the permission of the minor’s parent that the child may participate in the activity.
 - A minor under 18 years of age may not possess a firearm, other than an unloaded firearm at his or her home, unless: the minor is engaged in a lawful hunting activity or the minor is engaged in a lawful marksmanship activity or recreational shooting competition. Section 790.22, Florida Statutes.
- Possession of short-barreled rifle, short-barreled shotgun, or machine gun - A person may not own or have in his or her care, custody, possession, or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable; but this section shall not apply to antique firearms. Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted. Section 790.221, Florida Statutes.
- Felons and delinquents; possession of firearms, ammunition, or electronic weapons - A person may not own or to have in his or her care, custody, possession, or control any firearm, if that person has been:

- Convicted of a felony in the courts of this state;
 - Found, in the courts of this state, to have committed a delinquent act that would be a felony if committed by an adult and such person is under 24 years of age;
 - Convicted of or found to have committed a crime against the United States which is designated as a felony;
 - Found to have committed a delinquent act in another state, territory, or country that would be a felony if committed by an adult and which was punishable by imprisonment for a term exceeding 1 year and such person is under 24 years of age; or
 - Found guilty of an offense that is a felony in another state, territory, or country and which was punishable by imprisonment for a term exceeding 1 year.
 - This section shall not apply to a person convicted of a felony whose civil rights and firearm authority have been restored. Section 790.23, Florida Statutes.
- Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence - A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, and that has been issued under s. 741.30. Section 790.233, Florida Statutes.
 - Armor-piercing or exploding ammunition or dragon's breath shotgun shells, bolo shells, or flechette shells prohibited - A person may not manufacture, sell, offer to sell, or deliver and a person is restricted from possessing any armor-piercing bullet or exploding bullet, or dragon's breath shotgun shell, bolo shell, or flechette shell. Subsection 790.31(2), Florida Statutes.
 - Field of Regulation of firearms and ammunition preempted - Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state

government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void. Section 790.33, Florida Statutes.

- This subsection shall not affect zoning ordinances which encompass firearms businesses along with other businesses. Zoning ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited. Subsection 790.33(1), Florida Statutes.

Section 2 – Statutes that pertain to persons with Concealed Firearms/Weapons Permits (CWP)

In Florida, if a person has registered with the Department of Agriculture and Consumer Services and is legally permitted to carry a registered firearm, there are still general laws with which the person must abide. The state imposes restrictions on places a person is allowed to carry a firearm, which are in addition to federal restrictions.

- Concealed Firearms/Weapons Permit; restrictions – The possession of a concealed firearms/weapons permit does not allow a person to bring a firearm in the following areas. Note the existence or non-existence of a concealed firearms/weapons permit does not preclude a person from violating the law if they possess a firearm in one of the below defined areas:
 - 1. Any place of nuisance as defined in s. 823.05;
 - Subsection 823.05(1), Florida Statutes, provides: whoever shall erect, establish, continue, or maintain, own or lease any building, booth, tent or place which tends to annoy the community or injure the health of the community, or become manifestly injurious to the morals or manners of the people as described in s. 823.01, or any house or place of prostitution, assignation, lewdness or place or building where games of chance are engaged in violation of law or any place where any law of the state is violated, shall be deemed guilty of maintaining a nuisance, and the building, erection, place, tent or booth and the furniture, fixtures, and contents are declared a nuisance.
 - 2. Any police, sheriff, or highway patrol station;

- 3. Any detention facility, prison, or jail;
 - 4. Any courthouse;
 - 5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
 - 6. Any polling place;
 - 7. Any meeting of the governing body of a county, public school district, municipality, or special district;
 - 8. Any meeting of the Legislature or a committee thereof;
 - 9. Any school, college, or professional athletic event not related to firearms;
 - 10. Any elementary or secondary school facility or administration building;
 - 11. Any career center;
 - 12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
 - 13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
 - 14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
 - 15. Any place where the carrying of firearms is prohibited by federal law. Subsection 790.06(12), Florida Statutes.
- Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity - Notwithstanding s. 790.01, a resident of the United States who is a nonresident of Florida may carry a concealed firearm while in this state if the nonresident:
 - Is 21 years of age or older; and
 - Has in his or her immediate possession a valid license to carry a concealed weapon or concealed firearm issued to the nonresident in his or her state of residence.

- A nonresident is subject to the same laws and restrictions with respect to carrying a concealed weapon or concealed firearm as a resident of Florida who is so licensed. Section 790.015, Florida Statutes.

Section 3 – Other Potentially Applicable Laws

The following section includes other applicable laws that may be appropriate when dealing with the discharge, possession, transfer, or concealment of a firearm.

- General Nuisances – All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree. Section 823.01, Florida Statutes
- Specific Nuisances – Whoever shall erect, establish, continue, or maintain, own or lease any building, booth, tent or place which tends to annoy the community or injure the health of the community, or become manifestly injurious to the morals or manners of the people as described in s.823.01, or any house or place of prostitution, assignation, lewdness or place or building where games of chance are engaged shall be guilty of maintaining a nuisance, and the building, erection, place, tent, or booth and the furniture, fixtures, and contents shall be declared a nuisance. Section 823.05, Florida Statutes.
- Breach of the Peace – Whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct shall be guilty of a misdemeanor. Section 877.03, Florida Statutes.
- Lawful ownership, possession, and use of firearms - The provisions of ss. 790.053 (Open carrying of firearms) and 790.06 (License to carry concealed firearm) do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:
 - Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard, organized reserves, and other

- armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;
- Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;
 - Persons carrying out or training for emergency management duties under chapter 252;
 - Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;
 - Officers or employees of the state or United States duly authorized to carry a concealed weapon;
 - Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;
 - Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;
 - A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;
 - A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;

- A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;
- A person firing weapons in a safe and secure indoor range for testing and target practice;
- A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;
- A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business.
- A person possessing arms at his or her home or place of business;
- Investigators employed by the several public defenders of the state, while actually carrying out official duties;
 - Construction.—This act shall be liberally construed to carry out the declaration of policy herein and in favor of the constitutional right to keep and bear arms for lawful purposes. This act is supplemental and additional to existing rights to bear arms now guaranteed by law and decisions of the courts of Florida and nothing herein shall impair or diminish any of such rights. This act shall supersede any law, ordinance, or regulation in conflict herewith. Subsections 790.25 (3) and (4), Florida Statutes.
- Possession of a firearm in a Private Conveyance. — It is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Nothing in the statute prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. These laws shall not be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other

weapons, including lawful self-defense as provided in s. 776.012. Subsection 790.25(5), Florida Statutes.

- Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes – The Legislature has determined that individual citizens have a constitutional right to keep and bear arms, that they have a constitutional right to possess and keep legally owned firearms within their motor vehicles for self-defense and other lawful purposes, and that these rights are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity. The Legislature finds that a citizen’s lawful possession, transportation, and secure keeping of firearms and ammunition within his or her motor vehicle is essential to the exercise of the fundamental constitutional right to keep and bear arms and the constitutional right of self-defense. The Legislature finds that protecting and preserving these rights is essential to the exercise of freedom and individual responsibility. The Legislature further finds that no citizen can or should be required to waive or abrogate his or her right to possess and securely keep firearms and ammunition locked within his or her motor vehicle by virtue of becoming a customer, employee, or invitee of any employer or business establishment within the state, unless specifically required by state or federal law.
 - No public or private employer may violate the constitutional rights of any customer, employee, or invitee as provided in paragraphs (a)-(e):
 - (a) No public or private employer may prohibit any customer, employee, or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee, or invitee is lawfully in such area.
 - (b) No public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Further, no public or private employer may take any action against a customer, employee, or invitee based upon verbal or written statements of any party

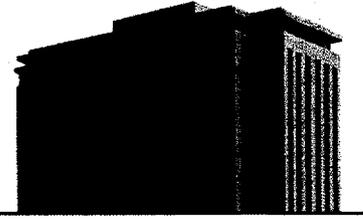
concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-duty law enforcement personnel based upon due process and must comply with constitutional protections.

- (c) No public or private employer shall condition employment upon either:
 - 1. The fact that an employee or prospective employee holds or does not hold a concealed firearms/weapons license issued pursuant to s. 790.06; or
 - 2. Any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes.
- (d) No public or private employer shall prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the employer's place of business because the customer's, employee's, or invitee's private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer's, employee's, or invitee's private motor vehicle.
- (e) No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes. Section 790.251, Florida Statutes.

While the Florida Legislature has gone to great lengths to ensure local governments may not regulate the area of firearms and ammunitions, the purpose of this memorandum is to provide local governments with the resources with which it may enforce violations of state laws.



LEGISLATIVE ALERT



IMMEDIATE ACTION REQUESTED

June 28, 2011

LOCAL REGULATION OF FIREARMS AND AMMUNITION: PENALTIES FOR VIOLATING STATE PREEMPTION

CS/CS/CS/HB 45 (Rep. Gaetz) imposes a financial penalty on governments, elected officials, or staff that adopts policies or takes enforcement action violating the existing state law preemption of firearms and ammunition regulation. The bill was approved by the Governor, is designated as Chapter No. 2011-109, and becomes effective on October 1, 2011.

Under current law, section 790.33, Florida Statutes, the state has preempted “the whole field of regulation of firearms and ammunition” to the exclusion of any city or county ordinances, regulations or rules. Under HB 45, city officials or employees who willfully and knowingly violate the preemption would be personally liable for a fine of up to \$5,000. A willful and knowing violation of the preemption is also grounds for termination of employment or contract, or removal from office by the governor. Also, public funds may not be used to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated the preemption. An ordinance, regulation or rule that violates the preemption is to be ruled invalid and a permanent injunction is to be issued prohibiting its enforcement. A government could be liable for actual damages up to \$100,000 and for the plaintiff’s attorney’s fees. For example, under HB 45, an elected city official passing or a city employee enforcing an ordinance prohibiting guns in parks, discharging guns within city limits, or otherwise restricting guns could be personally liable and the government could also be liable.

Your city attorney should likely review your city’s codes for any existing firearms or ammunition related ordinances, regulations or rules. Such an ordinance, regulation or rule should be carefully considered to determine if it violates the state preemption. (Attached is a news article on recent actions taken by Leon County addressing existing ordinances determined by the county attorney to be subject to the state preemption.) The new law is effective October 1, 2011, and your city should have taken any corrective actions prior to this date.

- If you have any questions on this matter, please contact Kraig Conn (kconn@flcities.com) or Rebecca O’Hara (rohara@flcities.com), at 850-222-9684.

ENROLLED

CS/CS/CS/HB 45, Engrossed 1

2011 Legislature

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Section 1. Section 790.33, Florida Statutes, is amended to read:

790.33 Field of regulation of firearms and ammunition preempted.—

(1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void. ~~This subsection shall not affect zoning ordinances which encompass firearms businesses along with other businesses. Zoning ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited.~~

~~(2) LIMITED EXCEPTION; COUNTY WAITING PERIOD ORDINANCES.~~

~~(a) Any county may have the option to adopt a waiting-period ordinance requiring a waiting period of up to, but not to exceed, 3 working days between the purchase and delivery of a handgun. For purposes of this subsection, "purchase" means payment of deposit, payment in full, or notification of intent~~

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CS/CS/CS/HB 45, Engrossed 1

2011 Legislature

57 ~~to purchase. Adoption of a waiting period ordinance, by any~~
 58 ~~county, shall require a majority vote of the county commission~~
 59 ~~on votes on waiting period ordinances. This exception is limited~~
 60 ~~solely to individual counties and is limited to the provisions~~
 61 ~~and restrictions contained in this subsection.~~

62 ~~(b) Ordinances authorized by this subsection shall apply~~
 63 ~~to all sales of handguns to individuals by a retail~~
 64 ~~establishment except these sales to individuals exempted in this~~
 65 ~~subsection. For purposes of this subsection, "retail~~
 66 ~~establishment" means a gun shop, sporting goods store, pawn~~
 67 ~~shop, hardware store, department store, discount store, bait or~~
 68 ~~tackle shop, or any other store or shop that offers handguns for~~
 69 ~~walk-in retail sale but does not include gun collectors shows or~~
 70 ~~exhibits, or gun shows.~~

71 ~~(c) Ordinances authorized by this subsection shall not~~
 72 ~~require any reporting or notification to any source outside the~~
 73 ~~retail establishment, but records of handgun sales must be~~
 74 ~~available for inspection, during normal business hours, by any~~
 75 ~~law enforcement agency as defined in s. 934.02.~~

76 ~~(d) The following shall be exempt from any waiting period:~~

77 ~~1. Individuals who are licensed to carry concealed~~
 78 ~~firearms under the provisions of s. 790.06 or who are licensed~~
 79 ~~to carry concealed firearms under any other provision of state~~
 80 ~~law and who show a valid license;~~

81 ~~2. Individuals who already lawfully own another firearm~~
 82 ~~and who show a sales receipt for another firearm; who are known~~
 83 ~~to own another firearm through a prior purchase from the retail~~
 84 ~~establishment; or who have another firearm for trade-in;~~

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CS/CS/CS/HB 45, Engrossed 1

2011 Legislature

85 ~~3. A law enforcement or correctional officer as defined in~~
 86 ~~s. 943.10;~~

87 ~~4. A law enforcement agency as defined in s. 934.02;~~

88 ~~5. Sales or transactions between dealers or between~~
 89 ~~distributors or between dealers and distributors who have~~
 90 ~~current federal firearms licenses; or~~

91 ~~6. Any individual who has been threatened or whose family~~
 92 ~~has been threatened with death or bodily injury, provided the~~
 93 ~~individual may lawfully possess a firearm and provided such~~
 94 ~~threat has been duly reported to local law enforcement.~~

95 ~~(2)(3) POLICY AND INTENT.-~~

96 (a) It is the intent of this section to provide uniform
 97 firearms laws in the state; to declare all ordinances and
 98 regulations null and void which have been enacted by any
 99 jurisdictions other than state and federal, which regulate
 100 firearms, ammunition, or components thereof; to prohibit the
 101 enactment of any future ordinances or regulations relating to
 102 firearms, ammunition, or components thereof unless specifically
 103 authorized by this section or general law; and to require local
 104 jurisdictions to enforce state firearms laws.

105 (b) It is further the intent of this section to deter and
 106 prevent the violation of this section and the violation of
 107 rights protected under the constitution and laws of this state
 108 related to firearms, ammunition, or components thereof, by the
 109 abuse of official authority that occurs when enactments are
 110 passed in violation of state law or under color of local or
 111 state authority.

112 (3) PROHIBITIONS; PENALTIES.-

Page 4 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0045-05-er

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CS/CS/CS/HB 45, Engrossed 1

2011 Legislature

113 (a) Any person, county, agency, municipality, district, or
 114 other entity that violates the Legislature's occupation of the
 115 whole field of regulation of firearms and ammunition, as
 116 declared in subsection (1), by enacting or causing to be
 117 enforced any local ordinance or administrative rule or
 118 regulation impinging upon such exclusive occupation of the field
 119 shall be liable as set forth herein.

120 (b) If any county, city, town, or other local government
 121 violates this section, the court shall declare the improper
 122 ordinance, regulation, or rule invalid and issue a permanent
 123 injunction against the local government prohibiting it from
 124 enforcing such ordinance, regulation, or rule. It is no defense
 125 that in enacting the ordinance, regulation, or rule the local
 126 government was acting in good faith or upon advice of counsel.

127 (c) If the court determines that a violation was knowing
 128 and willful, the court shall assess a civil fine of up to \$5,000
 129 against the elected or appointed local government official or
 130 officials or administrative agency head under whose jurisdiction
 131 the violation occurred.

132 (d) Except as required by applicable law, public funds may
 133 not be used to defend or reimburse the unlawful conduct of any
 134 person found to have knowingly and willfully violated this
 135 section.

136 (e) A knowing and willful violation of any provision of
 137 this section by a person acting in an official capacity for any
 138 entity enacting or causing to be enforced a local ordinance or
 139 administrative rule or regulation prohibited under paragraph (a)
 140 or otherwise under color of law shall be cause for termination

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CS/CS/CS/HB 45, Engrossed 1

2011 Legislature

141 of employment or contract or removal from office by the
 142 Governor.

143 (f) A person or an organization whose membership is
 144 adversely affected by any ordinance, regulation, measure,
 145 directive, rule, enactment, order, or policy promulgated or
 146 caused to be enforced in violation of this section may file suit
 147 against any county, agency, municipality, district, or other
 148 entity in any court of this state having jurisdiction over any
 149 defendant to the suit for declaratory and injunctive relief and
 150 for actual damages, as limited herein, caused by the violation.
 151 A court shall award the prevailing plaintiff in any such suit:

152 1. Reasonable attorney's fees and costs in accordance with
 153 the laws of this state, including a contingency fee multiplier,
 154 as authorized by law; and

155 2. The actual damages incurred, but not more than
 156 \$100,000.

157
 158 Interest on the sums awarded pursuant to this subsection shall
 159 accrue at the legal rate from the date on which suit was filed.

160 (4) EXCEPTIONS.—This section does not prohibit:

161 (a) Zoning ordinances that encompass firearms businesses
 162 along with other businesses, except that zoning ordinances that
 163 are designed for the purpose of restricting or prohibiting the
 164 sale, purchase, transfer, or manufacture of firearms or
 165 ammunition as a method of regulating firearms or ammunition are
 166 in conflict with this subsection and are prohibited;

167 (b) A duly organized law enforcement agency from enacting
 168 and enforcing regulations pertaining to firearms, ammunition, or

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CS/CS/CS/HB 45, Engrossed 1

2011 Legislature

169 firearm accessories issued to or used by peace officers in the
 170 course of their official duties;
 171 (c) Except as provided in s. 790.251, any entity subject
 172 to the prohibitions of this section from regulating or
 173 prohibiting the carrying of firearms and ammunition by an
 174 employee of the entity during and in the course of the
 175 employee's official duties;
 176 (d) A court or administrative law judge from hearing and
 177 resolving any case or controversy or issuing any opinion or
 178 order on a matter within the jurisdiction of that court or
 179 judge; or
 180 (e) The Florida Fish and Wildlife Conservation Commission
 181 from regulating the use of firearms or ammunition as a method of
 182 taking wildlife and regulating the shooting ranges managed by
 183 the commission.
 184 (5) ~~(4)~~ SHORT TITLE.—As created by chapter 87-23, Laws of
 185 Florida, this section shall be known and may be cited as the
 186 "Joe Carlucci Uniform Firearms Act."
 187 Section 2. This act shall take effect October 1, 2011.

MIAMI DAILY BUSINESS REVIEW

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

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

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

CITY OF AVENTURA - PUBLIC HEARING 9/6/2011
RE: PUBLIC STORAGE (02-SV-11)

in the XXXX Court,
was published in said newspaper in the issues of
08/24/2011

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

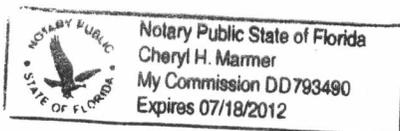
Sworn to and subscribed before me this

24 day of AUGUST, A.D. 2011

Cheryl H. Mamer

(SEAL)

MARIA MESA personally known to me



CITY OF AVENTURA NOTICE OF PUBLIC HEARING

Date and Time of Public Hearing: Tuesday, September 6, 2011
6:00 p.m.

Applicant Name/Number: Public Storage
(02-SV-11)

Applicant Request: Variance from Section 31-191 of the City Code to permit a wall sign measuring 100.75 square feet on the west elevation of the public storage building located at 2940 NE 188 Street, where no wall sign is permitted by Code.

Location of Subject Property: 2940 NE 188 Street, City of Aventura

Legal Description: Part of the Southwest ¼ of Section 3, Township 52 South, Range 42 East, Miami-Dade County, City of Aventura, Florida (complete legal description available at the Community Development Department)

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

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

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

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

8/24

Teresa M. Soroka, MMC, City Clerk
11-3-96/1744968M

MIAMI DAILY BUSINESS REVIEW

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Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

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CITY OF AVENTURA - PUBLIC HEARING 9/6/2011
RE: AVENTURA TURNBERRY JEWISH CENTER INC.

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

08/24/2011

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

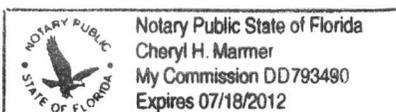
Sworn to and subscribed before me this

24 day of AUGUST, A.D. 2011



(SEAL)

MARIA MESA personally known to me



CITY OF AVENTURA NOTICE OF PUBLIC HEARING

Date and Time of Public Hearing: Tuesday, September 6, 2011
6:00 p.m.

Applicant Name/Number: Aventura Turnberry Jewish Center Inc.
(03-SV-11)

Applicant Request: Variance from Section 31-191(g)(7) of the City Code to permit a directional sign measuring 28 square feet on the north elevation of the entrance canopy at 20400 NE 30 Avenue, where directional signs measuring 4 square feet are permitted by Code.

Location of Subject Property: 20400 NE 30 Avenue, City of Aventura

Legal Description: Part of Tract B, Aventura Turnberry Jewish Center Replat, according to the plat recorded in Plat Book 147, Page 63, of the Public Records of Miami-Dade County, Florida, City of Aventura.

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

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8/24

Teresa M. Soroka, MMC, City Clerk
11-3-97/1744969M