

The City of Aventura



19200 West Country Club Drive, Aventura, FL

City Commission Workshop Meeting

July 19, 2012

Immediately following 9 am Special Commission Meeting
Executive Conference Room

AGENDA

1. ***Proposed Resolution Urging the State to Take Action to Ensure Recommendations of the Education Task Force are Adopted (Commissioner Weinberg)****
Future Action Required: Resolution
2. ***Proposed Text Amendment to TC1 Zoning District to add "Lifestyle Center" as a Permitted Use (City Manager)****
Future Action Required: Ordinance
3. ***Proposed General Housekeeping Updates to the City Code (City Manager)****
Future Action Required: Ordinance
4. ***Proposed Ordinance Creating Art in Public Places Advisory Board (City Attorney)****
5. ***City Clerk Review (Commissioner Joel)****
6. ***Adjournment***

*** Back-up Information Exists**

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.

A RESOLUTION OF THE _____,

URGING THE GOVERNOR AND THE STATE BOARD OF EDUCATION TO TAKE ACTION TO ENSURE THAT THE RECOMMENDATIONS OF THE COMMISSIONER'S TASK FORCE ON INCLUSION AND ACCOUNTABILITY ARE ADOPTED, FORMALLY NEGOTIATED WITH THE U.S. DEPARTMENT OF EDUCATION, AND IMPLEMENTED;

DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE TRANSMITTED TO THE GOVERNOR, SENATE PRESIDENT, THE SPEAKER OF THE FLORIDA HOUSE, TO THE CHAIR AND MEMBERS OF THE _____ COUNTY LEGISLATIVE DELEGATION, THE CHAIRPERSON OF THE STATE BOARD OF EDUCATION, THE COMMISSIONER OF EDUCATION, AND TO THE EXECUTIVE BOARD OF THE _____ COUNTY LEAGUE OF CITIES;

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, federal approval of Florida's application for waiver of certain ESEA requirements is contingent on full inclusion of students in Exceptional Student Education programs and English Language Learners in the state accountability system by July 15; and

WHEREAS, a Task Force was established by the Commissioner of Education to devise ways to fairly, fully, and accurately include these students and did so; and

WHEREAS, only part of one recommendation for English Language Learners and only 5 of 35 recommendations overall were brought by the Commissioner to the State Board of Education for action at its May 10, 2012 meeting; and

WHEREAS, the results of the current accountability system rules are not fair or accurate for Special Populations, but nonetheless threaten grave consequences for students, schools and communities, such as increased failure rates for students, increased numbers of dropouts, inaccurate results on teacher evaluations, lower School Report Card grades disproportionately applied to districts with large populations of English Language Learners or students in Special Education programs, school closures, reduced property values, and disincentives for business relocation ; and

WHEREAS, the Florida Department of Education maintains the FCAT and current accountability system bring hope to students; yet a child who does not graduate because of inappropriate assessment and accountability procedures has no reason to hope for a successful future; and

WHEREAS, this Board, like the Florida School Boards Association, is not against accountability, just against the provisions of the current accountability system that are counterproductive when applied to Special Populations; and

WHEREAS, Governor Rick Scott assured State Sen. David Simmons that his concerns about the consequences of the current accountability system would be dealt with administratively; and

WHEREAS, Governor Rick Scott appoints the members of the State Board of Education who in turn select the Commissioner of Education; Governor Scott stated support of the Commissioner's work and Governor Scott appeared with him at FCAT briefings during this past month; Governor Scott declared that our education system must be able to measure and benchmark students' progress so that clear education goals can be set; and Governor Scott called for review of FCAT issues and an action plan; and

WHEREAS, the accountability action plan for Special Populations already exists that will more accurately and fairly benchmark progress but the Task Force recommendations that constitute the action plan have been ignored; and

WHEREAS, according to school district superintendents, the Florida Education Association, and professional education organizations, the Task Force recommendations are more just and would yield more accurate results than the means currently included in the state's rule for school accountability, and

WHEREAS, requests for consideration of the Task Force Recommendations from elected officials (including Congresswoman Ileana Ros-Lehtinen, Sen. Rene Garcia, Chair of the Florida Hispanic Legislative Caucus, and Representative Carlos Lopez-Cantera, Majority Leader, Florida House of Representatives), from highly respected community based organizations (such as ASPIRA, the Institute for Mexicans in the Exterior, LULAC Florida, the Florida Conference of the NAACP, the National Association of Cuban American Educators, SALAD, and Sant La), from parents and concerned citizens, and from educators have been disregarded; and

WHEREAS, without Task Force recommendations as amendments to the current accountability policies, schools are not responsible for their English Language Learners' progress in English Language Acquisition, and schools that have no contact with Special Education students would be held responsible for their academic progress; and

WHEREAS, failure to put the Task Force recommendations into practice would cause great harm to our most vulnerable students, their families, communities, and schools; and

WHEREAS, it is the view of this Board that moving ahead with the recommendations of the Commissioner's Task Force on Inclusion and Accountability is in the best interests of the citizens and residents of _____, Florida;

NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF _____, FLORIDA,

Section 1. The Board urges Governor Scott and the State Board of Education to exert their leadership to pave the way for adoption and implementation of the recommendations of the Commissioner's Task Force on Inclusion and Accountability.

Section 2. The Board urges Governor Scott to take part in face-to-face meetings that include Task Force Members with the U. S. Department of Education to negotiate recommendations that require federal approval in time for the July 15 ESEA flexibility waiver deadline.

Section 3. The Board directs _____ state lobbyists to advocate for the issue identified in Section 1 above, and directs _____ Office of Public and Governmental Relations to include this item in the 2012 through 2015 state legislative packages.

Section 4. The Board directs that a certified copy of this Resolution be transmitted to the Governor, Senate President, the Speaker of the Florida House, the Chair and members of the _____ County Legislative Delegation, the Chairperson of the State Board of Education, the _____ County League of Cities, and to the Commissioner of the Florida Department of Education.

Section 5. SEVERABILITY.

If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

Section 6. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

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: July 11, 2012

SUBJECT: Request to add "Lifestyle Center" as a permitted use in the
Town Center (TC1) zoning district

July 19, 2012 City Commission Workshop

I. THE REQUEST

City staff has received an inquiry from the owner of the Loehmann's Plaza for amendment to the Town Center zoning district to add a "lifestyle center" as a permitted use in this zone, to facilitate redevelopment and improvement to the plaza.

A lifestyle center is an upscale retail-oriented center that caters to the retail needs and lifestyle pursuits of consumers in the area. The center has an open air configuration and includes a mix of large, medium and small tenant spaces with at least one, but no more than three, anchor tenants of at least 30,000 square feet each. Other typical elements of a lifestyle center include restaurants, family-oriented entertainment, apparel stores, other uses allowed in the B1, Neighborhood Business District, without the size limitations of that district and some neighborhood compatible uses in the B2, Community Business District. Lifestyle centers have other elements that define their role as a multi-purpose, leisure time, family-friendly destination such as water features, street furniture and well-developed landscaping which are all intended to create a village square or town center atmosphere. These centers are to be located within ½ mile of residential developments, but no residential uses are included in a lifestyle center itself. The center encourages multi-modal access by incorporating a mass transit stop, convenient pedestrian crosswalks and bike racks.

II. BACKGROUND

The Town Center (TC1) zoning district currently permits mixed use structures combining residential and non-residential uses. There was a Master Plan for the Town Center on the Loehmann's Plaza site approved by the City Commission in October of 2002 that conformed to this permitted use. Phase I, the Venture residential building, was constructed. Due to the economic downturn after that time, the balance of the plan, which included office, residential and retail uses, was not built.

The lands within the Town Center zoning district have an underlying future land use of Town Center, according to the Future Land Use Map in the City's Comprehensive Plan. The Town Center future land use category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and to create identifiable centers of activity with a distinctive sense of place. The proposed lifestyle center use is compatible with this future land use language.

There are five properties within the TC1 zoning district. Those are the Loehmann's retail plaza, the Harbour Centre office building, the Northern Trust Bank building, the Concord Plaza retail center and the Concorde Center II office building.

The Town Center zoning district purpose language is ... "to provide suitable sites for the development of structures combining residential and commercial uses in a well planned and compatible manner"... It does allow development of residential-only or non-residential-only development as a conditional use. The owner of the Loehmann's plaza property is requesting this new permitted use to provide certainty for leasing which will then facilitate redevelopment and improvements.

The owner has advised that current economic market conditions and changes in development trends have not allowed it to go forward with the Master Plan approved in 2002. The owner further advises that the existing limitations on the commercial uses in the district, specifically, the size limitations of the B1 zone, have caused prospective tenants to look elsewhere, leaving its tenant spaces vacant. It is requesting an amendment to the text of the TC1 zoning district to allow retail uses similar to the B1, Neighborhood Business District uses, with increased floor area, and some neighborhood compatible uses in the B2 district, within an upscale retail center that will cater to the lifestyle pursuits of our residents and that will be designed to create a family-friendly, pedestrian-comfortable village square, with no residential component. This will eliminate the opportunity for additional residential units. The owner is also requesting two other changes to the TC1 zone, those are; that a drive-through facility be permitted in a lifestyle center, where currently prohibited in the TC1 zone and that any structure parking not be required to be incorporated into the building envelope.

The existing site development criteria of the TC1 zoning district will apply to this proposed use, that is:

- Minimum lot size of 16,000 square feet;
- Minimum lot width of 100 feet;
- Maximum lot coverage of 45%;
- Maximum height of 4 stories or 50 feet;
- Front setback of 25 feet;
- Street side yard setback of 20 feet;
- Rear street yard setback of 20 feet;
- Minimum open space of 35%, where ½ of that space is grass and landscaping and the other ½ is recreational facilities, pedestrian walks, entrance landscaping

Staff has drafted, for discussion, the attached design criteria to be applied to a lifestyle center to ensure that upgrades to the façade and improvements to the overall site are required as part of a lifestyle center use. The design criteria includes provision of a transit stop, installation of bike racks, water features, street furniture, landscaped entrance, plaza and walkway areas, and architectural design.

III. STAFF ANALYSIS

The request is a policy decision as to whether this type of use is appropriate in the Town Center zoning district. The zone does allow retail-only development, as a conditional use, but restricts the retail to those uses in the B1 zone which are limited in size. The City Commission did approve an amendment to the TC1 district in September of 2010 at the request of this owner to increase sizes for certain uses, however, the owner advises that other tenants not included in that list have had to be denied and the specific nature of the 2010 amendment that they requested did not work as intended.

At the City Commission's direction, staff will draft an ordinance for consideration by the Local Planning Agency and by the City Commission at the September 4, 2012 meeting.

**City of Aventura
Lifestyle Center in Town Center District
Design Guidelines**

I. Site Concepts

A. The Lifestyle Center Concept

The objective is to create an upscale retail-oriented center that caters to the retail needs and lifestyle pursuits of consumers in the area. The center has an open air configuration and includes a mix of large, medium and small tenant spaces with at least one, but no more than three, anchor tenants of 30,000 square feet or more each. Other typical elements of a lifestyle center include restaurants, family-oriented entertainment, apparel stores and other uses allowed in the B1, Neighborhood Business District without the size limitations and some neighborhood compatible uses in the B2, Community Business District. Lifestyle centers have other elements that define their role as a multi-purpose, leisure time, family-friendly destination such as water features, street furniture and well developed landscaping which are all intended to create a village square or town center atmosphere. These centers are to be located within ½ mile of residential developments, but no residential uses are included in a lifestyle center. The center encourages multi-modal access by incorporating a mass transit stop, convenient pedestrian crosswalks and bike racks. In order to achieve such attributes, the following special site planning and building orientation principles will be incorporated into the design of a lifestyle center.

- Well-landscaped entrances, pedestrian-oriented plazas and walkways.
- Water features that are designed as family-friendly gathering areas.
- Bike racks located in areas that are convenient and near building entrances or other highly visible areas which are self-policing.
- Transit stops at appropriate locations with sheltered comfortable waiting areas and seating.
- Shade trees to provide additional climate protection and contribute to an attractive pedestrian environment as approved by the City.
- Street furniture consisting of benches, trash collection receptacles, lighting and play equipment as approved by the City.

B. Tenant Mix

A lifestyle center shall have a mix of large, medium and small tenant spaces with one, but no more than three, anchor tenants of 30,000 square feet or more each.

C. Entrance Features

The entrances to a lifestyle center are to reflect the upscale nature of the center with well-defined entry and exit drives, pedestrian access with abundant landscaping and other decorative features defining the overall design of the center.

D. "Outdoor Rooms"

An "outdoor room" is to be created along the main pedestrian walkways and plazas. This is the place where pedestrians will tend to collect and engage in the activities of standing, waiting, talking and eating. The plazas should include a water feature and integrate amenities such as outdoor seating, shade trees and public art and will require adjacent storefronts that look and open into the walkways and plazas. Special attention will be given to the walkways and plazas to create a pleasant, human-scaled environment that is appropriate to adjoining uses.

E. Pedestrian Areas

It is important to pay attention to pedestrian areas by providing a minimum walkway width of 10' that is kept free and clear for pedestrian traffic, with the exception of restaurant uses, where minimum walkway areas can be reduced to accommodate outdoor dining areas. Walkways, crosswalks and plaza areas should be made of a decorative paving treatment that provides a comfortable walking surface that is vibration free.

F. Climate/Solar Orientation

Due to the strong sun of Southern Florida, solar orientation should play an important role in determining the built form of shopfronts. All elevations should incorporate devices to aid in sun control and provide outdoor shaded areas (i.e. awnings, screening canopies, arcades or recesses). Overhead landscape canopies can serve to filter sunlight and reduce glare, making pedestrian activity more pleasant, and are encouraged.

II. Building Design Concepts

A. Overall Design Intent and Themes

Aventura is the City of Excellence. The architectural character should evoke the image of Florida. Unique, individual storefront facades are encouraged to provide a differing aesthetic for each store rather than a unified common storefront to allow for design creativity and individual expression, but when combined

contribute to a coherent overall sense of place. Architecture should enhance the pedestrian experience by providing human-scaled details and amenities.

Other design elements that break down scale and provide a high quality pedestrian environment are encouraged, including canopies, building mounted lights, planters, trellises, special tile work, niches with small fountains. The goal is to create an interesting environment of light, shade, color and texture

Clear glass is required in all retail storefronts; smoked, reflective, or black glass is prohibited.

Color palette should take cues from the surrounding buildings in Aventura, integrating the classic base colors including but not limited to warm earth tones.

Roses, pinks, plums, blues and violets should generally be avoided, although vibrant accents may be used in limited quantities at appropriate locations. Accents are to be of high quality materials and are used to promote a vibrant street life in a manner compatible with the lifestyle nature of the center.

Where large amounts of mass are required, the mass should be broken down by changes in plane, reveals or decorative details.

B. Integration of Signage/Lighting/Artwork

Signage and environmental graphics should be conceived as an integral part of the buildings architectural design. A unified signage package shall be prepared and presented to the City as an application for Multi-Tenant Center Sign Approval.

C. Screening of Mechanical Units and Service Areas

All mechanical units shall be screened from public view, preferably with cohesive design elements that contribute to the overall design intent.

All rooftop mechanical units shall be screened from the public right of way and from the view of adjacent developments, as required by Section 31-233 of the City Code.

Service areas shall be screened, gated and be as unobtrusive as possible.

III. Lighting

Lighting sources and fixture types should be carefully selected in order to create a variety of ambient, decorative and accent illumination.

Site lighting shall conform to the requirements of Section 31-234 "Outdoor Lighting Standards" of the Land Development Regulations.

Lighting shall be located, screened or shielded so that adjacent structures and the right of way are not directly illuminated.

A site lighting plan shall be submitted as part of the Site Plan Approval application.

IV. Outdoor Seating Areas for Restaurants/Cafes

Outdoor seating areas shall be designed in a manner to allow appropriate pedestrian circulation on adjacent walkways.

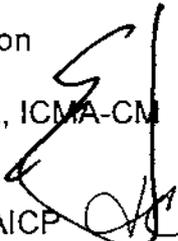
No outdoor music is permitted so as not to disturb adjacent residential uses.

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY: Joanne Carr, AICP
Community Development Director 

DATE: June 12, 2012

SUBJECT: Proposed General Housekeeping Updates to the City Code

July 19, 2012 City Commission Workshop

City staff is recommending general housekeeping updates to the City Code. These updates are recommended as a result of recent changes in legislation, for consistency and clarification and for ease of use of the City Code by its readers. The specific proposals are as follows:

1. Building Code Reference

Section 14-31 of Chapter 14, Buildings and Building Regulations, of the City Code states that ... "the South Florida Building Code, as amended from time to time, is hereby adopted as the uniform building code for the City." The South Florida Building Code has been superseded by the Florida Building Code, as most recently adopted by the State in March of 2012. There are also references to the South Florida Building Code in other sections of the Code. Staff recommends that all references in the City Code to the "South Florida Building Code" be updated to "Florida Building Code".

2. Flood Prevention Chapter Update for Consistency with LDR Language

Section 30-167 of the City Code contains provisions for flood hazard reduction. Subsection 30-167(b) contains specific standards for A-zone flood hazard areas. It provides that new construction or substantial improvement of any residential or non-residential building shall have the lowest floor elevated no lower than the base flood elevation. However, Section 31-232(7)(b)(1), Subdivision Design Standards, of the Land Development Regulations, provides that the lowest floor elevation must be no lower than one foot above base flood elevation or 18 inches above the highest point of

the adjacent road crown elevation, whichever is higher. Although existing Code provisions allow staff to enforce the stricter requirement provided in Section 31-232(7)(b)(1), staff is recommending that both sections contain uniform language for consistency.

3. Water Supply Level of Service Standards

The level of service standards for water supply adopted into the Comprehensive Plan through Ordinance No. 2009-14 should now be incorporated into Section 31-239, Compliance with Comprehensive Plan, specifically into Section 31-239(f)(1), Potable Water. The proposed additions to existing text are shown in underlined text below.

Section 31-239. Compliance with Comprehensive Plan

...(f) *Level of Service Standards.* The following level of service standards contained in the adopted Comprehensive Plan shall be maintained.

(1) *Potable Water.*

Area Serviced by Miami-Dade Water & Sewer Department

(a) The treatment system shall operate with a rated maximum daily capacity which is no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity 2 percent above the average daily per capita system demand for the preceding 5 years.

(b) Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flow based on the land use served shall be maintained as follows:

<i>Land Use</i>	<i>Min. Fire Flow</i>
Single Family Residential/Estate	500 gal/min
Single Family, Duplex, and Residential on minimum	750 gal/min lots of 7,500 sf2.
Multi-Family Residential	1,500 gal/min
Semiprofessional Offices, Hospitals, Schools	2,000 gal/min
Business and Industry	3,000 gal/min

(c) Water quality shall meet all federal, State and County primary standards for potable water.

(d) System-wide storage capacity for finished water shall equal no less than 15 percent of the system average daily demand.

Area Serviced by North Miami Beach

Potable Water: The City's water system shall provide 144 gallons per person per day at a pressure of 40 pounds per square inch (psi). The City attempts to maintain a water pressure of 40 pounds per square inch (psi) although 20 psi is the legal minimum.

...

4. Parking Stall Details

After many reprints, the diagram of the typical parking space and typical stall details at "Figure 31-171(2)" in the Off-Street Parking Section is not legible. Staff proposes to add a legible drawing, attached as Exhibit #1 to this report.

5. Size of Parallel Parking Space

Section 31-171 of the LDRs regulates off-street parking. It does not include a minimum size requirement for parallel parking spaces. There has been site development in the past that provided parallel parking as part of its required parking spaces and the size of space of the approved space was based on the advice of the City's Traffic Engineer. Staff recommends addition of a minimum parallel parking space size of 9 feet wide by 23 feet long to Section 31-171, Off-Street Parking and Loading Standards of the LDRs for clarification for future developments.

6. Opinion of Title

Section 31-78, Subdivision Plat Approval and Section 31-79, Administrative Site Plan Review, refer to a requirement for an "ownership and encumbrance report". This language has caused confusion to developers in the past. Staff recommends that this language be updated to "opinion of title".

7. Phasing of Site Development

Section 31-79, Administrative Site Plan Review, does not contain any provision for phased development. There have been several developments in the past that requested phasing and conditions were added to their site development approvals to accommodate their requests. Staff recommends that language be added to the "Approvals" provision of Section 31-79 to provide that phasing be constructed within certain time limits. The proposed additions to existing text are shown in underlined text below.

"Section 31-79. Administrative Site Plan Review.

...(i) *Approved plans.* An approved site plan shall remain valid for a period of 12 months from the date of approval. If the site plan approval provides for phasing of the development in two or more phases, the subsequent phases shall each remain valid for a period of 12 months from the date of the certificate of occupancy or temporary certificate of occupancy for the development included in the previous phase. If no

building permit is issued within a 12 month time period, the site plan approval, including all subsequent phases shall be considered null and void. Additionally, if at any time building permits lapse, the site plan, including all phases thereof, shall be considered null and void. A six month extension of the effective time period for an approved site plan may be granted by the City Manager or his designee if he or she has determined that the applicant shows good cause for the delay in obtaining building permits, provided that the request for extension is filed prior to the date of the expiration of any site plan approval time period." ...

8. Landscaping of Parking Lot Interior Islands

This recommendation is based on a suggestion received from a City resident. Section 31-221(i) contains minimum landscape design standards. For interior islands in surface parking lots, the Section requires that the islands be planted with one tree and the remainder be landscaped with grass or ground cover. In several developments, the ground cover is dense, low shrubbery which makes it difficult to open the car door or to maneuver around the vehicle without crushing the shrubs. Staff's recommendation is to add language to provide that landscaping of interior islands shall be designed and maintained so as not to impede movements in and out of vehicles.

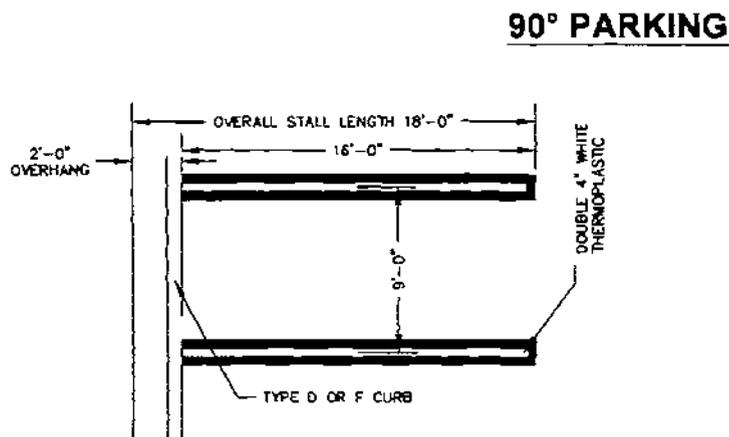
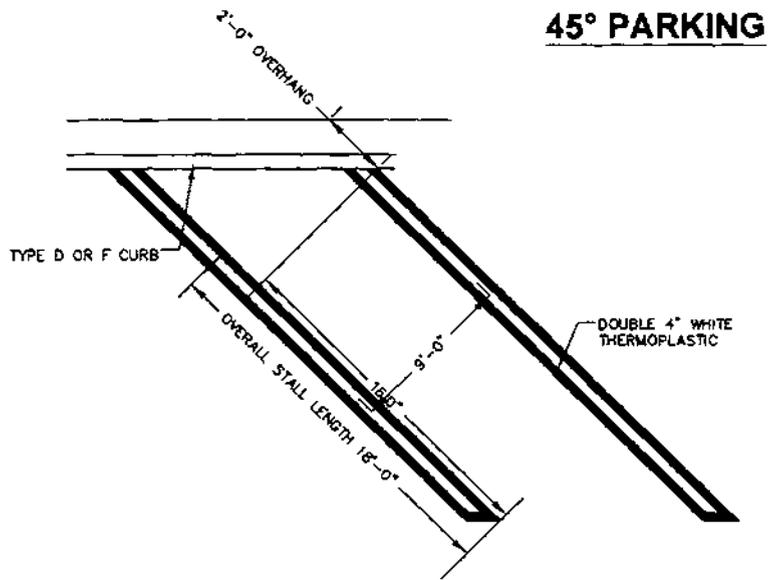
9. Revise reference in Section 31-53, Amendments to the Comprehensive Plan

Subsection (4) of this Section provides that public hearings be held in compliance with F.S. Section 163.3184(15), as amended. This section number was correct when first inserted on adoption of the Land Development Regulations in 1999; however, the state legislation section numbering has changed since that time and the reference can now be revised to F.S. Section 163.3184(11) to be consistent with the current state legislation section numbering.

At the City Commission's direction, staff will draft an ordinance for consideration by the Local Planning Agency and by the City Commission at the September, 2012 meeting.

TYPICAL STALL DETAILS

FIGURE 31-171 (2)



TYPICAL PARKING SPACE

EXHIBIT #1
PROPOSED UPDATE TO PARKING STALL DETAIL

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA
CREATING DIVISION 6 "ART IN PUBLIC PLACES ADVISORY
BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2
"ADMINISTRATION" OF THE CITY CODE OF THE CITY OF
AVENTURA, FLORIDA ; ESTABLISHING ADVISORY BOARD AND
PROVIDING FOR ITS DUTIES AND RESPONSIBILITIES; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Commission desires to create an advisory board to assist the City in facilitating the placement of works of art at City owned and/ or operated parks, buildings and facilities.

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

Section 1. City Code Amended . That Division 6 "Art in Public Places Advisory Board" of Article 3 "Advisory Boards" of Chapter 2 "Administration" of the City Code, is hereby created , to read, as follows:

DIVISION 6. - ARTS IN PUBLIC PLACES ADVISORY BOARD

Sec. 2-201. - Creation, composition and qualifications.

A. There is hereby created and established the City of Aventura Art in Public Places Advisory Board (the "Board") consisting of five (5) members, including the Mayor, City Manager, who shall both serve by virtue of their office, and three (3) residents of the City who shall be appointed by the Mayor, subject to the approval of the City Commission. The resident members of the Board shall be appointed in accordance with procedures established herein and shall hold office at the pleasure of the City Commission. Members of the Board shall serve on the Board without compensation and shall not be reimbursed for travel, mileage, or per diem expenses as to Board service. The resident members shall serve for a two-year term and may be reappointed in accordance with the process outlined herein.

B. In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on such Board for the unexpired portion of the term of the member vacating such office, subject to approval of the City Commission in accordance with procedures established herein.

C. In the event that a member of the Board shall be absent and unexcused from a duly-called meeting of the Board for three consecutive meetings, then, in that event, such member shall automatically be removed as a member of the Board by the City Manager. An excused absence shall be requested in writing via email, fax or letter prior to the Board meeting.

D. The City Manager or his designee shall provide or designate necessary staff support for the Board.

Sec. 2-202. – Process of Appointment of Board Members.

A. Individuals wishing to be a member of the Board shall make application to the City Manager on the forms provided by the City. The City Manager shall interview all applicants and make recommendation to the Mayor. The Mayor shall appoint to the Board members from the list of applicants recommended by the City Manager, subject to the approval of the City Commission.

B. In recommending members of the Board, the following guidelines shall be considered:

(i) The resident membership of the Board should consist of persons who have owned or operated art galleries or otherwise demonstrated a strong commitment to arts, including painting, photography, sculpture and other art forms.

(ii) Reasonable efforts should be made for the membership of the Board to be representative of a range of comprehensive adult age groups.

Sec. 2-203. - Advisory capacity.

The powers and duties of the Board shall be solely of an advisory nature to the City Manager and Mayor and City Commission. The City Manager, by virtue of his office as City Manager, shall be responsible for communicating to the City Commission the actions of the Board.

Sec. 2-204. - Rules of procedure; quorum.

A. The Board shall adopt rules of procedure not inconsistent with the ordinances of the City and the laws of the State of Florida and shall utilize Robert's Rules of Order recently revised 1990 Edition for the rules of procedure for the conduct of meetings of the Board. The Board may create additional rules for the conduct of its internal proceedings.

B. The Mayor shall serve as the Chairperson and the City Manager shall serve as the Vice-Chairperson.

C. Three (3) members shall constitute a quorum for the transaction of business of the Board. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board, except that at least three (3) affirmative votes shall be required for official action.

Sec. 2-205. - Mission; jurisdiction and duties.

A. The mission of the Board is to assist the City in identifying, selecting and obtaining works of art for display in City owned and/ or operated parks, buildings and facilities, in order to further enhance the divers array of cultural and educational opportunities which are available within the City. The Board shall develop proposed protocols and guidelines for achieving that mission, subject to approval by the City Commission. Further, the final decision on the acceptance, placement and display of specific works of art at City owned and/ or operated parks, buildings and facilities shall be subject to the approval of the City Commission.

B. Action of the Board shall be in the form of a written recommendation of advice to the City Manager and Mayor, who shall confer as to the presentation of the recommendation of the Board to the City Commission.

C. The Board shall meet monthly or more frequently as determined by the City Manager.

Sec. 2-206. – Standards of conduct for members.

All members of the Board shall be subject to the Standards of Conduct for Public Officers and Employees, as set

by Federal, State, County, City or other applicable law pursuant to City Charter Section 7.03 and must file the appropriate financial disclosure forms.

Section 2. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Inclusion in the Code. That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

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

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

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

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

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

PASSED AND ADOPTED on first reading this ____ day of _____, 2012.

PASSED AND ADOPTED on second reading this ____ day of _____, 2012.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

CITY OF AVENTURA
OFFICE OF THE CITY COMMISSION

MEMORANDUM

TO: City Commission
FROM: Commissioner Billy Joel
DATE: June 13, 2012
SUBJECT: **City Clerk Evaluation**



On August 12, 2012, Teresa will celebrate her sixteenth year as our City Clerk. I know that we all agree that we are fortunate to have her in that position. She has once again performed exceptionally well this past year

Further to her routine responsibilities, since her last evaluation, Teresa has been a presenter at the Aventura 101 Academy, served on the Selection Committee for the City Clerk Search in Miami Beach and is conducting all aspects of the 2012 candidate election. In addition to her service to the City, Teresa continues her dedication to her profession by her active participation in the local, state and international municipal clerk organizations and is well-respected among her colleagues. This is not only evidence of her knowledge and expertise of her duties and responsibilities, but is also a positive reflection on our City of Excellence.

Based on the foregoing, I recommend a \$10,000 net bonus be given to her (the same as last year), COLA increase as will be given to all employees in October and no other increase in salary or benefits.

BJ/tms