

City Commission

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



City Manager

Ronald J. Wasson

City Clerk

Ellisa L. Horvath, MMC

City Attorney

Weiss Serota Helfman
Cole & Bierman

CITY COMMISSION MEETING AGENDA

February 7, 2019

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:**
 - School Reports
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:**
 - January 8, 2019 Commission Regular Meeting
 - January 17, 2019 Commission Regular Workshop Meeting
 - B. **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. **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.**

- D. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$57,869 FOR STATIC LICENSE PLATE READERS FROM THE POLICE FEDERAL FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER’S MEMORANDUM.**
- E. 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 CORAL GABLES 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.**
- F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED CONTRACT RENEWAL FOR LANDSCAPE MAINTENANCE WITHIN THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ON BISCAYNE BOULEVARD FROM THE OLETA RIVER BRIDGE NORTH TO THE MIAMI-DADE/BROWARD COUNTY LINE BY AND BETWEEN THE CITY OF AVENTURA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION 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 REVISING CHAPTER 6.6 OF THE ADMINISTRATIVE POLICY DIRECTIVES AND PROCEDURES MANUAL, AS ATTACHED HERETO, ENTITLED “INVESTMENT OBJECTIVES AND PARAMETERS” RELATING TO 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.**
- H. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ADOPTING THE CITY OF AVENTURA 2019 LEGISLATIVE PROGRAM AND PRIORITIES ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- I. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AMENDING PROCEDURES ESTABLISHED FOR COMMISSION TRAVEL AND EXPENSES; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO IMPLEMENT THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
- J. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, CONDEMNING ANTI-SEMITISM ACTS BY AIRBNB, AND DIRECTING THE CITY CLERK TO SEND THIS RESOLUTION AND A LETTER TO THE FLORIDA ATTORNEY GENERAL’S OFFICE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACTING IN THEIR CAPACITY AS THE BOARD OF DIRECTORS FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL, AUTHORIZING THE CITY MANAGER TO SUBMIT A PROJECT APPLICATION FOR A STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANT FOR THE FUNDING OF PROFESSIONAL DEVELOPMENT ACTIVITIES, CLASSROOM MATERIALS AND PHYSICAL EDUCATION EQUIPMENT AT THE AVENTURA CITY OF EXCELLENCE SCHOOL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

7. ORDINANCES – FIRST READING/PUBLIC HEARINGS:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING CHAPTER 1 “GENERAL PROVISIONS,” OF THE CITY CODE BY CREATING SECTION 1-18, "SALE OF NICOTINE VAPORIZERS (E-CIGARETTES) AND LIQUID NICOTINE TO MINORS PROHIBITED; SIGNAGE REQUIREMENTS; POSSESSION BY MINORS PROHIBITED; PENALTIES" AND SECTION 1-19 “USE OF NICOTINE VAPORIZERS AND LIQUID NICOTINE PROHIBITED NEAR CITY PARKS AND PUBLIC SCHOOLS; SIGNAGE REQUIREMENTS; ADDITIONAL RESTRICTIONS; PENALTIES”; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

8. ORDINANCES – SECOND READING/PUBLIC HEARINGS: None.

9. RESOLUTIONS/PUBLIC HEARINGS: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

FUTURE MEETINGS*

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

**REGULAR COMMISSION WORKSHOP – FEBRUARY 21, 2019 AT 9 AM
EXECUTIVE CONFERENCE ROOM (5TH FLOOR)**

**REGULAR COMMISSION MEETING – MARCH 12, 2019 AT 6 PM
COMMISSION CHAMBER**

**REGULAR COMMISSION WORKSHOP – MARCH 21, 2019 AT 9 AM
EXECUTIVE CONFERENCE ROOM (5TH FLOOR)**

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.



**CITY COMMISSION
REGULAR MEETING MINUTES
JANUARY 8, 2019
6:00 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 6:02 p.m. The roll was called and the following were present: Mayor Enid Weisman, Vice Mayor Dr. Linda Marks, Commissioner Denise Landman, Commissioner Gladys Mezrahi, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Ronald J. Wasson, 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 Margot Joly.
3. **AGENDA: REQUESTS FOR DELETIONS/EMERGENCY ADDITIONS:** None.
4. **SPECIAL PRESENTATIONS:**
 - **Employee Service Awards:** Mr. Wasson presented the following employee with a recognition certificate and token of appreciation for the completion of milestone years of services with the City: Kimberly Merchant (10 years).
 - **School Reports:** The following provided updates on their schools: Margot Joly (ACES), and Ariel Hartzky and Olivia Gottlieb (Krop High School).
5. **CONSENT AGENDA:** There were no requests from the public to address the Commission.

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

A. Minutes approved as follows:

- November 8, 2018 Commission Inauguration
- November 13, 2018 Commission Regular Meeting
- November 15, 2018 Commission Regular Workshop Meeting

B. Resolution No. 2019-01 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 TOWN OF GOLDEN 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.

C. Resolution No. 2019-02 adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED CHANGE ORDER "A" FOR THE AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES WITH A GUARANTEED MAXIMUM PRICE WITH KAUFMAN LYNN CONSTRUCTION FOR THE AVENTURA CHARTER HIGH SCHOOL; 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 CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS: Mr. Wolpin reviewed the quasi-judicial procedures and Mrs. Horvath administered the oath to all those wishing to offer testimony for the items.

RESOLUTIONS/PUBLIC HEARINGS:

Mr. Wolpin read the following Resolution by title:

A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO ALLOW THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES AT INDOOR AND OUTDOOR BAR/LOUNGE AREAS WITHIN INTERNATIONAL SMOKE RESTAURANT LOCATED IN TENANT SPACE #946 OF THE AVENTURA MALL EXPANSION AT 19565 BISCAYNE BOULEVARD, CITY OF AVENTURA; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the resolution was offered by Commissioner Shelley and seconded by Commissioner Landman.

Mrs. Carr addressed the Commission and entered the staff report into the record, which recommended approval, subject to the conditions listed.

The following provided testimony on behalf of the Applicant (MG-19501 Biscayne LLC, doing business as International Smoke): Heidi Davis Knapik, Esq. – Gunster, Yoakley & Stewart, P.A. (450 E. Las Olas Blvd. #1400, Fort Lauderdale, FL) .

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

The motion for approval of the resolution passed unanimously, by roll call vote, and **Resolution No. 2019-03 was adopted.**

Mr. Wolpin read the following Resolution by title:

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ABANDONING THAT PORTION OF NE 210 STREET (MONTCLAIR

WAY) BETWEEN BISCAYNE BOULEVARD AND NE 30 AVENUE IN THE CITY OF AVENTURA, AS SHOWN ON THE PLAT OF HALLANDALE PARK NO. 11, RECORDED IN PLAT BOOK 27, PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the resolution was offered by Commissioner Shelley and seconded by Commissioner Mezrahi.

Mrs. Carr addressed the Commission and entered the staff report into the record, which recommended approval, subject to the conditions listed.

The following provided testimony on behalf of the Applicant (Chabad House of North Dade, Inc.): Alan S. Rosenthal, Esq. – Rosenthal Rosenthal Rasco, LLC (20900 N.E. 30th Avenue, #600, Aventura, FL).

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

The motion for approval of the resolution passed unanimously, by roll call vote, and **Resolution No. 2019-04 was adopted.**

Mr. Wolpin read the following Ordinance by title:

C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO PERMIT THE ESTABLISHMENT OF A LIMITED-SERVICE HOTEL IN COMBINATION WITH A MULTIFAMILY RESIDENTIAL DEVELOPMENT IN THE RMF4, MULTIFAMILY HIGH DENSITY RESIDENTIAL DISTRICT PURSUANT TO SECTION 31-143(F)(2A)F. OF THE CITY CODE, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF NE 185 STREET AND NE 28 COURT, WITH MUNICIPAL ADDRESS 2785 NE 185 STREET, CITY OF AVENTURA; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the resolution was offered by Commissioner Shelley and seconded by Vice Mayor Dr. Marks.

Mrs. Carr addressed the Commission and entered the staff report into the record, which recommended approval, subject to the conditions listed. She entered the request to postpone the item into the record received from Brian Goldwyn, Esq. - Stevens & Goldwyn, P.A. (2 South University Drive, #329, Plantation, FL) representing Terzetto Master Association, Inc. and Terzetto Villas Homeowners' Association, Inc.

The following provided testimony on behalf of the Applicant (Granite Aventura LLC): Neisen O. Kasdin, Esq. – Akerman, LLP (98 S.E. 7th Street, #1100, Miami, FL) and John Kim, P.E. – Langan (110 E. Broward Blvd. #1500, Fort Lauderdale, FL).

Mayor Weisman opened the public hearing.

Mrs. Horvath administered the oath to those wishing to offer testimony not previously sworn in.

The following members of the public provided comments: Galina Seleznev (Alaqua Condominium - 3001 NE 185 Street, Aventura), Alex Alonso, Esq. - Stevens & Goldwyn, P.A. (2 South University Drive, #329, Plantation, FL) representing Terzetto Master Association, Inc. and Terzetto Villas Homeowners' Association, Inc., Erin Ferria (Aventi Condominium - 2871 NE 185 Street, Aventura), and Yvonne Llauger Amato (the Atrium, 188th Street, Aventura).

There being no additional speakers, the public hearing was closed.

The motion for approval of the resolution passed (6-1), by roll call vote, and **Resolution No. 2019-05 was adopted.**

7. **ORDINANCES - FIRST READING – PUBLIC HEARINGS:** None.

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2017-10 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2017/2018 FISCAL YEAR BY REVISING THE 2017/2018 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval of the ordinance was offered by Commissioner Narotsky 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 second reading passed unanimously, by roll call vote, and **Ordinance No. 2019-01 was adopted.**

9. **RESOLUTIONS/PUBLIC HEARINGS:** None.

10. **REPORTS:**

Commissioner Shelley welcomed Ron Wasson as the new City Manager.

Mayor Weisman invited all residents to go by the high school site, to see the progress of the building.

Commissioner Mezrahi shared positive thoughts for 2019.

Commissioner Landman reported on the Police Department's Women's Self-Defense Course to be held in February.

11. PUBLIC COMMENTS: The following members of the public provided comments: Cindy Orinsky (20051 N.E. 37 Court, Aventura) and Stacey Levy (1051 N.E. 93rd Street, Miami Shores).

12. OTHER BUSINESS: None.

13. ADJOURNMENT: There being no further business to come before the Commission, a motion to adjourn was offered by Commissioner Narotsky, seconded by Commissioner Landman, and unanimously approved; thus adjourning the meeting at 7:27 p.m.

Elisa L. Horvath, MMC, City Clerk

Approved by the City Commission on February 7, 2019.

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 9:00 a.m. The following were present: Mayor Enid Weisman, Vice Mayor Dr. Linda Marks, Commissioner Denise Landman, Commissioner Gladys Mezrahi, Commissioner Marc Narotsky¹, Commissioner Robert Shelley², Commissioner Howard Weinberg, City Manager Ronald J. Wasson, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

Per consensus of the City Commission, the following agenda item was taken out of order:

4. **LANDSCAPING OVERVIEW OF AVENTURA (City Manager):** Mr. Wasson distributed an Existing Conditions Shrub Plan for the City of Aventura, in response to direction received from the City Commission.

Joseph Kroll, Public Works & Transportation Director, reviewed the plans and explained the selection of the plantings used in the medians and other areas based on irrigation and saline conditions, in addition to other criteria.

Kathy O'Leary, Landscape Architect - O'Leary Richards Design Associates, Inc., additionally explained the selection of the vegetation used.

City Manager Summary: It was the consensus of the City Commission that a proposed cohesive plan be prepared to provide continuity throughout the City, as well as a report on the possibility of an improvement process for perimeter control of other properties.

2. **LEGISLATIVE PROGRAM AND PRIORITIES (City Manager):**

a. **Discussion of Upcoming Session (Ron Book):** City Lobbyist Ron Book provided an update on Tallahassee and discussed the upcoming legislative session. He additionally discussed scheduling appointments for those members of the Commission traveling to Tallahassee.

Mr. Wasson reviewed the proposed Legislative Program and Priorities for 2019.

Mr. Wolpin will look into drone regulations regarding school security and monitor the status of the State's pre-emption of cigarette smoking regulations. He provided an update on the City's red light camera safety program and status of litigation.

City Manager Summary: It was the consensus of the City Commission for a Resolution to be placed on the February Commission Meeting Agenda to adopt the 2019 Legislative Program and Priorities as presented.

¹ Commissioner Narotsky left the meeting following the discussion of Item 8.

² Commissioner Shelley left the meeting during the discussion of Item 3.

3. UPDATE: AVENTURA FINANCIAL INVESTMENT POLICY (City Manager): Mr. Wasson provided introductory remarks and requested Brian Raducci, Finance Director, to review the following items from the PowerPoint presentation: Portfolio Summary – 12/31/2018, TD Bank, and NA Transition.

David Witthohn, CFA, CIPM, Senior Portfolio Specialist - Insight Investment, distributed and reviewed the City of Aventura Investment Management Program Review dated January 2019 including the following: Portfolio Performance Review, Market Environment & Strategies, Investment Policy Review, and Important Disclosures. He additionally discussed ways to provide enhanced performance, with slightly increased risk. The proposed changes to the Investment Objectives and Parameters, as provided in the agenda, were reviewed.

Mr. Witthohn will provide another update in six months, unless requested sooner.

City Manager Summary: It was the consensus of the City Commission for a Resolution to be placed on the February Commission Meeting Agenda to adopt the proposed changes to the Investment Objectives and Parameters as presented, as well as the following changes:

Section V(M) Listing of Authorized Investments – Israel Bonds: increase the maximum amount in Israeli bonds from \$150,000.00 in par value to \$300,000.00 in par value.

Section XVI Prohibited Investments – add the following language: “The City may not invest in companies that are included in the Scrutinized Companies that Boycott Israel List as provided by Sec. 215.4725, Florida Statutes, which is used by the State Board of Administration, unless an exception provided in that statute is applicable.”

5. DISCUSSION OF MIAMI-DADE COUNTY PUBLIC SCHOOLS PRIORITIES (Mayor Weisman): Mayor Weisman clarified that this was not her item and noted that the Miami-Dade County School Board should be invited to a meeting, if it is determined that they would like to discuss their legislative priorities.

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

6. DISCUSSION OF IMPACT OF RECENT MIAMI-DADE REFERENDUM FOR TEACHER SALARIES AND SCHOOL SECURITY OFFICERS (Vice Mayor Dr. Marks): Vice Mayor Dr. Marks discussed the recently approved referendum and the lack of a distribution to the City for its Charter school(s). Mr. Wolpin discussed the prior letter sent from the City to the Miami-Dade County School Board members voicing the City's expectation to receive its share of the funding.

City Manager Summary: It was the consensus of the City Commission for an additional letter to be sent to the Miami-Dade County School Board, for Dr. Karp (Miami-Dade County School Board Vice-Chair) to be invited to attend the next meeting, and for John Hage (Charter Schools USA) to provide an update at the next workshop on the

item. Additionally, in an effort to be more proactive, the City should educate the community on pertinent issues such as this in the future.

Commissioner Landman disclosed that she works for the Miami-Dade County Public School Board, but was on maternity leave during discussions.

Mr. Wolpin will look into the possibility of litigation and whether or not the School Board received a legal opinion that they are able to exclude charter schools from the funding.

The meeting briefly adjourned from 11:43 a.m. to 11:51 a.m.

It was the consensus of the City Commission that congratulatory and offer of assistance letters be sent to the following: Florida Supreme Court Justice Robert Luck, Miami-Dade County Commission Chair Audrey Edmonson, and Miami-Dade County Commission Vice-Chair Rebeca Sosa.

7. DISCUSSION OF PROPOSED RESOLUTION CONDEMNING ANTI-SEMITISM ACTS BY AIRBNB (Commissioner Narotsky): Mr. Wolpin reviewed a draft Resolution condemning anti-Semitism acts by Airbnb, as provided in the agenda.

City Manager Summary: It was the consensus of the City Commission for the proposed Resolution as presented to be placed on the February Commission Meeting Agenda, with the following change: delete the words “or any other attribute” in the last WHEREAS clause.

8. DISCUSSION OF PROPOSED ORDINANCE PROHIBITING SALE AND MARKETING OF E-CIGARETTES TO MINORS (Commissioner Weinberg): Mr. Wolpin reviewed a draft Ordinance providing for regulations regarding the sale and use of electronic cigarettes in the City of Aventura, in response to Commission direction.

City Manager Summary: It was the consensus of the City Commission for the proposed Ordinance, as presented, to be placed on the February Commission Meeting Agenda for first reading.

9. ARTS IN PUBLIC PLACES ADVISORY BOARD APPOINTMENTS (City Manager): Mr. Wasson recommended that the current Arts in Public Places Advisory Board members be re-appointed for another two-year term, to allow them to review future anticipated applications.

City Manager Summary: It was the consensus of the City Commission for a Resolution to be placed on the February Commission Meeting Agenda to re-appoint the following members to the Arts in Public Places Advisory Board: Adriana Lerner Adelson, Marina Kessler, Dr. Miles Kuttler, and Marina Weckler.

10. DISCUSSION TO AMEND RESOLUTION NO. 2015-66 PROCEDURES FOR COMMISSION TRAVEL AND EXPENSES (City Manager): Mr. Wasson recommended that Resolution No. 2015-66 be amended to allow for the Mayor and City Commission members to travel to Tallahassee, the state of Florida’s capital, for lobbying on behalf of the City of Aventura.

City Manager Summary: It was the consensus of the City Commission for a Resolution to be placed on the February Commission Meeting Agenda to amend Resolution No. 2015-66 by adding “Tallahassee, the state of Florida’s capital, for lobbying on behalf of the City of Aventura” to Section 1.

11. ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned by consensus at 12:05 p.m.

Ellisa L. Horvath, MMC, City Clerk

Approved by the City Commission on February 7, 2019.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 11, 2019

SUBJECT: **Resolution Declaring Equipment Surplus**

February 7, 2019 City Commission Meeting Agenda Item 5B

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution declaring certain equipment as surplus to the needs of the City.

BACKGROUND

Section 2-258 of the City Code of Ordinances provides that any property owned by the City which has become obsolete or which has outlived its usefulness may be disposed of in accordance with procedures established by the City Manager, so long as the property has been declared surplus by a resolution of the City Commission.

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

RJW/act

Attachment

CCO1768-19

RESOLUTION NO. 2019-__

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.

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED this 7th day of February, 2019.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA

POLICE DEPARTMENT

MEMORANDUM

TO: Ronald Wasson, City Manager

FROM: Bryan Pegues, Chief of Police

SUBJECT: Surplus Property

DATE: January 11, 2019

I would like to have the listed items, owned by the City of Aventura, declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1, as these items have become inadequate for public purposes and are no longer needed:

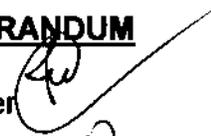
2006 SeaArk 25'V Commander BHM: SAMA1738B606

2 2016 Mercury 300XL Engines; Serial # 2B236615 & Serial # 2B237802

CITY OF AVENTURA

POLICE DEPARTMENT

MEMORANDUM

TO: Ronald Wasson, City Manager 

FROM: Bryan Pegues, Chief of Police 

SUBJECT: Surplus Property

DATE: January 11, 2019

I would like to have the listed items, owned by the City of Aventura, declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1, as these items have become inadequate for public purposes:

Medtronic AED Lifepak Express		Medtronic AED Lifepak 500	
<i>SERIAL #</i>	<i>SERIAL #</i>		<i>SERIAL #</i>
34047192	38212680		12544072
35058954	38212681		17749-B00
35065306	38212682		32828778
35065313	38212683		32828779
35065319	38212684		32828780
35065379	38212685		32828781
35065411	38212686		32828782
35066464	38212687		32828784
35074843	38212689		
35081528	38212690		
35081535	38212691		
35081601	38212692		
35081603	38212693		
35086989	38490145		
35136689	38490146		
35142494	38490147		
35142496	38490148		
35142498	38490149		

35142741	38490150		
35165462	38490151		
35165476	38490152		
35165486	38490155		
35190065	38490156		
35200931	38490157		
35219893	38490158		
35220666	38490159		
35450318	35065309		
35993011	35081601		
36151004			
36151006			
36151007			
36151008			
36151009			
36151011			
36151014			
36151017			
36154398			
36358206			
38212678			
38212679			

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 28, 2019

SUBJECT: **Resolution Appointing Members to the Arts in Public Places
Advisory Board**

February 7, 2019 City Commission Meeting Agenda Item 5C

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution appointing members to the City of Aventura Arts in Public Places Advisory Board for a two-year term.

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

RJW/act

Attachment

CCO1773-19

RESOLUTION NO. 2019-__

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.

WHEREAS, Section 2-201 of the Aventura City Code provides for the creation of the Arts in Public Places Advisory Board; and

WHEREAS, in accordance with the provisions of Section 3.11 of the Aventura City Charter, the City Commission wishes to provide for approval of the Mayor's appointment of members to the Arts in Public Places Advisory Board.

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

Section 1. The City Commission hereby approves the appointment by the Mayor of the following individuals to serve as members of the Arts in Public Places Advisory Board for a term of two years:

- Adriana Lerner Adelson
- Marina Kessler
- Dr. Miles Kuttler
- Marina Wecksler

Section 2. 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 Denise Landman _____
- Commissioner Gladys Mezrahi _____
- Commissioner Marc Narotsky _____
- Commissioner Robert Shelley _____
- Commissioner Howard Weinberg _____
- Vice Mayor Dr. Linda Marks _____
- Mayor Enid Weisman _____

PASSED AND ADOPTED this 7th day of February, 2019.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 10, 2019

SUBJECT: **Disbursement of Police Forfeiture Funds**

February 7, 2019 City Commission Meeting Agenda Item 5D

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 \$57,869.00 for static license plate readers from the Police Forfeiture Funds in accordance with the City Manager's Memorandum.

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

RJW/act

Attachment

CCO1766-19

CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM

TO: Ronald J. Wasson, City Manager
FROM: Bryan Pegues, Chief of Police 
DATE: November 26, 2018
SUBJECT: Use of Federal Forfeiture Funds

The Federal Equitable Sharing Agreement (FESA), Section VIII allows for the use of federally forfeited funds for law enforcement. Section IX, A9 of the Federal Equitable Sharing agreement requires 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 funds for static license plate readers at the following locations:

Site #1	\$37,390.00
Site #2	<u>\$20,479.00</u>
	\$57,869.00

Summary

Static License Plate Readers – Request to allocate up to \$57,869.00 for the installation of license plate readers to detect, prevent, and deter criminal activity in the area of the Don Soffer High School and the Aventura City of Excellence School.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 14, 2019

SUBJECT: **Law Enforcement Mutual Aid Agreement Between the City and the Coral Gables Police Department**

February 7, 2019 City Commission Meeting Agenda Item 5E

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution authorizing execution of the Law Enforcement Mutual Aid Agreement with the Coral Gables Police Department.

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.

RJW/act

Attachment

CCO1769-19

RESOLUTION NO. 2019-__

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 CORAL GABLES 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 Coral Gables 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. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

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

PASSED AND ADOPTED on this 7th day of February, 2019.

MAYOR ENID WEISMAN

ATTEST:

ELLISA L. HORVATH, MMC, CITY CLERK

Approved as to Form and Legal Sufficiency:

CITY ATTORNEY

**COMBINED VOLUNTARY COOPERATION AND
OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT
BETWEEN
THE CITY OF AVENTURA, FLORIDA AND
THE CITY OF CORAL GABLES, FLORIDA**

WHEREAS, it is the responsibility of the governments of the City of Aventura, Florida, and the City of Coral Gables, 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, under Florida Statutes Section 23.121(1) there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the City of Aventura Police Department or the City of Coral Gables Police Department; and

WHEREAS, it is in the best interest and advantage of the City of Aventura and the City of Coral Gables to receive and extend mutual aid to each other in the form of law enforcement services and resources to adequately respond to:

- (1) Continuing, multi-jurisdiction law enforcement problems, so as to protect the public peace and safety and preserve the lives and property of the people; and
- (2) Intensive situations including, but not limited to, emergencies as defined under Section 252.34, Florida Statutes; and
- (3) Joint provision of certain law enforcement services specified herein and allowed pursuant to Section 166.0495, Florida Statutes; and

WHEREAS, the City of Aventura and the City of Coral Gables have the authority under Section 23.12, Florida Statutes, et seq., the Florida Mutual Aid Act, to enter into a combined mutual aid agreement for law enforcement services which:

- (1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines; and
- (2) Permits the provision of operational assistance to meet a request for assistance due to a civil disturbance or other emergency as defined in Section 252.34, Florida Statutes; and

NOW, THEREFORE, BE IT KNOWN, that the City of Aventura, a political subdivision of the State of Florida, and the City of Coral Gables, a political subdivision of the State of Florida, in consideration for 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.

SECTION 1: PROVISIONS FOR VOLUNTARY COOPERATION

Each of the aforesaid law enforcement agencies hereby approve and enter into this agreement whereby each of the agencies may provide voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The nature of the law enforcement assistance to be rendered shall include but not be limited to:

- a. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Aventura and the City of Coral Gables for felony and misdemeanor arrests, made pursuant to the laws of arrest, including arrestable traffic offenses, which spontaneously take place in the presence of the arresting officer, at such times as the arresting officer is traveling from place to place on official business outside of his or her jurisdiction, for example, to or from court, or at any time when the officer is within the territorial limits of his or her jurisdiction.

- b. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Aventura and the City of Coral Gables for arrests, made pursuant to the laws of arrest, of persons identified as a result of investigations of any offense constituting a felony or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, when such offense occurred in the municipality employing the arresting officer.
- c. Concurrent law enforcement jurisdiction in and upon the jurisdictional waters of the City of Aventura and the City of Coral Gables for arrests, made pursuant to the law of arrest, for felonies, misdemeanors, and boating infractions.
- d. Participating in exigent situations, without the need for a formal request, including, but not limited to, area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners, traffic stops near municipal boundaries, requests for assistance when no available local units are nearby, calls indicating a crime or 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.
- e. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Aventura and the City of Coral Gables for any investigation of a felony, including, but not limited to: homicides, sex offenses, robberies, assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts, financial crimes, drug violations pursuant to Chapter 893, Florida Statutes, and inter-agency task forces and/or joint investigations.
- f. Joint enforcement of all state laws and county ordinances, city ordinances of the City of Coral Gables and the City of Aventura and the exercise of arrest powers

when a crime of violence or felony of any nature occurs in the presence of any sworn law enforcement officer, within the jurisdictional boundaries of either party.

Prior to any officer taking enforcement action pursuant to paragraphs (a) through (f) above, the officer shall notify the jurisdiction in which the action will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable. If the agency having normal jurisdiction responds to the scene, the assisting agency's officer may turn the situation over to them and offer any assistance requested including, but not limited to, a follow-up written report documenting the event and the actions taken.

These provisions are not intended to grant general authority to conduct investigations, serve warrants and/or subpoenas or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address exigent, critical, life-threatening, or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter.

SECTION II: PROVISIONS FOR OPERATIONAL ASSISTANCE

The aforesaid law enforcement agencies hereby approve and enter into this agreement whereby each of the agencies may request and render law enforcement assistance to the other to include, but not necessarily be limited to dealing with, the following:

1. Joint multi-jurisdictional criminal investigations;
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations and assemblies, controversial trials, political conventions, labor disputes, and strikes;
3. Any natural, technological, or manmade 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. Any act of terrorism as defined in Section 775.30, Florida Statutes;
6. Escapes from, or disturbances within, prisoner processing facilities;
7. Hostage, active shooter and barricaded subject situations and aircraft piracy;
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls;
9. Enemy attack;
10. Transportation of evidence requiring security;
11. Major events, including but not limited to, sporting events, concerts, parades, fairs, festivals, conventions and any National Special Security Event (NSSE) as designated by the United States Department of Homeland Security;
12. Security and escort duties for dignitaries;
13. Incidents requiring utilization of specialized units, including but not limited to, underwater, recovery, marine patrol, aircraft, canine, motorcycle, bicycle, mounted, SWAT, bomb, crime scene, and police information;
14. Emergency situations in which one agency cannot perform its functional objective;
15. Joint training in areas of mutual need;
16. Joint multi-jurisdictional marine interdiction operations;
17. Off-duty special events; and
18. DUI Checkpoints.

SECTION III: PROCEDURE FOR REQUESTING DEPARTMENTAL ASSISTANCE

1. Mutual aid requested or rendered shall be approved by the Chief of Police, or designee. The Chief of Police, or designee, of the agency whose assistance is sought shall evaluate the situation and the agency's available resources, consult with his/her supervisors, if necessary, and will respond in a manner he/she deems appropriate.

2. The Chief of Police, or designee, in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized, and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

3. Specific reporting instructions for personnel rendering mutual aid will be included in the request for mutual aid. In the absence of such reporting instructions, personnel will report to the ranking on-duty supervisor on the scene.

4. Communications instructions will be included in each request for mutual aid and each agency's communications centers will maintain radio contact with each other until the mutual aid situation has ended.

5. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency or Chief of Police involved.

SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY

a. COMMAND:

The personnel and equipment that are assigned by the assisting Chief of Police shall be under the immediate command of a supervising officer designated by the assisting Chief of

Police. Such supervising officer shall be under the direct supervision and command of the Chief of Police or his/her designee of the agency requesting assistance.

b. CONFLICTS:

Whenever an officer is rendering assistance pursuant to this agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy, general order or standing operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

c. HANDLING COMPLAINTS:

Whenever there is cause to believe that a complaint has arisen as a result of cooperative effort as it may pertain to this agreement, the Chief of Police or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Chief of Police or designee of the requesting agency should ascertain at a minimum:

1. The identity of the complainant;
2. An address where the complaining party can be contacted;
3. The specific allegation; and
4. The identity of the employees accused without regard as to agency affiliation.

If it is determined during the investigation of a complaint that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the agency for administrative review. The requesting agency may conduct a review of the complaint to

determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

SECTION V: LIABILITY

Each party engaging in any mutual cooperation and assistance, pursuant to this agreement, agrees to assume responsibility for the acts, omissions or conduct of such party's own employees while engaged in rendering such aid pursuant to this agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable.

SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

a. Employees of the City of Aventura and the City of Coral Gables, when actually engaging in mutual cooperation and assistance outside of their normal jurisdictional limits but inside this State, under the terms of this agreement, shall, pursuant to the provisions of Section 23.127(1), Florida Statutes (as amended), have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.

b. Each party agrees to furnish necessary personnel equipment, resources and facilities and to render services to each other party to this agreement as set forth above; provided, however, that no party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

c. The political subdivision that furnishes equipment pursuant to this agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

d. The political subdivision furnishing aid pursuant to this agreement shall compensate its employees during the time of the rendering of aid and shall defray (provide for the payment of)

the actual travel and maintenance expenses of its employees while they are rendering aid, including any amounts paid or due for compensation for personal injury or death while its employees are rendering aid.

e. The privileges and immunities from liability, exemption from laws, ordinances and rules, and pension, insurance, relief, disability, workers' compensation, salary, 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 apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provision of this mutual aid agreement. This section applies to paid, volunteer, reserve, part time and auxiliary employees.

f. Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

SECTION VII: FORFEITURES

a. In the event an agency seizes any real property, vessel, motor vehicle, aircraft, currency or other property pursuant to the Florida Contraband Forfeiture Act during the performance of this agreement, the agency requesting assistance in the case of requested operational assistance and the seizing agency in the case of voluntary cooperation shall be responsible for maintaining any forfeiture action pursuant to Chapter 932, Florida Statutes. The agency pursuing the forfeiture action shall have the exclusive right to control and the responsibility to maintain the property in accordance with Chapter 932, Florida Statutes, to include, but not be limited to, the complete discretion to bring the action or dismiss the action.

b. All proceeds from forfeited property as a result of or in accordance with this agreement shall be equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency pursuant of the provisions of the Florida Contraband Forfeiture Act., less the costs and attorney's fees associated with the forfeiture action.

SECTION VIII: INSURANCE

Each political subdivision shall provide, upon request, satisfactory proof of liability insurance by one or more of the means specified in Section 768.28, Florida Statutes, in an amount which is, in the judgment of the governing body of that political subdivision, at least adequate to cover the risk to which that party may be exposed. Should the insurance coverage, however provided, of any party be canceled or undergo material change, that party shall notify all parties to this agreement of such change within ten (10) days of receipt of the notice or actual knowledge of such change.

SECTION IX: EFFECTIVE DATE

This agreement shall take effect upon full execution and approval by the hereinafter named officials and shall continue in full force and effect for five years after it takes effect. Under no circumstances may this agreement be renewed, amended or extended except in writing.

SECTION X: CANCELLATION

Either party may cancel its participation in this agreement upon sixty (60) days written notice to the other political subdivision. Cancellation will be at the discretion of any political subdivision to this mutual aid agreement.

IN WITNESS WHEREOF, the parties hereto cause to these presents to be signed on the date first written above.

AGREED AND ACKNOWLEDGED this _____ day of _____, _____.

FOR CORAL GABLES

FOR AVENTURA

Peter Iglesias
City Manager
City of Coral Gables

Ronald Wasson
City Manager
City of Aventura

Date: _____

Date: _____

ATTEST:

ATTEST:

Billy Y. Urquia
City Clerk

Ellisa L. Horvath
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Miriam Ramos
City Attorney

City Attorney

Edward Hudak
Chief of Police

Bryan Pegues
Chief of Police

APPROVED AS TO INSURANCE
REQUIREMENTS:

APPROVED AS TO INSURANCE
REQUIREMENTS:

Raquel Elejabarrieta
Director of Risk Management

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 14, 2019

SUBJECT: **Renewal of FDOT Landscape Maintenance Contract for Biscayne Boulevard**

February 7, 2019 City Commission Meeting Agenda Item **5F**

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution authorizing the renewal of the attached contract with the Florida Department of Transportation (FDOT) for landscape maintenance along Biscayne Boulevard from the Oleta River Bridge to the County line. The original renewal contract was authorized by Resolution 2016-16.

FDOT will reimburse the City in the amount of \$12,676.00 per year.

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

RJW/act

Attachment

CCO1770-19

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED CONTRACT RENEWAL FOR LANDSCAPE MAINTENANCE WITHIN THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ON BISCAYNE BOULEVARD FROM THE OLETA RIVER BRIDGE NORTH TO THE MIAMI-DADE/BROWARD COUNTY LINE BY AND BETWEEN THE CITY OF AVENTURA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION 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 to execute the attached Contract Renewal by and between the City of Aventura and the Florida Department of Transportation to provide landscape maintenance services on the Florida Department of Transportation right-of-way on Biscayne Boulevard from the Oleta River Bridge north to the Miami-Dade/Broward County line.

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

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

PASSED AND ADOPTED this 7th day of February, 2019.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
CONTRACT RENEWAL

376-020-23
CONTRACTS ADMINISTRATION
OGC - 04/06

Contract No.: AS553 Renewal: (1st, 2nd, etc.) 2nd
Financial Project No(s): 407334-3-78-01
County(ies): Miami-Dade County

This Agreement made and entered into this _____ day of _____, by and between the State of Florida Department of Transportation, hereinafter called "Department", and City of Aventura, 19200 West Country Club Drive, Aventura, Florida 33180 hereinafter called "Contractor".
(This date to be entered by DOT only.)

WITNESSETH:

WHEREAS, the Department and the Contractor heretofore on this 30th day of March, 2017 entered into an Agreement whereby the Department retained the Contractor to perform maintenance of all turf and landscape area within the right-of-way on State Roads in Miami-Dade County described in "Exhibit A" of the original contract
(This date to be entered by DOT only)
_____ ; and

WHEREAS, said Agreement has a renewal option which provides for a renewal if mutually agreed to by both parties and subject to the same terms and conditions of the original Agreement;

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of the mutual benefits to flow each to the other, the parties agree to a renewal of said original Agreement for a period beginning the 12th day of July, 2019 and ending the 10th day of July, 2020 at a cost of \$ 12,676.00.

All terms and conditions of said original Agreement shall remain in force and effect for this renewal.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers on the day, month, and year set forth above.

City of Aventura
Name of Contractor

Contractor Name and Title

BY: _____
Authorized Signature

Name of Surety

City State

By: _____
Florida Licensed Insurance Agent or Date
Attorney-In-Fact (Signature)

Countersigned: _____
Florida Licensed Insurance Agent Date

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
LS District Secretary or Designee (Signature)

Title: _____

(SEAL) Legal: _____

Fiscal: _____
Approval as to Availability of Funds

Contract No: AS553-R2

Financial Project No(s): 407334-3-78-01

Project Description: Turf and Landscape Maintenance- Department Funded Agreement

Vendor/Consultant acknowledges and agrees to the following:

Vendor/Consultant :

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Consultant during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Company/Firm: City of Aventura

Authorized Signature: _____

Title: _____

Date: _____

CITY OF AVENTURA
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager



BY:  Brian K. Raducci, Finance Director

DATE: February 1, 2019

SUBJECT: Revision to Chapter 6.6 of the Administrative Policy Directives and Procedures Manual, entitled "Investment Objectives and Parameters" relating to the City's Investment Policy for the Management of Public Funds

February 7, 2019 City Commission Meeting Agenda Item 5G

RECOMMENDATION

It is recommended that the City Commission adopt the attached resolution revising Chapter 6.6 of the Administrative Policy Directives and Procedures ("APDP") Manual, entitled "Investment Objectives and Parameters" relating to the City's investment policy for the management of public funds.

BACKGROUND

At the January 17, 2019 Commission Workshop, Dave Withohn, the City's Investment Manager from Insight Investment made a presentation to the Commission which provided a review of the investment portfolio under their management as well as an overview of the current market environment and their strategies.

As part of Insight's service, they periodically conduct a comprehensive review of the investment policy to determine if any changes are necessitated as a result of the current market environment. 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.

As a result of that review, Mr. Withohn suggested minor revisions (as outlined on the attached draft revised investment policy) to the following sections:

III. PERFORMANCE MEASUREMENT

V. LISTING OF AUTHORIZED INVESTMENTS

B. United States Government Agencies

D. Interest Bearing Time Deposit or Savings Account*

VII. INVESTMENT PARAMETERS

Mr. Withohn reviewed these changes and the rationale for them with the Commission. Upon his review, Commission consensus was given and staff was directed to move forward with those revisions.

Furthermore, following discussion Commission consensus was given and staff was also directed to include the following revisions (as outlined below), which have also been incorporated into the attached draft revised investment policy:

V. LISTING OF AUTHORIZED INVESTMENTS

M. Israel Bonds*

to increase our current maximum portfolio composition from \$150,000.00 to \$300,000.00.

XVI. PROHIBITED INVESTMENTS

To add the following language:

"The City may not invest in companies that are included in the Scrutinized Companies that Boycott Israel List as provided by Sec. 215.4725, Florida Statutes, which is used by the State Board of Administration, unless an exception provided in that statute is applicable."

Appendix A – Authorized Investments Summary Table is recommended to be modified to correlate to the revisions above, if applicable.

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

Please contact the City Manager with any questions you may have.

BKR/bkr

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA REVISING CHAPTER 6.6 OF THE ADMINISTRATIVE POLICY DIRECTIVES AND PROCEDURES MANUAL, AS ATTACHED HERETO, ENTITLED "INVESTMENT OBJECTIVES AND PARAMETERS" RELATING TO 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 last revised Chapter 6.6 by Resolution No. 2018-88 on October 18, 2018; 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 revises Chapter 6.6 of the APDP Manual, as attached hereto, entitled "Investment Objectives and Parameters" relating to 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 Denise Landman	_____
Commissioner Gladys Mezrahi	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Dr. Linda Marks	_____
Mayor Enid Weisman	_____

PASSED AND ADOPTED this 7th day of February, 2019.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

	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

3. 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 Bank of America Merrill Lynch 1-3 Year Treasury/Agency Index compared to the portfolio's total rate of return. The Bank of America 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 for the core portfolio based on the objectives of the City. For the Enhanced Cash portfolio we will use the Bank of America Merrill Lynch 6 month Treasury Index.

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. Mortgage backed securities will have average duration not greater than five (5) years.

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 all** deposits are secured by collateral as prescribed by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes. **The concentration restriction outlined below does not apply to the City's operating account.**

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 ~~40~~5% 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 65% 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 or 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~~\$300,000.00 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. Mortgage backed securities will have average duration not greater than five (5) years.

~~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.

The City may not invest in companies that are included in the Scrutinized Companies that Boycott Israel List as provided by Sec. 215.4725, Florida Statutes, which is used by the State Board of Administration, unless an exception provided in that statute is applicable.

XVII. INVESTMENT POLICY REVIEW

The Finance Director shall review this Investment Policy on a semi-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 10, 2016 (Resolution No. 2016-59)

Revised – October 18, 2018 (Resolution No. 2018-88)

*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% 5%	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	65%	-	-	-
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*		\$150,000 300,000	-	-	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: Ronald J. Wasson, City Manager 

DATE: January 28, 2019

SUBJECT: **Resolution Approving Legislative Programs and Priorities for 2019**

February 7, 2019 City Commission Meeting Agenda Item 5H

RECOMMENDATION

It is recommended that the City Commission approve the attached Resolution approving the Legislative Programs and Priorities for 2019. The document includes items discussed at the January Workshop Meeting.

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

RJW/act

Attachment

CCO1772-19

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ADOPTING THE CITY OF AVENTURA 2019 LEGISLATIVE PROGRAM AND PRIORITIES ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The City of Aventura 2019 Legislative Program and Priorities, attached hereto, is hereby adopted.

Section 2. The City Manager is authorized to take all action necessary to implement the purpose of this Resolution.

Section 3. This Resolution shall be effective immediately upon adoption hereof.

The foregoing Resolution (adopting the items of the Legislative Program, excluding Item #9) 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 Denise Landman	_____
Commissioner Gladys Mezrahi	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Dr. Linda Marks	_____
Mayor Enid Weisman	_____

The foregoing Resolution (as to solely the portion adopting Item #9 of the Legislative Program) 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 Denise Landman	_____
Commissioner Gladys Mezrahi	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Dr. Linda Marks	_____
Mayor Enid Weisman	_____

PASSED AND ADOPTED this 7th day of February, 2019.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**CITY OF AVENTURA
LEGISLATIVE PROGRAM AND PRIORITIES**



2019

**Mayor Enid Weisman
Commissioner Denise Landman
Commissioner Dr. Linda Marks
Commissioner Gladys Mezrahi
Commissioner Marc Narotsky
Commissioner Robert Shelley
Commissioner Howard Weinberg
City Manager Ronald J. Wasson
City Clerk Ellisa Horvath
City Attorney Weiss Serota Helfman Cole & Bierman, P.L.**

**CITY OF AVENTURA
LEGISLATIVE PROGRAMS AND PRIORITIES
2019**

This document is intended to provide direction to the City Manager, City Attorney and Legislative Lobbyist as to the official City position regarding issues and pending legislation which would affect the operation of local government. This document further provides priorities for the acquisition of supplemental funding (grants) for various programs.

The City of Aventura will endorse and support legislation that will:

1. Supports the home rule powers of local government.
2. Provide a dedicated revenue source for Charter School capital improvements at the same levels provided to the local school boards.
3. Increase educational funding levels for Miami-Dade County public schools in order to meet per pupil State Constitutional requirements.
4. Amend State law allowing a more economical method of advertising for a public hearing relating to Comprehensive Plan adoption and/ or amendments.
5. Adopt the 2019 Policy Statement of the Florida League of Cities.
6. Enact a law enabling cities to prohibit smoking at city sponsored events or activities and/ or at city parks and facilities. Smoking is defined as "any nicotine delivery device including but not limited to smoking, chewing and vaping".
7. On a state-wide level, ban the use of handheld phones by persons operating motor vehicles, but allowing hands free phone devices.
8. Preserve municipal authority for red light camera safety programs.
9. Amend Safe Harbor provisions (Fla. Stat. 718.116(1)(b) condos and 720.3085(2)(c) HOAs) to increase the liability of qualified lending institutions to the lesser of twenty four months of past due assessments or two percent of the original mortgage in the event of a foreclosure plus recovery of reasonable attorney fees.
10. Support initiatives to address the impact of rising seas on the South Florida area.
11. Fund the design and construction of the proposed westbound Improvements to the intersection of NE 203 Street/Biscayne Boulevard. Fund the review of alternatives to improve traffic flow at Miami Gardens Drive and Biscayne Boulevard Intersection.
12. Support legislation to amend Section 768.28, Florida Statutes, to expressly state that sovereign immunity constitutes immunity from suit (not just immunity from liability) to the extent not waived by applicable law.

13. Support the adoption of legislation to restore municipal authority to regulate drones in order to protect privacy, and to protect persons and property within the municipality.
14. Support funding to reduce traffic congestion by developing alternate transportation modes.

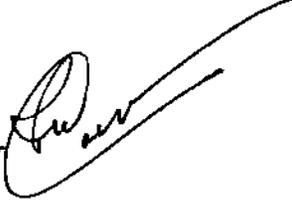
The City of Aventura will seek state financial assistance for the following projects:

1. Funding for Stormwater infrastructure improvements

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 28, 2019

SUBJECT: **Proposed Resolution Amending Procedures for Commission Travel and Expenses**

February 7, 2019 City Commission Meeting Agenda Item 5F

In accordance with the direction of the City Commission at the January Workshop Meeting, attached is a Proposed Resolution Amending Procedures for Commission Travel and Expenses based on the discussions at that meeting.

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

RW/act

Attachment

CCO1771-19

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AMENDING PROCEDURES ESTABLISHED FOR COMMISSION TRAVEL AND EXPENSES; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO IMPLEMENT THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution No. 2015-66 establishes procedures for City Commission travel and expenses; and

WHEREAS, the City Commission desires to amend Section 1 of said Resolution to allow for the Mayor and City Commission members to travel to Tallahassee, the state of Florida's capital, for lobbying on behalf of the City of Aventura.

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

Section 1. The following procedures for City Commission travel expenses associated with the attendance of conferences and seminars is hereby amended as follows¹:

1. The Mayor and City Commission members shall be reimbursed for their attendance at the following conferences or events:

- National League of Cities Conference
- Florida League of Cities Conference
- Annual Dade Days
- Miami-Dade League of Cities Meetings (Mayor and City Commission Designee)
- Annual National Association of Latino Elected and Appointed Officials (NALEO) Conference
- Tallahassee, the state of Florida's capital, for lobbying on behalf of the City of Aventura

All other conferences or seminars require approval of the City Commission. Further, all conferences or seminars where more than three (3) members desire to attend require City Commission approval.

¹ Proposed additions to existing Resolution 2015-66 are shown by underline.

2. At the conclusion of the conference or seminar, each City Commissioner in attendance shall provide a report to the entire City Commission relative to the conference or seminar.

3. Reimbursements will include registration, hotel, travel and meals. Travel expense reimbursements shall comply with the City's Administrative Policy Directives and Procedures Manual Chapter 6.3.1.

Section 2. The City Manager is hereby authorized to take all necessary action to implement this Resolution.

Section 3. Conflict. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications of this Resolution, with such effective provisions or applications remaining in full force and effect.

Section 5. Effective Date. That 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 Denise Landman	_____
Commissioner Gladys Mezrahi	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Dr. Linda Marks	_____
Mayor Enid Weisman	_____

PASSED AND ADOPTED this 7th day of February, 2019.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 31, 2019

SUBJECT: **Resolution Condemning Anti-Semitism Acts by AIRBNB**

February 7, 2019 City Commission Meeting Agenda Item 5J

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution condemning anti-Semitism acts by AIRBNB in accordance with direction given at the January Workshop Meeting.

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

RJW/act

Attachment

CCO1776-19

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, CONDEMNING ANTI-SEMITISM ACTS BY AIRBNB, AND DIRECTING THE CITY CLERK TO SEND THIS RESOLUTION AND A LETTER TO THE FLORIDA ATTORNEY GENERAL'S OFFICE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Aventura, Florida (the "City") desires to stand in the fight for equality for all and in the fight against the rise of anti-Semitism; and

WHEREAS, the City Commission strongly opposes the practice of economic discrimination and boycotts of persons and/or entities on the basis of race, color, religion, gender, or national origin; and

WHEREAS, on May 1, 2018, the City Commission adopted Resolution No. 2018-44, providing that the City will not procure goods or services or otherwise contract with a business which engages in the boycott of a person or entity based on race, color, gender, or national origin; and

WHEREAS, Airbnb, Inc. ("Airbnb"), is a privately held global company headquartered in San Francisco that operates an online marketplace and hospitality service which is accessible via its websites and mobile apps, where its members can use the service to arrange or offer lodging, primarily homestays, or tourism experiences; and

WHEREAS, Airbnb announced on November 19, 2018 that it would remove all listings in Jewish settlements in the West Bank while continuing to allow non-Jewish/non-Israeli listings in the West Bank, demonstrating hatred, prejudice, ignorance, hypocrisy, and discrimination based on race, national origin and religion; and

WHEREAS, Airbnb's actions are antithetical to the non-discriminatory values that are important to the City; and

WHEREAS, the Israeli-Jewish Congress and human rights leaders have opposed the company's actions; and

WHEREAS, prejudice and discrimination based on race, national origin, or religion, have no place in our City, county, community, country, or world.

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

Section 1: Recitals Adopted. That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: Business Practices. That the City Commission expresses its desire that all businesses that operate within the City conduct their business at all locations in a way that does not discriminate against anyone for any reason, including but not limited to their nationality or religion.

Section 3: Discrimination Condemned. That the City Commission hereby strongly condemns Airbnb's recent discriminatory decision to remove all listings in Jewish settlements in the West Bank.

Section 4: Request for Action by Airbnb. That the City Commission hereby calls upon Airbnb to take all necessary action to correct this act of disrespect and discrimination against the land of Israel and against the Jewish community in the West Bank and restore its original services to all people, no matter their religion or nationality, immediately.

Section 5: Responsive Action. That in the event that Airbnb does not stop the boycott, restore original services, and take all necessary actions to correct this policy of disrespect and discrimination, we call upon all people, especially those utilizing Airbnb on-line services to list or lease property, to carefully consider the discriminatory behavior of Airbnb when they evaluate the listing contracts and referral agencies they will utilize.

Section 6: Directions to City Clerk; Request to Attorney General. That the City Clerk is directed to send a copy of this Resolution to the Florida Attorney General's Office, along with a letter, asking her to investigate whether Airbnb's conduct violates Florida's anti-BDS law, and whether it should be listed on the "Scrutinized Companies that Boycott Israel List" under Florida Statute s. 215.4725.

Section 7: Effective Date. That this Resolution shall take effect immediately upon 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 Denise Landman	_____
Commissioner Gladys Mezrahi	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Dr. Linda Marks	_____
Mayor Enid Weisman	_____

PASSED AND ADOPTED this 7th day of February, 2019.

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 _____, 2019.

CITY CLERK

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

BY: Ronald J. Wasson, City Manager 

DATE: February 1, 2019

SUBJECT: Application for Student Support and Academic Enrichment Grant for the Aventura City of Excellence School (ACES)

February 7, 2019 City Commission Meeting Agenda Item 5K

RECOMMENDATION

It is recommended that the City Commission, acting in its capacity as the Board of Directors for the Aventura City of Excellence School, authorize the City Manager to submit the attached Student Support and Academic Enrichment Grant Project Application for funding to provide students with a well-rounded education, improve safe and healthy school conditions for student learning and increase the use of technology in order to improve the academic achievement and digital literacy of all students.

BACKGROUND

The Every Student Succeeds Act ("ESSA") reauthorizes the Elementary and Secondary Education Act of 1965 ("ESEA"). ESSA reflects the civil rights tradition of ESEA, which reflects our nation's longstanding commitment to equity of opportunity for all students. The new law has a clear goal of ensuring that our education system prepares every child to graduate from high school ready to thrive in college and careers. The ESEA includes a number of provisions that promote equitable access to educational opportunity, including holding all students to high academic standards; ensuring meaningful action is taken to improve the lowest-performing schools and schools with underperforming student groups and providing more children with access to high-quality preschool.

Newly authorized under subpart 1 of Title IV, Part A of the ESEA, the Student Support and Academic Enrichment ("SSAE") program is intended to help meet these goals by increasing the capacity of State educational agencies ("SEA"s), local educational agencies ("LEA"s), schools and local communities to:

1. Provide students with access to a well-rounded education,

2. Improve safe and healthy school conditions for student learning, and
3. Increase the use of technology in order to improve the academic achievement and digital literacy of all students. (ESEA section 4101).

The maximum allocation to the City from the State is \$25,994.00 and is the amount requested in the Project Application.

In order to meet the various submission deadlines which are beyond our control, the Project Application has or is in the process of being submitted, but will be subject to and contingent upon final Board Approval.

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

Attachments

RESOLUTION NO. 2019-___

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACTING IN THEIR CAPACITY AS THE BOARD OF DIRECTORS FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL, AUTHORIZING THE CITY MANAGER TO SUBMIT A PROJECT APPLICATION FOR A STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANT FOR THE FUNDING OF PROFESSIONAL DEVELOPMENT ACTIVITIES, CLASSROOM MATERIALS AND PHYSICAL EDUCATION EQUIPMENT AT THE AVENTURA CITY OF EXCELLENCE SCHOOL; 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 authorized to submit the attached Project Application for a Student Support and Academic Enrichment Grant for the funding professional development activities, classroom materials and physical education equipment at the Aventura City of Excellence School.

Section 2. The City Manager is further 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. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Denise Landman	___
Commissioner Gladys Mezrahi	___
Commissioner Marc Narotsky	___
Commissioner Robert Shelley	___
Commissioner Howard Weinberg	___
Vice Mayor Dr. Linda Marks	___
Mayor Enid Weisman	___

PASSED AND ADOPTED on this 7th day of February, 2019.

MAYOR ENID WEISMAN

ATTEST:

ELLISA L. HORVATH, MMC, CITY CLERK

Approved as to Form and Legal Sufficiency:

CITY ATTORNEY

FLORIDA DEPARTMENT OF EDUCATION PROJECT APPLICATION

Please return to: Florida Department of Education Office of Grants Management Room 332 Turlington Building 325 West Gaines Street Tallahassee, Florida 32399-0400 Telephone: (850) 245-0496	A) Program Name: <h3 style="text-align: center;">Student Support & Academic Enrichment Grants</h3> TAPS NUMBER:	DOE USE ONLY Date Received
B) Name and Address of Eligible Applicant: Aventura City of Excellence School 3333 NE 188th Street Aventura, FL 33180		Project Number (DOE Assigned)
C) Total Funds Requested: \$ 25,994.00 <hr style="width: 20%; margin: 10px auto;"/> <p style="text-align: center;">DOE USE ONLY</p> Total Approved Project: \$	D) Applicant Contact & Business Information	
	Contact Name: Julie Alm Fiscal Contact Name: Brent Rogers	Telephone Numbers: 305-466-1499 305-466-8953
	Mailing Address: Aventura City of Excellence School 3333 NE 188th Street Aventura, FL 33180	E-mail Addresses: rogersb@cityofaventura.com jalm@aventuracharter.org
	Physical/Facility Address: Aventura City of Excellence School 3333 NE 188th Street Aventura, FL 33180	DUNS number: 110889607 FEIN number: 65-0662315
CERTIFICATION		
<p>I, _____, (<i>Please Type Name</i>) as the official who is authorized to legally bind the agency/organization, do hereby certify to the best of my knowledge and belief that all the information and attachments submitted in this application are true, complete and accurate, for the purposes, and objectives, set forth in the RFA or RFP and are consistent with the statement of general assurances and specific programmatic assurances for this project. I am aware that any false, fictitious or fraudulent information or the omission of any material fact may subject me to criminal, or administrative penalties for the false statement, false claims or otherwise. Furthermore, all applicable statutes, regulations, and procedures; administrative and programmatic requirements; and procedures for fiscal control and maintenance of records will be implemented to ensure proper accountability for the expenditure of funds on this project. All records necessary to substantiate these requirements will be available for review by appropriate state and federal staff. I further certify that all expenditures will be obligated on or after the effective date and prior to the termination date of the project. Disbursements will be reported only as appropriate to this project, and will not be used for matching funds on this or any special project, where prohibited.</p> <p>Further, I understand that it is the responsibility of the agency head to obtain from its governing body the authorization for the submission of this application.</p>		
E) _____ Signature of Agency Head	_____ Title	_____ Board Chairman _____ Date

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: January 31, 2019

SUBJECT: **Ordinance Prohibiting Sale and Marketing of E-Cigarettes to Minors**

1st Reading February 7, 2019 City Commission Meeting Agenda Item 7
2nd Reading March 12, 2019 City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission adopt the attached Ordinance Prohibiting the Sale and Marketing of E-Cigarettes to Minors.

BACKGROUND

In accordance with direction given at the November 2018 and January 2019 Workshop Meetings, the City Attorney has drafted the attached Ordinance prohibiting the sale and marketing of e-cigarettes to minors.

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

RJW/act

Attachment

CCO1775-19

ORDINANCE NO. 2019-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING CHAPTER 1 "GENERAL PROVISIONS," OF THE CITY CODE BY CREATING SECTION 1-18, "SALE OF NICOTINE VAPORIZERS (E-CIGARETTES) AND LIQUID NICOTINE TO MINORS PROHIBITED; SIGNAGE REQUIREMENTS; POSSESSION BY MINORS PROHIBITED; PENALTIES" AND SECTION 1-19 "USE OF NICOTINE VAPORIZERS AND LIQUID NICOTINE PROHIBITED NEAR CITY PARKS AND PUBLIC SCHOOLS; SIGNAGE REQUIREMENTS; ADDITIONAL RESTRICTIONS; PENALTIES"; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, electronic cigarettes (e-cigarettes), are electronic products that permit users to inhale vaporized nicotine, flavor, and other chemicals, without fire, smoke, ash or carbon dioxide; and

WHEREAS, these and similar devices allow users to inhale vaporized liquid nicotine created by a heating mechanism or electronic ignition system; and the vapors are expelled by a cartridge or pod that usually contains a concentration of pure nicotine; and

WHEREAS, consumers are led to believe that e-cigarettes are a safe alternative to traditional cigarettes, despite the fact that e-cigarettes have the potential to be addictive; and

WHEREAS, the U.S. Food and Drug Administration (FDA) conducted laboratory analysis of nicotine vaporizer cartridges and found the following:

- Diethylene glycol, an ingredient used in antifreeze and toxic to humans, was found in one cartridge;
- Certain tobacco-specific nitrosamines, which are human carcinogens, were detected in half of the samples tested;
- Tobacco-specific impurities suspected of being harmful to humans were detected in a majority of the samples tested;
- All but one tested cartridge labeled as containing no nicotine did in fact contain low levels of nicotine;
- Three identically labeled cartridges emitted markedly different amounts of nicotine with each puff. Nicotine levels per 100 mL puff ranged dramatically from 26.38 to 43.2 mcg of nicotine;
- One high-nicotine cartridge delivered twice as much nicotine to users as was delivered by a nicotine inhalation product approved by FDA for use as a smoking cessation aid which was used as a control; and

WHEREAS, sales of e-cigarettes have grown rapidly in the United States, and after doubling every year since 2008, sales from 2016 to 2017 grew more than seven fold; and

WHEREAS, according to recent empirical studies and widespread news reports, the use of youth-oriented, flavored e-cigarettes has skyrocketed to alarming popularity with teens in middle and high schools across the nation; and

WHEREAS, new versions of nicotine dispensing e-cigarettes, such as those manufactured by Juul Labs, Inc. (JUUL), have further flamed the nationwide vaping craze among America's youth. Specifically, JUUL e-cigarettes come in youth-popular flavors, look like a flash drive, are easily concealed, and are rechargeable on Universal Serial Bus (USB) ports; and

WHEREAS, due to their ease of use, the variety of sweet and fruit-flavored vapors offered, their sleek and discrete appearance, and the mass marketing of its products, JUUL e-cigarettes and other similar nicotine dispensing devices have become immensely popular with teenage children, thereby putting the next generation of Americans at risk of nicotine addiction and threatening to undermine the decades of progress made in our country to reduce youth tobacco use; and

WHEREAS, a 2016 Report of the U.S. Surgeon General, entitled "E-cigarette use among Youth and Young Adults," concluded that the use of nicotine in any form by youths is unsafe, and that nicotine exposure during adolescence can cause addiction and can harm the developing adolescent brain; and

WHEREAS, according to information contained on the JUUL website, the nicotine content in each 5% JUUL pod, which contains approximately 0.7 ml with 5% nicotine by weight and which is intended to provide approximately 200 puffs, has the approximate nicotine yield of a pack of cigarettes; and

WHEREAS, as reported on the Centers for Disease Control and Prevention's website, in the United States, nearly 90% of adult smokers began smoking before the age of 18, and the younger an individual is when he or she experiments with smoking, the more likely he or she is to become a regular or daily smoker; and

WHEREAS, on December 18, 2018, the Surgeon General declared teen e-cigarette and vaping use an epidemic due to recent studies indicating the number of high school seniors vaping nicotine has nearly doubled between 2017 and 2018; and

WHEREAS, Florida citizens recently passed a constitutional amendment prohibiting the use of vapor-generating electronic devices in enclosed indoor workplaces, while giving local governments the authority to impose more restrictive regulations; and

WHEREAS, the Commission of the City Of Aventura (the "City") finds that it is in the best interest of the City and necessary to protect the health, safety, and welfare of its residents and visitors to prohibit the sale of nicotine vaporizers and liquid nicotine to minors, to prohibit the possession of these items by minors, to regulate retailers and other establishments who are in possession of nicotine vaporizers or liquid nicotine for the purposes of selling the products to consumers, individuals, or the general public, to prohibit the use of nicotine vaporizers and liquid nicotine within City parks and public schools, to prohibit the use of nicotine vaporizers and liquid nicotine where smoking is prohibited under the Florida Clean Indoor Air Act, to provide additional restrictions, and to assign penalties for violations of these regulations.

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

Section 1. Recitals Incorporated. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. City Code Amended. That Chapter 1, "General Provisions," of the City Code of the City of Aventura is hereby amended by creating Section 1-18 entitled, "Sale of Nicotine Vaporizers (E-Cigarettes) and Liquid Nicotine to Minors Prohibited; Signage Requirements; Possession by Minors Prohibited; Penalties" and Section 1-19 entitled "Use of Nicotine Vaporizers and Liquid Nicotine Prohibited Near City Parks and Public Schools; Signage Requirements; Additional Restrictions; Penalties," to read, as follows:

Chapter 1 – GENERAL PROVISIONS

* * *

Sec. 1-18. Sale of Nicotine Vaporizers (E-Cigarettes) and Liquid Nicotine to Minors Prohibited; Signage Requirements; Possession by Minors Prohibited; Penalties.

(a) *Definitions.*

Delivery Sale means any sale of Nicotine Vaporizers or Liquid Nicotine to a consumer within the City for which the consumer submits the order for the sale by telephonic or other voice transmission or by mail, by delivery service, or by the internet or other online service; or the Nicotine Vaporizers or Liquid Nicotine are delivered by use of mail or a delivery service.

Liquid Nicotine means any liquid product composed either in whole or in part of pure nicotine, which can be used with Nicotine Vaporizers.

Minor means a person under the age of 18.

Nicotine Vaporizer means any electronic or battery-operated nicotine dispensing device that can be used to deliver an inhaled dose of nicotine or other substance, and any device that can be used to deliver nicotine by inhaling vaporized nicotine from the device, including but not limited to those devices composed of a mouthpiece, heating element, or mechanism and battery or electronic circuits that provide a vapor of Liquid Nicotine or other substances to the user. This term shall include, but is not limited to, such devices as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, an e-cigarette, an e-cigar, e-cigarillo, an e-pipe, an e-hookah, and any device that is rechargeable by a USB port or other method, whether they are manufactured, distributed, marketed, or sold under any other product name, and includes any replacement nicotine cartridge, replaceable nicotine pod, Liquid Nicotine vial, or other container used to refill or replace nicotine for the device or product.

Retailer means any person, business, or establishment who is in possession of Nicotine Vaporizers or Liquid Nicotine for the purposes of selling the Nicotine Vaporizers or Liquid Nicotine to consumers, individuals, or the general public.

(b) *Prohibitions.*

1. It shall be unlawful to sell, give, furnish, barter, or make available directly or indirectly a Nicotine Vaporizer or Liquid Nicotine to a minor. The buyer or recipient's identification shall be examined to confirm that the buyer or recipient is at least 18 years of age.
2. In order to minimize the physical accessibility to minors, no person shall sell or offer for sale Nicotine Vaporizers or Liquid Nicotine by means of self-service merchandising or any other means other than vendor-assisted sales, unless access to the premises by persons under the age of 18 is prohibited by the person, business, tobacco retailer, or other establishment, or prohibited by law.
3. A retailer or any other establishment that sells Nicotine Vaporizers or Liquid Nicotine may not place such products or devices in an open display unit unless the unit is located in an area to which access is prohibited by persons under the age of 18.
4. It shall be unlawful for a person under the age of 18 to possess Nicotine Vaporizers or Liquid Nicotine.

(c) *Signage requirements.*

Any retailer or any other establishment that sells Nicotine Vaporizers or Liquid Nicotine shall post a clear and conspicuous sign where such products are sold which substantially states the following:

THE SALE OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

Failure to post this sign shall be deemed a violation of this section.

(d) *Prohibitions and requirements regarding mail order, internet, and remote sales of Nicotine Vaporizer and Liquid Nicotine.*

A person, business, tobacco retailer, or other establishment may not make a delivery sale of Nicotine Vaporizer and Liquid Nicotine to a minor. Each person accepting an order for a delivery sale must comply with the age-verification requirements set forth as follows:

A person may not mail, ship, or otherwise deliver Nicotine Vaporizer and Liquid Nicotine in connection with an order for a delivery sale unless, before the delivery to the consumer, the person accepting the order for the delivery sale, obtains from the individual submitting the order a certification that includes:

1. reliable confirmation that the individual is over the age of 18; and
2. makes a good faith effort to verify the information contained in the certification provided by the individual against a commercially available database that may be reasonably relied upon for accurate age information; and
3. obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.

(e) *Penalties.*

1. A violation of subsections (b)(1), (b)(2) or (d) by an individual 18 years of age or older, or a violation of subsections (b)(3) and (c) shall be punished as provided in Section 1-14 of the City's Code. This section shall also be subject to enforcement under chapter 2, section 2-331, et seq. of the City's Code as may be amended.
2. Enhanced penalty. The following enhanced penalty shall be imposed, in addition to any mandatory penalty set forth in

subsection (e)(1) above, for violations of subsections (b)(1)-(3), (c), and (d):

- a. For a first violation, the City Manager or his or her designee may suspend the business tax receipt of the violator, for a period not to exceed six months.
 - b. For a second or subsequent violation within a 12-month period, the City Manager or his or her designee may revoke the business tax receipt of the violator.
3. A violation of subsections (b)(1), (b)(2), (b)(4) or (d) by a minor shall be punished as a non-criminal violation as follows:
- a. For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco program, if locally available;
 - b. For a second violation within 12 weeks of the first violation, a \$25 fine; or
 - c. For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver's license or driving privilege, as provided in Section 322.056, Fla. Stat.
 - d. Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.
 - e. Any person under 18 years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court, appearance is mandatory, within 30 days after the date of the hearing.
 - f. A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified within subsection (e)(3).

Sec. 1-19. Use of Nicotine Vaporizers and Liquid Nicotine Prohibited Near City Parks and Public Schools; Signage Requirements; Additional Restrictions; Penalties.

- (1) It shall be unlawful for any person to use Nicotine Vaporizers and Liquid Nicotine in, on, or within 1,000 feet of the real property comprising a City park. This section does not apply to any person occupying a moving vehicle or within a private residence.
- (2) It shall be unlawful for any person to use Nicotine Vaporizers and Liquid Nicotine in, on, or within 1,000 feet of the real property comprising a public school. This section does not apply to any person occupying a moving vehicle or within a private residence.
- (3) The City shall conspicuously post signs at City parks and public schools where the use of Nicotine Vaporizers and Liquid Nicotine is prohibited, which substantially states the following:

NO VAPOR SMOKING
NO E-CIGARETTES.

- (4) It shall be unlawful to use Nicotine Vaporizers and Liquid Nicotine in, on, or within properties where smoking is prohibited under the Florida Clean Indoor Air Act, Section 386.201 et seq., Florida Statutes. This section shall be subject to enforcement under Section 1-14 and Chapter 2, Section 2-331, et seq. of the City Code as may be amended.

Section 3. Implementation. That the City Manager is hereby authorized to do all things necessary to carry out the aims of this Ordinance, including creating a public education campaign to inform the City's residents, merchants, and visitors about Nicotine Vaporizers and Liquid Nicotine, the harmful effects associated with its use, and new laws regulating the sale, possession and use of Nicotine Vaporizers and Liquid Nicotine.

Section 4. Repeal. That all sections or parts of sections of the Code of Ordinances of the City of Aventura, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Code. That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 7. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

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

- Commissioner Denise Landman _____
- Commissioner Gladys Mezrahi _____
- Commissioner Marc Narotsky _____
- Commissioner Robert Shelley _____
- Commissioner Howard Weinberg _____
- Vice Mayor Dr. Linda Marks _____
- 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, the vote was as follows:

- Commissioner Denise Landman _____
- Commissioner Gladys Mezrahi _____
- Commissioner Marc Narotsky _____
- Commissioner Robert Shelley _____
- Commissioner Howard Weinberg _____
- Vice Mayor Dr. Linda Marks _____
- Mayor Enid Weisman _____

PASSED on first reading on this 7th day of February, 2019.

PASSED AND ADOPTED on second reading on this 12th day of March, 2019.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY