

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

FEBRUARY 7, 2012 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:**
January 3, 2012 Commission Meeting
January 19, 2012 Commission Meeting
January 19, 2012 Workshop Meeting
 - B. **MOTION TO APPROVE PRESENTATION OF KEY TO THE CITY TO VICTOR AND CELIA CYNAMON**
 - C. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD OF THE AVENTURA CITY OF EXCELLENCE SCHOOL ("ACES"), AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO INCREASE THE SCHOOL ENROLLMENT AT ACES OVER THE NEXT FIVE YEARS AS OUTLINED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**
 - D. **A RESOLUTION OF THE CITY OF AVENTURA, FLORIDA IN SUPPORT OF ADEQUATE HOMELAND SECURITY FUNDNG AND TIER I DEPARTMENT OF HOMELAND SECURITY (DHS) DESIGNATION FOR THE MIAMI-FORT LAUDERDALE URBAN AREA SECURITY INITIATIVE (UASI); AUTHORIZING THE CITY MANAGER TO DO ALL THINGS**

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

E. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA 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.

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

7. ORDINANCES: FIRST READING–PUBLIC INPUT: None.

8. ORDINANCE – SECOND READING – PUBLIC HEARING:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, F.S., DATED SEPTEMBER 2, 2003, MADE BETWEEN MERCO GROUP AT AVENTURA LANDINGS I, II AND III, INC. AS DEVELOPER AND THE CITY OF AVENTURA, AS AMENDED OCTOBER 5, 2004 AND NOVEMBER 3, 2010, TO MODIFY EXHIBIT 'B' TO THE AGREEMENT AND TO EXTEND THE TERM OF THE AGREEMENT; RELATING TO THE PARCEL OF LAND ZONED RMF4, MULTIFAMILY HIGH DENSITY RESIDENTIAL DISTRICT, LOCATED ON NE 185 STREET AT NE 28 COURT, CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

SCHEDULE OF FUTURE MEETINGS/EVENTS

WORKSHOP MEETING	FEBRUARY 16, 2012	9AM	5th FL. EX. CONFERENCE ROOM
COMMISSION MEETING	MARCH 6, 2012	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
JANUARY 3, 2012 6 PM**

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

1. CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Susan Gottlieb at 6:13 p.m. immediately following the 6pm LPA meeting. Present were Commissioners Zev Auerbach, Bob Diamond, Teri Holzberg, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Billy Joel, 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 during previous LPA Meeting.

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

4. SPECIAL PRESENTATIONS: Mr. Soroka presented a 10-year service award to Community Development Department employee Rosemary Graff, 15-year service awards to Community Services Department employee Alan Levine, and Police Department employees Deidre Fogelgren, and William "Skip" Washa.

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

- A.** The following minutes were approved:
November 1, 2011 Commission Meeting
November 17, 2011 Commission Meeting
November 17, 2011 Workshop Meeting

- B.** **Resolution No. 2012-01** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ADOPTING THE CITY OF AVENTURA 2012 LEGISLATIVE PROGRAM AND PRIORITIES ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

- C.** **Resolution No. 2012-02** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARING AND LETTING A BID/CONTRACT FOR BID NO. 11-09-15-2, CITY OF AVENTURA MAINTENANCE AND REPAIR FOR CITY ROADS AND STREETS TO H & R PAVING, INC.,

MAGNA CONSTRUCTION, INC., AND WEEKLEY ASPHALT PAVING, INC. AT THE INDIVIDUAL 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 \$4,000 FOR THE LEO FOUNDATION FROM THE POLICE FEDERAL FORFEITURE FUND IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM

E. Resolution No. 2012-03 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. 2012-04 was adopted as follows

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, PROVIDING FOR THE APPOINTMENT BY THE COMMISSION OF A MEMBER TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT PLAN TO FILL A VACANCY AND PROVIDING AN EFFECTIVE DATE.

G. Resolution No. 2012-05 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THAT AGREEMENT BETWEEN THE CITY OF AVENTURA AND MIAMI-DADE COUNTY CLERK OF COURTS TO PROVIDE TRANSMISSION OF ELECTRONIC CITATIONS; 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 RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR LOUIS VUITTON GLOBAL STORE ON PROPERTY LOCATED AT 19501 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Stern and seconded by Commissioner Weinberg. Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously and **Resolution No. 2012-06** was adopted.

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

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

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, F.S., DATED SEPTEMBER 2, 2003, MADE BETWEEN MERCO GROUP AT AVENTURA LANDINGS I, II AND III, INC. AS DEVELOPER AND THE CITY OF AVENTURA, AS AMENDED OCTOBER 5, 2004 AND NOVEMBER 3, 2010, TO MODIFY EXHIBIT 'B' TO THE AGREEMENT AND TO EXTEND THE TERM OF THE AGREEMENT; RELATING TO THE PARCEL OF LAND ZONED RMF4, MULTIFAMILY HIGH DENSITY RESIDENTIAL DISTRICT, LOCATED ON NE 185 STREET AT NE 28 COURT, CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval, including any and all testimony previously given at the Local Planning Agency meeting, was offered by Vice Mayor Joel and seconded by Commissioner Auerbach. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion passed unanimously by roll call vote. Mr. Wolpin announced that the second reading of

this ordinance will be heard during the City Commission meeting on February 7, 2012.

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

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

A motion for approval was offered by Commissioner Stern 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 by roll call vote and **Ordinance No. 2012-01** was enacted.

9. **RESOLUTIONS – PUBLIC HEARING:** None.
10. **REPORTS:** As presented.
11. **PUBLIC COMMENTS:** Krop High School Senior and Aventura resident Raya Elias Pushett;
12. **OTHER BUSINESS:** None.
13. **ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6:42 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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



**MINUTES
COMMISSION MEETING
JANUARY 19, 2012 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 Zev Auerbach, Bob Diamond, Teri Holzberg, Luz Urbáez Weinberg, Michael Stern, Vice Mayor Billy Joel, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

2. **RESOLUTION:** Mr. Wolpin read the following resolution by title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDS AND LETTING A BID/CONTRACT FOR BID NO. 12-12-16-2, CITY OF AVENTURA GOVERNMENT CENTER THIRD FLOOR RENOVATIONS FOR POLICE TRAINING, TO CITYWORKS CONSTRUCTION, LLC AT THE BID PRICE OF \$329,289; 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.

A motion for approval of the resolution was offered by Vice Mayor Joel, and seconded by Commissioner Weinberg. The motion unanimously passed and **Resolution No. 2012- 07** was adopted.

3. **MOTIONS:**

A. The following motion was offered by Commissioner Auerbach, seconded by Commissioner Holzberg and unanimously passed:

MOTION TO EXTEND THE TIME TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION OF THE NEW NORTHEAST PUBLIC LIBRARY BRANCH FOR A FURTHER SIXTY (60) DAYS FROM JANUARY 4, 2012 TO MARCH 4, 2012

B. The following motion was offered by Commissioner Holzberg, seconded by Commissioner Stern and unanimously passed:

MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$365,418 FOR THE GOVERNMENT CENTER THIRD FLOOR RENOVATIONS FOR THE POLICE TRAINING PROJECT FROM THE POLICE

**FEDERAL AND STATE FORFEITURE FUNDS IN ACCORDANCE WITH
THE CITY MANAGER'S MEMORANDUM**

C. ADJOURNMENT: After motion made, seconded and unanimously passed, the meeting adjourned at 9:07 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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



MINUTES
CITY COMMISSION
WORKSHOP MEETING
JANUARY 19, 2012

Following the 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 9:07 a.m. by Mayor Susan Gottlieb following the 9 a.m. Commission meeting. Present were Commissioners Zev Auerbach, Bob Diamond, Teri Holzberg, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Billy Joel, 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.

Items 4 and 5 addressed first.

1. **KEY TO CITY RECOMMENDATION (Commissioner Diamond):** Commissioner Diamond requested that a Key to the City be presented to Victor Cynamon, Vice President and Chairman of the Holocaust Survivors Committee of the Aventura Turnberry Jewish Center for his years of service to the public. He also requested that he be the one to present the Key.
CITY MANAGER SUMMARY: Consensus to approve presentation of Key to Victor and Celia Cynamon. Mayor Gottlieb to present Key. Commissioner Diamond may also speak at the event regarding Mr. Cynamon.
2. **AVENTURA GOVERNMENT 101 – A CITIZEN’S ACADEMY (City Manager):** Mr. Soroka advised the Commission of the upcoming Citizen’s Academy and distributed the 8-week course outline.
CITY MANAGER SUMMARY: Consensus to approve as presented and schedule during the months of April and May.
3. **RIGHT TURN LANE @ 34TH AVENUE AND COUNTRY CLUB DRIVE (City Manager):** Mr. Soroka advised the Commission that in order for the County to proceed with installation, they have requested the City prepare a traffic operational study to evaluate the benefits and impacts of the proposed improvement.
CITY MANAGER SUMMARY: Consensus to approve proceeding as presented.
4. **LEHMAN CAUSEWAY/BISCAYNE BLVD TRAFFIC SAFETY CAMERA (City Manager):** Pursuant to Commission request, Mr. Soroka reviewed the need for this camera with the Police Chief and Traffic Unit. This intersection was deemed the most unsafe intersection in the City by the Police Department
CITY MANAGER SUMMARY: Consensus to proceed as requested.
5. **RECOMMENDATION TO INCREASE ENROLLMENT AT ACES (City Manager):** Mr. Soroka requested that the City Commission, acting in its capacity as the Governing Board of Aventura City of Excellence School (ACES), authorize the enrollment of the school to be increased from 972 to 984 in 2013/14 and

explained the need for this action. Principal Julie Alm also addressed the issue.

CITY MANAGER SUMMARY: Consensus to approve request.

6. **NALEO (Commissioner Weinberg):** Commissioner Weinberg requested approval of travel expenses for her participation in the annual NALEO Conference.

CITY MANAGER SUMMARY: Consensus to approve.

Mr. Soroka advised the Commission that he had received several special event permits for food truck events, and concerns from local vendors, and requested Commission input as to whether or not these events should have additional regulations. Consensus to leave current procedures in place and readdress in the future should the number of requests increase.

Other discussion included attendance at the Miami Dade County League of Cities Annual Installation Gala, presentation of a college scholarship to a deserving Aventura resident, abuse of handicapped parking spots/decals and upcoming FDOT construction that will impact the City.

7. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 10:49 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: January 10, 2012

SUBJECT: **Resolution Authorizing an Increase in Student Enrollment at the Aventura City of Excellence School**

February 7, 2012 City Commission Meeting Agenda Item 5-C

RECOMMENDATION

It is recommended that the City Commission acting in its capacity as the Governing Board of Aventura City of Excellence School (ACES) adopt the attached Resolution authorizing the enrollment of the school to be increased from 972 to 1032 students over the next four years.

BACKGROUND

As previously advised last year, ACES qualified as a high-performing charter school under sections 1002.331 and 1002.332 of the Florida Statutes. A high-performing charter school is defined as a school that has met each of the following criteria:

1. Received at least two school grades of "A" and no school grade below "B" for the last three years.
2. Received an unqualified opinion on each annual audit in the most recent three years for which such audits are available.
3. Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503, F.S., in the most three recent fiscal years for which audits are available.

The following is the benefits for ACES to be recognized as a high-performing charter school:

- Increase its student enrollment once per school year by up to 15% more than the capacity identified in the charter without School Board approval.
- Submit quarterly rather than monthly financial statements to the sponsor.

Based on recent discussions with ACES Principal and careful consideration, it was determined that it is in best interest of the school and its educational programs to

increase the fourth grade by twelve (12) students beginning in the 2012/13 school year. As the additional students move up in grade, this will also increase each grade by twelve (12) students over the next four years. This will increase the school capacity as follows:

<u>Year</u>	<u>School Enrollment</u>	<u>Class Increase</u>
2012/13	984	Fourth Grade -12
2013/14	996	Fifth Grade - 12
2014/15	1008	Sixth Grade - 12
2015/16	1020	Seventh Grade - 12
2016/17	1032	Eighth Grade - 12

For the 2012 – 2013 school year ACES will request that the capacity enrollment be increased from 972 to 984. The additional students will increase the enrollment at fourth through eighth grade over the next five years from 108 to 120 students. The revenue generated by the additional students in the first year would be approximately \$72,000. This amount would offset the cost one additional teacher and supplies for the students.

This additional teacher will make it possible to departmentalize the fourth grade team. Departmentalizing allows teachers to focus on one to two content areas with specialization. This enables them to become experts in their content area rather than generalist teaching all subjects. The Next Generation Sunshine State Standards being assessed this year in reading, math and science require an increased depth of knowledge. Additionally next year the FCAT Writes for fourth grade will require students to meet additional standards. Specific scoring rubrics are being developed by the Florida Department of Education. The rubrics will be customized to evaluate the writer's skill in responding to the writing task.

ACES will still meet class size requirements with the increased capacity. It should be noted that the additional students will not have had the benefit of ACES academic program in previous years. They will require close monitoring and possibly additional support to ensure their success and for ACES to maintain the current level of performance on the FCAT at fourth grade.

In order to take advantage of increasing the student enrollment for 2012/13 as outlined above, the Governing Board of ACES must adopt a Resolution approving the change in enrollment by March 15, 2012.

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

EMS/

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD OF THE AVENTURA CITY OF EXCELLENCE SCHOOL (“ACES”), AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO INCREASE THE SCHOOL ENROLLMENT AT ACES OVER THE NEXT FIVE YEARS AS OUTLINED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, based upon the recommendations of the City Manager and ACES Principal, it is in the best interests of ACES and its educational programs to expand the school capacity and departmentalize the fourth grade educational programs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD OF ACES, THAT:

Section 1: The City Manager is hereby authorized to take the necessary action to increase the school enrollment at ACES as follows:

<u>Year</u>	<u>School Enrollment</u>	<u>Class Increase</u>
2012/13	984	Fourth Grade – 12
2013/14	996	Fifth Grade – 12
2014/15	1008	Sixth Grade – 12
2015/16	1020	Seventh Grade – 12
2016/17	1032	Eighth Grade – 12

Section 2: This Resolution shall be effective immediately upon its adoption.

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

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

Resolution No. 2012-__
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PASSED AND ADOPTED this 7th day of February, 2012.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: January 30, 2012

SUBJECT: **Resolution Supporting Tier I Status for Miami/Ft. Lauderdale Urban Area Security Initiative (UASI)**

February 7, 2012 Commission Meeting Agenda Item 5D

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution that requests the U.S. Department of Homeland Security (DHS) to recognize the Miami/Ft. Lauderdale Urban Area Security Initiative (UASI) as a Tier I funding recipient with the UASI program.

BACKGROUND

On November 15, 2011 the Miami-Dade Board of County Commissioners adopted Resolution No. R-977-11, supporting the County Mayor to request the U.S. Department of Homeland Security (DHS) to recognize the Miami/Ft. Lauderdale Urban Areas Security Initiative (UASI) as a Tier I funding recipient within the UASI Program.

The U.S. DHS allocates funding under the UASI program by calculating risk factors of designated urban areas across the United States and assigns a tier designation, either I or II. The tier status determines the amount of funding allocated to each UASI. UASIs recognized with a Tier I status are allocated a substantially greater amount of Federal funding under this vital homeland security program. The Miami/Ft. Lauderdale UASI is designated as Tier II. The Miami/Ft. Lauderdale UASI has been working diligently to secure a review of the Miami/Ft. Lauderdale UASI by DHS and subsequent Tier I designation.

In the past weeks, Congress passed H.R. 2055 – FY2012 Consolidated Appropriations Act that included funding for the Department of Homeland Security. State and Local FEMA programs were funded at \$1,349,681,000 with \$1.118 billion for state and local program grants. This is a significant reduction in overall funding as Congress has

sought to address deficit reduction. The bill directs the DHS Secretary to divide the \$1.118 billion among the various State and Local grant programs including UASI.

The Secretary is essentially given full discretion to determine the amount allocated for UASI and other grant funding programs from a substantially reduced overall amount for State and Local Grant Programs as compared to FY2011. With the overall reduced funding level, and the even broader discretion given to the Secretary it is critical that we ensure baseline funding for UASI, along with the fair allocation to Miami/Ft. Lauderdale commensurate with its level of threat, vulnerability, and consequence in order to maintain and sustain UASI capabilities.

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

EMS/act

Attachment

CCO1763-12

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY OF AVENTURA, FLORIDA IN SUPPORT OF ADEQUATE HOMELAND SECURITY FUNDING AND TIER I DEPARTMENT OF HOMELAND SECURITY (DHS) DESIGNATION FOR THE MIAMI-FORT LAUDERDALE URBAN AREA SECURITY INITIATIVE (UASI); AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Department of Homeland Security, through the Urban Area Security Initiative Program, provides homeland security grant funding to address the unique planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas, and assists them in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism; and

WHEREAS, the Department of Homeland Security, through the UASI Program, distinguishes among urban areas as Tier 1 and Tier II, with the 11 highest risk urban areas deemed Tier 1, and the remaining 20 deemed Tier II; and

WHEREAS, the Department of Homeland Security allocates significantly more funding to Tier 1 Urban Areas, including over 80 percent of total UASI funding in FY2011; and

WHEREAS, the Tier 1 designation is based on a DHS formula that assesses risk based on factors such as threat, vulnerability, and consequence, taking into account population, borders, economic impact, and critical infrastructure ; and

WHEREAS, the Miami-Fort Lauderdale UASI is the eighth-largest Metropolitan Statistical Area (MSA) in the United States, with a permanent population of 5.6 million residents living throughout Palm Beach, Broward, Miami-Dade, and Monroe Counties, along with millions of seasonal residents and tourist travelers; and

WHEREAS, the Miami-Fort Lauderdale UASI includes over 110 municipalities, four international airports, three major convention centers, and other critical utility and water infrastructure; and

WHEREAS, the Miami-Fort Lauderdale UASI encompasses four international seaports: Port Everglades, Port of Key West, Port of Miami, and Port of Palm Beach, with the Port of Miami the busiest passenger cruise ship port in the world; and

WHEREAS, Port Everglades is the site of South Florida's primary fuel storage and distribution center that supplies nearly one-fifth of the state's energy requirements; and

WHEREAS, the Miami-Fort Lauderdale UASI region includes Lake Okeechobee and the Herbert Hoover Dike, which, if respectively contaminated or breached, would cause enormous disruptions in drinking water supplies and agricultural irrigation with flooding that would endanger South Florida and much of Central Florida; and

WHEREAS, the Miami-Fort Lauderdale UASI has both national and international economic significance, with a gross domestic product (GDP) of \$252.6 billion, and is home to the largest concentration of international banks in the United States, and is the future home of the Permanent Secretariat of the Free Trade Agreement of the Americas; and

WHEREAS, the Miami-Fort Lauderdale UASI is home to the National Access Point (NAP) Center of the Americas, which is the primary internet and telecommunications distribution center for all of Central and South America; and

WHEREAS, the Miami-Fort Lauderdale UASI is of immense significance to our Nation's defense and homeland security, serving as the home to US Southern Command (USSOUTHCOM), Homestead Air Reserve Base, US Coast Guard operations at Air Station Miami and Station Miami Beach; and the National Hurricane Center; and

WHEREAS, the National Commission on Terrorist Attacks upon the United States cites specific localities within the Miami-Fort Lauderdale UASI region through which some of the 9-11 terrorists are known to have traveled; and

WHEREAS, UASI funding is essential in providing funding for the training and coordination of communication and response for over a hundred different fire, EMS, HazMat, law enforcement, emergency operations and public health agencies within the Miami/Ft. Lauderdale UASI; and

WHEREAS, the Miami-Fort Lauderdale Urban Area is not currently designated as a Tier I high-threat, high density urban area; and

WHEREAS, the current UASI methodology utilized by DHS does not adequately account for airport and sea borne threats, nor the presence of thousands of passengers filling cruise ship beds; and

WHEREAS, the Miami-Fort Lauderdale Urban Area despite being among the top 13 UASIs in the country, sustained a 44 percent reduction in funding from \$17.1 million in FY2010 to \$9.6 million in FY2011, while the eleven Tier 1 Urban Areas sustained no reductions in funding; and

WHEREAS, the City Commission, as part of the Miami-Fort Lauderdale UASI, is concerned that the Department of Homeland Security through the UASI Program, will continue to dedicate insufficient resources to safeguard the Miami-Fort Lauderdale Urban Area.

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

SECTION 1. The City encourages the Department of Homeland Security to recognize the Miami-Fort Lauderdale Urban Area as a Tier I UASI funding recipient within the UASI Program, and allocate adequate funding commensurate with its risk profile and importance to the nation.

SECTION 2. The City of Aventura supports full funding of the UASI Program in FY2012.

SECTION 3. A copy of this resolution shall be forwarded to the offices of Senator Bill Nelson, Senator Marco Rubio, and Congresswoman Debbie Wasserman-Schultz.

SECTION 4. The City Manager is authorized to do all things necessary to carry out the aims of this resolution.

SECTION 5. This Resolution shall be effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption.

The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

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

PASSED AND ADOPTED this 7th day of February, 2012.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: January 30, 2012

SUBJECT: **Resolution Declaring Equipment Surplus**

February 7, 2012 Commission Meeting Agenda Item 5E

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

CCO1767-12

CITY OF AVENTURA

INFORMATION TECHNOLOGY DEPARTMENT

MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: Karen J. Lanke, Information Technology Director
DATE: January 27, 2012
SUBJECT: Surplus Computer Equipment

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

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

Attachment

RESOLUTION NO. 2012-__

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED this 7th day of February, 2012.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**City of Aventura
Computer Equipment Inventory**

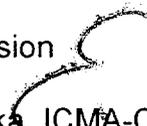
Exhibit A

#	Asset Tag	Brand	Model	Qty	Serial Number	Type
1		APC	BACKUPS RS800	5		BATTERY BACKUP
2		DELTEC	RS3RP2T	1	A3011453	BATTERY BACKUP
3		POWERWARE	5115	1		BATTERY BACKUP
4		DELL	OPTIPLEX GX620	1	2J6ST71	DESKTOP
5		DELL	OPTIPLEX GX620	1	FZHKWB1	DESKTOP
6		DELL	D610	1	DL07K81	LAPTOP
7		DELL	D610	1	GL07K81	LAPTOP
8		DELL	D630	1	1C0NGH1	LAPTOP
9		DELL	D630	1	9B0NGH1	LAPTOP
10		DELL	D630	1	DGZ82D1	LAPTOP
11		DELL	D630	1	JQX55H1	LAPTOP
12		DELL	LATITUDE D600	1	8HPPF51	LAPTOP
13		SIERRA WIRELESS	MP555	1	9900439766	MODEM
14		SIERRA WIRELESS	MP555	1	9900439772	MODEM
15		SIERRA WIRELESS	MP555	1	9900439774	MODEM
16		SIERRA WIRELESS	MP555	1	9900439786	MODEM
17		SIERRA WIRELESS	MP555	1	9900440004	MODEM
18		SIERRA WIRELESS	MP555	1	9900441341	MODEM
19		SIERRA WIRELESS	MP555	1	9900441345	MODEM
20		SIERRA WIRELESS	MP555	1	9901045745	MODEM
21		SIERRA WIRELESS	MP555	1	9901045746	MODEM
22		SIERRA WIRELESS	MP555	1	99004413449	MODEM
23		DELL	1504FP	1	MX05R10847605369AYDF	MONITOR
24		DELL	1707FPC	1	CNOCC3526418064616BC	MONITOR
25		DELL	1800FP	1	MX07R4774832337G0QLE	MONITOR
26		DELL	M770	1	MX01780R47801054H1ES	MONITOR
27		DELL		1	MX03X9664760539QCZNV	MONITOR
28		INTERTEL	AXXESS PBX CABINET	1	BE2USA-24359-PF-E	PBX
29		INTERTEL	AXXESS PBX CABINET	1	BE2USA-74572-MF-E	PBX
30		INTERTEL	AXXESS PBX CABINET	1	BE2USA-74573-KF-E	PBX
31		HP	DESKJET 6940	1	MY7BGB50Q9	PRINTER
32		HP	LASERJET 1320	1	CNC1K00620	PRINTER
33		HP	PSC 2210	1	MY31EF33JY	PRINTER
34		CISCO	7200	1	CNM2XB0ARC	ROUTER
35	1263	CISCO	CATALYST 3500	1	CNM3430BRA	ROUTER
36	1911	CISCO	4507	1	CNMVY00CRA	SWITCH
37	1269	AFCO CABINET		1		
38	1268	AFCO CABINET		1		
39		AMP	48 PORT PATCH PANEL	1		
40		BARRACUDA	SPAM FILTER 300	1	37120	
41		INTERTEL	PHONE	1		
42		RADWARE	LINKPROOF	1	W1602419	

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission 

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

BY: Joanne Carr, AICP 
Community Development Director

DATE: December 6, 2011

SUBJECT: Request to Modify Exhibit "B" and to Extend Term of
Chapter 163 Development Agreement
Lubavitch Center Aventura South, Inc.
NE 185 Street at NE 28 Court, City of Aventura
(01-DA-12)

January 3, 2012 Local Planning Agency Agenda Item 4
January 3, 2012 City Commission Meeting Agenda Item 7
February 7, 2012 City Commission Meeting Agenda Item 8

RECOMMENDATION

It is recommended that the City Commission:

1. Approve an amendment to the Development Agreement made pursuant to Chapter 163, Florida Statutes, between the owner and the City to modify Exhibit "B" to the agreement detailing the development proposal for the "Lofts Parcel" and to extend the term of the agreement for a 2.5 year period from August 2, 2012 to February 2, 2015; and
2. Authorize the City Manager to execute such amendment to the Development Agreement on behalf of the City.

THE REQUEST

The applicant, Lubavitch Center Aventura South, Inc., is requesting an amendment to Exhibit "B" of the existing Development Agreement to reflect the current development

proposal for a synagogue and residential building on the "Lofts Parcel" and to extend the term of the agreement for a further 2.5 year term from August 2, 2012 to February 2, 2015. (See Exhibit #1 for Letters of Intent)

BACKGROUND

OWNER OF PROPERTY: Lubavitch Center Aventura South Inc.
Tract C 28-2203-000-0231 1.66 acres

NAME OF APPLICANT Brian S. Adler

LOCATION OF PROPERTY NE 28 Court at NE 185 Street
See Exhibit #2 for Location Map

HISTORY

In 2003, Merco Group at Aventura Landings received various development approvals relating to the four tracts of land on NE 185 Street at NE 28 Court; those being, the "Townhome Parcel", the "Condominium Parcel", the "Lofts Parcel" and the "Outparcel". The tracts are designated as Medium High Density Residential land use on the City's Future Land Use Map and are zoned RMF4, Multifamily High Density Residential District.

As part of the rezoning ordinance in 2003, the City Commission approved a Development Agreement under Chapter 163 of the Florida Statutes. That agreement provided that the owner dedicate land, design and build the extension of NE 185 Street as a necessary public facility and in turn, the agreement conferred to the owner the benefit of preservation of zoning and concurrency during the term of the agreement. The road extension was dedicated and constructed as agreed and is now in use.

Exhibit "B" of the Development Agreement detailed the approved development on each of the parcels. The original approved development consisted of a 62 unit townhome parcel south of NE 185 Street and west of NE 28 Court on the "Townhome Parcel", a 205 unit 19-story condominium parcel north of NE 185 Street and west of NE 28 Court on the "Condominium Parcel", and a 138 loft-style, 13-story apartment south of NE 185 Street and east of NE 28 Court on the "Lofts Parcel".

The property was placed in receivership in October of 2008. The parcels were subsequently sold individually. The 62 unit townhome parcel and the outparcel were completed. A foundation was built on the condominium parcel with no further construction after that time. The applicant has purchased the "Lofts Parcel" and has received conditional use approval to construct a synagogue along with the 138 unit residential units. Its application for administrative site plan approval is in the staff review process. The synagogue is proposed as Phase I, with the residential component of the site planned for construction as a future Phase II.

The applicant's new development proposal necessitates an amendment to Exhibit "B" of the Development Agreement to reflect the current plan. No increase in density and no increase in height are requested. The proposed Third Modification to Development Agreement is attached as Exhibit #3.

The current description of the "Lofts Parcel" development is:

"Lofts Parcel. (South of NE 185th Street and east of current NE 28th Court). This parcel is 1.952 acres in size. Proposed development of this parcel is for 138 loft-style apartment units under the RMF4 zoning district regulations. Proposed maximum height is 13 stories or 206'10"."

The proposed amended description of the "Loft Parcel" development is:

"Lofts Parcel. (South of NE 185th Street and east of current NE 28th Court). This parcel is 1.952 acres in size. Proposed development of this parcel is for a religious facility and 138 residential units (including singularly or a combination of standard residential units, assisted living facilities and independent living facilities) under the RMF4 zoning district regulations. Proposed maximum height is 13 stories or 206' 10"."

Paragraph 11 of the Development Agreement provides for a term of five (5) years, with extension by mutual agreement in two 2.5 year increments, subject to public hearing approval, provided that the road construction is complete. The original five year term of the agreement expired on February 2, 2010. The road construction was completed within that time. The previous owner requested and was granted another 2.5 year term to August 2, 2012. The applicant is now requesting the remaining two and one half year extension originally contemplated by the agreement, from August 2, 2012 to February 2, 2015, to permit the development of both planned phases of the "Lofts Parcel".

Exhibit #1
01-DA-12

Brian S. Adler, Esq.
Tel 305.350.2351
Fax 305.351.2206
badler@bilzin.com

May 20, 2011

Joanne Carr, Community Development Director
City of Aventura
19200 W. Country Club Drive, 4th Floor
Aventura, Florida 33180

Re: Lubavitch Center Aventura South, Inc.
Property Located at 18449 N.E. 28th Court (the "Property")

Dear Ms. Carr:

This firm represents Lubavitch Center Aventura South, Inc. ("Lubavitch") as the owner of the Property, identified as Folio No. 28-2203-082-0670.

Lubavitch obtained conditional use approval for a religious facility through City of Aventura Resolution 2011-47. Lubavitch now has a pending application for administrative site plan approval for its permanent religious facility on the Property. As part of the religious facility approval, Lubavitch must amend the previously executed and currently governing Development Agreement. Therefore, please consider this our companion request to the administrative site plan application for City approval to amend the Development Agreement (as amended) currently governing the Property.

As the City is aware, the Property was part of an overall larger development which was approved and subsequently platted as the Merco Aventura Plat at Plat Book 166, Page 58 of the Public Records of Miami-Dade County, Florida. Lubavitch acquired the portion of the overall property known as Tract F.

As part of the original approval on the overall property, the property owners and the City of Aventura entered into a Development Agreement governing the development of the Property, along with the other properties in the overall development. A subsequent owner and the City modified the Development Agreement to extend development approval through August 2, 2012.

The purpose of our request is 1) to modify the permitted uses attached as Exhibit "B" to the Development Agreement as it relates to the Property (referenced on Exhibit "B" as the Lofts Parcel), to allow for the development of a religious facility and residential units, including singularly or a combination of standard residential units, assisted living facilities and independent living facilities, and 2) to further extend the term of the Agreement for the Lofts

MIAMI 2799600.2 7944535695
12/7/11

Joanne Carr, Community Development Director

May 20, 2011

Page 2

Parcel for two and one half (2 ½) years to February 2, 2015 to allow first, for the development of the religious facility and, subsequently the development of the residential portion of the Property.

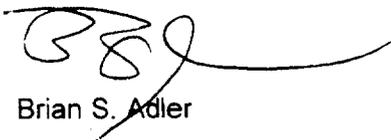
As the City can appreciate, the proposed construction on the Property is anticipated to occur through phases and the residential portion will not be developed until after the religious facility is constructed. Therefore, we are requesting the additional time to allow first, for the development of the religious facility and, second, the residential tower.

I have attached a proposed Third Modification to Development Agreement for your review and our discussion.

We appreciate the City's consideration of our application.

If you wish to discuss the above, please contact me at 305-350-2351.

Sincerely,



Brian S. Adler

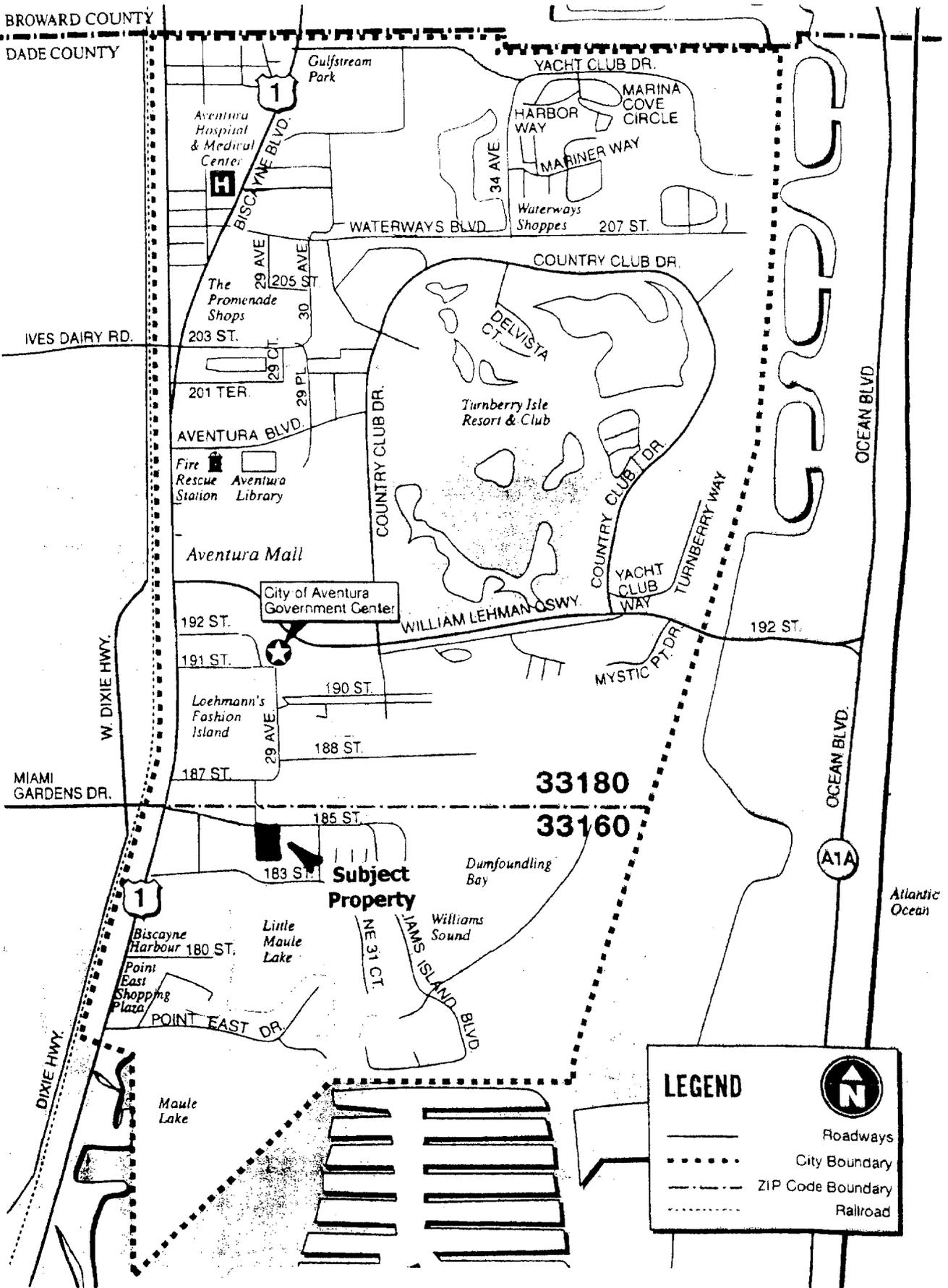
BSA/ee
Attachment

cc: Morris Kaplan
Rabbi Rosenfeld
Stanley B. Price, Esquire

MIAMI 2799600.2 7944535695
12/7/11



BROWARD COUNTY
DADE COUNTY



33180
33160

Subject Property

LEGEND

- Roadways
- - - City Boundary
- - - ZIP Code Boundary
- - - Railroad



**Exhibit #2
01-DA-12**

**Exhibit #3
01-DA-12**

*After Recording Please Return to:
Brian S. Adler, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue, Suite 2300
Miami, FL 33131*

THIRD MODIFICATION TO DEVELOPMENT AGREEMENT

THIS THIRD MODIFICATION TO DEVELOPMENT AGREEMENT ("Third Modification") is entered into the ____ day of _____, 2011, by and between THE CITY OF AVENTURA, a Florida municipal corporation (the "City") and LUBAVITCH CENTER AVENTURA SOUTH, INC., a Florida non-for-profit corporation ("Lubavitch"), as joined in by the owners of the remainder of the Entire Property as described in this Third Modification ("Owners").

RECITALS:

WHEREAS, Lubavitch owns the property, consisting of approximately 1.68+/- acres of land (the "Lubavitch Property"), the legal description of which is attached hereto as Schedule "A", which is a portion of the overall property ("Entire Property") attached as Schedule "B";

WHEREAS, the previous owners, MERCO GROUP AT AVENTURA LANDINGS, I INC.; MERCO GROUP AT AVENTURA LANDINGS II, INC. and MERCO GROUP AT AVENTURA LANDINGS III, INC. (collectively, "Original Owner") obtained development approvals relating to the Entire Property, including an application to amend the City of Aventura Comprehensive Plan, an application for rezoning, an application for site plan approval, an application for various variances required to develop the Project, and an application to close a portion of NE 28th Court (the "Applications"), through the City's Community Development Department;

WHEREAS, on September 2, 2003, Original Owner and the City entered into a development agreement ("Original Agreement"), pursuant to the Florida Local Government Development Agreement Act Sections 163.3220-163.3243, Florida Statutes;

WHEREAS, on October 5, 2004, the City and the then owner of the property subject to the Original Agreement, mutually agreed to amend Exhibit "B" to the Original Agreement to revise the number of stories in the "Condominium Parcel";

WHEREAS, since the date of execution of the Original Agreement, the Owner has fulfilled the conditions of paragraph 4 of the Original Agreement to provide the necessary public facility and had received necessary permits and constructed the 62 townhomes on the "town

home parcel" described in Exhibit "B" to the Original Agreement and has recorded a final plat dividing the parcels into development lots and tracts;

WHEREAS, MGAL REPH I, II, III, LLC and CHATEAU AVENTURA, LLC were the subsequent owners of the Entire Property (collectively, the "Subsequent Owner");

WHEREAS, paragraph 11 of the Original Agreement provides for a term of five (5) years from the effective date of February 2, 2005 and provides that the term may be extended by mutual agreement of the City and the Owner in 2.5-year increments up to an additional five (5) years from the termination date;

WHEREAS, on November 3, 2010, the Subsequent Owner and the City entered into a second modification to the Original Agreement entitled Modification to Development Agreement, recorded November 19, 2010, in Official Records Book 27496 at Page 251 of the Public Records of Miami-Dade County, Florida, modifying the Original Agreement to extend the term of the Original Agreement from February 2, 2010 to August 2, 2012 for the Subsequent Owner to market for sale while preserving the development approvals granted by the City, and requiring payment of the transportation mitigation impact fee prior to issuance of building permits for the condominium loft parcel;

WHEREAS, the City and Owner agree to a further modification of paragraph 11 of the Original Agreement to extend the term of the Original Agreement for a further 2.5 years from August 2, 2012 to February 2, 2015 as it relates to the Lubavitch Property in order for Lubavitch to develop the Lubavitch Property in accordance with the City's approval for the religious facility and to market the remainder of the Lubavitch Property and to continue with the development approval;

WHEREAS, Lubavitch is also seeking to modify the "Project Land Uses, Densities and Intensities" for the Lubavitch Property which is described as the Lofts Parcel described on Exhibit "B" to the Original Agreement as previously modified, which provided for the Lubavitch Property to be developed with 138 loft type apartment units and a maximum height of 13 stories or 206' 10";

WHEREAS, Lubavitch wishes to develop a religious facility (both on a temporary and permanent basis) along with residential units (including singularly or a combination of standard residential units, assisted living facilities and independent living facilities) ; and

WHEREAS, the construction of the religious facility is anticipated to span a period of approximately 24 months and the marketing and approval for the residential portion is anticipated to take an additional 24 to 30 months, thus necessitating an extension of the development agreement approval period;

WHEREAS, Lubavitch and the City agree to a modification of Exhibit "B" of the Original Agreement to amend the development of the Lofts Parcel and to amend paragraph 11 to extend the term for the Loft Parcel;

NOW, THEREFORE, in consideration of the mutual covenants and agreements expressed herein, Lubavitch, Owners and the City agree as follows:

1. **Recitals**. The recitals set forth above are incorporated herein and form an integral part of this Second Modification.

2. **Exhibit Replaced**. Exhibit "B" to the Original Agreement is hereby substituted in its entirety with the attached Exhibit "B".

3. **Modification**. The Development Agreement dated September 2, 2003, amended by Modification to Agreement dated December 29, 2004, and amended by Modification to Development Agreement dated November 3, 2010 is hereby further amended to amend Exhibit "B" and by revising paragraph 11 to extend the termination date from August 2, 2012 to February 2, 2015.

4. **Agreement Status**. The terms and conditions of the Original Agreement and the previous modifications shall remain in full force and effect except as herein modified.

Signed, sealed, executed and acknowledged this ____ day of _____, 2011.

[Signature Pages to Follow]

CITY:

CITY OF AVENTURA, FLORIDA

Attest:

By: _____
Teresa Soroka, MMC
City Clerk

By: _____
Eric M. Soroka, ICMA-CM
City Manager

OWNER:

Witnesses:

LUBAVITCH CENTER AVENTURA SOUTH,
INC., a Florida non-for-profit corporation

Print Name: _____

By: _____
Rabbi Menachem M. Rosenfeld
President

Print Name: _____

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to, subscribed and acknowledged before me this _____ day of _____, 2011, by Rabbi Menachem M. Rosenfeld, President of Lubavitch Center Aventura South, Inc., a Florida not-for-profit corporation, who is personally known to me or produced _____ as identification.

My Commission Expires:

By: _____
Notary Public
State of Florida at Large

(Notary Seal)

SCHEDULE "A"

SCHEDULE "B"

EXHIBIT "B"

PROJECT LAND USES, DENSITIES AND INTENSITIES

The Project includes the following described development, permitted on the Property as described in Exhibit "A" attached to the Agreement.

Townhome Parcel. (South of Proposed NE 185th Street and west of current NE 28th Court). This parcel is 4.482 acres gross, and 4.07 acres net. Proposed development of this parcel is for 62 townhomes under the RMF4 and RMF3A zoning district regulations. Proposed maximum height is 3 stories or 35 feet.

Condominium Parcel. (North of Proposed NE 185th Street and west of NE 28th Court). This parcel is 2.30 acres gross, and 1.89 acres net. Proposed development of this parcel is for 205 condominium units under the RMF4 zoning district regulations. Proposed maximum roof height is 19 stories or 186' – 6".

Lofts Parcel. (South of NE 185th Street and east of current NE 28th Court). This parcel is 1.952 acres in size. Proposed development of this parcel is for a religious facility and 138 residential units (including singularly or a combination of standard residential units, assisted living facilities and independent living facilities) under the RMF4 zoning district regulations. Proposed maximum height is 13 stories or 206' 10".

Outparcel. (South side of NE 185th Street, on northwest side of Townhome Parcel). The outparcel is .284 acres in size. Proposed development of the outparcel is for a swimming pool, clubhouse, entry feature and guest parking. No residential development is proposed for this parcel. Subject to approval by the City Commission, the Owner may install landscaping, a water feature, or other decorative elements on this parcel.



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:

<i>Name</i>	<i>Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</i>
<u>Stanley B. Price, Esq.</u>	<u>Attorney</u>
<u>Brian S. Adler, Esq.</u>	<u>Attorney</u>
<u>Rabbi Menachem Rosenfeld</u>	<u>Owner Representative, President</u>
<u>Michael Tabacnic</u>	<u>Consultant</u>
<u>Morris Kaplan</u>	<u>Consultant</u>
<u>Jaime Schapiro</u>	<u>Architect</u>
<u>Michael A. Vazquez, P.E</u>	<u>Civil Engineer</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 14 DAY OF June, 2011.

AUTHORIZED REPRESENTATIVE OF APPLICANT:

OWNER

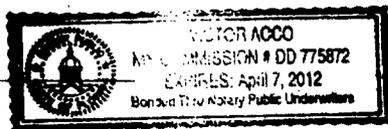
By: [Signature]
Rabbi Menachem Rosenfeld
Title: President

Address: 2941 N.E. 185 Street, #1301
Aventura, FL 33180

Before me the undersigned authority personally appeared Rabbi Menachem Rosenfeld as the owner, authorized representative and President of the Applicant of the property subject to the application, who being first by me duly sworn, did swear or affirm that they executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 14 day of June, 2011.

My commission expires:



Notary Public State of Florida At Large
Printed Name of Notary Victor Acco



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 17 DAY OF May, 2011.

APPLICANT REPRESENTATIVE

By: [Signature] (Signature) May 17, 2011
 Name: Stanley B. Price (Print)
 Title: Attorney (Print)

By: [Signature] (Signature) May 17, 2011
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Michael Tabacnic (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Jaime Schapiro (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Dan Fortin, Jr. (Print)
 Title: Engineer (Print)

WITNESS MY HAND THIS 17 DAY OF May, 2011.

PROPERTY OWNER

By: [Signature] (Signature)
 Name: Rabbi Menachem Rosenfeld (Print)
 Title: Owner Representative, 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 17 DAY OF May, 2011

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: Rabbi Menachem Rosenfeld (Print)

Name: Morris Kaplan (Print)

Title: Owner/President (Print)

Title: Consultant (Print)

By: [Signature] (Signature) May 18, 2011

By: _____ (Signature)

Name: Stanley B. Price (Print)

Name: Jaime Schapiro (Print)

Title: Attorney (Print)

Title: Architect (Print)

By: [Signature] (Signature) May 18, 2011

By: _____ (Signature)

Name: Brian S. Adler (Print)

Name: Dan Fortin, Jr. (Print)

Title: Attorney (Print)

Title: Engineer (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: Michael Tabacinic (Print)

Title: _____ (Print)

Title: Consultant (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

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

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

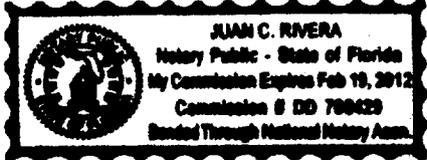
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of May, 2011



[Signature]
Notary Public State of Florida At Large
Printed Name of Notary Juan C. Rivera
My commission expires: 2/19/2012

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of May, 2011



CHRISTINE A. BOWER
MY COMMISSION # DD 959346
EXPIRES: February 20, 2014
Bonded Thru Budget Notary Services

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary Christine A. Bower
My commission expires: 2/20/14

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of May, 2011.



CHRISTINE A. BOWER
MY COMMISSION # DD 959346
EXPIRES: February 20, 2014
Bonded Thru Budget Notary Services

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary Christine A. Bower
My commission expires: 2/20/14

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Tabacnic, 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 _____, 2011.

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



BUSINESS RELATIONSHIP AFFIDAVIT*

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS _____ DAY OF _____, 2011.

APPLICANT REPRESENTATIVE:

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

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

By: Michael Tabacnic (Signature)
 Name: Michael Tabacnic (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Jaime Schapiro (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Dan Fortin, Jr. (Print)
 Title: Engineer (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2011.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Rabbi Menachem Rosenfeld (Print)
 Title: Owner Representative, 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 12 DAY OF May, 2011

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Rabbi Menachem Rosenfeld (Print)

Title: Owner/President (Print)

By: _____ (Signature)

Name: Morris Kaplan (Print)

Title: Consultant (Print)

By: _____ (Signature)

Name: Stanley B. Price (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: Jaime Schapiro (Print)

Title: Architect (Print)

By: _____ (Signature)

Name: Brian S. Adler (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: Dan Fortin, Jr. (Print)

Title: Engineer (Print)

By: h z (Signature)

Title: Michael Tabacnic (Print)

Title: Consultant (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

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.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Rabbi Menachem Rosenfeld, 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 _____, 2011.

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

Notary Public State of

Printed Name of Notary

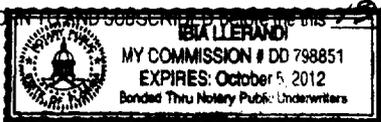
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Tabacnic, 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 MAY, 2011.



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.

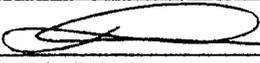
WITNESS MY HAND THIS 17th DAY OF May, 2011.

APPLICANT REPRESENTATIVE:

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

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

By: _____ (Signature)
 Name: Michael Tabacnic (Print)
 Title: *, Consultant (Print)

By:  (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Jaime Schapiro (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Dan Fortin, Jr. (Print)
 Title: Engineer (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2011.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Rabbi Menachem Rosenfeld (Print)
 Title: Owner Representative, 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 17th DAY OF May, 2011

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Rabbi Menachem Rosenfeld (Print)

Title: Owner/President (Print)

By: _____ (Signature)

Name: Stanley B. Price (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: Brian S. Adler (Print)

Title: Attorney (Print)

By: _____ (Signature)

Title: Michael Tabacinic (Print)

Title: Consultant (Print)

By: _____ (Signature)

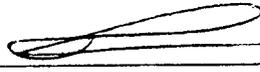
Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By:  (Signature)

Name: Morris Kaplan (Print)

Title: Consultant (Print)

By: _____ (Signature)

Name: Jaime Schapiro (Print)

Title: Architect (Print)

By: _____ (Signature)

Name: Dan Fortin, Jr. (Print)

Title: Engineer (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

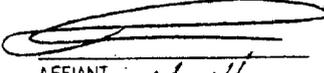
Title: _____ (Print)

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.

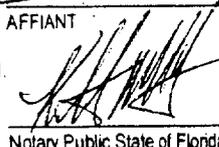
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Morris Kaplan, 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 17 day of MAY, 2011.

 Fulton County, Georgia

Notary Public State of Florida At Large

Keith Marks

Printed Name of Notary

My commission expires 2/10/2014

**Official Seal
Keith Marks
Notary Public, Fulton County, Georgia
My Commission Expires February 10, 2014**



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:

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

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

APPLICANT:

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

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

PROPERTY OWNER:

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

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

WITNESS MY HAND THIS 7 DAY OF June, 2001.

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: James Sample (Print)

Name: _____ (Print)

Title: ARCHITECT (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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NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

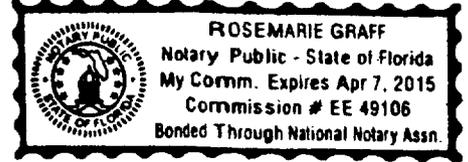
Before me, the undersigned authority, personally appeared James S. [Signature] the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 2nd day of June, 2011

FOL. 5160-420-39-256 0
EX 7/13

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



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

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



BUSINESS RELATIONSHIP AFFIDAVIT*

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(mark with "x" applicable portions only)

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- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
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WITNESS MY HAND THIS _____ DAY OF _____, 2011.

APPLICANT REPRESENTATIVE:

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

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

By: _____ (Signature)
 Name: Michael Tabacinic (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Jaime Schapiro (Print)
 Title: Architect (Print)

By: [Signature] (Signature)
 Name: Michael A. Vazquez, P.E. (Print)
 Title: Civil Engineer (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2011.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Rabbi Menachem Rosentfeld (Print)
 Title: Owner Representative, 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 24 DAY OF MAY, 2011

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

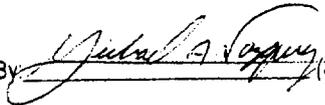
By: _____ (Signature)
Name: Rabbi Menachem Rosenfeld (Print)
Title: Owner/President (Print)

By: _____ (Signature)
Name: Morris Kaplan (Print)
Title: Consultant (Print)

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

By: _____ (Signature)
Name: Jaime Schapiro (Print)
Title: Architect (Print)

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

By:  (Signature)
Name: Michael A. Vazquez, P.E. (Print)
Title: Civil Engineer (Print)

By: _____ (Signature)
Title: Michael Tabacnic (Print)
Title: Consultant (Print)

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

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

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jaime Schapiro, 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 _____, 2011.

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 Michael A. Vazquez, 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.

Michael A. Vazquez

AFFIANT

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

Renee Baccari
Notary Public State of Florida At Large
Renee Baccari
Printed Name of Notary
My commission expires: 09/07/2014



ORDINANCE NO. 2012- 02

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, F.S., DATED SEPTEMBER 2, 2003, MADE BETWEEN MERCO GROUP AT AVENTURA LANDINGS I, II AND III, INC. AS DEVELOPER AND THE CITY OF AVENTURA, AS AMENDED OCTOBER 5, 2004 AND NOVEMBER 3, 2010, TO MODIFY EXHIBIT 'B' TO THE AGREEMENT AND TO EXTEND THE TERM OF THE AGREEMENT; RELATING TO THE PARCEL OF LAND ZONED RMF4, MULTIFAMILY HIGH DENSITY RESIDENTIAL DISTRICT, LOCATED ON NE 185 STREET AT NE 28 COURT, CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Lubavitch Center Aventura South, Inc., through Application No. 01-DA-12, has applied to modify Exhibit "B" to the agreement and to extend the term of the Development Agreement dated September 2, 2003, made between Merco Group at Aventura Landings I, II and III, Inc., as owner, and the City of Aventura, as amended on October 5, 2004 and on November 3, 2010; and

WHEREAS, Exhibit "B" to the Development Agreement proposes 138 loft-style apartment units with a proposed maximum height of 13 stories or 206'10" on the "Lofts Parcel"; and

WHEREAS, the applicant has received conditional use approval through Resolution No. 2011-47 to construct a religious facility on the "Lofts Parcel"; and

WHEREAS, pursuant to the terms of Paragraph 11. of the Development Agreement, as amended, the termination date of the Agreement is August 2, 2012; and

WHEREAS, Paragraph 11(B) of the Development Agreement provides that the term of the Agreement may be extended in 2.5 year increments for up to 5 additional years from the termination date of February 2, 2010, upon mutual agreement of both the City and the owner/applicant; and

WHEREAS, the owner/applicant has requested a modification to Exhibit "B" to the Development Agreement to detail the current development proposal of a religious facility along with the 138 residential units on the "Lofts Parcel" and has further requested an extension of the termination date of the Development Agreement to February 2, 2015 in order to allow construction of the religious facility and residential units in two phases; and

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

WHEREAS, the City Commission has reviewed the application and has considered the testimony of all interested parties at the public hearings, and has determined that the amendment to development agreement requested by the applicant is appropriate.

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

Section 1. That the Modification to Development Agreement attached as Exhibit "A" to this Ordinance, amending Exhibit "B", "Lofts Parcel" development proposal and extending the termination date of the Agreement from August 2, 2012 to February 2, 2015 is hereby approved, for property legally described in Exhibit "A" to this Ordinance.

Section 2. The City Manager is hereby authorized to execute the agreement on behalf of the City.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

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

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

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

PASSED on first reading this 3rd day of January, 2012.

PASSED AND ADOPTED on second reading this 7th day of February, 2012.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2012.

CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION OF LAND

All of Tract F, Merco at Aventura, according to the plat thereof recorded in Plat Book 166, Page 58 of the Public Records of Miami-Dade County, City of Aventura