



## CITY OF SUNNY ISLES BEACH, FLORIDA

City Commission Meeting  
David P. Samson Commission Chambers  
18070 Collins Avenue

Sunny Isles Beach, Florida 33160

**Thursday, May 21, 2009**

**6:30 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 \_\_\_ to \_\_\_]  
Special City Commission Meeting – April 16, 2009.
  - 3B. [pages \_\_\_ to \_\_\_]  
Regular City Commission Meeting – April 16, 2009.
4. **ORDER OF BUSINESS (Additions/Deletions/Amendments)**
  - 4A. Request to Hear Items.
5. **SPECIAL PRESENTATIONS**
  - 5A. [page \_\_\_]  
A Certificate of Acknowledgement to be Presented to **Eugenie Kaye**, a Resident of the City, Who Published a Children's Illustrated Book Entitled "Shelly's Sunburn".
    1. Report of Commissioner Roslyn Brezin.
  - 5B. [page \_\_\_]  
Introduction of **Barry University Nursing Students**: Shahzad Chevalwala, Maikel Couto, Zoe Doble, Louis Pierre and Peggy Rios, in Recognition of their Service to the Citizens of Sunny Isles Beach of Educating the Public about Sun Safety and UV's.

**6. ZONING: ZONING HEARINGS ARE QUASI-JUDICIAL PUBLIC HEARINGS.**

*None*

**7. ORDINANCES FOR FIRST READING****7A.** [pages \_\_\_ to \_\_\_]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Amending Section 256-14 of the Vehicles and Traffic Code Relating to Rental of Parking Lot Spaces for Special Events; Establishing Hourly Parking Fees at Various Parking Meter Locations**; Establishing Application Renewal; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.

1. Report of Community Development Director.
2. Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

**7B.** [pages \_\_\_ to \_\_\_]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-71 of the Landscape Code **“Minimum Design Standards”, Relating to Hurricane Preparation**; Providing for Severability; Providing for Inclusion in the Code; Providing for Repealer; Providing for an Effective Date.

1. Report of Community Development Director.
2. Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

**7C.** [pages \_\_\_ to \_\_\_]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Chapter 14 of the City of Sunny Isles Beach Code of Ordinances to **Provide for Abatement Procedures and Authorizing the City to Recover its Costs and File a Lien**; Providing for Severability; Providing for Inclusion in the Code; Providing for Repealer; Providing for an Effective Date.

1. Report of Community Development Director.
2. Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

**7D.** [pages \_\_\_ to \_\_\_]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Chapter 14 of the City of Sunny Isles Beach Code of Ordinances to **Provide that Code Enforcement Liens Shall have Priority Equal to Taxes and Superiority to All Other Liens and Encumbrances**; Providing for Severability; Providing for Inclusion in the Code; Providing for Repealer; Providing for an Effective Date.

1. Report of Community Development Director.
2. Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

**7. ORDINANCES FOR FIRST READING (Continued)**

**7E.** [pages \_\_\_ to \_\_\_]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Chapter 238 of the City Code to **Establish New Guidelines for Right-of-Way Management**; Providing for Repealer; Providing a Severability Clause; Providing for Inclusion in the Code; Providing for an Effective Date. (Paint on Sidewalks)

1. Report of Community Development Director.
2. Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

**7F.** [pages \_\_\_ to \_\_\_]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing a **Loan in the Principal Amount of \$20,000,000 in Order to Finance the Cost of Capital Expenditures to be Made by the City**; Approving the Form of and Authorizing the Execution by the Mayor or Vice Mayor of a Promissory Note and a Loan Agreement in Substantially the Same Form Attached Hereto as Exhibit "A" with **Bank of America, N.A.**; Providing for Severability; Providing for Repealer; Providing for an Effective Date.

**(Hear in Conjunction with Item 10P)**

1. Report of Assistant City Manager/Finance.
2. Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

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

*None*

**9. ORDINANCES FOR SECOND READING (Public Hearings)**

**9A.** [pages \_\_\_ to \_\_\_]

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 14-16 of the City Code, **Codifying the Schedule of Civil Penalties**; Providing for Severability; Providing for Inclusion in the Code; Providing for Repealer; Providing for an Effective Date.

(First Reading 4/16/09)

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

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

An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 26-6 of the City Code to **Revise the Qualifying Period Dates of the General Election for the Office of Mayor or City Commissioner**; Providing for Repealer; Providing for Severability; Providing for Inclusion in the City Code; Providing for an Effective Date.

(First Reading 4/16/09)

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

**10. RESOLUTIONS****10A.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **First Addendum to Agreement with Otis Elevator Company by Adding Maintenance of the Elevator at Pelican Community Center**, in an Amount Not to Exceed \$230.00 per Month, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said First Addendum to Agreement; 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.

**10B.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an **Agreement with Sun Shade, Inc., D/B/A Industrial Shadeports, LLC, for the Purchase and Installation of a Shade Cover Structure for Town Center Park**, in an Amount Not to Exceed \$28,500.00, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; 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.

**10C.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **Joint Project Agreement from the Florida Department of Transportation (FDOT)**, Attached Hereto as Exhibit "A", **for the Continuing Turf and Landscape Maintenance of SR-A1A (Collins Avenue) and SR-826 (Sunny Isles Boulevard)**; Authorizing the Mayor to Execute Said 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: Adopt the Resolution.

**10. RESOLUTIONS (Continued)****10D.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the City Manager to Apply For and Accept a **Florida Department of Transportation (FDOT) Local Area Participation (LAP) Grant on Behalf of the City, in an Amount of \$456,640.00, for the Collins Avenue Streetscape Improvements Project from 183<sup>rd</sup> Street to 172<sup>nd</sup> Street**; Authorizing the City Manager to Take Any and All Action Necessary With Respect to the Obtaining and Distribution of Grant Monies, as Appropriate; Providing for an Effective Date.

1. Report of Assistant City Manager/Finance.
2. Recommendation: Adopt the Resolution.

**10E.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Expressing Support for the “Building Citizenship in the Community: Back to Basics” Initiative of the Florida League of Cities, Inc., and in its Statewide Efforts**; 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.

**10F.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with **Streeter’s Catering for Catering Services for the City’s 12<sup>th</sup> Anniversary Celebration on Sunday, June 14, 2009**, in the Amount Not to Exceed \$24,000.00, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said 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.

**10G.** [pages \_\_\_ to \_\_\_]

A Resolution of the City of Sunny Isles Beach, Florida, Approving an **Interlocal Agreement with the State of Florida, Office of the State Attorney for the Eleventh Judicial Circuit of Florida to Reimburse the State for the Cost of State Attorney Prosecution of Certain Criminal Violations of the Code of the City of Sunny Isles Beach**; Authorizing the Mayor to Execute the Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Intent of this Resolution; Providing for an Effective Date.

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

**10. RESOLUTIONS (Continued)****10H.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Purchase of Two (2) “Luke” Master Meters from Parker Systems to be Placed in the Parking Lots at Pier Park and the Ellen Wynne Beach Access**, in an Amount Not to Exceed \$24,000.00; Authorizing the City Manager 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.

**10I.** [pages \_\_\_ to \_\_\_]

**Easement Agreements with Florida Power & Light (FPL) for Undergrounding Project.**

**10I.1** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida Approving **Easement Agreements with Florida Power & Light Company (FPL), for Rights-of-Way Within 172<sup>nd</sup> Street for Underground Conversions;** Authorizing the City Manager to Execute Said Agreements in Substantially the Same Form as the Attached Exhibit “A”; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

**10I.2** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida Approving an **Easement Agreement with Florida Power & Light Company (FPL), in Oceania Park for Underground Conversions;** Authorizing the City Manager to Execute Said Agreements in Substantially the Same Form as the Attached Exhibit “A”; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

**10I.3** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida Approving an **Easement Agreement with Florida Power & Light Company (FPL), in Senator Gwen Margolis Park for Underground Conversions;** Authorizing the City Manager to Execute Said Agreements in Substantially the Same Form as the Attached Exhibit “A”; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Assistant City Manager/Services.
2. Recommendation: Adopt the Resolutions.

**10. RESOLUTIONS (Continued)****10J.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Authorizing the Payment of \$12,000.00 Pursuant to the Interlocal Agreement between the City and the Municipal Underground Utilities Consortium (MUUC)**, for the City's Share of Legal Fees to Represent Local Governments Before the Public Service Commission, 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 Assistant City Manager/Finance.
2. Recommendation: Adopt the Resolution.

**10K.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Expressing Support for the Use of Biodegradable Trash Bags in the City of Sunny Isles Beach;** Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Assistant City Manager/Services.
2. Recommendation: Adopt the Resolution.

**10L.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Ratifying the **Amendment to the Non-Binding Letter of Intent Between the City of Sunny Isles Beach and Dezer Development Company, to Construct a Mixed Use Project Consisting of a Conference Center, Medical Offices and a Car Museum;** Authorizing the City Manager and City Attorney to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

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

**10M.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Letter of Intent Between the City of Sunny Isles Beach and Golden Strand Ocean Villa Resort Association, Inc.** in Substantially the Same Form as Exhibit "A"; Authorizing the City Manager and City Attorney to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

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

**10. RESOLUTIONS (Continued)****10N.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving **Maintenance Agreements with ADT Security Services, Inc. for Security System Maintenance at the Government Center and Pelican Community Center**, in a Total Amount Not to Exceed \$28,875.00, Attached Hereto as Composite Exhibit "A"; Authorizing the Mayor to Execute Said Agreements; 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.

**10O.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving Budget Amendment No. BA0809-003 to Fiscal Year 2008/2009 Budget**, to Fund Various New and/or Additional Goods and Services Not Included in the Approved Budget, to Include Equipment and Services for the Pelican Community Park (\$45,290.00), Town Center Park Lighting (\$25,000.00), and Pedestrian Signal Heads (\$129,165.00); Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Assistant City Manager/Finance.
2. Recommendation: Adopt the Resolution.

**10P.** [page \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **Rate Lock Agreement with Bank of America, N.A.**, in Substantially the Same Form as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager and City Attorney to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

**(Hear in Conjunction with Item 7F)**

1. Report of Assistant City Manager/Finance.
2. Recommendation: Adopt the Resolution.

**10Q.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving Amendment No. 1 to Agreement with Tenex Enterprises, Inc., for the 172<sup>nd</sup> Street Roadway Improvements Project**, in an Amount Not to Exceed \$258,818.14, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Amendment No. 1 to Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Assistant City Manager/Services.
2. Recommendation: Adopt the Resolution.

**10. RESOLUTIONS (Continued)****10R.** [pages \_\_\_ to \_\_\_]

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 Transit Agency, for Federal Funding Pass-Through Arrangements with the American Recovery and Reinvestment Act (ARRA) of 2009 Federal Transit Administration (FTA 5307) for the City to Operate Circulator Services, in Substantially the Same Form Attached Hereto as Exhibit “A”**; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Attorney and City Manager to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

1. Report of Assistant City Manager/Finance.
2. Recommendation: Adopt the Resolution.

**10S.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Naming of the Property Located at 165<sup>th</sup> Street and Collins Avenue as “Oceania Park”**; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

1. Report of Mayor Norman S. Edelcup.
2. Recommendation: Adopt the Resolution.

**10T.** [pages \_\_\_ to \_\_\_]

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **Contribution to the Anchors Away Foundation, in an Amount of \$3,600.00, Toward the Sponsorship of an Anchors Away Boat**; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date.

1. Report of Commissioner Gerry Goodman.
2. Recommendation: Adopt the Resolution.

**11. MOTIONS**

*None*

**12. DISCUSSION ITEMS**

*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) 947-0606.

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.