

City Commission

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



City Manager

Eric M. Soroka, ICMA-CM

City Clerk

Ellisa L. Horvath, MMC

City Attorney

Weiss Serota Helfman
Cole & Bierman

**CITY COMMISSION MEETING AGENDA
OCTOBER 6, 2016
Following the Local Planning Agency Meeting
at 6:00 p.m.**

**Aventura Government Center
19200 West Country Club Drive
Aventura, Florida 33180**

1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **AGENDA:** Request for Deletions/Emergency Additions
4. **SPECIAL PRESENTATIONS:**
 - Employee Service Awards
 - Presentation of Certificates of Appointment to Arts in Public Places Advisory Board Members
5. **CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately. If the public wishes to speak on a matter on the consent agenda they must inform the City Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.
 - A. **APPROVAL OF MINUTES:**
 - September 6, 2016 Commission Meeting (First Budget Hearing)
 - September 6, 2016 Commission Regular Meeting
 - September 14, 2016 Commission Meeting (Second Budget Hearing)
 - September 15, 2016 Commission Workshop Meeting
 - B. **MOTION TO RATIFY THE CITY MANAGER'S REAPPOINTMENT OF RAQUEL ROTHMAN, ESQ. AND BARBARA BUXTON, ESQ. AS SPECIAL MASTERS FOR THE CITY OF AVENTURA CODE ENFORCEMENT PROCESS**

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA RE-ADOPTING CHAPTER 6.6 OF THE ADMINISTRATIVE POLICY DIRECTIVES AND PROCEDURES MANUAL, AS ATTACHED HERETO, ENTITLED "INVESTMENT OBJECTIVES AND PARAMETERS" AS THE CITY'S INVESTMENT POLICY FOR THE MANAGEMENT OF PUBLIC FUNDS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-08-30-2, COUNTRY CLUB DRIVE PEDESTRIAN SAFETY IMPROVEMENTS TO HORSEPOWER ELECTRIC, INC. AT THE BID PRICE OF \$239,900; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$25,000 FOR A DRONE, CRIME PREVENTION PROGRAMS, EQUIPMENT AND TRAINING FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.
- F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED CHILD ABDUCTION RESPONSE TEAM (CART) MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE CITY OF SUNNY ISLES BEACH FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- H. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, CALLING UPON FEDERAL AND STATE-ELECTED OFFICIALS TO COLLABORATE WITH LOCAL OFFICIALS AND FIRST RESPONDERS TO PREVENT MASS SHOOTINGS AND LARGE-SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA BY LIMITING THE AVAILABILITY AND USE OF MILITARY GRADE, HIGH CAPACITY MAGAZINE ASSAULT WEAPONS TO LAW ENFORCEMENT AGENCIES; PROVIDING FOR AN EFFECTIVE DATE.

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

A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR THE BAGEL COVE RESTAURANT ON PROPERTY LOCATED AT 19001 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA MODIFYING THE APPROVALS GRANTED THROUGH RESOLUTION NO. 99-39 AS MODIFIED BY RESOLUTION NO. 2001-01 AND RESOLUTION NO. 2002-30 BY DELETING CONDITION NUMBER "7" IN RESOLUTION NO. 99-39 REQUIRING CONSTRUCTION OF 20 PARKING SPACES IN THE FLORIDA EAST COAST RAILWAY RIGHT OF WAY ON EAST DIXIE HIGHWAY, FOR PROPERTY LOCATED AT 20601 EAST DIXIE HIGHWAY, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

7. ORDINANCE - FIRST READING/PUBLIC HEARING:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT ENTER INTO AN AGREEMENT WITH THE CITY TO PROVIDE MAJOR TRANSPORTATION IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

8. ORDINANCE - SECOND READING/PUBLIC HEARING:

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

9. RESOLUTIONS – PUBLIC HEARING: None

10. REPORTS

11. PUBLIC COMMENTS
12. OTHER BUSINESS: None
13. ADJOURNMENT

FUTURE MEETINGS*

**COMMISSION WORKSHOP – OCTOBER 20, 2016 AT 9 AM
EXECUTIVE CONFERENCE ROOM (5TH FLOOR)**

**COMMISSION MEETING – NOVEMBER 1, 2016 AT 6 PM
COMMISSION CHAMBER**

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

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

CANCELLED



**CITY COMMISSION
REGULAR MEETING MINUTES
(FIRST BUDGET HEARING)
SEPTEMBER 6, 2016 - 5:30 P.M.**

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

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 5:33 p.m. The following were present: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

2. **PLEDGE OF ALLEGIANCE:** The Pledge was led by Dr. Linda Marks. Mayor Weisman announced that Dr. Marks was unopposed for Commission Seat 1 and, as such, had been elected by operation of law.

3. **PUBLIC HEARINGS: ORDINANCES: FIRST READING - 2016/2017 BUDGET:**

Mr. Wolpin read the following Ordinance by title:

- A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 7.08% ABOVE THE ROLLED BACK RATE OF 1.6119 MILS COMPUTED PURSUANT TO STATE LAW, FOR THE 2016 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Mr. Soroka reviewed the Ordinance and highlighted the following: the tax rate remained the same as the prior year, there was no tax increase for the 21st year, and the rate remained the lowest in Miami-Dade County.

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

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

Mr. Wolpin read the following Ordinance by title:

- B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 21, 2016, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2016/2017 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR**

**PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS;
PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES
REGARDING ENCUMBRANCES AND THE RE-APPROPRIATION OF
UNEXPENDED CAPITAL APPROPRIATIONS; ESTABLISHING THE
COMMITTED FUND BALANCE FOR CAPITAL RESERVE; PROVIDING FOR
SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Mr. Soroka explained the Ordinance and reviewed the highlights of the 2016/17 Operating and Capital Budget including the total budget amount of \$58,386,179 or 8.3% less than the previous year, due to completed capital improvement projects.

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

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

4. ADJOURNMENT: There being no further business to come before the Commission, a motion to adjourn was offered by Commissioner Shelley, seconded by Commissioner Holzberg, and unanimously approved; thus adjourning the meeting at 5:41 p.m.

Ellisa L. Horvath, MMC, City Clerk

Approved by the Commission on October 6, 2016.



1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 6:11 p.m. The roll was called and the following were present: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** The Pledge was previously done at the First Budget Hearing.
3. **AGENDA: REQUESTS FOR DELETIONS/EMERGENCY ADDITIONS:** None.
4. **SPECIAL PRESENTATIONS:**
 - **Employee Service Awards:** Mr. Soroka presented the following employees with recognition certificates and a token of appreciation for the completion of milestone years of service with the City: Richard Robinson (Police Communications – 15 years), Officer Ryunosuke Lino (Police Department – 10 years), and Gail Fishman (Community Services Executive Assistant – 20 years).
5. **CONSENT AGENDA:** There were no requests from the public to address the Commission.

A motion to remove Item H from the Consent Agenda for further discussion at a Workshop Meeting was offered by Mayor Weisman, seconded by Commissioner Shelley, and passed unanimously.

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

A. Minutes were approved as follows:

- July 12, 2016 Commission Regular Meeting
- July 21, 2016 Commission Regular Meeting
- July 21, 2016 Commission Workshop Meeting

B. Resolution No. 2016-52 was adopted as follows:

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

- C. **Motion** was approved as follows:

MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$86,300 FOR BALLISTIC SHIELDS, CHEMICAL AGENTS, MUNITIONS SAFE AND PLATE CARRIERS FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.

- D. **Resolution No. 2016-53** was adopted as follows:

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

- E. **Resolution No. 2016-54** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA FLORIDA NAMING THE NEW PARK LOCATED AT 3200 N.E. 188TH STREET PEACE PARK; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. **Resolution No. 2016-55** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE PERFORMING ARTS CENTER AUTHORITY FOR MANAGEMENT, PROGRAMMING AND OPERATIONAL SUPPORT SERVICES FOR THE AVENTURA ARTS & CULTURAL CENTER; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. **Resolution No. 2016-56** was adopted as follows:

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

- H. **Removed** for placement on a Workshop Meeting Agenda:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA RE-ADOPTING CHAPTER 6.6 OF THE ADMINISTRATIVE POLICY DIRECTIVES AND PROCEDURES MANUAL, AS ATTACHED HERETO, ENTITLED "INVESTMENT OBJECTIVES AND PARAMETERS" AS THE CITY'S INVESTMENT POLICY FOR THE MANAGEMENT OF PUBLIC

FUNDS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

I. Resolution No. 2016-57 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-07-12-2, NE 191ST STREET ROADWAY AND DRAINAGE IMPROVEMENTS TO H&R PAVING, INC. AT THE BID PRICE OF \$711,962.55; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Resolution No. 2016-58 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-06-24-3, PARKS & FACILITIES LANDSCAPE MAINTENANCE SERVICES TO BRIGHTVIEW LANDSCAPE MAINTENANCE, INC. AT THE BID PRICE OF \$398,509.75; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.

K. Motion was approved as follows:

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

L. Motion was approved as follows:

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

MOTION TO ACCEPT FOR FILING THE SPECIAL PURPOSE FINANCIAL REPORT FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR THE FISCAL YEAR ENDED JUNE 30, 2016 AND TO ACCEPT FOR FILING THAT LETTER DATED AUGUST 24, 2016 ATTACHED HERETO AS ATTACHMENT

M. Motion was approved as follows:

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

MOTION TO ACCEPT AVENTURA CITY OF EXCELLENCE SCHOOL OUT-OF-FIELD WAIVERS AS OUTLINED IN THE CITY MANAGER'S MEMORANDUM DATED AUGUST 19, 2016

N. Motion was approved as follows:

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

6. **ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS:** None.

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

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

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

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

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

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

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

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(1), COMMUNITY BUSINESS (B2) DISTRICT TO ADD AN ELECTRIC VEHICLE RETAIL SHOWROOM AS A PERMITTED USE IN SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE

FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The motion for approval of the Ordinance on second reading passed unanimously, by roll call vote and **Ordinance No. 2016-11** was adopted.

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

10. **DISCUSSION AND POSSIBLE MOTION TO FILL THE VACANCY IN CITY COMMISSION SEAT 5 CREATED BY ENBAR COHEN'S RESIGNATION:** Mayor Weisman discussed the vacant Commission seat (Seat 5), due to the August 5th resignation of Enbar Cohen.

A motion to appoint Dr. Linda Marks to Commission Seat 5, until the seat is filled after the November Election, was offered by Mayor Weisman and seconded by Commissioner Shelley.

Mr. Wolpin and the Commission discussed the requirements provided in the Charter for filling a vacant seat on the Commission.

The motion to appoint Dr. Marks to Commission Seat 5 passed (5-1) by roll call vote, with Commissioner Holzberg voting no.

Dr. Marks will be provided the Oath of Office at the September 15, 2016 Commission Workshop Meeting.

11. **REPORTS:**

Vice Mayor Landman reported on the upcoming B-Cycle bicycle sharing program groundbreaking on September 8th. Mayor Weisman reviewed the locations of the bicycle stations.

Commissioner Weinberg reported on his vote on behalf of the City, at the Miami-Dade County League of Cities meeting, in favor of the County amending its proposed Workforce Housing Ordinance, to allow individual municipalities to opt out. Mr. Wolpin reported on the work of Attorney Susan Trevarthen (Weiss, Serota, Helfman, Cole & Bierman) for the League, on those proposed amendments, which would allow the City to opt out and exempt itself from the County's program. The Workforce Housing Ordinance will be discussed at the September Commission Workshop Meeting.

Mayor Weisman reported on the recent meetings of the Northeast Dade Mayors and their plans to work on common goals among the northeast municipalities including sustainability and rising tides.

12. **PUBLIC COMMENTS:** The following members of the public provided comments: Joshua Mandall (Commissioner Seat 5 Candidate) and Robert Borroughs (Coral Gables).

13. **OTHER BUSINESS:** None.

14. **ADJOURNMENT:** There being no further business to come before the Commission, a motion to adjourn was offered by Vice Mayor Landman, seconded by Commissioner Holzberg, and unanimously approved; thus adjourning the meeting at 6:43 p.m.

Ellisa L. Horvath, MMC, City Clerk

Approved by the Commission on October 6, 2016.

CANCELLED



**CITY COMMISSION
MEETING MINUTES
(SECOND BUDGET HEARING)
SEPTEMBER 14, 2016 – 6:00 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 Enid Weisman at 6:00 p.m. Present were the following: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

2. **PLEDGE OF ALLEGIANCE:** The Pledge was led by the Commission.

3. **PUBLIC HEARINGS: ORDINANCES: SECOND READING - 2016/2017 BUDGET:**

Mr. Wolpin read the following Ordinance by title:

- A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 7.08% ABOVE THE ROLLED BACK RATE OF 1.6119 MILS COMPUTED PURSUANT TO STATE LAW, FOR THE 2016 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The motion for approval of the Ordinance on second reading passed unanimously, by roll call vote and **Ordinance No. 2016-12** was adopted.

Mr. Wolpin read the following Ordinance by title:

- B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 21, 2016, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2016/2017 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES REGARDING ENCUMBRANCES AND THE RE-APPROPRIATION OF UNEXPENDED CAPITAL APPROPRIATIONS; ESTABLISHING THE COMMITTED FUND BALANCE FOR CAPITAL RESERVE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the Ordinance was offered by Commissioner Shelley and seconded by Commissioner Narotsky.

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

The motion for approval of the Ordinance on second reading passed unanimously, by roll call vote, and **Ordinance No. 2016-13** was adopted.

4. **ADJOURNMENT:** There being no further business to come before the Commission, a motion to adjourn was offered by Commissioner Shelley, seconded by Commissioner Holzberg, and unanimously approved; thus adjourning the meeting at 6:05 p.m.

Ellisa L. Horvath, MMC, City Clerk

Approved by the Commission on October 6, 2016.

CANCELLED



CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Enid Weisman at 9:05 a.m.

1. **SWEARING IN OF COMMISSIONER DR. LINDA MARKS:** Mrs. Horvath provided the Oath of office to Dr. Linda Marks

The roll was called and the following were present: Mayor Enid Weisman, Vice Mayor Denise Landman¹, Commissioner Teri Holzberg, Commissioner Dr. Linda Marks, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg², City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

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

Item 3: UPDATE/RECOMMENDATIONS FOR NORTH HOSPITAL DISTRICT ZONING

(City Manager): Community Development Director Joanne Carr presented a PowerPoint and reviewed the recommendations for zoning amendments for the North Hospital District. Mr. Soroka reviewed the incentives to encourage development in that area, while providing the City with items funded by the developers such as additional right-of-ways, road widening, street lighting, etc.

City Manager Summary: It was the consensus of the City Commission for Mr. Soroka to come back with a plan, after receiving additional input.

2. **RECOMMENDED LDR AMENDMENT TO PROVIDE INCENTIVE FOR MAJOR TRANSPORTATION IMPROVEMENTS (City Manager):** Mr. Soroka reviewed the proposed language, to provide a mechanism for incentives for the Aventura Mall properties, in exchange for major transportation improvements.

The following spoke in favor of the proposed language: Michael Marrero, Esq. (Bercow Radell & Fernandez, 200 S. Biscayne Blvd. Suite 850, Miami) on behalf of the Aventura Mall and John Shubin (Shubin & Bass, 46 S.W. 1 Street, Third Floor, Miami) on behalf of Seritage Growth Properties dba Seritage SRC Finance LLC.

City Manager Summary: It was the consensus of the City Commission to proceed with placing an Ordinance for first reading on the October 6, 2016 Commission Meeting Agenda, with the proposed language as presented.

¹ Vice Mayor Landman left the meeting during the Founders Day Update (9:57 a.m.) and then participated via telephone.

² Commissioner Weinberg participated via telephone.

4. **FOUNDERS DAY UPDATE (City Manager):** Community Services Director Kimberly Merchant reviewed plans for Founders Day, scheduled for November 13, 2016. Mr. Soroka discussed plans to increase awareness of the green market, as well as other City sponsored events.

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

5. **RESOLUTION RE-ADOPTING INVESTMENT OBJECTIVES AND PARAMETERS (Mayor Weisman):** This item was removed from the September Commission Meeting Agenda by Mayor Weisman for further discussion. Mr. Soroka reviewed the resolution amending the current investment policy to allow investment in Israeli bonds, with a recommended investment cap of \$150,000.

City Manager Summary: It was the consensus of the City Commission to proceed with the City Manager's recommendation and place the agenda item back on the October 6, 2016 Commission Meeting Agenda.

6. **DISCUSSION ON PROPOSED RESOLUTION TO LIMIT THE AVAILABILITY AND USE HIGH CAPACITY MAGAZINE ASSAULT WEAPONS TO LAW ENFORCEMENT AGENCIES (Mayor Weisman):** Mayor Weisman requested that the Commission consider a resolution, similar to the one adopted by the City of Miami Beach.

City Manager Summary: It was the consensus of the City Commission to proceed with placing a Resolution on the October 6, 2016 Commission Meeting Agenda, with language to clarify that the resolution would not apply to hand guns.

7. **UPDATE ON PROPOSED COUNTY ORDINANCE ON MANDATORY INCLUSIONARY WORKFORCE HOUSING (City Attorney):** Mr. Wolpin reported on the proposed Miami-Dade County ordinance and the ongoing efforts of the Miami-Dade County League of Cities, as well as the individual municipalities including Aventura, to amend language in the ordinance in order to allow the municipalities to opt out of any mandatory requirement. An update will be provided after the County Committee meeting on October 13, 2016.

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

8. **PROPOSED AMENDMENT TO SIGN CODE TO ALLOW ADVERTISING ON AVENTURA B-CYCLE KIOSKS AND BIKES (City Manager):** Mr. Soroka requested that the Commission consider amending the Code to allow advertising on the B-Cycle bikes and kiosks, which would provide revenue to support the B-Cycle program.

City Manager Summary: It was the consensus of the City Commission to move forward with an RFP and to bring the item back for discussion.

9. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting was adjourned by consensus at 10:33 a.m.

Ellisa L. Horvath, MMC, City Clerk

Approved by the Commission on October 6, 2016

CANCELLED

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: September 23, 2016

SUBJECT: **Re-Appointment of Special Masters for Code Enforcement Process**

October 6, 2016 City Commission Meeting Agenda Item 5B

RECOMMENDATION

It is recommended that the City Commission ratify the City Manager's re-appointment of Raquel Rothman, Esq. and Barbara Buxton, Esq. as Special Masters for the City of Aventura Code Enforcement process.

BACKGROUND

Section 4 of Ordinance 96-14 which established the City's Code Enforcement Process provides for the City Manager to appoint Special Masters, subject to City Commission ratification, for a term of one year. The above-referenced individuals are submitted to you for re-appointment as Special Masters.

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

EMS/act

Attachment

CCO1954-16

CITY OF AVENTURA
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY:  Brian K. Raducci, Finance Director

DATE: September 15, 2016

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

October 6, 2016 City Commission Meeting Agenda Item 5C

RECOMMENDATION

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

BACKGROUND

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

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

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

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

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

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

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

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

M. Israel Bonds

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

D. Interest Bearing Time Deposit or Savings Account

E. Repurchase Agreements

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

G. Intergovernmental Investment Pools

M. Israel Bonds

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

K. Taxable/Tax-Exempt Municipal Bonds

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

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

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

BKR/bkr

RESOLUTION NO. 2016-__

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CANCELLED

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

PURPOSE

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

I. SCOPE

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

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

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

II. INVESTMENT OBJECTIVES

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

A. Safety of Capital

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

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

2. Interest Rate Risk – The City will minimize the risk that the market value of securities in the portfolio

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

- a) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity;
- b) Investing operating funds primarily in shorter-term securities, money market mutual funds or similar investment pools.

B. Liquidity of Funds

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

C. Investment Income

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

III. PERFORMANCE MEASUREMENT

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

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

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

IV. ETHICAL STANDARDS

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

A. Ethics and Conflicts of Interest

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

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

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

C. Designation of Investment Officer

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

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

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

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

A. United States Government Securities

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

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

Portfolio Composition

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

Maturity Limitations

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

B. United States Government Agencies

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

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

Portfolio Composition

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

Limits on Individual Issuers

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

Maturity Limitations

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

C. United States Government Sponsored Agencies

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

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

Portfolio Composition

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

Limits on Individual Issuers

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

Maturity Limitations

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

D. Interest Bearing Time Deposit or Savings Account*

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

Portfolio Composition

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

Limits on Individual Issuers

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

Limits on Maturities

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

E. Repurchase Agreements*

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

Portfolio Composition

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

Limits on Individual Issuers

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

Limits on Maturities

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

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

Portfolio Composition

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

G. Intergovernmental Investment Pools

Investment Authorization

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

Portfolio Composition

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

Due Diligence Requirements

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

H. Registered Investment Companies (Money Market Mutual Funds)

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

Portfolio Composition

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

Limits of Individual Issuers

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

Rating Requirements

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

Due Diligence Requirements

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

I. Commercial Paper

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

Portfolio Composition

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

Limits on Individual Sectors

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

Limits on Individual Issuers

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

Maturity Limitations

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

J. Corporate Notes

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

Portfolio Composition

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

Limits on Individual Sectors

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

Limits on Individual Issuers

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

Maturity Limitations

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

K. Taxable/Tax-Exempt Municipal Bonds

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

Portfolio Composition

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

Limits on Individual Issuers

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

Maturity Limitations

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

L. Asset Backed Securities

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

Portfolio Composition

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

Limits on Individual Sectors

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

Limits on Individual Issuers

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

Maturity Limitations

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

M. Israel Bonds

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

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

Portfolio composition

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

Maturity Limitations

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

VI. PROHIBITIONS

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

VII. INVESTMENT PARAMETERS

A. Maturity and Liquidity Requirements

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

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

VIII. SAFEKEEPING AND CUSTODY

A. Authorized Investment Institutions and Dealers

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

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

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

B. Delivery vs. Payment

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

C. Master Repurchase Agreement

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

D. Bid Requirements

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

E. Internal Controls

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

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

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

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

IX. CONTINUING EDUCATION

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

X. REPORTING

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

XI. SECURITIES; DISPOSITION

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

XII. SALE OF SECURITIES

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

XIII. PREEXISTING CONTRACT

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

XIV. AUDITS

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

XV. AUTHORIZED DEPOSITS

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

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

City.

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

XVI. PROHIBITED INVESTMENTS

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

XVII. INVESTMENT POLICY REVIEW

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

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

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

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

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

Revised – October 6, 2016 (Resolution No. 2016-__)

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

Appendix A
Authorized Investments Summary Table

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

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

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

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

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

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

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

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

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

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

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

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

DATE: September 8, 2016

SUBJECT: **Recommendation: Bid No: 16-08-30-2 – Country Club Drive Pedestrian Safety Improvements**

October 6, 2016 City Commission Meeting Agenda Item 5D

Recommendation

It is recommended that the City Commission adopt the attached Resolution awarding Bid No. 16-08-30-2, Country Club Drive Pedestrian Safety Improvements to the lowest responsible and responsive bidder, Horsepower Electric, Inc. for the price of \$239,900. This project will be funded by Budget Line Item Number 120-5001-541-6341.

Background

In accordance with the City's Purchasing Ordinance, bids for this project were solicited, advertised, and opened on August 30, 2016. The City received the following two (2) bids for this project:

Horsepower Electric, Inc.	\$239,900.00
Traffic Control Devices, Inc.	\$322,665.00

The Project is generally described as the purchase and installation of rectangular rapid flashing beacon (RRFB) assemblies at five (5) existing pedestrian crosswalk locations on Country Club Drive. Upon completion of the project, the \$239,900 construction cost will be reimbursed to the City through a Federal Highway Administration Grant administered through the Florida Department of Transportation.

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

RESOLUTION NO. 2016-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 16-08-30-2, COUNTRY CLUB DRIVE PEDESTRIAN SAFETY IMPROVEMENTS TO HORSEPOWER ELECTRIC, INC. AT THE BID PRICE OF \$239,900; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager has, pursuant to the various laws of the State of Florida and the Code of the City of Aventura, properly solicited and accordingly accepted bids for BID NO. 16-08-30-2, Country Club Drive Pedestrian Safety Improvements; and

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

WHEREAS, staff has determined that Horsepower Electric, Inc. submitted the lowest responsible and responsive bid for said project/work; and

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

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

Section 1: That bid/contract for BID NO. 16-08-30-2, Country Club Drive Pedestrian Safety Improvements, is hereby awarded to Horsepower Electric, Inc. in the amount of \$239,900.

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

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

Section 4: That the funds to be allocated and appropriated pursuant hereto and for the purpose of carrying out the tenets of this Resolution shall be from Budget Line Item Number 120-5001-541-6341.

Section 5: This Resolution shall be effective immediately upon its adoption.

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

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

PASSED AND ADOPTED this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CANCELLED

MEMORANDUM

CRAVEN THOMPSON AND ASSOCIATES, INC.

Date: August 31, 2016

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

From: Peter W. Aquart, PE, Consulting Engineer

Reference: Country Club Drive Pedestrian Safety Improvements
Bid Number 16-08-30-2

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

- Traffic Control Devices, Inc.
- Horsepower Electric, Inc.

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

The apparent low bidder is Horsepower Electric, Inc. We consider them to be a responsible bidder.

It is our opinion that Horsepower Electric, Inc. is the lowest responsible bidder and recommend awarding the contract to them for the total amount of \$239,900.00.

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

Enclosures: Bid Tabulation



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111th Avenue
Miami, Florida 33172-5800

JIM BOXOLD
SECRETARY

September 2, 2016

Antonio F. Tomei
Capital Projects Manager
Office of the City Manager
19200 West Country Club Drive
Aventura, FL 33180

Subject: **Concurrence Letter**
Country Club Drive Pedestrian Safety Improvements
FM# 436625-1
Contract: G0D72
Federal ID: 4042-434-C
County: Miami-Dade

Dear Mr. Tomei:

The Florida Department of Transportation has received the subject LAP project's bid tabulation and request for concurrence. This letter serves as a concurrence from the Florida Department of Transportation to the City of Aventura to proceed with the Award recommendation to Horsepower Electric, Inc.

Please be advised that, per 23 CFR 635.116 (b), all subcontractor's contracts must be reviewed and approved by the Department prior to execution by the prime contractor

Attached please find:

- A Performance Evaluation form that the Department will use, upon closing the project, to evaluate your Agency during the execution and management of the subject project;
- An Excel workbook containing Invoicing instructions and templates for LAP reimbursement requests

Please contact District 6 LAP Project Manager Alfredo Reyna at (305) 470-5288 if you have any questions or concerns.

Sincerely,

Aiah Yassin
District LAP Administrator

Attachments:
LAP Performance Evaluation Form, Invoicing Instructions and Templates Workbook

Cc: Alfredo Reyna, File

SECTION 00410
SCHEDULE OF VALUES FOR LUMP SUM CONTRACT

BIDDER'S NAME: Horsepower Electric Inc.

Time to Substantial Completion: 90 calendar days from issuance of the Notice to Proceed.

Time to Final Completion: 15 calendar days from date of substantial completion.

TOTAL CONTRACT TIME: 105 CALENDAR DAYS

Pay Item	Estimated Quantity	Description	Unit	Unit Price	Extended Cost
		<u>GENERAL</u>			
1	1	GENERAL CONDITIONS	LS	\$6,500	\$6,500
2	1	MOBILIZATION	LS	\$5,000	\$5,000
3	1	MAINTENANCE OF TRAFFIC	LS	\$9,820	\$9,820
		SUB-TOTAL			\$21,320
		<u>SIGNING AND PAVEMENT MARKINGS</u>			
4	50	SINGLE POST SIGN, F&I GROUND MOUNT, UP TO 12 SF	AS	\$490	\$24,500
5	1	SINGLE POST SIGN, RELOCATE	AS	\$300	\$300
6	34	SINGLE POST SIGN, REMOVE	AS	\$50	\$1,700
7	320	THERMOPLASTIC, STANDARD, WHITE, SOLID, 24"	LF	\$4	\$1,280
9	1,000	THERMOPLASTIC, STANDARD, WHITE, SOLID, 6"	LF	\$2	\$2,000
		SUB-TOTAL			\$29,780
		<u>SIGNALIZATION</u>			
9	20	RECTANGULAR RAPID FLASHING BEACON, FURNISH & INSTALL - SOLAR POWERED, COMPLETE ASSEMBLY - SINGLE DIRECTION	AS	\$9,200	\$184,000
		SUB-TOTAL			\$184,000
		<u>ALLOWANCE</u>			
10	1	ALLOWANCE FOR CITY OF AVENTURA POLICE DEPARTMENT PRESENCE (\$40/HR)	LS	\$4,800.00	\$4,800.00
		SUB-TOTAL			\$4,800
TOTAL BASE BID					\$ 239,900.00

Country Club Drive Pedestrian Safety Improvements
City of Aventura Bid No. 16-08-30-2
CTA Project No. 01-0103.201

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: September 8, 2016

SUBJECT: **Disbursement of Police Forfeiture Funds**

October 6, 2016 City Commission Meeting Agenda Item 5E

RECOMMENDATION

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

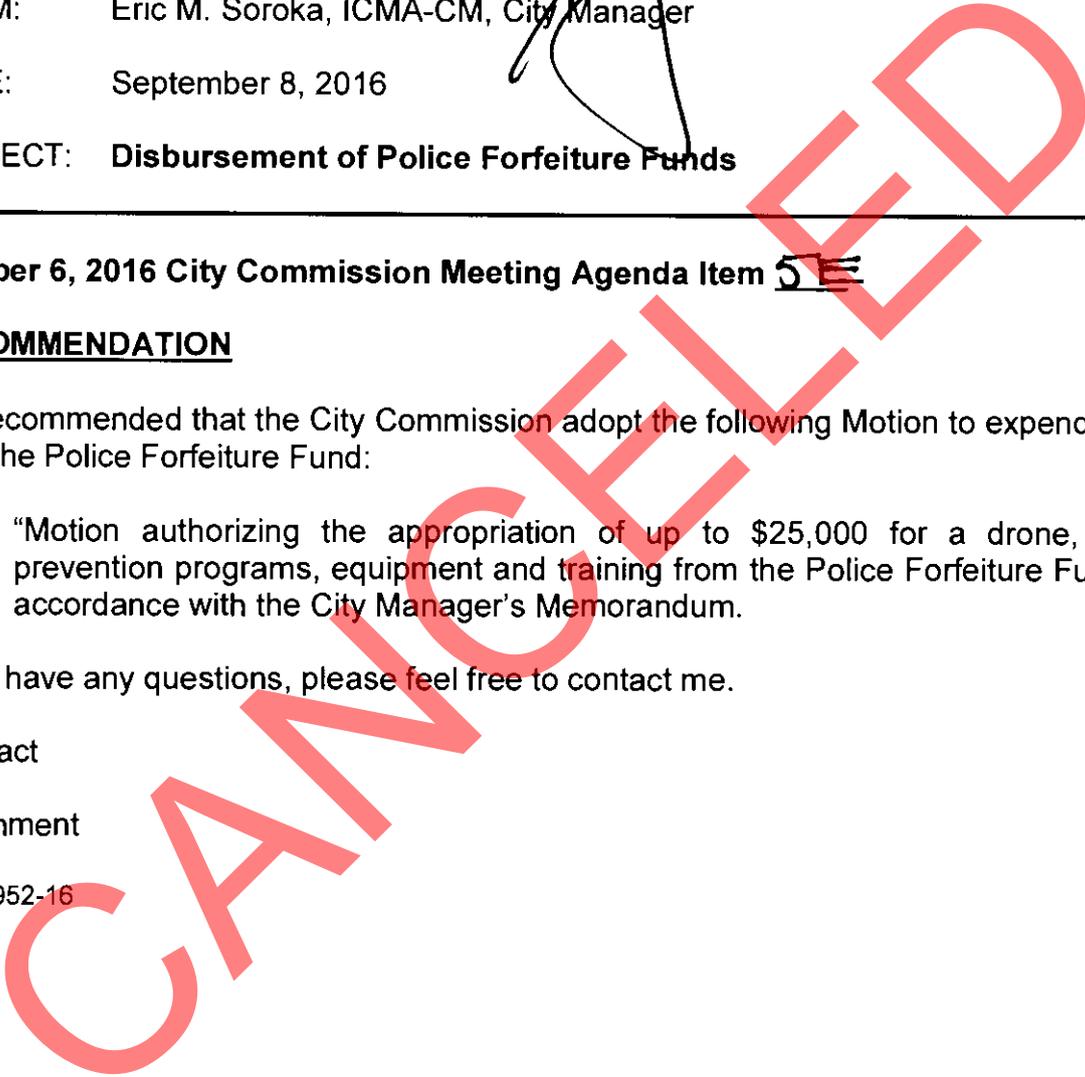
“Motion authorizing the appropriation of up to \$25,000 for a drone, crime prevention programs, equipment and training from the Police Forfeiture Funds in accordance with the City Manager’s Memorandum.

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

EMS/act

Attachment

CCO1952-16



CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
~~Eric M. Soroka, City Manager~~
FROM: Steven Steinberg, Chief of Police
DATE: 6 September 2016
SUBJECT: Use of Forfeiture Funds

Florida State Statute 932.704 requires that money resulting from forfeitures be maintained in a special law enforcement trust fund, and that the funds be expended only upon request of the Chief of Police to the governing body of the municipality and approval of the governing body.

I am requesting City Commission approval for the expenditure of:

Crime Prevention programs, equipment and training \$10,000

Total Expenditure Request: \$10,000

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

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

Summary

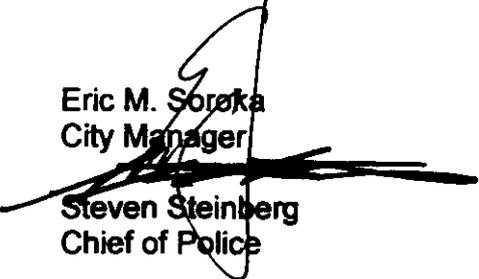
Crime Prevention equipment, programs and training - This is a request to spend up to \$10,000 of forfeiture funds to fund our departmental Crime Prevention unit. Funds will be used for crime prevention programs, equipment and training for the upcoming FY 2016-2017. All expenses for FY 2016 – 2017 for the Crime Prevention unit will come out of these approved funds in lieu of the Operating budget or CIP budget.

CANCELLED

**CITY OF AVENTURA
POLICE DEPARTMENT**

INTER-OFFICE MEMORANDUM

TO: Eric M. Soroka
City Manager

FROM: 
Steven Steinberg
Chief of Police

DATE: 09/23/16

SUBJECT: Use of LETF funds

Florida Statutes and Federal Law require that money resulting from forfeitures be maintained in a special law enforcement trust fund, and that the funds be expended only upon request of the Chief of Police to the governing body of the municipality and approval of the governing body.

I am requesting City Commission approval for the expenditure of:

DJI drone	\$15,000
TOTAL EXPENDITURE REQUEST:	\$15,000

I certify that this requested expenditure complies with the below:

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

Item Description:

Drone – this is a battery powered drone to be flown only by trained and authorized police department personnel. It will be used as allowed by law and will comply with FAA regulation and/or requirements.

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: September 15, 2016

SUBJECT: **Resolution Authorizing the Execution of Child Abduction Response Team Mutual Aid Agreement With the Florida Department of Law Enforcement**



October 6, 2016 Commission Meeting Agenda Item 5F

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution authorizing the execution of the Child Abduction Response Team (CART) Mutual Aid Agreement with the Florida Department of Law Enforcement.

BACKGROUND

The attached Agreement is a renewal request to continue to participate in CART. The Agreement allows agencies to request and render law enforcement assistance to the other in dealing with any violations of Florida Statutes including, but not limited to, the arrest and criminal prosecution of those involved in child kidnapping, abduction, false imprisonment and similar or related crimes.

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

EMS/act

Attachment

CCO1953-16

CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM

TO: Eric M. Soroka
City Manager

FROM: ~~Steven Steinberg~~
Chief of Police

DATE: 13 September 2016

SUBJECT: CART MOU from FDLE

The attached documents are regarding a continuation of our MOU with the FL Department of Law Enforcement (FDLE) to assist with the Statewide Child Abduction Response Team (CART).

By the Commission approving the required documents it will allow this agency to continue our participation with the Statewide CART.

CANCELLED



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

Criminal Investigations and Forensic Science
Miami Regional Operations Center
1030 NW 111th Avenue
Miami, FL 33172
1-800-226-3023
www.fdle.state.fl.us

Rick Scott, *Governor*
Pam Bondi, *Attorney General*
Jeff Atwater, *Chief Financial Officer*
Adam Putnam, *Commissioner of Agriculture*

September 12, 2016

RE: "Child Abduction Response Team"

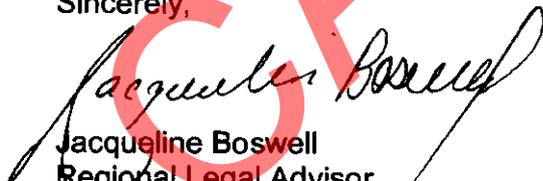
Dear Cart Participant:

Thank you for your continued interest in participating in the Child Abduction Response Team (CART). The program has been extended through December 31, 2020. Enclosed please find a copy of the signature page executed by the Florida Department of Law Enforcement which is considered as binding to the "Child Abduction Response Team" Mutual aid agreement.

Additionally, please find a signature page for your agency. If said Mutual Aid Agreement meets with your approval, please sign and return the original to me at the address listed above. Once all of the signatures have been received, a complete copy of the executed agreement will be forwarded to you.

Should you require any further information or assistance in this matter, please do not hesitate to contact me at 786 336-1050. Thank you in advance for your anticipated attention to this matter.

Sincerely,



Jacqueline Boswell
Regional Legal Advisor
Miami Regional Operations Center

Attachment:

RESOLUTION NO. 2016-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED CHILD ABDUCTION RESPONSE TEAM (CART) MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The City Manager is hereby authorized on behalf of the City of Aventura to execute and otherwise enter into that certain Child Abduction Response Team (CART) Mutual Aid Agreement between the City of Aventura and the Florida Department of Law Enforcement in substantially the form as attached hereto.

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

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

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

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

PASSED AND ADOPTED this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CANCELLED

**VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE
PARTICIPATING AGENCIES AND THE FLORIDA DEPARTMENT OF LAW
ENFORCEMENT TO FORM A SOUTH FLORIDA
CHILD ABDUCTION RESPONSE TEAM**

WHEREAS, the below subscribed law enforcement agencies have joined together in a multi-jurisdictional effort to rescue abducted children and under appropriate circumstances allocate their resources to missing/endangered children cases; and

WHEREAS, the undersigned agencies are all participants in a multi-agency effort known collectively as the **Child Abduction Response Team (CART)**; and

WHEREAS, the undersigned agencies agree to utilize applicable state and federal laws to prosecute criminal, civil, and forfeiture actions against identified violators, as appropriate; and

WHEREAS, the undersigned agencies have the authority under Part 1, Chapter 23, Florida Statutes, "the Florida Mutual Aid Act," to enter into a voluntary agreement for cooperation and assistance of a routine law enforcement nature that crosses jurisdictional lines; and

WHEREAS, the subscribing law enforcement agencies are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to continuing, multi-jurisdictional criminal activity, so as to protect the public peace and safety, and preserve the lives and property of the citizens; and

WHEREAS, this agreement does not supersede or take the place of any other agreement entered into by the various members of the Child Abduction Response Team. Those agreements shall remain in full effect.

NOW THEREFORE, the Parties agree as follows:

As acknowledged by their execution of this Agreement, each of the undersigned law enforcement agencies approve, authorize and enter into this Agreement at the request of the member agencies of the Child Abduction Response Team (CART) and the Florida Department of Law Enforcement (FDLE), subject to the terms and conditions noted herein, for the purposes and goals indicated.

Additional Parties may, at the request and with the approval of FDLE and the other CART members, enter into this Agreement at a later date as evidenced by their signing of this Agreement. Any Party may cancel its participation in this Agreement upon delivery of written notice of cancellation to FDLE.

CART GOALS AND COOPERATION TO BE RENDERED:

The goal of the CART is to provide a pool of specialized investigators to focus dedicated and intensive investigative, preventative, and general law enforcement efforts primarily with regard to abducted children. To provide for voluntary cooperation, each of the CART agencies hereby

approve and enter into this agreement whereby each of the agencies may request and render law enforcement assistance to the other in dealing with any violations of Florida Statutes including, but not limited to, the arrest and criminal prosecution of those involved in child kidnapping, abduction, false imprisonment and similar or related crimes (utilizing state and federal prosecutions, as appropriate); the rescue of the abducted child or children and the seizure and forfeiture of assets of those engaged in child abduction or otherwise supporting such activity (utilizing state and federal forfeiture options, as appropriate).

Nothing herein shall otherwise limit the ability of participating CART members to provide, as provided by or allowed by law, such assistance in any enforcement action as may be lawfully requested by a law enforcement officer having jurisdiction over an incident, crime or matter under consideration.

The Parties to this Agreement are contributing personnel and resources in support of the CART efforts, with the operations of the CART being coordinated with FDLE and other agency members.

JURISDICTION, PROCEDURES FOR REQUESTING ASSISTANCE, COMMAND AND SUPERVISORY RESPONSIBILITY:

The principal sites of CART activity shall be the following counties: Palm Beach, Broward, Dade and Monroe.

When engaged in CART operations that have been approved by FDLE, as contemplated by this Agreement, CART members that do not otherwise have jurisdictional authority shall enjoy full jurisdictional authority anywhere in the State of Florida, although principally focused within the principal sites of CART activity listed herein, with full power to enforce Florida laws and avail themselves of the provisions of this Agreement. Officers assigned to CART operations pursuant to this agreement shall be empowered to render enforcement assistance and take law enforcement action in accordance with the law and the terms of this Agreement. Execution of this agreement and continued participation by FDLE and one or more CART member agencies shall constitute a general reciprocal, continuing request for and granting of assistance between the members of the Team that shall be considered authorized in accordance with the provisions of this Agreement. No additional or specific formal request for assistance is required. CART members operating outside the jurisdiction of their respective Agencies shall not enjoy extra-jurisdictional authority as law enforcement officers unless engaged in approved CART activities as stated herein. Pursuant to Section 23.127(1), Florida Statutes, employees and agents of the undersigned Agencies participating in the CART, when engaging in authorized mutual cooperation and assistance pursuant to this Agreement, have the same powers, duties, rights, privileges and immunities as if the employees were performing duties inside the political subdivision in which the employee is normally employed.

Activities shall be considered authorized only when approved and directed as provided herein by an FDLE supervisor or command designee. The CART will normally function as a force multiplier for the requesting agency, and the requesting agency will remain as the lead agency in overall control of the investigation, unless the requesting agency has formally asked that the CART, under FDLE supervision or other FDLE approved supervision, assume control of the investigation. The Parties stipulate that in the event that a significant investigative or jurisdictional dispute should arise, the issue will immediately be forwarded to the relevant agency chief executives for resolution. If at any time an FDLE supervisor or FDLE Special

Agent designee(s) determines that an extra-territorial CART operation pursuant to this agreement should be terminated, said operation is to be promptly terminated in a manner assuring the safety of all involved law enforcement officers.

No CART employee or agent shall engage in activities outside the jurisdictional territory of the CART pursuant to the authority of this Agreement that are not approved, are unreported or otherwise unknown to the FDLE supervisor and which are not documented as provided herein. FDLE supervisor(s) shall maintain documentation that will demonstrate the daily involvement of specific employees or agents provided by the Parties to this Agreement, including each operation's supervisor or designated leader. Such documentation will assist in memorializing which individuals had mutual aid authority pursuant to this Agreement for particular time periods.

After consultation with other participating CART agencies, FDLE may request that a particular employee or agent of the CART no longer be allowed to participate in furtherance of this Agreement. Upon receiving the request, the employing Agency shall promptly terminate said person's participation in the activities contemplated by this provision of the Agreement. Upon the request of a participating agency that a sworn or support member of FDLE no longer participate in the CART, FDLE shall, if otherwise in FDLE's best interest to do so, terminate said member's participation in the CART. With the approval of FDLE, a Party to this Agreement may otherwise add, substitute, reinstate, or replace any of its sworn or support employees participating in the CART.

Whenever an operation occurs outside the territorial limits of the principal sites of CART activity as set forth herein, the Chief of Investigations for the FDLE office in the region affected shall be notified about the presence of CART personnel in his or her region. Local law enforcement in the area of operation will be notified, as appropriate.

Nothing herein shall otherwise limit the jurisdiction and powers normally possessed by an employee as a member of the employee's Agency.

FORFEITURE ACTIONS ARISING FROM THIS AGREEMENT:

Forfeiture actions based upon seizures made by the CART may be pursued in either state or federal court. Actions shall be based upon current statutory and case law. Distribution of the proceeds shall be shared equally among the participating agencies, or as otherwise specified by written agreement.

PROPERTY AND EVIDENCE:

All property and evidence, including currency, seized within Florida but outside the primary jurisdictional area for CART operations, in connection with state violations and pursuant to this Agreement, shall be taken into custody, processed and documented by an FDLE Special Agent in accordance with FDLE policy relating to the handling of property, evidence and currency.

When such items are seized within the primary jurisdictional area for CART operations, in connection with state violations and pursuant to this Agreement, the items may be taken into custody, processed, documented and maintained by the lead agency, the agency with primary jurisdiction or as otherwise agreed upon.

In the event an investigation becomes a federal case or inquiry, any such property and evidence will be transferred into the custody of the Federal Bureau of Investigation or handled in accordance with their direction.

LIABILITY AND COST-RELATED ISSUES:

Each Party engaging in any mutual cooperation and assistance pursuant to this Agreement agrees to assume its own liability and responsibility for the acts, omissions, or conduct of such Party's own employees while such employees are engaged in rendering such aid, cooperation and assistance pursuant to this Agreement. Nothing herein shall be deemed to constitute a waiver of any sovereign immunity that any Party is entitled to, statutorily under Section 768.28, Florida Statutes, or based on common law or case law. Each Party shall remain responsible for the compensation, retirement, workers compensation and other benefits accruing to the benefit of their participating employees.

Each Party to this Agreement agrees to furnish necessary personnel, property, police equipment, vehicles, resources and facilities to render services to each other Party to this Agreement in order to effect the purposes of the CART and agrees to bear the cost of loss or damage to such equipment, vehicles, or property. Parties understand and agree that they will be responsible for their own liability and bear their own costs with regard to their property and resources, or personnel expenses incurred by reason of death, injury or incidents giving rise to liability. This provision shall not preclude necessary property or resources being purchased, funded, or provided by a participating Party via the Party's legally vested forfeiture funds, if otherwise authorized by law.

Each Agency furnishing aid pursuant to this Agreement shall compensate its own employees during the time such aid is rendered and shall defray the actual expenses of its employees while they are rendering such aid, including any amounts, if legally applicable, that may be determined to be payable for compensation due to personal injury or death while such employees are engaged in rendering such aid. The privileges and immunities from liability, exemption from laws, ordinances, and rules, and all pension, insurance, relief, disability, workers' compensation, salary (including overtime compensation or compensatory time), death and other benefits that apply to the activity of an employee of an Agency when performing the employee's duties within the territorial limits of the employee's Agency shall apply to the employee to the same degree, manner, and extent while such employee acts under this Agreement. This provision shall not preclude payment of compensation, including overtime compensation, for its personnel utilizing its legally vested forfeiture funds to the extent allowed by law.

Each Party agrees to maintain its own comprehensive general liability insurance, professional liability insurance, and automotive liability insurance or maintain a self-insuring fund for the term of this Agreement in the amounts determined by each Party to adequately insure such Party's liability assumed herein. But, for Florida law enforcement officers, in no event shall such coverage be less than the statutory waiver of sovereign immunity limits. Each Party agrees to provide the other Parties with a copy of the respective insurance or self-insurance required hereunder, including the endorsements thereto and renewals thereto. In the event a Party maintains a self-insurance fund, such Party agrees to provide the other Parties with documentation to substantiate the existence and maintenance of such self-insurance fund. The Parties agree that federal participants will be governed by applicable federal laws concerning the above liability issues.

COMPLAINTS AGAINST CHILD ABDUCTION RESPONSE TEAM MEMBERS:

Whenever a complaint has been lodged as a result of CART efforts outside their jurisdictional boundaries pursuant to this Agreement, a designee of FDLE shall ascertain at a minimum:

The identity(ies) of the complainant(s) and an address where the complainant(s) may be contacted, the nature of the complaint, any supporting evidence or facts as may be available, including the names and addresses of witnesses to that which has been complained about, the identity(ies) of the CART participant(s) accused and the employing Agency(ies) of the participant(s) accused.

FDLE will promptly provide to each affected employing Agency the above information for administrative review and appropriate handling or disposition. Each affected employing Agency shall, upon completion of said review, notify FDLE of its findings and any actions taken.

The Parties agree that federal agency participants will handle any complaints against their personnel while such federal personnel are involved in CART operations.

OBLIGATION TO COORDINATE WITH PROSECUTOR'S OFFICE:

The principal goal of the Child Abduction Response Team is the rescue of abducted children and the arrest of criminal perpetrators. An equally important goal is the successful prosecution of perpetrators. The latter requires close coordination with prosecuting authorities, both in the state and federal courts. Members of the CART are obligated to coordinate their efforts in such a way as to support the efficient prosecution of cases, including, but not limited to, prompt responses to requests from prosecutors for information or assistance in handling CART generated cases and reasonable availability for pretrial conferences with prosecutors, discovery depositions, pretrial hearings and trials. Civil or administrative actions derived from CART operations are likewise to receive coordinated support efforts from CART members. CART supervisors shall monitor the efforts of CART members in support of criminal prosecutions, civil actions, administrative actions and forfeiture cases. Such monitoring shall include regular contact with assigned prosecutors or attorneys pursuing actions on behalf of the CART to assure the expected level of support from CART members is occurring. Failure by a member of the CART to support such efforts on a routine and regular basis in the manner set forth herein shall constitute grounds for removal of the member from this Agreement.

COPY TO EACH PARTICIPATING CART MEMBER AGENCY:

When this Agreement is fully executed, a copy shall be provided to each CART member so that each member may be fully aware of the powers, limitations, and expectations applicable to CART members and operations.

TERM OF AGREEMENT:

This Agreement shall be effective as to the executing Parties upon execution by the member agencies of the CART and FDLE. As each additional Party executes this Agreement, it shall be effective as to the newly executing Party.

This Agreement may be duplicated for dissemination to all Parties, and such duplicates shall be of the same force and effect as the original.

Execution of this Agreement may be signified by properly **signing** and **dating** a separate signature page.

The original agreement and all signature pages shall be maintained by the FDLE, Office of General Counsel. A copy of this agreement will also be maintained by the Special Agent in Charge for the CART region of operation.

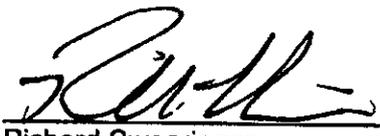
This Agreement shall remain in full force as to all participating Parties until December 31, 2020, unless terminated in writing by FDLE as to all or separate Parties. This agreement may be renewed, amended, or extended only in writing. Any Party may withdraw from this Agreement upon providing written notice to FDLE and all other participating Parties. Any written cancellation or extension shall be maintained with the original agreement and a copy forwarded to FDLE Mutual Aid office.

CANCELLED

PARTY'S ACCEPTANCE OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE MEMBER AGENCIES OF THE SOUTH FLORIDA CHILD ABDUCTION RESPONSE TEAM.

Pursuant to Section 23.1225(3), F.S., this agreement may be entered into by a chief executive officer of the agency who is authorized to contractually bind the agency. By signing below, an indication of such authorization is being made. Any signatory may attach to this signature page any further evidence of authorization you wish to remain on file at FDLE along with this signature page.

For the Florida Department of Law Enforcement (FDLE):



Richard Swearingen
Executive Director, Florida Department of Law Enforcement

JD
7/22/16

7/25/16
Date

CANCELLED

PARTY'S ACCEPTANCE OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE MEMBER AGENCIES OF THE SOUTH FLORIDA CHILD ABDUCTION RESPONSE TEAM.

Pursuant to Section 23.1225(3), F.S., this agreement may be entered into by a chief executive officer of the agency who is authorized to contractually bind the agency. By signing below, an indication of such authorization is being made. Any signatory may add or attach to this signature page any further evidence of authorization you wish to remain on file at FDLE along with this signature page.

For the City of Aventura Police Department:

Eric M. Soroka
City Manager

Steven Steinberg
Chief of Police

Date of Execution

CANCELLED

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: September 27, 2016

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

October 6, 2016 City Commission Meeting Agenda Item 56

RECOMMENDATION

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

BACKGROUND

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

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

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

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

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

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

EMS/act

Attachment

CANCELLED

RESOLUTION NO. 2016-__

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

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

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

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

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

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

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

PASSED AND ADOPTED this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CANCELLED

MUTUAL AID AGREEMENT

Between the City of Sunny Isles Beach Police Department and the City of Aventura Police Department

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

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and manmade conditions which are, or are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating municipal police departments; and

WHEREAS, in order to ensure the preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating **Dade County** municipalities; and

WHEREAS, the participating **Dade County** municipalities have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a Mutual Aid Agreement.

NOW, THEREFORE, BE IT KNOWN, that the **City of Sunny Isles Beach**, subdivision of the State of Florida, and the undersigned representatives, in consideration of mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. Short title: Mutual Aid Agreement
2. Description: Since the Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and intensive law enforcement situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement as described in Chapter 23 Florida Statutes.
3. Definitions:
 - A. **Joint declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the Joint Declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this

Agreement. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.

- B. **Agency or participating law enforcement agency:** Either the **City of Sunny Isles Beach Police Department** or the participating municipal police department.
 - C. **Agency Head:** Either the Chief of the **City of Sunny Isles Beach Police Department**, or the Chief's designees, and the Chief of Police of the participating municipal police department, or the Chief's designees.
 - D. **Participating municipal police department:** The police department of any municipality in **Dade County**, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.
 - E. **Certified law enforcement employees:** Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.
4. Operations:
- A. In the event that a party to this Agreement is in need of assistance, as specified in the applicable Joint Declaration, an authorized representative of the police department requiring assistance shall notify the agency from which such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.
 - B. Each party to this Agreement agrees to furnish necessary man power, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete, unreasonably, its own manpower, equipment, facilities, and other resources and services in rendering such assistance.
 - C. The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

5. Powers, Privileges, Immunities, and Costs:

- A. All employees of the participating municipal police department, certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are regularly employed.
- B. The political subdivision having financial responsibility for the law enforcement agency providing the services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.
- C. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
- D. All exemptions from ordinances and rules, and all pension, insurance, relief, disability, workers compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorial under the provisions of this Mutual Aid Agreement. The provision of this Agreement shall apply with equal effect to paid and auxiliary employees.

6. **Indemnification:** The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of

said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.

7. **Forfeitures:** It is recognized that during the course of the operation of the Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.
8. **Conflicts:** Any conflict between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.
9. **Effective Date and Duration:** This Agreement shall be in effect from date of signing, through and including **January 1, 2021**, and under no circumstances may this Agreement be renewed, amended or extended except in writing.
10. **Cancellation:** This Agreement may be canceled by either party upon sixty (60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED AND ACKNOWLEDGED this ____ day of _____, 20__.

George H. Scholl
Mayor,
City of Sunny Isles Beach, FL

Eric M. Soroka
City Manager,
City of Aventura, FL

ATTEST:

ATTEST:

Jane A. Hines
City Clerk,
City of Sunny Isles Beach, FL

Ellisa L. Horvth
City Clerk,
City of Aventura, FL

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Hans Ottinot
City Attorney,
City of Sunny Isles Beach, FL

City Attorney,
City of Aventura, FL

**JOINT DECLARATION
OF THE CHIEF OF THE CITY OF SUNNY ISLES BEACH POLICE DEPARTMENT
AND THE CHIEF OF THE CITY OF AVENTURA POLICE DEPARTMENT
PURSUANT TO MUTUAL AID AGREEMENT**

A deputy sheriff or police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the Mutual Aid Agreement when:

participating in law enforcement activities that are preplanned and approved by each respective agency head, or

appropriately dispatched in response to a request for assistance from the other law enforcement agency.

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

1. Joint multi-jurisdictional criminal investigations
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes, and strikes
3. Any natural disaster
4. Incidents which require rescue operations and crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures
5. Terrorist activities including, but not limited to, acts of sabotage
6. Escapes from or disturbances within detention facilities
7. Hostage and barricaded subject situations, and aircraft piracy
8. Control of major crime scenes, area searches, perimeter control, backups to emergency and in-progress calls, pursuits, and missing persons calls

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

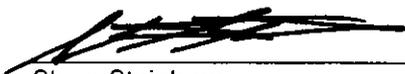
DATE: _____

Fred A. Maas
Chief of Police
Sunny Isles Beach, Florida

ATTEST:

Hans Ottinot,
City Attorney,
Sunny Isles Beach, Florida.

DATE: _____



Steve Steinberg
Chief of Police
Aventura, Florida

ATTEST:

City Attorney,
Aventura, Florida

**JOINT DECLARATION AMENDMENT UNDER
CITY OF SUNNY ISLES BEACH POLICE DEPARTMENT AND THE CITY OF
AVENTURA POLICE DEPARTMENT'S
MUTUAL AID AGREEMENT**

This Agreement amends the Joint Declaration under the Mutual Aid Agreement of _____, 20____, to include and permit concurrent **marine patrol** related jurisdiction between agencies on the waters, waterways, canals, channels, rivers, lakes, streams, and any and all other bodies of waters, including the Intracoastal Waterway (ICW) that fall within either jurisdiction at this or any future time during the term of this Mutual Aid Agreement.

It will be agreed between both Chiefs of Police of the **City of Sunny Isles Beach** and the **City of Aventura** to the following conditions of concurrent **marine patrol** related jurisdiction:

1. Both agencies will be permitted to patrol jurisdictional waters of either jurisdiction, and to take enforcement actions as deemed appropriate under city, state, and federal laws, rules, and regulations, and to write boating law violation citations, make arrests, and to attend court on behalf of the other agency.
2. Both agencies agree that any and all incidents, which require an initial (preliminary) police offense incident report (OIR), will be completed by the agency making the initial contact. Any follow-up investigations that are required are to be completed by the jurisdiction the incident occurred regardless of which agency completed the original offense incident report.
3. If an arrest is made by one agency that is operating in the jurisdictional waters of the other agency, and that arrest results in asset forfeiture proceedings, both agencies agree to a 50-50 share of the final asset distribution following the payment of all expenses relating to the prosecution of the civil case. The jurisdiction of civil forfeiture action shall be filed by seizing agency.
4. Both agencies have the right to set their own days and hours for marine patrol and agree to provide assistance and aid to the other agency under the spirit of Mutual Aid Agreement.

This Amendment shall become effective upon the signing of both Chiefs of Police and shall remain in effect until either the current Mutual Aid Agreement and Joint

Declaration expires or either agency gives written notice to the other agency to rescind this Amendment.

I accept the terms and conditions of the aforementioned Amendment to the current Mutual Aid Agreement and Joint Declaration between the **City of Sunny Isles Beach Police Department** and the **City of Aventura Police Department**.

Date

Date

George H. Scholl
Mayor
City of Sunny Isles Beach, Florida

Eric M. Soroka
City Manager
City of Aventura, Fl.

Fred A. Maas
Chief of Police
City of Sunny Isles Beach, Florida

~~_____~~
Steve Steinberg
Chief of Police
City of Aventura, Fl.

CANCELLED

RESOLUTION NO. 2016-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, CALLING UPON FEDERAL AND STATE-ELECTED OFFICIALS TO COLLABORATE WITH LOCAL OFFICIALS AND FIRST RESPONDERS TO PREVENT MASS SHOOTINGS AND LARGE-SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA BY LIMITING THE AVAILABILITY AND USE OF MILITARY GRADE, HIGH CAPACITY MAGAZINE ASSAULT WEAPONS TO LAW ENFORCEMENT AGENCIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the confluence of the Internet, international and lone wolf domestic terrorism, underfunded community mental health programs, and easy access to military grade, high capacity magazine assault weapons has created circumstances which have led to an unprecedented number of mass shootings in communities in this state and around the country in recent years; and

WHEREAS, in recent years, mass shootings involving military grade-high capacity magazine assault weapons have occurred with alarming regularity; and

WHEREAS, the military scaled weaponry used in these mass shootings exceeds the weaponry generally available to local law enforcement officers, which puts those officers, together with their communities and safe gathering places where community life is enjoyed, in great and unnecessary peril; and

WHEREAS, military grade, high capacity magazine assault weapons and the grave hazard they present to communities and innocent citizens have no valid role to serve in community and civilian life and are even disavowed by most reputable pro-hunting organizations; and

WHEREAS, as indicated through national surveys, a majority of the American public, including legal gun owners, support extensive background checks for gun ownership and limiting the availability and use of military grade, high capacity magazine assault weapons to bona-fide and highly trained law enforcement agencies; and

WHEREAS, the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal to update the background check system for gun purchases, which would have required states to add more information on mental health records to a national database, and which also included a provision to alert law enforcement agencies when an individual who was on a government terror watch list in the last five years buys a gun; and

WHEREAS, the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal to expand the background check system for those buying guns to require checks at gun shows and for online purchases; and

WHEREAS, the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal to delay gun sales to individuals included on a government terror watch list, which would also allow a judge to permanently block a purchase if the court determined with probable cause that the individual is involved in terrorist activity; and

WHEREAS, the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal that sought to bar all gun sales to those individuals on the terror watch list; and

WHEREAS, gun violence is a pervasive, national problem that is exacerbated by the availability of semi-automatic assault weapons at gun shows, flea markets, and other organized events; and

WHEREAS, the drafters of the Second Amendment to the United States Constitution never envisioned automatic or semi-automatic weapons when the right to bear arms was first conceived; and

WHEREAS, one of the principal goals of the United States Constitution, as set forth in its preamble, is "to insure domestic tranquility"; and

WHEREAS, the proliferation of automatic and semi-automatic weapons, as well as high capacity ammunition devices and magazines, presents a growing problem to law enforcement and to this nation's domestic tranquility; and

WHEREAS, over 5,000 gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and non-licensed vendors; and

WHEREAS, gun shows, as well as flea markets and other organized events at which a large number of firearms are offered for sale by federal firearms licensees and non-licensed vendors, form a significant part of the national firearms market; and

WHEREAS, at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and others prohibited from owning firearms obtain guns without background checks and frequently use guns, whose ownership cannot be traced, to later commit crimes; and

WHEREAS, the Florida and United States legislatures have the authority to require, by statute, that any non-licensed vendors be required to conduct the same background check of the purchaser as currently required for licensed vendors; and

WHEREAS, the City Commission hereby provides that lawful hand guns are not included within the scope of the action requested by this Resolution.

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

Section 1. The elected Federal and State Legislative and Executive officials are called upon to support safe communities and heed the requests of our City to enhance the safety of our community and our many gathering places by supporting the desires of a majority of the American public to strictly limit the availability and use of military grade, high capacity assault weapons to bona fide law enforcement agencies and to do so with the sense of urgency and commitment which is warranted in the face of the ongoing, tragic, and unnecessary loss of life triggered by mass shootings with high powered, military grade, high capacity magazine assault weapons.

Section 2. The U.S. Congress is urged to reinstate the federal assault weapons ban.

Section 3. The Florida Legislature is urged to enact a state ban on assault weapons.

Section 4. Alternatively, the Florida Legislature is urged to lift the preemption presently in place in order to allow local governments to impose an assault weapons ban.

Section 5. The City Clerk's office is directed to transmit a copy of this resolution to our state, federal, and other local elected officials.

Section 6. This Resolution shall be effective immediately upon adoption hereof.

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

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

PASSED AND ADOPTED this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CANCELLED

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: September 13, 2016

SUBJECT: Request of Parcel Cove LLC for Sign Variance
The Bagel Cove Restaurant
19001 Biscayne Boulevard, City of Aventura
(03-SV-16)

October 6, 2016 City Commission Meeting Agenda Item 6A

RECOMMENDATION

It is recommended that the City Commission approve the request for variance to permit a second wall sign measuring 25.97 square feet on the west elevation of the Bagel Cove Restaurant at 19001 Biscayne Boulevard; where one sign measuring 127 square feet is permitted by Code, with the condition that the wall sign on the west elevation substantially comply with the sign drawings submitted with this application.

THE REQUEST

The applicant, Parcel Cove, LLC, is requesting variance from Section 31-191(j)(2)a. of the City Code to permit a second wall sign on a one-story freestanding commercial building in the Aventura Grand Cove Shopping Plaza at 19001 Biscayne Boulevard, where one wall sign is permitted by Code. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY	Parcel Cove LLC
APPLICANT	Parcel Cove LLC
LOCATION OF PROPERTY	19001 Biscayne Boulevard (See Exhibit #2 for Location Map)
LEGAL DESCRIPTION	Part of the northeast ¼ of the northwest ¼ of the southwest ¼ of Section 3, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida (See Exhibit #3 for complete legal description)
ZONING	
Subject property:	B2, Community Business District
Property to the North:	B2, Community Business District and TC1, Town Center District
Property to the South:	TC1, Town Center District
Property to the East:	TC1, Town Center District
Property to the West:	Biscayne Boulevard
EXISTING LAND USE	
Subject property:	Commercial Plaza
Property to the North:	Gas Station & Car Wash, Parking Area
Property to the South:	Commercial Plaza
Property to the East:	Commercial & Office Plaza
Property to the West:	Biscayne Boulevard
FUTURE LAND USE – According to the <u>City of Aventura Comprehensive Plan</u> , the following properties are currently designated as follows:	
Subject property:	Town Center
Property to the North:	Town Center
Property to the South:	Town Center
Property to the East:	Town Center
Property to the West:	No designation – Biscayne Boulevard

The Site - The subject building lies within the Aventura Grand Cove Plaza on the east side of Biscayne Boulevard, south of NE 191 Street, and contains retail, restaurant and bank tenant spaces. The specific site is the Bagel Cove restaurant in the northwest corner of the plaza. There is one existing wall sign on the south elevation of the restaurant, facing the interior of the plaza, measuring 50 square feet.

The Project – The applicant is proposing a second wall sign on the west elevation of the existing restaurant to direct customers from Biscayne Boulevard. There is an existing 50 square foot wall sign on the south elevation, facing the interior of the plaza. The proposed wall sign on the west elevation measures 25.97 square feet. Based on the 127 lineal feet of tenant frontage, one wall sign at 127 square feet is permitted by Code.

The sign package, showing location of the existing and proposed wall signs, is attached as Exhibit #4.

Citizen Comments – As of the date of writing of this report, the Community Development Department has not received any written or verbal citizen comments.

ANALYSIS

Section 31-191(j)(2)a. of the City Code regulates wall signs on commercial buildings. One wall sign per building is permitted, except two wall signs may be permitted for corner or through locations. Corner locations are defined by City Code as a location with frontage on two public streets. Through locations are defined by City Code as locations with customer entry/exit doors on two opposite sides of the tenant space. This is not a corner or through location. The maximum size of the sign is one square foot for each one lineal foot of building frontage. This building has a frontage of 127 lineal feet; therefore, one wall sign at 127 square feet is permitted by Code. There is one wall sign measuring 50 square feet on the south elevation of the tenant space and the applicant is requesting a second wall sign on the west elevation measuring 25.97 square feet.

The total square footage of the existing wall sign and the proposed wall sign is 75.97 square feet, which is less than the 127 square foot sign area that is permitted by Code for one wall sign.

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

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

The proposed wall sign on the west elevation of the building will identify the restaurant for traffic on Biscayne Boulevard. The existing wall sign on the south elevation will then direct customers, once inside the plaza, to the front door of the restaurant. The area of the existing and proposed wall signs, at 75.97 square

feet, do not exceed the square footage allowed by Code for one wall sign at this location.

This request does preserve the unique character of the City and is not in conflict with the basic intent and purpose of the sign code. The signs are compatible with surrounding land uses, will not be detrimental to the community and will effectively index the environment. The two signs will direct customers to the restaurant.

CANCELLED

Parcel Cove, LLC
2627 NE 203rd Street, Suite 202
Aventura, FL 33180
Tel: 305 682 4991 Fax: 305 682 4992

City of Aventura
Community Development Department
19200 W Country Club Drive
Aventura, FL 33180
305-466-8940

Re: Variance Application for sign at 19001 Biscayne Blvd
Permit: BL /EL 16-1157

Our tenant Bagel Cove has presented permit application for sign variance to the community development dept. of Aventura.

Bagel Cove is a very popular deli to the residents of the City of Aventura but on many occasions management have been informed by their visiting customers of some difficulty in finding their way due to the lack of visibility due to the one and only sign that faces south and a parking lot – Therefore, this additional sign would help enhance the presence of Bagel Cove to the passing traffic and public in the community of Aventura

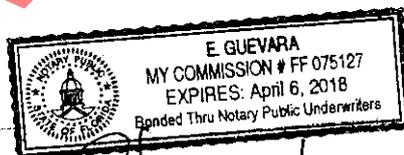
If you recall, the introduction of Jared's had the same situation and the second sign was approved with a fee of approx. \$7k for the same reason in principle

We kindly request that this review board would take the upmost consideration in granting the sign variance and trust you are happy with what we are doing in the plaza in general

Sincerely,



Roderick Faith
Registered Agent



E. Guevara
5/9/16

Exhibit 1
03-SV-16

BROWARD COUNTY
DADE COUNTY

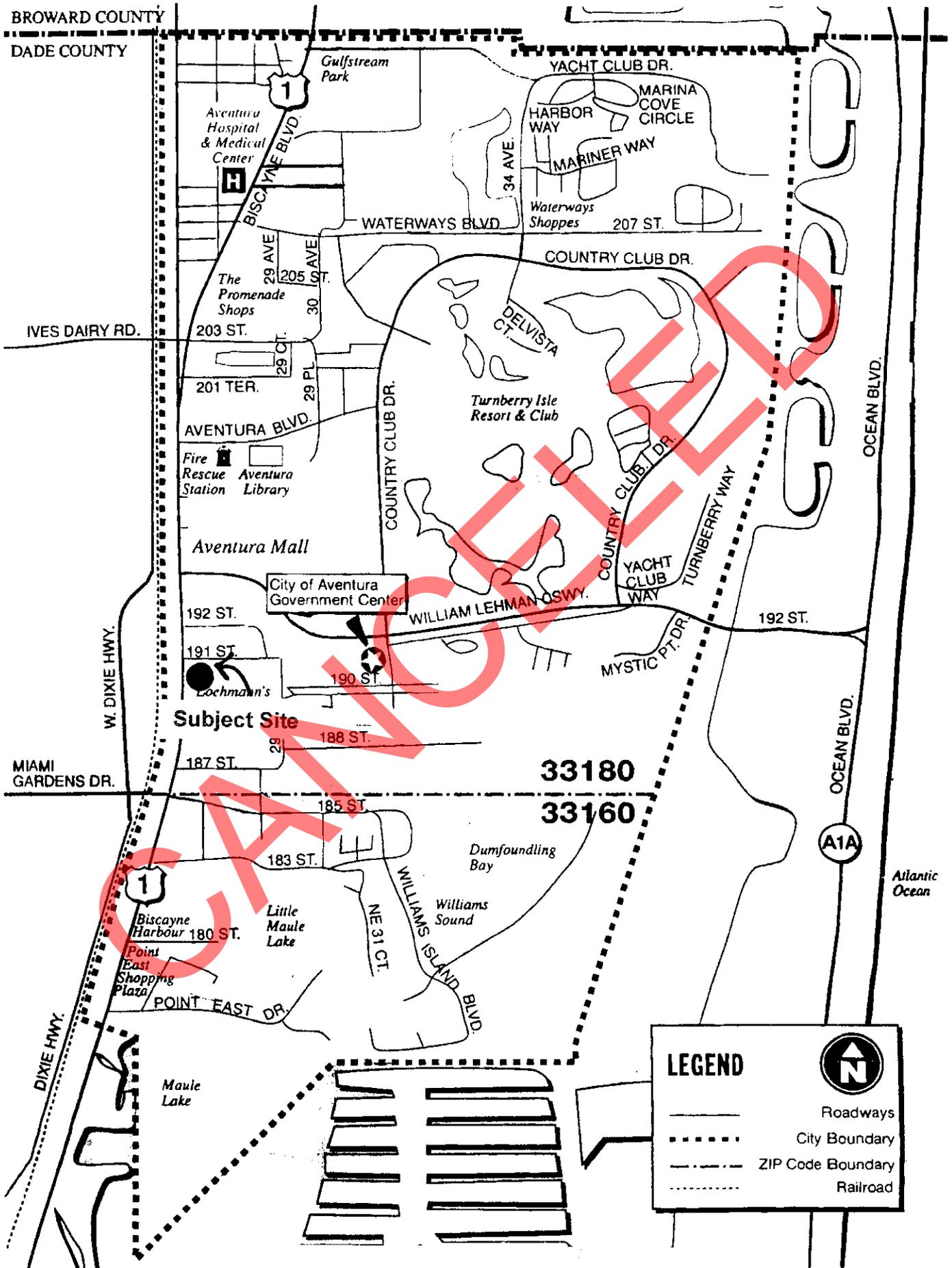


Exhibit 2
03-SV-16

THAT PORTION OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

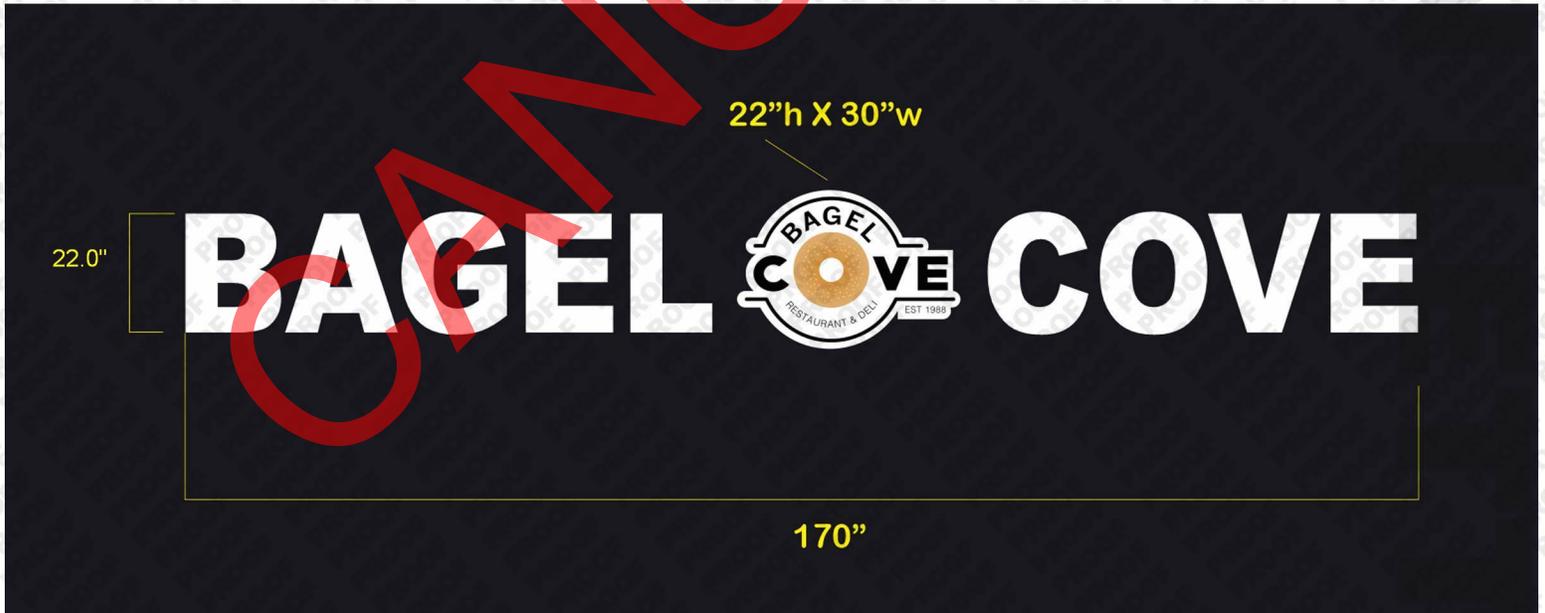
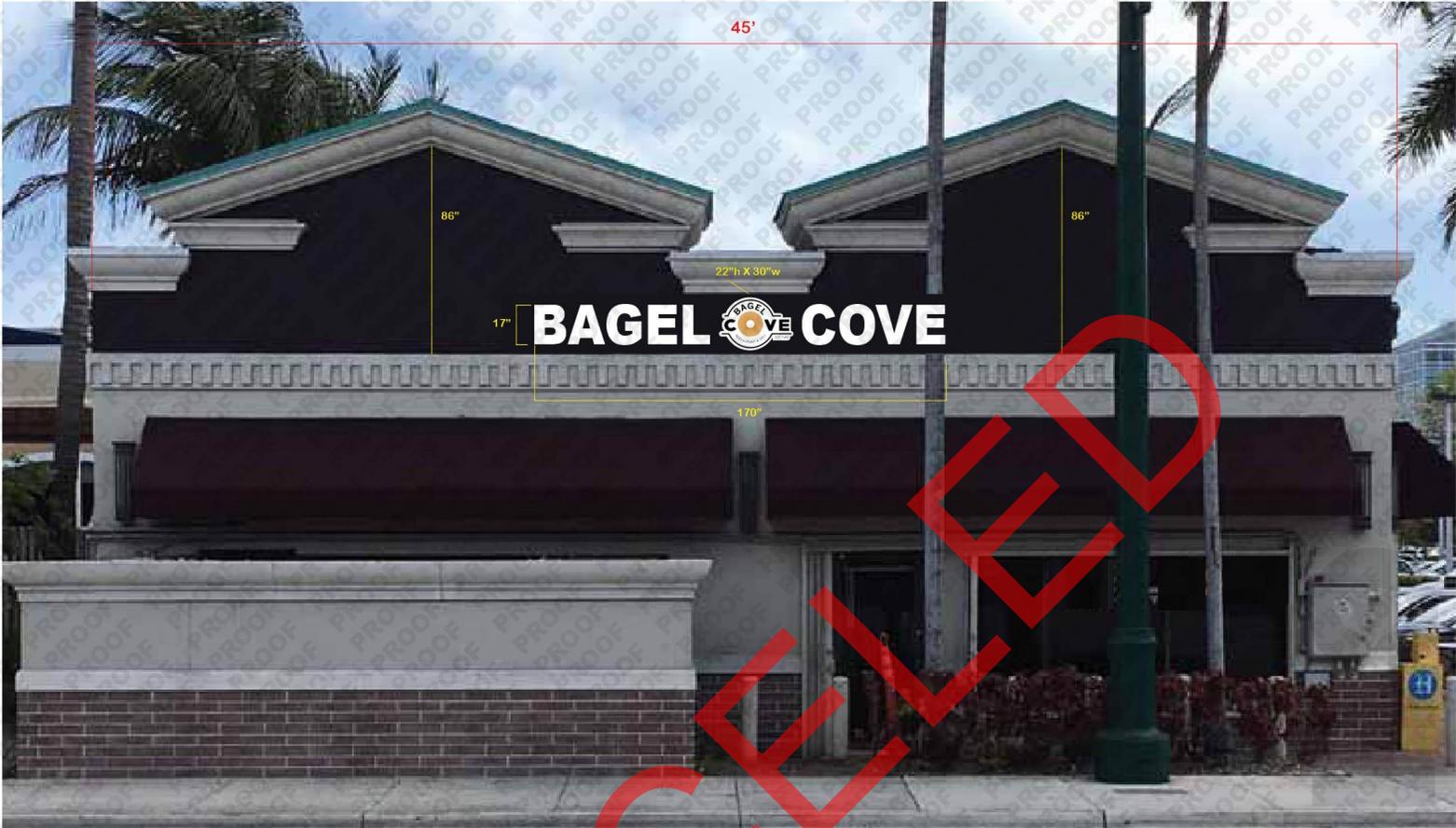
COMMENCE AT THE WEST $\frac{1}{4}$ OF SAID SECTION 3; THENCE NORTH 86°32'30" EAST 795.49 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST $\frac{1}{4}$ OF SECTION 3 TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO. 4 (U.S. HIGHWAY 1) AS PER FLORIDA'S STATE ROAD DEPARTMENT RIGHT-OF-WAY PLANS RECORDED IN BOOK 34 AT PAGE 53 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; THENCE SOUTH 03°08'01" EAST FOR 209.97 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE NORTH 86°32'30" EAST 299.54 FEET ALONG A LINE THAT IS PARALLEL WITH AND 210.00 FEET SOUTHERLY OF SAID NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3, AS MEASURED ALONG THE EAST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3; THENCE NORTH 04°23'43" EAST 10.00 FEET; THENCE NORTH 86°32'30" EAST 75.00 FEET; THENCE SOUTH 04°23'43" EAST 50.00 FEET; THENCE NORTH 86°32'30" EAST 75.14 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 100.00 FEET WESTERLY OF SAID EAST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 04°23'43" EAST 211.81 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 200.00 FEET NORTHERLY OF THE SOUTH LINE OF SAID NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 86°29'21" WEST 455.22 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO. 4 (U.S. HIGHWAY 1); THENCE NORTH 03°08'01" WEST 252.20 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PORTION OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

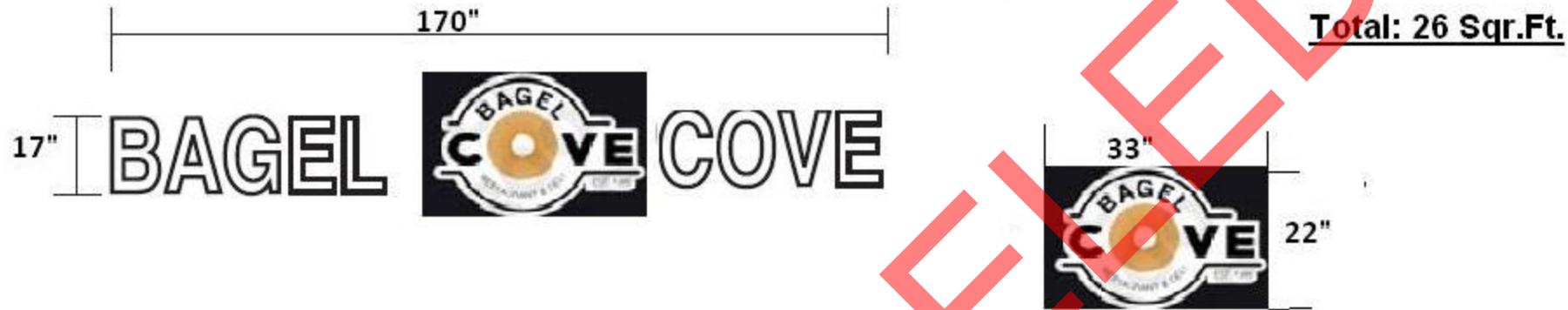
BEGIN AT THE NORTHWEST CORNER OF THE WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B", REGINA SQUARE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, AT PAGE 27, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THIS POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. NO. 1/BISCAYNE BOULEVARD), AS SHOWN ON SAID PLAT AND ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP PROJECT NO. 41, NOW KNOWN AS SECTION 87030-2201, AS RECORDED IN PLAT BOOK 34, AT PAGE 53, OF SAID PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN NORTH 02°07'21" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 76.721 METERS (251.71 FEET) TO THE POINT OF INTERSECTION WITH A LINE 64.008 METERS (210.00 FEET) SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 3; THENCE RUN NORTH 87°34'55" EAST, ALONG LAST DESCRIBED PARALLEL LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO A POINT; THENCE RUN SOUTH 02°07'21" EAST FOR A DISTANCE OF 76.717 METERS (251.69 FEET) TO THE POINT OF INTERSECTION WITH THE NORTHERLY LINE OF SAID WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B"; THENCE RUN SOUTH 87°32'01" WEST ALONG LAST DESCRIBED NORTHERLY LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO THE POINT OF INTERSECTION WITH SAID EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 5 AND THE POINT OF BEGINNING.

TOGETHER WITH NON-EXCLUSIVE EASEMENT CREATED BY INGRESS, EGRESS AND ACCESS EASEMENT FILED IN BOOK 16366, PAGE 1027.



SIGN AREA : 22.0'H X 170.0' W= 25.97 SQR. FT.





B ILLUMINATED CHANNEL LETTERS

Scale: NTS

SIGN AREA: 26 Sqr. Ft.



DETAILS

FACE	3/16" Acrylic White #7328	F-1	
RETURN	.040 Aluminum - Black	R-1	
TRIM	1" Jewelite White	T-1	
LED	Designer White	L-1	

C SIGN DETAILS

FONT: Helvetica

Scale: NTS

19001 BISCAYNE BLVD.
AVENTURA FL. 33180

SOUTH ELEVATION:
SIGN AREA: 24.0" H X 300.0"W= 50 Sqr.Ft

SEE ATTACHED PROPERTY
PROPERTY APPRAISER
SKETCH SOUTH ELEV. 127' W

127'



BAGEL COVE RESTAURANT & DELI 24"

25'0"

N/T SCALE

NOTE CORRECTED SIGN SIZE
AS OF 09/14/2006

BAGEL COVE RESTAURANT & DELI 24"

300"



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
CARLOS BLANCO	SIGN CONSULTANT

(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 30 DAY OF AUGUST 2008

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: Carlos Blanco
 (Signature)
 Name: CARLOS BLANCO
 (Print)
 Title: PLANS/PERMIT COORDINATOR
 Address: 13750 SW 170TH LN
MIAMI, FL 33177

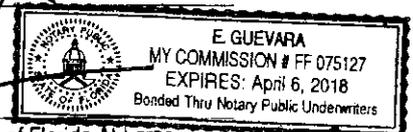
OWNER
 By: [Signature]
 (Signature)
 Name: Roderick Faith
 (Print)
 Title: AUTHORIZED REP
 Address: 2627 NE 203RD ST, Ste 202
Aventura, FL 33180

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

SWORN TO AND SUBSCRIBED BEFORE ME this 30th day of AUGUST 2008 AFFIANT

Notary Public State of Florida At Large
 Printed Name of Notary Elizabeth Guevara
 My commission expires: 04-06-18





BUSINESS RELATIONSHIP AFFIDAVIT*

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS _____ DAY OF _____, 200__

APPLICANT:

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

WITNESS MY HAND THIS _____ DAY OF _____, 200__

PROPERTY OWNER:

By: [Signature] (Signature)
 Name: ROGERIC HENRY (Print)
 Title: REGISTERED AGENT (Print)

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

WITNESS MY HAND THIS 31 DAY OF August, 2006.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: Carlos P. Blanco (Signature)
Name: Carlos Blanco (Print)
Title: Sign Consultant (Print)

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

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

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

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

By: _____ (Signature)
Name: _____ (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 Rosrick Fattel 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 3rd day of August, 20016

AFFIANT
[Signature]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:



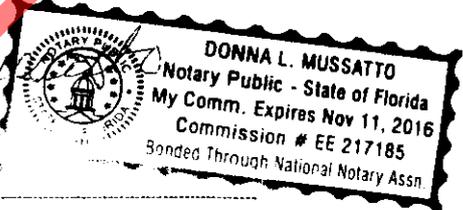
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Carlos Blanco 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 3 day of 31, 20016

AFFIANT
Carlos J. Blanco

Donna L. Mussatto
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 11/11/16



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.

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

AFFIANT

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

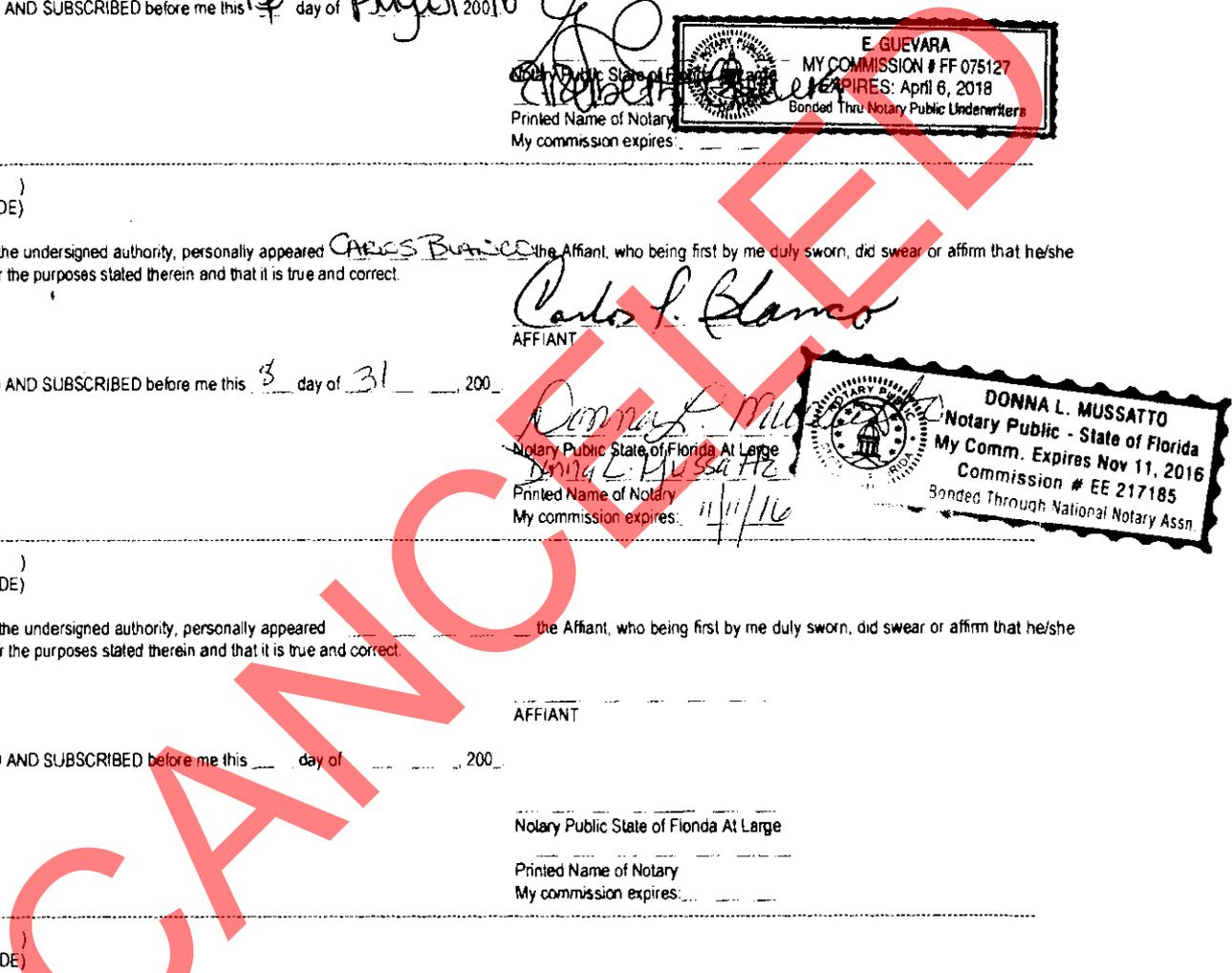
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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.

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

AFFIANT

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



RESOLUTION NO. 2016-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR THE BAGEL COVE RESTAURANT ON PROPERTY LOCATED AT 19001 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned B2, Community Business District; and

WHEREAS, the Applicant, Parcel Cove LLC, through Application No. 03-SV-16, has requested a sign variance to permit a second wall sign measuring a total of 25.97 square feet on the west elevation of the Bagel Cove Restaurant in the Aventura Grand Cove plaza located at 19001 Biscayne Boulevard, where one wall sign measuring 127 square feet is permitted by Code and one wall sign measuring 50 square feet exists on the south elevation; and

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

WHEREAS, the City Commission finds that the application for the second wall sign meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

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

Section 1. Application No. 03-SV-16 for Sign Variance to permit a second wall sign measuring 25.97 square feet on the west elevation of the Bagel Cove restaurant in the Aventura Grand Cove plaza located at 19001 Biscayne Boulevard, legally described in Exhibit "A" to this resolution, is hereby granted exclusively to the applicant, with the conditions that the wall sign on the west elevation substantially comply with the following plans submitted with this application, as follows:

- Bagel Cove, Proposed West Elevation Sign Rendering, prepared by Future Signs & Services;
- Bagel Cove Permit Drawing, Sign Details, Page 2 of 3, prepared by Future Signs & Services;

- Bagel Cove Permit Drawing, Illuminated Channel Letters, Page 3 of 3, prepared by Future Signs & Services dated 3/17/2016;
- Bagel Cove, Existing South Elevation Sign Rendering, prepared by Future Signs & Services.

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

Section 3. Issuance of this development order by the City of Aventura does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Aventura for issuance of the development order if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

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

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

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

PASSED AND ADOPTED this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this _____ day of _____, 2016.

CITY CLERK

Exhibit "A"
Legal Description of Property

THAT PORTION OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST $\frac{1}{4}$ OF SAID SECTION 3; THENCE NORTH 86'32'30" EAST 795.49 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST $\frac{1}{4}$ OF SECTION 3 TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO.4 (U.S. HIGHWAY 1) AS PER FLORIDA'S STATE ROAD DEPARTMENT RIGHT-OF-WAY PLANS RECORDED IN BOOK 34 AT PAGE 53 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; THENCE SOUTH 03'08'01" EAST FOR 209.97 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE NORTH 86'32'30" EAST 299.54 FEET ALONG A LINE THAT IS PARALLEL WITH AND 210.00 FEET SOUTHERLY OF SAID NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3, AS MEASURED ALONG THE EAST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3; THENCE NORTH 04'23'43" EAST 10.00 FEET; THENCE NORTH 86'32'30" EAST 75.00 FEET; THENCE SOUTH 04'23'43" EAST 50.00 FEET; THENCE NORTH 86'32'30" EAST 75.14 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 100.00 FEET WESTERLY OF SAID EAST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 04'23'43" EAST 211.81 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 200.00 FEET NORTHERLY OF THE SOUTH LINE OF SAID NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE SOUTH 86'29'21" WEST 455.22 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO.4 (U.S. HIGHWAY 1); THENCE NORTH 03'08'01" WEST 252.20 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS AND EXCEPT A PORTION OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B", REGINA SQUARE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, AT PAGE 27, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THIS POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO.5 (U.S. NO. 1/BISCAYNE BOULEVARD). AS SHOWN ON SAID PLAT AND ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP PROJECT NO. 41, NOW KNOWN AS SECTION 87030-2201, AS RECORDED IN PLAT BOOK 34, AT PAGE 53, OF SAID PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN NORTH 02'07'21" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 76.721 METERS (251.71 FEET) TO THE POINT OF INTERSECTION WITH A LINE 64.008 METERS (210.00 FEET) SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 3; THENCE RUN NORTH 87'34'55" EAST, ALONG LAST DESCRIBED PARALLEL LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO A POINT; THENCE

RUN SOUTH 01'07'21" EAST FOR A DISTANCE OF 76.717 METERS (251.69 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY LINE OF SAID WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B"; THENCE RUN SOUTH 87'32'01" WEST ALONG LAST DESCRIBED NORTHERLY LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO THE

POINT OF INTERSECTION WITH SAID EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 5 AND THE POINT OF BEGINNING.

TOGETHER WITH NON-EXCLUSIVE EASEMENT CREATED BY INGRESS, EGRESS AND ACCESS EASEMENT FILED IN BOOK 16366, PAGE 1027.

CANCELLED

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: September 13, 2016

SUBJECT: Request of Aventura IMP LLC for Revision to Parking Variance Approval granted through Resolution No. 99-39, Resolution No. 2001-01 and Resolution No. 2002-30
20601 East Dixie Highway, City of Aventura
(04-VAR-99 REV3)

October 6, 2016 City Commission Meeting Agenda Item LB

RECOMMENDATION

It is recommended that the City Commission approve the requested revision to the parking variance approvals granted through Resolution No. 99-39, Resolution No. 2001-01 and Resolution No. 2002-30 to delete the requirement for 20 off-street parking spaces within the FEC Railway right of way.

REQUEST

The applicant is requesting that Condition No. 7 of Resolution No. 99-39 be deleted. This condition requires construction and maintenance of 20 off-street parking spaces in an area leased from the FEC Railway on the west side of East Dixie Highway and designed to provide parking for patrons and employees of the medical office building at 20601 East Dixie Highway, City of Aventura. (See Exhibit #1 for Letter of Intent from applicant)

BACKGROUND

The applicant was granted approval of certain variances, conditional use and abandonment of right-of-way by Resolution No. 99-39 passed and adopted on August 3, 1999. These approvals were granted to permit the construction of a four-story professional and medical office building on East Dixie Highway between NE 206 Street and NE 207 Street. The applicant subsequently revised the site plan which necessitated modification to the previous approvals. The modifications were approved by Resolution No. 2001-01 adopted on January 2, 2001. The site plan was then further revised which again necessitated modification to the previous approvals. The second modifications were approved by Resolution No. 2002-30 adopted on June 4, 2002.

(See Exhibit #2 for Location Plan, Exhibit #3 for Aerial Photograph, Exhibit #4 for Resolution No. 99-39, Exhibit #5 for Resolution No. 2001-01 and Exhibit #6 for Resolution No. 2002-30)

One of the variance requests was a reduced number of on-site parking spaces. The building required 130 parking spaces by Code and 126 parking spaces were proposed. The parking variance was approved on the condition that on-street, parallel parking spaces were constructed, with 6 spaces on the north side of NE 206 Street, 1 space on the south side of NE 207 Street and 14 spaces on the west side of East Dixie Highway, as well as 20 off-street parking spaces in the FEC Railway right of way, for a total of 167 parking spaces. The parking spaces on NE 206 Street, NE 207 Street and East Dixie Highway were to be available to both users of the medical office building and users of adjacent properties. All of the required on-site, on-street and off-street parallel parking areas were built as part of the original building construction.

The applicant advises that the 20 parking spaces constructed in the area leased from the FEC Railway are not used by building patrons and that the remaining 147 on-site and on-street parking spaces accommodate all parking needs for the medical office building. The applicant is therefore requesting that this condition of approval be deleted. If the request is approved, the applicant will terminate its lease with FEC Railway and remove the parking area. The existing 126 on-site parking spaces and the 21 parallel parking spaces on NE 206 Street, NE 207 Street and East Dixie Highway will remain in place.

The applicant has submitted a Parking Utilization Study prepared by SurveyPros, Inc. which is attached as Exhibit #7 to this report. The study counts parking spaces in use every half-hour from 6:30 a.m. to 6:30 p.m. for three consecutive days. The study shows a maximum parking space utilization of 117 spaces at midday. The study also notes that the FEC lot was empty when these parking counts were taken.

OWNER OF PROPERTY
NAME OF APPLICANT
ADDRESS OF PROPERTY
SIZE OF PROPERTY
LEGAL DESCRIPTION

Aventura IMP LLC
Aventura IMP LLC
20601 East Dixie Highway
1.22 Acres
Lots 12 through 30, Block 8 of HALLANDALE
PARK NO. 8 according to the plat thereof, as
recorded in Book 20, Page 49 of the Public
Records of Miami-Dade County, Florida.
MO (Medical Office District)
Business and Office

ZONING
FUTURE LAND USE

ANALYSIS

Condition No. 7 of Resolution No. 99-39 states that:

...

"7. The applicant shall enter into a lease with Florida East Coast Railway (FEC) and construct twenty (20) parking spaces on the leased area. Permit plans must be approved by the Community Development Department and construction of the spaces completed prior to Certificate of Occupancy. The applicant must continue the lease on an annual basis in good faith effort."

The City Code requires 130 parking spaces for this medical office building, where 126 spaces are provided on site, 21 parallel parking spaces are provided on NE 206 Street, NE 207 Street and East Dixie Highway and 20 spaces are provided in a parking area on the FEC Railway right of way, for a total of 167 spaces. The applicant has submitted a Parking Utilization Study that shows a maximum demand of 117 spaces. The requested deletion of the condition and removal of the 20 existing parking spaces in the FEC Railway parking area results in a total of 147 spaces on-site and on-street. This resulting number of spaces exceeds both the City Code requirement of 130 spaces and the maximum demand of 117 spaces shown in the Parking Utilization Study.

City of Aventura
Community Development Department
19200 W Country Club Drive
Aventura, FL 33180

SEP 12 2016

June 9, 2016

German Fraynd
Manager of Aventura IMP LLC
1380 NE Miami Gardens Drive, Suite 125
North Miami Beach, FL 33179

To whom it may concern,

I, German Fraynd, managing member of Aventura IMP, LLC, hereby submit a letter of intent to modify Condition No. 7 of Resolution No. 99-39 as it applies to the property located on 20601 E Dixie Hwy Aventura, FL 33180.

The forenamed condition requires Aventura I.M.P. to hold a Lease Agreement with the Florida East Coast Railroad (FEC) in order to provide additional parking. However, since entering into the Lease Agreement in September of 2001 the parking located in the FEC right of way does not get occupied. The on-site parking found on the ground floor and second floor of the building have proven to provide sufficient parking for the tenant as well as visitor. We kindly request the City of Aventura review our documents supporting our claim regarding the parking and that the condition be removed.

Sincerely,

German Fraynd M.D., F.A.C.S
Phone: 786-472-3584
Email: avc.atrrium@gmail.com

Exhibit 1
04-VAR-99 (REV3)

BROWARD COUNTY
DADE COUNTY

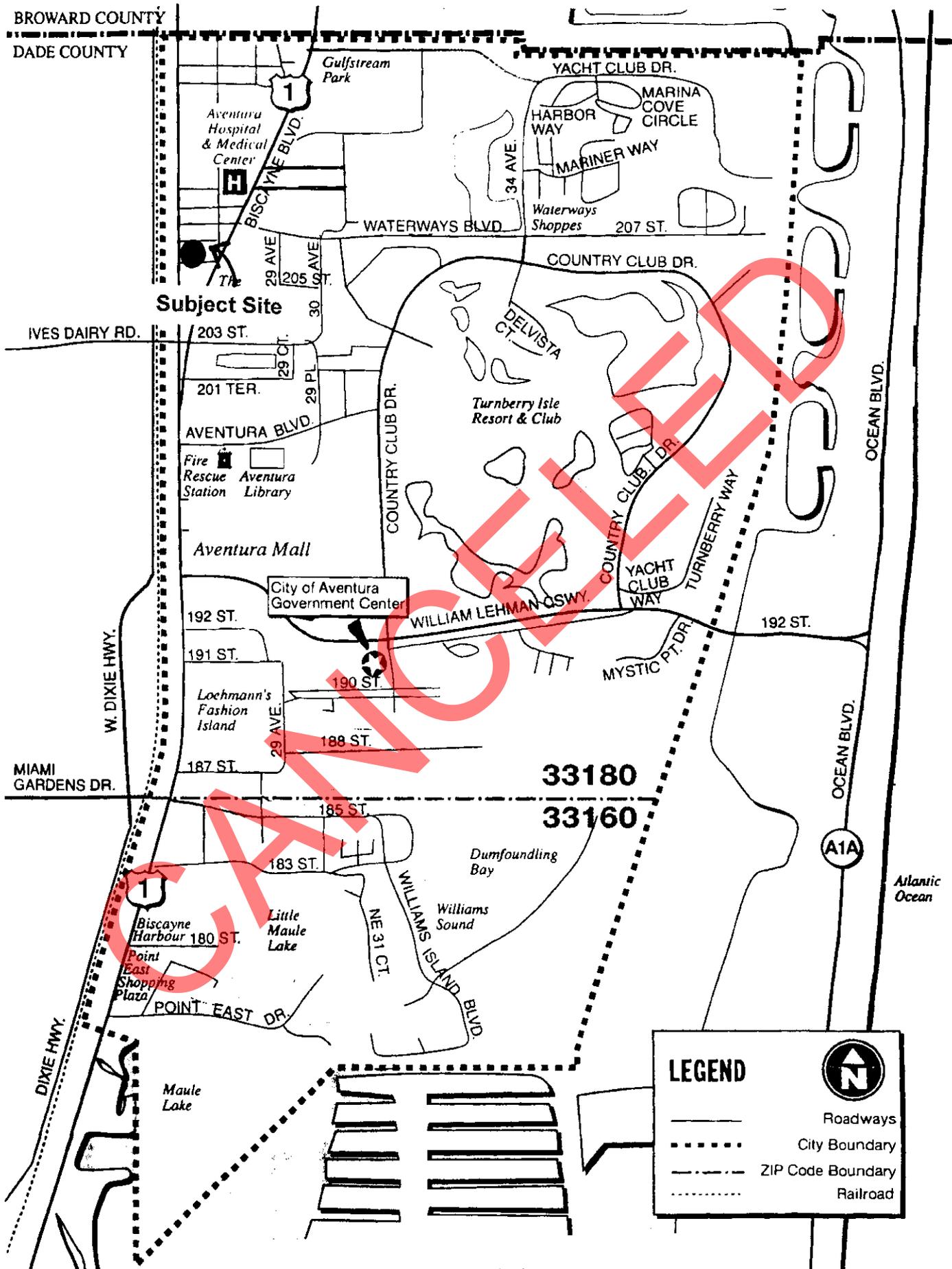
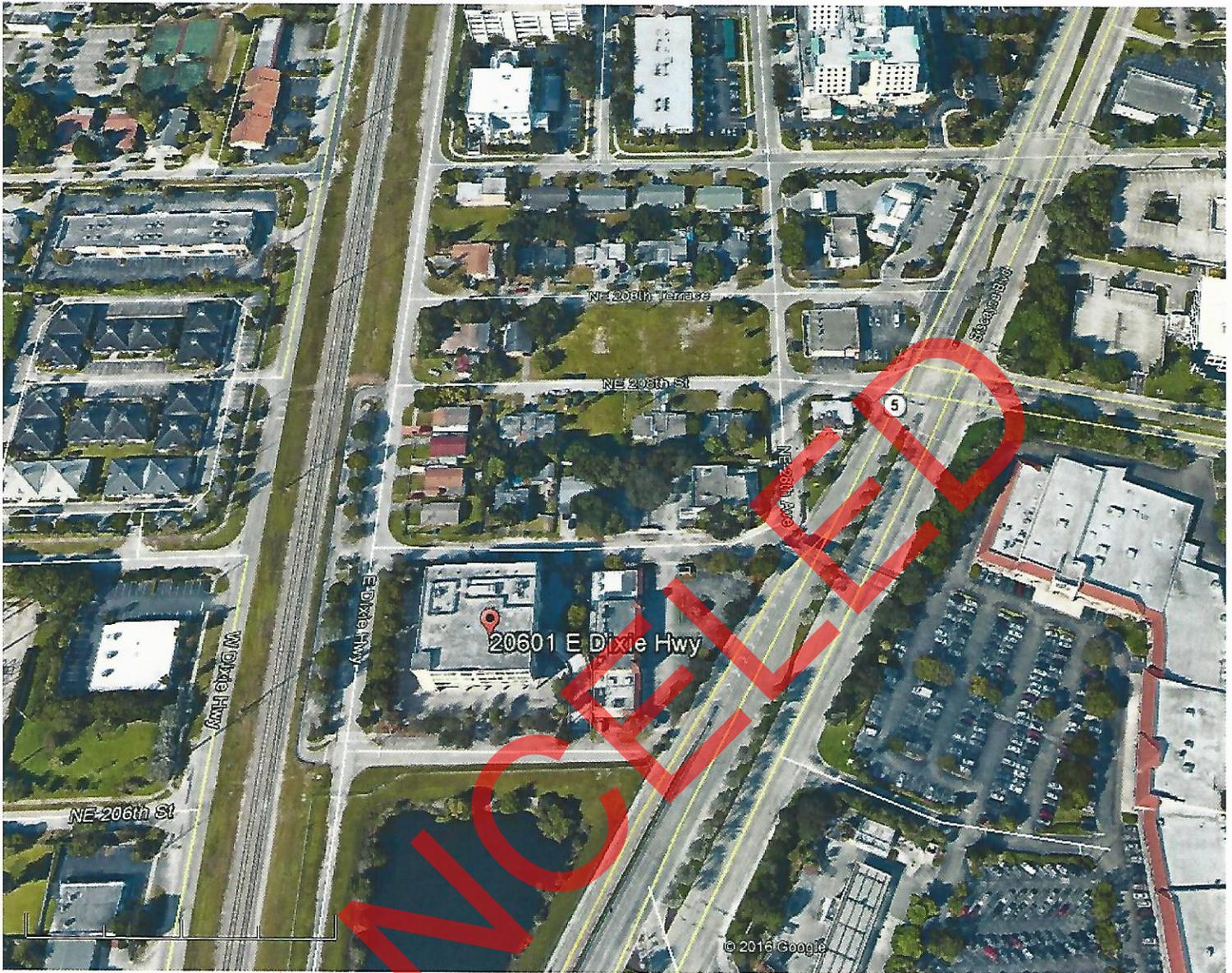


Exhibit 2
04-VAR-99 (REV3)



Google earth

feet
meters

200

Exhibit 3
04-VAR-99 (REV3)

RESOLUTION NO. 99-39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF VARIANCE FROM SECTION 801.2 OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW 112 OFF-STREET PARKING SPACES WHERE 130 OFF-STREET PARKING SPACES ARE REQUIRED; GRANTING APPROVAL OF VARIANCE FROM SECTION 704.6.1 OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A PLOT AREA OF 1.22 ACRES WHERE 1.5 ACRES IS REQUIRED; GRANTING CONDITIONAL USE APPROVAL TO ALLOW TWO (2) DRIVE-THROUGH TELLER LANES AT A BANK ON THE GROUND FLOOR OF A PROPOSED OFFICE BUILDING; GRANTING APPROVAL OF THE ABANDONMENT OF APPROXIMATELY 2,134 SQUARE FEET OF PUBLIC ALLEYWAY PLATTED IN BLOCK 8 OF THE HALLANDALE PARK NO. 8 SUBDIVISION; FOR PROPERTY LOCATED BETWEEN NE 206 STREET AND NE 207 STREET ON THE EAST SIDE OF EAST DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned MO, Medical Office District;
and

WHEREAS, the applicant, Kenneth Marlin, through Applications No. 04-VAR-99, 01-CU-99 and 02-AR-99, is requesting the following:

1. A variance from Section 801.2 of the City's Land Development Regulations to allow 112 off-street parking spaces where 130 off-street parking spaces are required.
2. A variance from Section 704.6.1 of the City's Land Development Regulations to allow a plot area of 1.22 acres where 1.5 acres is required.
3. Conditional Use Approval to allow two (2) drive-through teller lanes at a bank on the ground floor of a proposed building. The City's Land Development Regulations

allow drive-through teller lanes at banks in the MO, Medical Office District only after Conditional Use approval.

4. Abandonment of approximately 2,134 square feet of public alleyway platted in Block 8 of the Hallandale Park No. 8 Subdivision; and

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

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

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

Section 1. Application No. 04-VAR-99, requesting variance from Section 801.2 of the City's Land Development Regulations to allow 112 off-street parking spaces where 130 off-street parking spaces are required on property legally described as:

Lots 12 through 30, Block 8 of HALLANDALE PARK NO. 8 according to the plat thereof, as recorded in Book 20, Page 49 of the public records of Miami-Dade County, Florida A/K/A Between NE 206 Street and NE 207 Street on the east side of East Dixie Highway Aventura, Florida

is hereby approved.

Section 2. Application for a variance from Section 704.6.1 of the City's Land Development Regulations to allow a plot area of 1.22 acres where 1.5 acres is required is hereby approved.

Section 3. Application No. 01-CU-99, requesting Conditional Use approval to allow two (2) drive-through teller lanes at a bank on the ground floor of a proposed building is hereby approved.

Section 4. Application No. 02-AR-99, requesting abandonment of approximately 2,134 square feet of public alleyway platted in Block 8 of the Hallandale Park No. 8 Subdivision is hereby approved, all approvals subject to conditions as follows:

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

- "Aventura Professional Office Building: Site Plan", Sheet SP-1/AP-1, prepared by Joseph B. Kaller and Associates, revised dated 7/27/99, signed and sealed 7/27/99;
- "Aventura Professional Office Building: Site Details", Sheet SP-2, prepared by Joseph B. Kaller and Associates, revised dated 6/11/99, signed and sealed 7/22/99;
- "Aventura Professional Office Building: Second Floor Plan", Sheet AP-2 prepared by Joseph B. Kaller and Associates, revised dated 6/11/99, signed and sealed 7/22/99;
- "Aventura Professional Office Building: Typical 3rd and 4th Floor Plan", Sheet AP-3, prepared by Joseph B. Kaller and Associates, revised dated 6/11/99, signed and sealed 7/22/99;
- "Aventura Professional Office Building: Roof Plan", Sheet AP-4, prepared by Joseph B. Kaller and Associates, revised dated 6/11/99, signed and sealed 7/22/99;
- "Aventura Professional Office Building: Elevations", Sheet AP-5, prepared by Joseph B. Kaller and Associates, revised dated 6/11/99, signed and sealed 7/22/99;
- "Aventura Professional Office Building: Elevations", Sheet AP-6, prepared by Joseph B. Kaller and Associates, revised dated 6/11/99, signed and sealed 7/22/99;
- "Aventura Professional Office Building: Landscape Site Plan", Sheet L-1, prepared by Joseph B. Kaller and Associates, revised dated 7/20/99.

2. The applicant shall obtain building permits within twelve (12) months of the date of the Resolution or the approvals granted shall be deemed null and void unless extended by a motion of the City Commission
3. The applicant has agreed to contribute \$9,539.00 to the City of Aventura to offset the transportation impacts of vacating 2,134 square feet of alleyway conveyed in the plat of Hallandale Park No. 8 Subdivision prior to the issuance of building permits. These funds shall be offset against the expenses applicant incurs in the installation of the right-of-way improvements specified in Condition 4 below.
4. Applicant shall install the following improvements:
 - Seven (7) on-street parallel parking spaces along NE 206 Street and six (6) on-street parallel parking spaces along NE 207 Street.
 - Curbing, gutter pan, stormwater drainage inlets and stormwater mains along NE 206 Street and NE 207 Street adjacent to the site.
 - Street lighting along NE 206 Street, NE 207 Street and East Dixie Highway adjacent to the site.
 - Eight (8) on-street parallel parking spaces along East Dixie Highway, adjacent to the site.

Applicant shall prepare an engineering plan detailing the installation of these improvements in a form acceptable to the City Manager and City Engineer prior to the issuance of building permits.
5. Applicant shall post a surety bond or other similar instrument acceptable to the City Manager in the amount of \$66,000 prior to the issuance of building permits, said

bond to be returned to the applicant after the completion of the parking, curbing, lighting and drainage improvements within the public right-of-way specified in Condition 4.

6. The applicant shall provide a Unity of Title, in a form to be approved by the City Attorney and City Manager, or replat the site, prior to issuance of a building permit for the development.
7. The applicant shall enter into a lease with Florida East Coast Railroad (FEC) and construct twenty (20) parking spaces on the leased area. Permit plans must be approved by the Community Development department and construction of the spaces completed prior to Certificate of Occupancy. The applicant must continue the lease on an annual basis in good faith effort.
8. The applicant shall prepare a covenant, in a form to be approved by the City Manager and City Attorney, allowing medical office uses not to exceed 60% of the total office uses of the building. The applicant shall record this covenant in the Public Records of Miami-Dade County, prior to issuance of a building permit. All expenses shall be borne by the applicant.
9. The applicant shall record this Resolution in the Public Records of Miami-Dade County, prior to issuance of a building permit. All expenses shall be borne by the applicant.

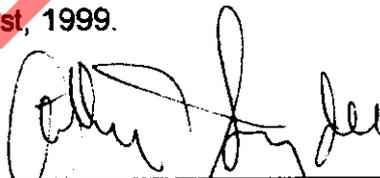
Section 5. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 6. This Resolution shall become effective immediately upon its adoption.

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

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

PASSED AND ADOPTED this 3rd day of August, 1999.


ARTHUR I. SNYDER, MAYOR

ATTEST:


TERESA M. SOROKA, CMC/AE
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 5 day of August, 1999.


TERESA M. SOROKA, CMC/AE, CITY CLERK

RESOLUTION NO. 2001-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA MODIFYING THE APPROVALS GRANTED THROUGH RESOLUTION NO. 99-39 PASSED AND ADOPTED AUGUST 3, 1999; TO MODIFY THE PARKING SPACE VARIANCE; TO DELETE THE CONDITIONAL USE APPROVAL FOR A BANK IN THE MEDICAL OFFICE DISTRICT; TO MODIFY CONDITION NO. 4 OF SECTION 4 REQUIRING 8 PARALLEL PARKING SPACES ON EAST DIXIE HIGHWAY; TO DELETE CONDITION NO. 8 OF SECTION 4 REQUIRING MEDICAL USES NOT TO EXCEED 60% OF THE TOTAL OFFICE USE IN THE BUILDING, FOR PROPERTY LOCATED ON THE EAST SIDE OF EAST DIXIE HIGHWAY BETWEEN NE 206 STREET AND NE 207 STREET, AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Kenneth Marlin, was granted miscellaneous approvals by Resolution No. 99-39 passed and adopted by the City Commission of the City of Aventura on August 3, 1999; and

WHEREAS, the applicant has revised the site plan, which revision necessitates modification to the previous approvals granted through Resolution No. 99-39 as follows:

1. A modification to the parking variance to provide 123 off-street parking spaces where 130 off-street parking spaces are required by Section 31-171(b)(8) of the City's Land Development Regulations. The original variance approved 112 off-street parking spaces where 130 were required by Code; and
2. Deletion of the previously approved Conditional Use approval which allowed two (2) drive-through teller lanes at a bank on the ground floor of the proposed building; and
3. Modification to Condition No. 4 of Section 4 of the resolution which required eight (8) on-street parallel parking spaces on the east side of East Dixie Highway, adjacent to the site, to provide seven (7) parallel parking spaces; and
4. Deletion of Condition No. 8 of Section 4 of the resolution which required the applicant to prepare and record a covenant stating that medical office use would not exceed 60% of the total office use in the building; and
5. Approve an extension of the approvals in Resolution No. 99-39 for an additional six (6) month period from February 3, 2001 to August 3, 2001.

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

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

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

Section 1. The applicant's request to modify the following variances previously granted by Resolution No. 99-39:

1) Amend current Section 1 from:

"Application No. 04-VAR-99 requesting a Variance from Section 801.2 of the City's Land Development Regulations to allow 112 off-street parking spaces where 130 parking spaces are required..." to:

"Application No. 04-VAR-99 requesting a Variance from Section 31-171(b)(8) of the City's Land Development Regulations to allow 123 off-street parking spaces where 130 off-street parking spaces are required."

2) Delete Section 3 granting Conditional Use Approval which allowed two (2) drive-through teller lanes at a bank on the ground floor of a proposed building.

3) Amend Condition No. 4 of Section 4 from:

"eight (8) on-street parallel parking spaces along East Dixie Highway, adjacent to the site" to:

"seven (7) on-street parallel parking spaces along East Dixie Highway, adjacent to the site".

4) Delete Condition No. 8 of Section 4 requiring that the applicant prepare and record a covenant limiting the medical office use to not more than 60% of the total office uses in the building.

- 5) Approve an extension of the approvals in Resolution No. 99-39 for an additional six (6) month period from February 3, 2001 to August 3, 2001.

All revisions to property legally described as:

Lots 12 through 30, Block 8 of Hallandale Park No. 8 according to the plat thereof, as recorded in Book 20, Page 49 of the public Records of Miami-Dade County, Florida,
a/k/a
between NE 206 Street and NE 207 Street on the east side of East Dixie Highway, Aventura, Florida

are hereby approved subject to the following conditions:

1. The applicant shall submit a revised landscape plan for approval prior to issuance of the building permit.
2. All other conditions of Resolution No. 99-39 not modified or deleted by this Resolution shall remain in full force and effect.

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

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

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

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

RESOLUTION NO. 2002-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA MODIFYING THE APPROVALS GRANTED PURSUANT TO RESOLUTION NO. 99-39 ADOPTED AUGUST 3, 1999 AND MODIFYING THE APPROVALS GRANTED PURSUANT TO RESOLUTION NO. 2001-01 ADOPTED JANUARY 2, 2001; TO MODIFY CONDITION NO. 4 OF SECTION 4 OF RESOLUTION NO. 99-39 REQUIRING 7 PARALLEL PARKING SPACES ON NE 206 STREET AND 6 PARALLEL PARKING SPACES ON NE 207 STREET; TO MODIFY ITEM 3) OF SECTION 1 OF RESOLUTION NO. 2001-01 REQUIRING 7 PARALLEL PARKING SPACES ON EAST DIXIE HIGHWAY ADJACENT TO THE SITE FOR PROPERTY LOCATED AT 20601 EAST DIXIE HIGHWAY, AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kenneth Marlin was granted miscellaneous approvals by Resolution No. 99-39 adopted by the City Commission of the City of Aventura on August 3, 1999; and

WHEREAS, Kenneth Marlin was granted modifications to miscellaneous approvals by Resolution No. 2001-01 adopted by the City Commission of the City of Aventura on January 2, 2001; and

WHEREAS, the applicant has revised the site plan, which revision necessitates modification to the previous approvals granted by Resolution No. 99-39 and Resolution No. 2001-01 as follows:

1. Modification of Condition No. 4 of Section 4 of Resolution No. 99-39, which required seven (7) on-street parallel parking spaces along NE 206 Street and six (6) on-street parallel parking spaces along NE 207 Street.
2. Modification of Item 3) of Section 1 of Resolution No. 2001-01, which required seven (7) on-street parallel parking spaces along East Dixie Highway adjacent to the site.

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

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

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

Section 1. The applicant's request to modify the following variance previously granted by Resolution No. 99-39:

1) Amend Condition No. 4 of Section 4 from:

"seven (7) on-street parallel parking spaces along NE 206 Street and six (6) on-street parallel parking spaces along NE 207 Street"

to:

"six (6) on-street parallel parking spaces along NE 206 Street and one (1) on-street parallel parking space along NE 207 Street"

and the applicant's request to modify the following variance previously granted by Resolution No. 2001-01:

2) Amend Item 3) of Section 1 of Resolution No. 2001-01 from:

"seven (7) on-street parallel parking spaces along East Dixie Highway adjacent to the site"

to:

"fourteen (14) on-street parallel parking spaces along the west side of East Dixie Highway"

to property legally described as:

Lots 12 through 30, Block 8 of Hallandale Park No. 8 according to the plat thereof, as recorded in Plat Book 20, Page 49 of the Public Records of Miami-Dade County, Florida, a/k/a between NE 206 Street and NE 207 Street on the east side of East Dixie Highway, Aventura, Florida

is hereby approved subject to the following conditions:

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

- HealthSouth Surgery Center of Aventura, LP, Site Plan and South FEC Parking, Sheet SP-1, prepared by Joseph B. Kaller & Associates P.A., dated 12/12/00, last revision date 02/11/02, signed and sealed 5/20/02.
- HealthSouth Surgery Center of Aventura, LP, North FEC Parking, Sheet SP-1.1, prepared by Joseph B. Kaller & Associates P.A., dated 12/12/00, last revision date 12/11/01, signed and sealed 5/20/02.

2. All other conditions of Resolution No. 99-39 and Resolution No. 2001-01 not modified or deleted by this Resolution shall remain in full force and effect.

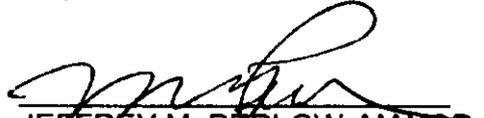
Section 2. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

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

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

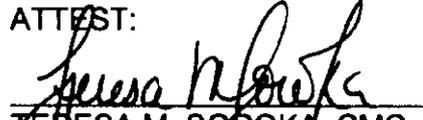
Commissioner Jay R. Beskin	yes
Commissioner Ken Cohen	yes
Commissioner Manny Grossman	yes
Commissioner Harry Holzberg	yes
Commissioner Patricia Rogers-Libert	yes
Vice Mayor Arthur Berger	yes
Mayor Jeffrey M. Perlow	yes

PASSED AND ADOPTED this 4th day of June, 2002.



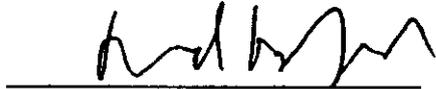
JEFFREY M. PERLOW, MAYOR

ATTEST:



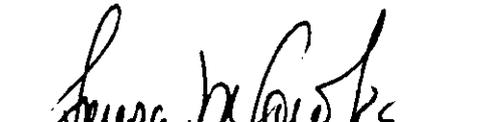
TERESA M. SOROKA, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 5th day of
June, 2002.



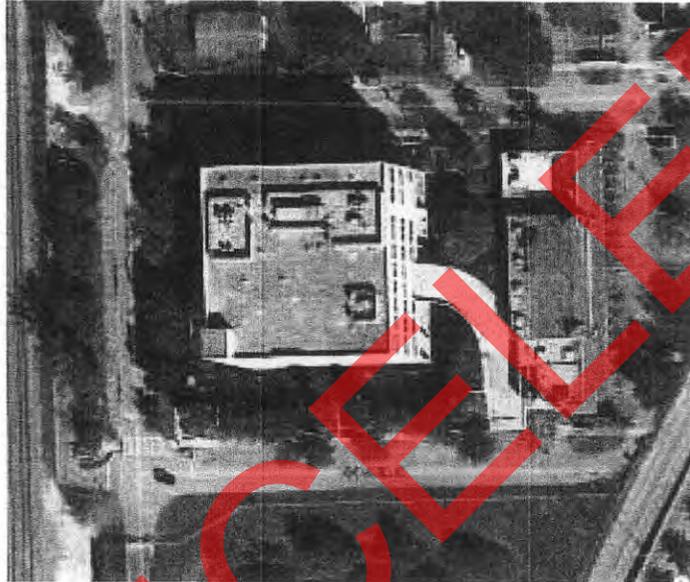
TERESA M. SOROKA, CMC
CITY CLERK

CANCELLED

PARKING UTILIZATION STUDY

PREPARED FOR:

AVENTURA IMP, LLC.
20601 EAST DIXIE HIGHWAY
AVENTURA, FL. 33180



PREPARED BY:

SURVEYPROS

Certificate of Authorization # LB 8023

8306 MILLS DRIVE, SUITE 148
MIAMI, FL. 33183
(305) 767-6802
www.survey-pros.com

Exhibit 7
04-VAR-99 (REV3)

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CANCELLED

INTRODUCTION

Our firm prepared a Parking Utilization Study at the following location:

20601 East Dixie Highway, Aventura, Fl. 33180

The areas that were studied include:

Parking spaces on the first and second floors; street; and within the FEC right-of-way. At the time of this study the FEC lot was empty.

This study was performed on:

Day 1 – Tuesday, August 2nd, 2016

Day 2 – Wednesday, August 3rd, 2016

Day 3 – Thursday, August 4th, 2016

The study was conducted between the hours of 6:30a.m. to 6:30p.m. on each day.

Every ½ hour the parked vehicles were recorded for this study. There is a total of 126 parking spaces on the property.

CANCELLED

ACTIVE PARKING DATA, DAY 1

6:30 a.m.	51
7:00 a.m.	70
7:30 a.m.	81
8:00 a.m.	85
8:30 a.m.	89
9:00 a.m.	111
9:30 a.m.	117
10:00 a.m.	115
10:30 a.m.	113
11:00 a.m.	115
11:30 a.m.	117
12:00 p.m.	113
12:30 p.m.	109
1:00 p.m.	106
1:30 p.m.	98
2:00 p.m.	95
2:30 p.m.	92
3:00 p.m.	92
3:30 p.m.	93
4:00 p.m.	78
4:30 p.m.	52

CANCELLED

ACTIVE PARKING DATA, DAY 1 (continued)

5:00 p.m.	45
5:30 p.m.	30
6:00 p.m.	27
6:30 p.m.	24

CANCELLED

ACTIVE PARKING DATA, DAY 2

6:30 a.m.	32
7:00 a.m.	43
7:30 a.m.	48
8:00 a.m.	61
8:30 a.m.	85
9:00 a.m.	94
9:30 a.m.	98
10:00 a.m.	95
10:30 a.m.	93
11:00 a.m.	91
11:30 a.m.	89
12:00 p.m.	91
12:30 p.m.	90
1:00 p.m.	89
1:30 p.m.	88
2:00 p.m.	78
2:30 p.m.	66
3:00 p.m.	66
3:30 p.m.	65
4:00 p.m.	60
4:30 p.m.	54

CANCELLED

ACTIVE PARKING DATA, DAY 2 (continued)

5:00 p.m.	43
5:30 p.m.	28
6:00 p.m.	22
6:30 p.m.	19

CANCELLED

ACTIVE PARKING DATA, DAY 3

6:30 a.m.	34
7:00 a.m.	41
7:30 a.m.	47
8:00 a.m.	59
8:30 a.m.	75
9:00 a.m.	89
9:30 a.m.	100
10:00 a.m.	105
10:30 a.m.	108
11:00 a.m.	106
11:30 a.m.	103
12:00 p.m.	96
12:30 p.m.	88
1:00 p.m.	84
1:30 p.m.	82
2:00 p.m.	79
2:30 p.m.	76
3:00 p.m.	73
3:30 p.m.	71
4:00 p.m.	67
4:30 p.m.	55

CANCELLED

ACTIVE PARKING DATA, DAY 3 (continued)

5:00 p.m.	47
5:30 p.m.	34
6:00 p.m.	26
6:30 p.m.	22

CANCELLED

SURVEYOR'S CERTIFICATION

I hereby certify that this parking utilization study is true and correct to the best of my knowledge and belief as recently studied and prepared under my direction.

Authentic copies of this study shall bear the original signature and raised seal of the attesting registered surveyor and mapper.

CANCELLED



NICOLAS DEL VENTO
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA LIC # 6945

SEAL



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name	Relationship <small>(i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</small>
<u>Paul Fraund</u>	<u>Attorney</u>
<u>German Fraund</u>	<u>Owner</u>
_____	_____
_____	_____

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 23 DAY OF September, 2006

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: _____
(Signature)

Name: _____
(Print)

Title: _____

Address: _____

OWNER

By: [Signature]
(Signature)

Name: GERMAN FRAUND
(Print)

Title: MANAGER

Address: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

SWORN TO AND SUBSCRIBED BEFORE ME this 23 day of September, 2006.

[Signature]
 AFFIANT

[Signature]
 Notary Public, State of Florida At Large
 Printed Name of Notary Marianela Reda
 My commission expires: 8/25/2017





BUSINESS RELATIONSHIP AFFIDAVIT*

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS 23 DAY OF September, 200 .

APPLICANT:

By: _____ (Signature)
 Name: German Frayha (Print)
 Title: Manager (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 23 DAY OF September, 20016

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: PAUL FRAYNO (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

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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 German Fraynd 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 23 day of September, 20016

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary Mariela
My commission expires: August 25, 2017



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Paul Fraynd 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 23 day of September, 20016

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary Maria
My commission expires: August 25, 2017



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

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

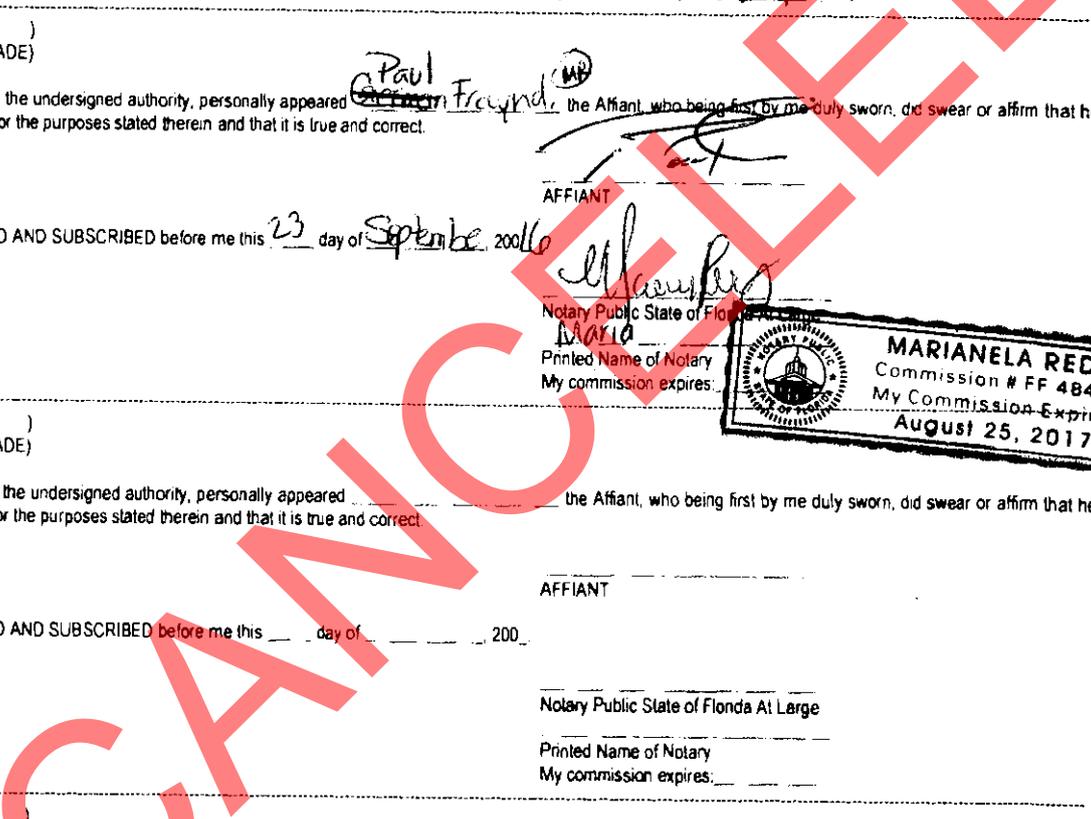
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

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



RESOLUTION NO. 2016-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA MODIFYING THE APPROVALS GRANTED THROUGH RESOLUTION NO. 99-39 AS MODIFIED BY RESOLUTION NO. 2001-01 AND RESOLUTION NO. 2002-30 BY DELETING CONDITION NUMBER "7" IN RESOLUTION NO. 99-39 REQUIRING CONSTRUCTION OF 20 PARKING SPACES IN THE FLORIDA EAST COAST RAILWAY RIGHT OF WAY ON EAST DIXIE HIGHWAY, FOR PROPERTY LOCATED AT 20601 EAST DIXIE HIGHWAY, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Kenneth Marlin, was granted miscellaneous approvals by Resolution No. 99-39 adopted by the City Commission of the City of Aventura on August 3, 1999 as modified by Resolution No. 2001-01 adopted on January 2, 2001 and as further modified by Resolution No. 2002-30 adopted on June 4, 2002; and

WHEREAS, the applicant has requested deletion of Condition number "7" in Resolution No. 99-39; and

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

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

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

Section 1. The applicant's request to delete Condition number "7" in Resolution No. 99-39 for property legally described as Lots 12 through 30, Block 8 of Hallandale Park No. 8 according to the plat thereof, as recorded in Book 20, Page 49 of the Public Records of Miami-Dade County, Florida, with municipal address of 20601 East Dixie Highway, City of Aventura, is hereby granted.

Section 2. All other conditions of Resolution No. 99-39, Resolution No. 2001-01 and Resolution No. 2002-30 not modified or deleted by this Resolution shall remain in full force and effect.

Section 3. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 4. Issuance of this development order by the City of Aventura does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Aventura for issuance of the development order if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

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

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

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

PASSED AND ADOPTED this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this _____ day of _____, 2016.

CITY CLERK

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: September 15, 2016

SUBJECT: Application to Amend Section 31-144(c)(5)a.4 of the Land Development Regulations to add a provision for increased lot coverage for specific uses (05-LDR-16)

October 6, 2016	Local Planning Agency Agenda Item <u>4</u>
October 6, 2016	City Commission Meeting Agenda Item <u>7</u>
November 1, 2016	City Commission Meeting Agenda Item <u> </u>

RECOMMENDATION

It is recommended that the City Commission approve the request for an amendment to Section 31-144(c)(5)a.4 of the Community Business (B2) District of the Land Development Regulations to add to that section, a provision for an increase in lot coverage by an amount up to 3 percent, to a maximum of 48% of the total lot area, for parcels that include one or more shopping center buildings that contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility.

THE REQUEST

The requested increase in lot coverage results from a dispute between the two owners of the Aventura Mall parcel. Each owner is asserting development rights to its individual parcel. As a resolution to that dispute, City staff is recommending approval of an ordinance to allow a lot coverage increase from 45%, up to a maximum of 48% for parcels that include one or more shopping center buildings containing more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height with the

condition that the owners enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager. The improvements may consist of a link to railway passenger service and/or other linkage to a regional transportation facility. The agreement must be in a form satisfactory to the City Manager and City Attorney and will not be effective unless approved by motion or resolution of the City Commission.

This matter was discussed at the September 15, 2016 City Commission workshop.

BACKGROUND

The overall Aventura Mall site consists of approximately 97.96 acres. Approximately 85.66 acres is owned by Aventura Mall Venture and the remaining 12.30 acres is owned by Seritage Growth Properties (formerly Sears). The Aventura Mall Venture expansion is currently under construction. Seritage has applied for administrative site plan approval to redevelop its site. The two plans combined propose an overall lot coverage of 48%. Maximum lot coverage currently allowed by Section 31-144(c)(5)a.4 of the City Code is 45%.

DESCRIPTION OF THE PROPOSED AMENDMENT

The proposed amendment to the Community Business (B2) District follows in underlined text:

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

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

(5) *Site development standards.*

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

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed

within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers. The maximum lot coverage may be increased by an amount up to 3 percent, to a total not exceeding 48% of the total lot area, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility. Such agreement shall allocate the additional lot coverage obtained under this section, shall be in a form satisfactory to the City Manager and City Attorney, and shall not be effective unless approved by motion or resolution of the City Commission.

ANALYSIS

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

1. *The proposed amendment is legally required.*

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

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

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The business and office land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan. The Transportation Goal in the Transportation Element of the City's Comprehensive Plan includes the goal to provide a safe and efficient multimodal transportation system to serve the needs of the City. This proposed amendment is consistent with both the language of the Business and Office future land use category and with the Transportation Goal in that the amendment requires that the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that will enhance a safe and efficient transportation system within the City.

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

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. Further, the LDRs are adopted in order to foster and preserve public health, safety and welfare and to aid in the harmonious, orderly and progressive development and redevelopment of the City. The proposed amendment is consistent with this purpose. The proposed amendment will aid in the harmonious, orderly and progressive redevelopment of the City.

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

The proposed amendment furthers the orderly development of the City, for the reasons provided in Paragraph 3 above.

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulation and a process by which to approve development or redevelopment of a property within the Community Business District.

CANCELLED

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT ENTER INTO AN AGREEMENT WITH THE CITY TO PROVIDE MAJOR TRANSPORTATION IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to provide that lot coverage may be increased by an amount up to 3%, to a total of 48% of the total lot area, for parcels that include one or more shopping center buildings with more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements in the City; and

WHEREAS, the Business and Office future land use category applicable to the proposed amendment provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan..."; and the Transportation Goal in the Transportation Element of the City's Comprehensive Plan is "...to provide a safe and efficient multimodal transportation system to serve the needs of the City..."; and

WHEREAS, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to provide increased lot coverage for large-scale shopping

center parcels that provide major transportation improvements is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; and

WHEREAS, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Local Planning Agency has reviewed the proposed amendment during the required public hearing and has recommended approval to the City Commission; and

WHEREAS, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-144 of Chapter 31 "Land Development Regulations," as set forth in this Ordinance; and

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

WHEREAS, the City Commission has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan.

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

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

Section 2. City Code Amended. That Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows¹:

* * *

Sec. 31-144. – Business Districts.

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

(5) Site development standards.

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

1. For all buildings: Any structure parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements.

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

3. For shopping center buildings with more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable

¹ Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers. The maximum lot coverage may be increased by an amount up to 3 percent, to a total not exceeding 48% of the total lot area, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility. Such agreement shall allocate the additional lot coverage obtained under this section, shall be in a form satisfactory to the City Manager and City Attorney, and shall not be effective unless approved by motion or resolution of the City Commission.

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

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

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

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

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

PASSED on first reading this 6th day of October, 2016.

PASSED AND ADOPTED on second reading this 1st day of November, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2016.

CANCELLED

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY: Joanne Carr, AICP
Community Development Director

DATE: August 25, 2016

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

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

Local Planning Agency Agenda Item 4
City Commission Meeting Agenda Item 1
City Commission Meeting Agenda Item 8

RECOMMENDATION

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

THE REQUEST

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

BACKGROUND

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

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

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

Section 31-144(c)(5)b. of the City Code provides that the maximum height of a structure in the B2 zoning district is 12 stories or 120 feet overall maximum height including structure parking, subject to a limitation that any portion of the building or structure within 200 feet of any residential zone is subject to a height of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

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

DESCRIPTION OF THE PROPOSED AMENDMENT

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

"Section 31-144 – Business Zoning Districts.

(c) Community Business (B2) District.

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

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

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

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

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

(5) Site development standards.

b. *Maximum height:* 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five stories shall apply only for shopping center buildings which are subject to subsection (5)a.4. above. That portion of the building or structure directly adjacent to and within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet, excepting from this height and spacing requirement an automobile parking garage approved as a conditional use pursuant to Section 31-144(c)(2)n.

HISTORY

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

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

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

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

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

ANALYSIS OF THE REQUESTED CODE AMENDMENT

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

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

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

ANALYSIS OF STANDARDS FOR REVIEW OF PROPOSED TEXT AMENDMENTS

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

1. *The proposed amendment is legally required.*

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

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

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

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

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

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

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

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulation by which to approve development or redevelopment projects in the City.

**Exhibit 1
03-LDR-16**

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

August 23, 2016

VIA FEDEX AND E-MAIL

Ms. Joanne Carr
City of Aventura
Government Center
19200 W. Country Club Drive, 4th Floor
Aventura, Florida 33180

**Re: Amendment to the Text of the Land Development Regulations
Proposed Amendment to Code Section 31-144(c)(2) and (5)**

AMENDED AND SUPPLEMENTAL LETTER OF INTENT

Dear Ms. Carr:

This firm represents Aventura Corporate Center, LLLP. Please consider this our formal letter of intent in connection with a Public Hearing Application for Amendment to the Text of the Land Development Regulations. Specifically, this request seeks a modification of the restrictions or permitted heights of parking garages in the B2 zoning district. Our client is requesting a modification to sections 31-144(c)(2) related to Conditional Uses and 31-144(c)(5)(b) related to height only as it pertains to parking garages.

At the time of adoption of the City's land development regulations, the maximum height of structures in the B2 zoning district was 20 stories. The City subsequently amended its land development regulations in 2006 to lower the maximum height to 12 stories or 120 feet as of right, with conditional use approval for heights up to 20 stories or 200 feet. The B2 zoning district then further restricted any portion of a building or structure within 200 feet of a residentially zoned lot to 1 foot of height for each 2 feet of distance from a residentially zoned lot (with a minimum height of 25 feet).

Our client owns the Property located at 2777 N.E. 185th Street. A history of the City approvals on this Property and the adjacent property to the east is particularly instructive.

Our client's Property was originally approved in June 2003 under City of Aventura Administrative Site Plan Approval 15-SP-02 for a 13-story, 176.83 foot tall Embassy Suites hotel, including a 170 room hotel atop a parking pedestal, and located on the portion of the lot adjacent to the property to the East. The structure was within the 200 foot distance of the adjacent parcel to the east, which adjacent parcel, at that time, was similarly zoned B2.

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Therefore, while not subject to the spacing or distance requirements at the time, the subsequently adopted changes to the land development regulations related to spacing from residential districts would not have impacted our client's development. Our client's parcel was therefore not subject to the setback and height restriction associated with commercial developments adjacent to residential property or the modified City land development regulation.

In September 2004, through ASPR 15-SP-02 (Rev), the City approved an extension of time to obtain the permit to provide additional time to obtain the consent of the then Walgreens/Pier 1 owner to the covenant in lieu of unity of title. In December 2004 our client submitted an application for a revised site plan for a 14-story office and bank building, however, due to changing market conditions, our client then sought a further modification of the prior approvals, through ASPR 01-SP-08 to revert back to a hotel use for an Aloft hotel with an 8 story structure directly adjacent to the adjacent residential parcel. The two site plan modifications were again not subject to the distance and height restrictions since they were modifications to existing approvals.

In the interim the owner of the adjacent parcel sought and received, in 2003, a voluntary rezoning from B2 commercial to residential. At the time of the rezoning of the parcel to the east, our client's Property was approved for structures adjacent to and within the setback, ranging from 8 to 20 stories. However, the voluntary rezoning of the adjacent parcel unfortunately has now served to restrict the height of commercial structures in the B2 district within 200 feet of that residential district to a height of one foot for every two foot in distance from the residential zone plot, with a minimum of 25 feet.

The rezoning of the adjacent parcel has had significant negative impacts on our client's property which is limited in depth. The consequence was to restrict a portion of our client's property, which is near the town center district and just east of Biscayne Boulevard to two stories when some of these properties previously enjoyed the ability to go up to 12 stories as of right and up to 20 stories via conditional use. In fact, the prior approvals under the B-2 zone previously allowed for an even higher development.

However, due to the changing market and need for additional Class A office buildings in the City of Aventura, our client has applied for a new site plan to seek a 12 story office building and parking garage. Because of the irregular lot configuration, the office building portion of the development is directly adjacent to another B2 zoned parcel and is therefore not subject to the one foot to two foot height and distance restriction. However, the parking garage portion of the development is now adjacent to a residentially zoned lot and is subject to that height restriction.

The result is to limit the height of the parking structure that was previously approved at up to 20 stories to no more than two stories for the portion adjacent to the residential property without receiving a variance. This change essentially artificially limited the height of our client's building to 25 feet across a significant portion of the Property. This impact not only affects the subject portion of the Property but the ability to provide required parking for the use.

If our client's Property was zoned residential, a residential parking garage or even a residential structure would be permitted within the same area as our client's proposed parking garage. There is very little difference in appearance, utilization or impact between a parking

garage servicing a commercial uses versus a parking garage servicing residential uses to justify the distinction in the code as it relates to parking structures as they are both essentially the same parking garages. The protection sought to buffer the adjacent residential structures is more understandable for the actual commercial or office use rather than the parking garage that arguably could service either residential or commercial properties. Further, in today's urban environment, many jurisdictions support the collocation of residential and commercial structures in recognition that these uses are often located in close proximity to each other to support a more walkable development. In fact the City's own Town Center district supports such collocation.

If our client's Property was designated for residential development, our client could as of right construct a twelve story residential tower next to the adjacent residential development. Further, our client could construct an twelve story, as of right, garage next to a residential development.

Therefore, we propose that the B2 Code be modified to eliminate the distinction between the same type of parking garage structure servicing a residential versus a commercial garage and allow for parking garages to be approved via conditional use in the B-2 zone so long as the parking garages are properly screened to avoid light spillage into the adjacent residential development. The proposed modified language is attached as Exhibit A.

Office buildings generally have less late evening trips at the time when the residences are being utilized. Therefore, a residential parking garage arguably has the potential to have more impact rather than less impact than the proposed commercial or office parking garage which generally has daytime office hours. Further, the parking garage portion of a commercial structure is no different than a residential parking garage and therefore, if a residential parking garage is permitted adjacent to a residential property, then a parking garage in support of a commercial use should equally be permitted so long as the commercial uses (retail stores, etc.) are not higher than the 25 feet within 200 feet of the residential property.

Finally, through the conditional use process, the Commission can evaluate in circumstances such as this where the impacted property was commercial and voluntarily sought a zone change to residential, and the inequities associated with impacting neighboring properties based on such change.

We therefore propose the attached language be added to the Code.

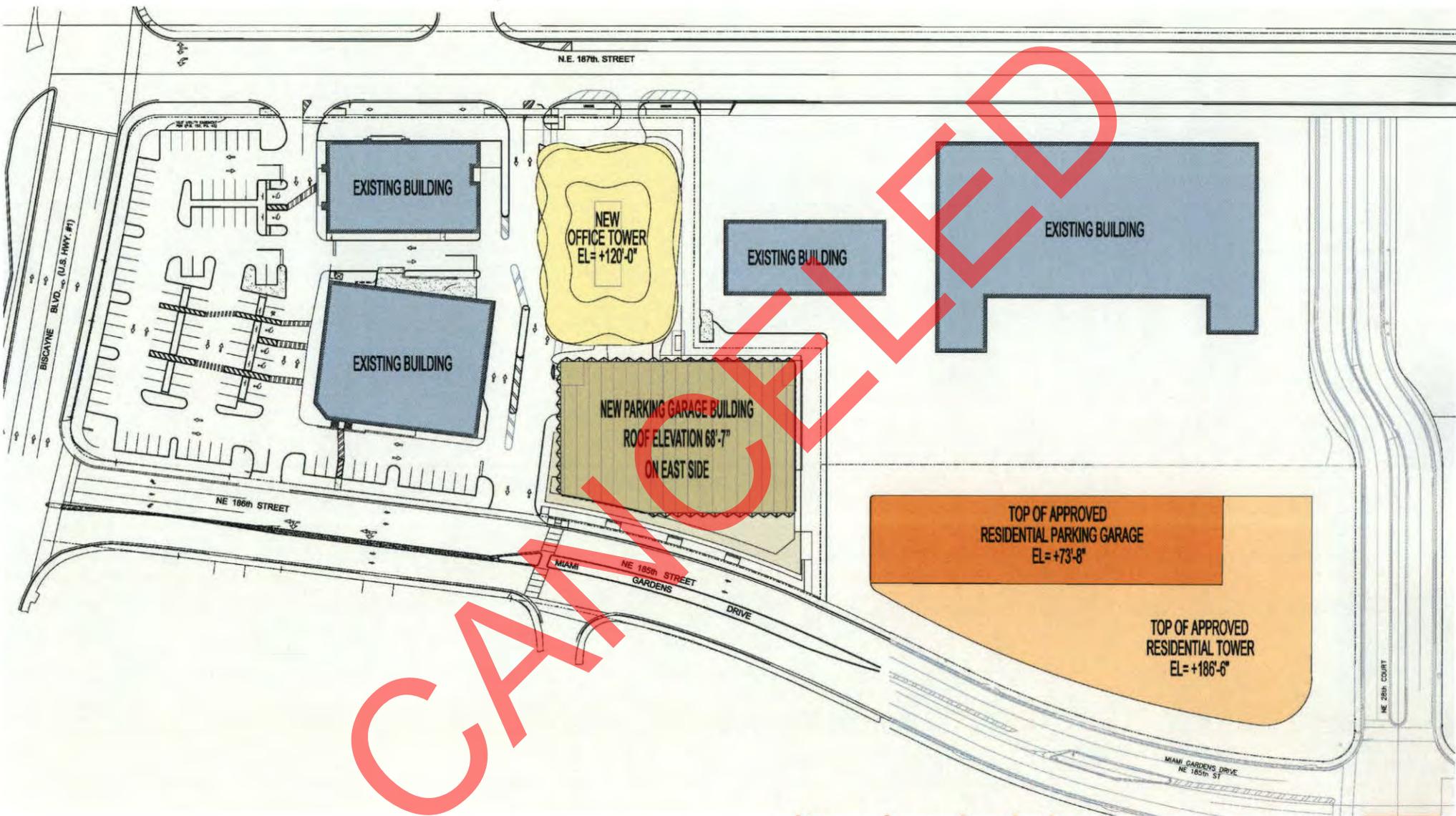
Should you have any questions regarding the above, please do not hesitate to contact me at (305) 350-2351.

Very truly yours,



Brian Adler

BSA/ebi



CANCELLED

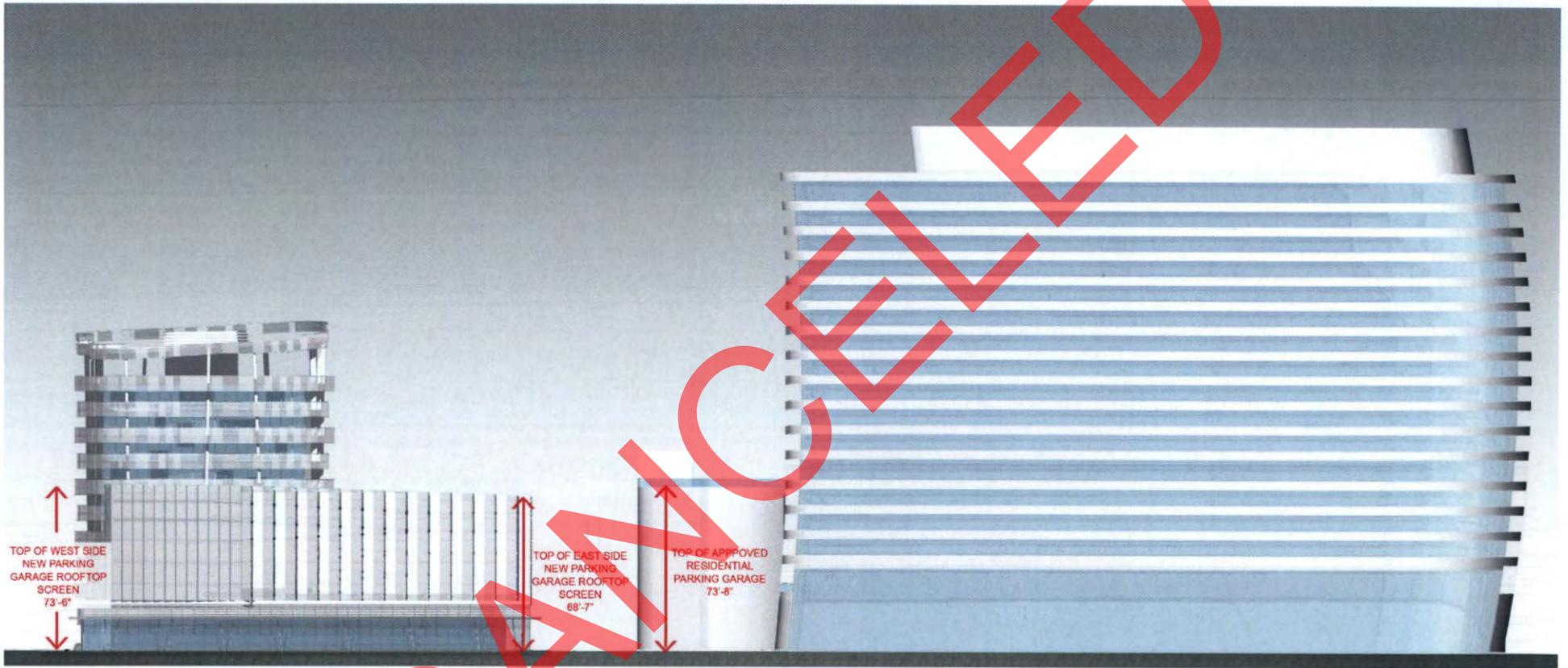
site plan height summary

08-22-2016



**Exhibit 2
03-LDR-16**

Copyright 2016 by Beame Architectural Partnership



CANCELLED

adjacency study 08-22-2016



Copyright 2016 by Beame Architectural Partnership



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
Leonel Vasquez	Authorized Signatory
Stanley S. Price	Attorney
Brian S. Adler	Attorney
Lawrence Beame	Architect
Mauricio Rodriguez	Architect

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 22 DAY OF AUGUST 2016

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: [Signature]
 Name: LEONEL VASQUEZ
 Title: AUTHORIZED SIGNATORY
 Address: 19950 W. COUNTRY CLUB DR #900
AVENTURA FL 33180

OWNER

By: _____
 Name: _____
 Title: _____
 Address: _____

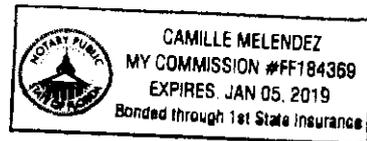
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

SWORN TO AND SUBSCRIBED BEFORE ME this 22nd day of August 2016

AFFIANT
200

Notary Public State of Florida At Large
Printed Name of Notary Camille Melendez
My commission expires Jan 5 2019





BUSINESS RELATIONSHIP AFFIDAVIT*

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

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

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

The nature of the Business Relationship is as follows

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

WITNESS MY HAND THIS 9th DAY OF August 2016

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)
 Name: Leonel Vasquez (Print)
 Title: Client Representative (Print)

WITNESS MY HAND THIS 11th DAY OF August 2016

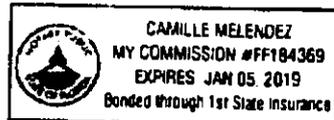
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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

SWORN TO AND SUBSCRIBED before me this 11th day of August, 2015.

[Signature]
 Leonel Vasquez

[Signature]
 Notary Public State of
Camille Melendez
 Printed Name of Notary
 My commission expires _____





BUSINESS RELATIONSHIP AFFIDAVIT*

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS 15th DAY OF August, 2016.

APPLICANT REPRESENTATIVE:

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

WITNESS MY HAND THIS 15th DAY OF August, 2016.

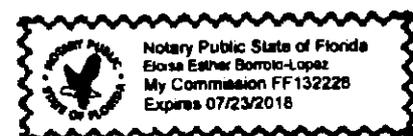
STATE OF FLORIDA }
COUNTY OF MIAMI-DADE }

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

[Signature]
Brian S. Adler

SWORN TO AND SUBSCRIBED before me this 15th day of August, 2016.

[Signature]
Notary Public State of _____
Printed Name of Notary _____
My commission expires: _____





BUSINESS RELATIONSHIP AFFIDAVIT*

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- 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 venture with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 9 DAY OF August, 2016.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)
 Name: Lawrence Beame (Print)
 Title: Architect (Print)

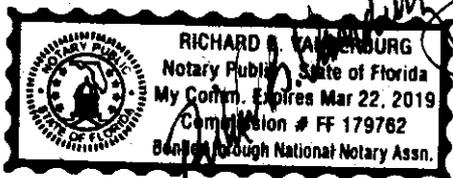
WITNESS MY HAND THIS 9 DAY OF August, 2016.

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

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

[Signature]
 Lawrence Beame

SWORN TO AND SUBSCRIBED before me this 9 day of August, 2016.



FLORIDA
 Notary Public State of
Richard B. Vandenburg
 Printed Name of Notary
 My commission expires: MAR 22, 2019



BUSINESS RELATIONSHIP AFFIDAVIT*

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

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 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 8th DAY OF Aug, 2016.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)
 Name: Mauricio Rodriguez (Print)
 Title: Architect (Print)

WITNESS MY HAND THIS 8th DAY OF August, 2016.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

SWORN TO AND SUBSCRIBED before me this 8th day of Aug, 2016.

[Signature]
 Mauricio Rodriguez

[Signature]
 Notary Public State of
DIANA REGO
 Printed Name of Notary
 My commission expires: 2/3/19





BUSINESS RELATIONSHIP AFFIDAVIT*

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

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

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

The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS _____ DAY OF _____, 200__

APPLICANT:

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

WITNESS MY HAND THIS _____ DAY OF _____, 200__

PROPERTY OWNER:

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

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

WITNESS MY HAND THIS 31 DAY OF AUGUST, 2006.

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: STAN PRICE (Print)

Title: ATTORNEY (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

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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)

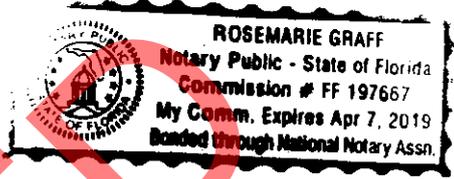
Before me, the undersigned authority, personally appeared Staney Peace the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Staney Peace
AFFIANT

SWORN TO AND SUBSCRIBED before me this 31 day of August, 2016.

FDL PE20 782 45 142 0
EX 2021

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



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

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

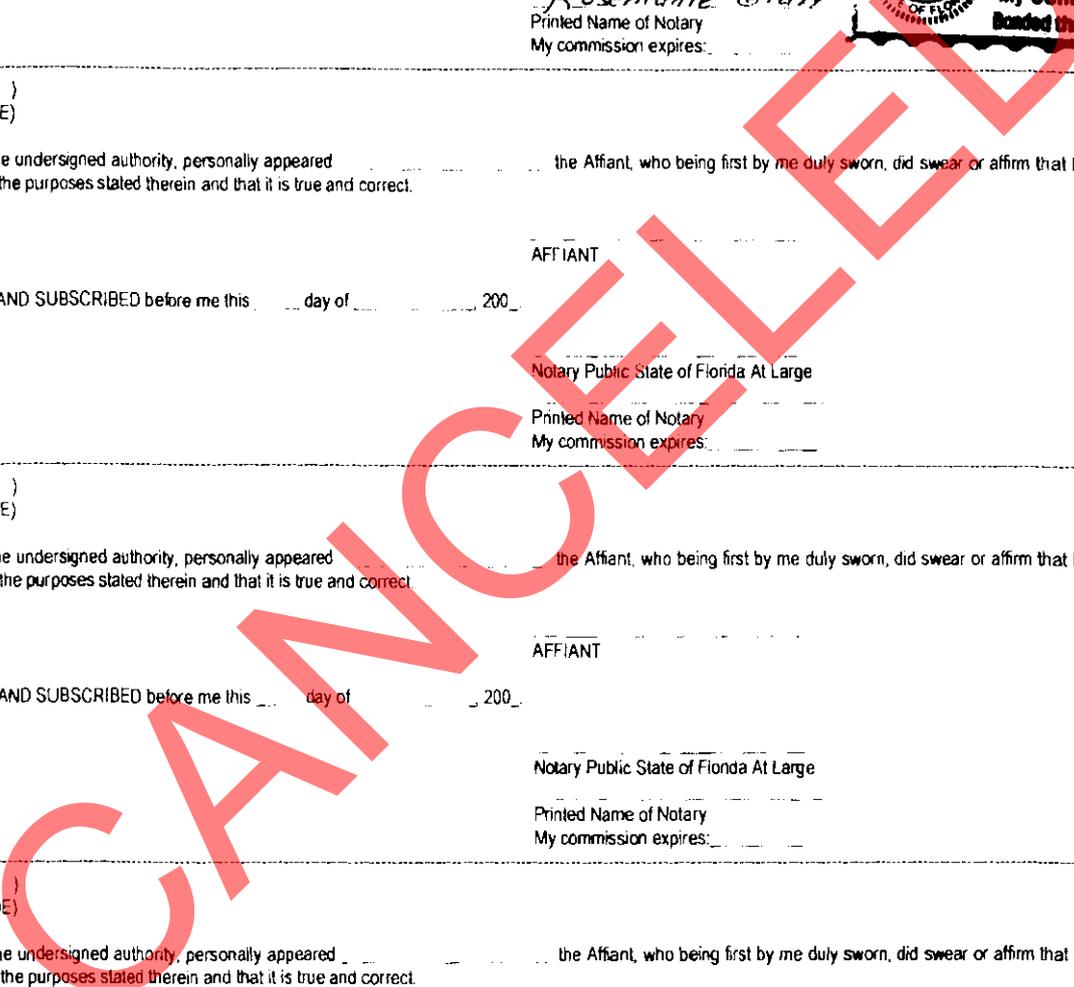
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

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



ORDINANCE NO. 2016-__

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

WHEREAS, Section 31-144(c)(5)b. of the City of Aventura Code of Ordinances ("City Code") limits the height of buildings in the Community Business (B2) District to 12 stories or 120 feet except those portions of buildings which are within 200 feet of any residential zone are limited to one foot of height for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet; and

WHEREAS, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to add a conditional use for automobile parking garages located in the Community Business (B2) District directly adjacent to an automobile parking garage located in a multifamily residential zoning district and to clarify the height restriction in the District's site development standards; and

WHEREAS, the City Commission finds that the proposed amendments to Section 31-144 of the City are consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; and

WHEREAS, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Local Planning Agency has reviewed the proposed amendment during the required public hearings and has recommended approval to the City Commission; and

WHEREAS, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-144 of Chapter 31 "Land Development Regulations," as set forth in this Ordinance; and

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

WHEREAS, the City Commission has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan.

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

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

Section 2. City Code Amended. That Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows¹:

* * *

Sec. 31-144. – Business Zoning Districts.

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

"Section 31-144(c) – Business Zoning Districts.

(c) Community Business (B2) District.

¹ Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

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

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

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

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

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

(5) Site development standards.

b. *Maximum height*: 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five stories shall apply only for shopping center buildings which are subject to subsection (5)a.4. above. That portion of the building or structure directly adjacent to and within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet, excepting from this height and spacing requirement an automobile parking garage approved as a conditional use pursuant to Section 31-144(c)(2)n.

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

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may

be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

Commissioner Teri Holzberg	<u>Yes</u>
Commissioner Marc Narotsky	<u>Yes</u>
Commissioner Robert Shelley	<u>Yes</u>
Commissioner Howard Weinberg	<u>Yes</u>
Vice Mayor Denise Landman	<u>Yes</u>
Mayor Enid Weisman	<u>Yes</u>

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

Commissioner Teri Holzberg	___
Commissioner Dr. Linda Marks	___
Commissioner Marc Narotsky	___
Commissioner Robert Shelley	___
Commissioner Howard Weinberg	___
Vice Mayor Denise Landman	___
Mayor Enid Weisman	___

PASSED on first reading on this 6th day of September, 2016.

PASSED AND ADOPTED on this 6th day of October, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2016.

CANCELLED