



CITY OF SUNNY ISLES BEACH, FLORIDA

City Commission Meeting
David P. Samson Commission Chambers
18070 Collins Avenue
Sunny Isles Beach, Florida 33160

Thursday, March 19, 2009

6:00 p.m.

Mayor Norman S. Edelcup
Vice Mayor Lewis J. Thaler
Commissioner Roslyn Brezin
Commissioner Gerry Goodman
Commissioner George "Bud" Scholl

Acting City Manager Rick Conner
City Attorney Hans Ottinot
City Clerk Jane A. Hines, CMC

ATTENTION ALL LOBBYISTS: CITY LAW REQUIRES YOUR REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES OR THE CITY COMMISSION. PLEASE CONTACT THE CITY CLERK FOR FORMS AND ADDITIONAL INFORMATION.

AGENDA

1. **CALL TO ORDER / ROLL CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE / INVOCATION**
3. **APPROVAL OF MINUTES**
 - 3A. [pages 8 to 18]
Regular City Commission Meeting – February 19, 2009.
4. **ORDER OF BUSINESS (Additions/Deletions/Amendments)**
 - 4A. Request to Hear Items: **Hear Item 7A with Item 10G; Defer Item 9A.**
5. **SPECIAL PRESENTATIONS**
 - 5A. [page 19]
Presentation and Discussion on the **City's "Green" Initiatives.**
 1. Report of Acting City Manager, and Michael Singer.
 - 5B. [pages 20 to 21]
A Proclamation to be Accepted by Ed Hernandez, Director of the South Florida Water Management District's Miami-Dade Service Center, Proclaiming the Month of April 2009 as **"Water Conservation Month"** in the City of Sunny Isles Beach.
 1. Report of Community Development Director.

5. SPECIAL PRESENTATIONS (Continued)

5C. [page 22]

Presentation of a **Flag/Plaque** by Army Sergeant Nick Perdomo to the City of Sunny Isles Beach through the Building Department.

(Deferred from 02/19/09)

6. ZONING

ZONING HEARINGS ARE QUASI-JUDICIAL PUBLIC HEARINGS. Please be advised that the following items on the Commission Agenda are Quasi-Judicial in nature. If you wish to object or comment upon these items, please complete a Public Speaker’s Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Commission member. Commission members must also do the same pursuant to Section 66.1 of the City Code.

6A. [pages 23 to 48]

Request of **Fortune International Hospitality, LLC d/b/a Le Meridian Beach Resort, Owner of the Property Located at 18630 Collins Avenue**, for the following: (Hearing #Z2008-09)

The Applicant is requesting a Conditional Use to establish a Beach Club.

1. Pursuant to Section 265-13 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting a Conditional Use approval for the establishment of a Beach Club.

- i. Development Review Report.
- ii. Report from Applicant.
- iii. Public Hearing.
- iv. Commission Action.

Protests 0 Waivers 0 Ex Parte 0

6B. [pages 49 to 62]

Request of **the City of Sunny Isles Beach, Owner of the Property Located at 19250 Collins Avenue (Heritage Park)**, for the following: (Hearing #Z2009-03)

The Applicant is seeking a district boundary change from B-1 (Neighborhood Business) to CF (Community Facility).

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting a district boundary change from B-1 (Neighborhood Business) to CF (Community Facility).

- i. Report from Applicant.
- ii. Public Hearing.
- iii. Commission Action.

Protests 0 Waivers 0 Ex Parte 0

7. ORDINANCES FOR FIRST READING**7A.** [pages 63 to 66]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Relating to Transfer of Development Rights; Amending Section 265-23G (1) (A) (2) to **Extend the Time Period for the Utilization of Development Rights that are Privately Owned**; Providing for Repealer; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.

(Hear in Conjunction with Item 10G)

1. Report of City Attorney.
2. Recommendation: Adopt the Ordinance on first reading and schedule a hearing for second and final reading.

7B. [pages 67 to 70]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-38 of the City Code, **by Renaming the Cultural and Education Overlay District (CED) to Business District**; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.

1. Report of City Attorney.
2. Recommendation: Adopt the Ordinance on first reading and schedule a hearing for second and final reading.

8. PUBLIC HEARINGS (Other than Ordinances for Second Reading)

None

9. ORDINANCES FOR SECOND READING (Public Hearings)**9A.** [page 71]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Relating to the **Sea Turtles Protection, Turtle Nesting Protection Regulations**; Providing for Purpose and Intent; Providing for Definitions; Providing for Prohibited Activities; Providing for Lighting Standards on Existing and New Developments in the Public Beach Area in the MUR District; Providing for Penalties for Violation; Providing for Severability; Providing for Repealer; Providing for Codification; Providing for an Effective Date.

(First Reading 12/18/08 – 2nd Reading Deferred from 01/15/09)

(2nd Reading is Deferred)

9. ORDINANCES FOR SECOND READING (*Public Hearings*) (Continued)**9B.** [pages 72 to 81]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Amending Chapter 26 of the City Code to Provide for a New Article III to Incorporate General Election Provisions**; Providing for Incorporation of Recitals; Repealing All Ordinances in Conflict; Providing a Severability Clause; Providing for Inclusion in the Code; Providing for an Effective Date.

(First Reading 2/19/09)

1. Report of City Clerk.
2. Recommendation: Adopt the Ordinance.

9C. Sitting in as the Local Planning Agency and the City Commission, to Consider an Ordinance Amending the Land Development Regulations (LDRs)**9C.1** [pages 82 to 83]

A Resolution of the Local Planning Agency of the City of Sunny Isles Beach, Florida, Recommending to the City Commission of Sunny Isles Beach, the Ordinance Amending Section 265-46 of the City Code to Establish **Security Lighting Requirements for Commercial/Retail Establishment, Apartment and Condominium Off-Street Surface Parking Lot Areas**, Attached as Exhibit "A"; Providing for an Effective Date.

1. Recommendation: Adopt the Resolution.

9C.2 [pages 84 to 89]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-46 of the City Code to Establish **Security Lighting Requirements for Commercial/Retail Establishment, Apartment and Condominium Off-Street Surface Parking Lot Areas**; Providing for Penalties; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.

(First Reading 2/19/09)

1. Report of City Attorney.
2. Recommendation: Adopt the Ordinance.

10. RESOLUTIONS**10A.** [pages 90 to 101]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving a Second Addendum to Agreement with Spillis Candela DMJM for Additional Services for the Heritage Park and Parking Garage Project**, in an Amount Not to Exceed \$93,000.00, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Second Addendum to Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

1. Report of Acting City Manager.
2. Recommendation: This Resolution is presented for Commission consideration.

10. RESOLUTIONS (Continued)**10B.** [pages 102 to 104]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Co-Naming 175th Street, from Collins Avenue to Atlantic Boulevard, as “City Commissioner Irving Turetsky Street”**; Authorizing the City Manager to Expend Funds, in an Amount of up to \$600.00, for the Installation of Street Signs and to Do All Things Necessary to Effectuate the Intent of this Resolution; Providing for an Effective Date. (Sponsored by Commissioner Gerry Goodman)

1. Report of Cultural and Human Services Director.
2. Recommendation: Adopt the Resolution.

10C. [pages 105 to 110]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Providing for a Conditional Approval of a Request for Construction Staging Submitted by **Dezer Hotel Management, Ltd. to Allow Construction Staging Not to Exceed a Total of Six (6) Months Time Frame**; Providing the City Manager and the City Attorney with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Community Development Director.
2. Recommendation: Adopt the Resolution.

10D. [pages 111 to 130]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving an Agreement with AMC Medical Transportation for Transportation Services for Qualified Residents to Mount Sinai Medical Center**, for the Following Flat Rates per One-Way Trip: Ambulatory \$20.00, Wheelchair \$30.00, and Stretcher \$60.00, for One Year with Option to Renew Annually, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

1. Report of Cultural and Human Services Director.
2. Recommendation: Adopt the Resolution.

10E. [pages 131 to 141]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **First Amendment to Agreement with TRANE for Additional Services for the Air Conditioning Unit at Pelican Community Park**, in an Amount Not to Exceed \$10,900.00, Attached Hereto as Exhibit “A”; Authorizing the Expenditure of \$4,100.00 in Contingency Funds; Authorizing the Mayor to Execute Said First Amendment to Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Cultural and Human Services Director.
2. Recommendation: Adopt the Resolution.

10. RESOLUTIONS (Continued)

10F. [pages 142 to 153]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Purchase of One (1) Ford F150 Half-Ton Pickup Truck (4x4) and Spray-On Bed-Liner from Gus Machado Ford for the Public Works Department**, in an Amount Not to Exceed \$18,500.00, Attached Hereto as Exhibit "A"; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Acting Public Works Director.
2. Recommendation: Adopt the Resolution.

10G. [pages 154 to 156]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Establishing a Formal Policy to Provide for Extension of Time for the Utilization of Development Rights that are Privately Owned**; Providing for Administrative Approval of Extension Request; Providing the City Manager and the City Attorney with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

(Hear in Conjunction with Item 7A)

1. Report of City Attorney.
2. Recommendation: Adopt the Resolution.

10H. [pages 157 to 164]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an **Interlocal Agreement Between the City of Sunny Isles Beach and the Miami-Dade County Fire Department, to Participate in the Public Access to Defibrillator Demonstration (PADD) Program**, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

1. Report of Acting Public Works Director.
2. Recommendation: Adopt the Resolution.

11. MOTIONS

None

13. CITIZENS' FORUM: REQUESTS, PETITIONS & OTHER COMMUNICATIONS

14. ADJOURNMENT

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 City Clerk at (305) 947-0606, no later than 48 hours prior to such proceeding; if hearing impaired, please telephone the TTY line at (305) 792-1590 for assistance. Anyone wishing to obtain a copy of any agenda item may contact the City Clerk at (305) 792-1703.

Anyone wishing to appeal any decision made by the City of Sunny Isles Beach 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.