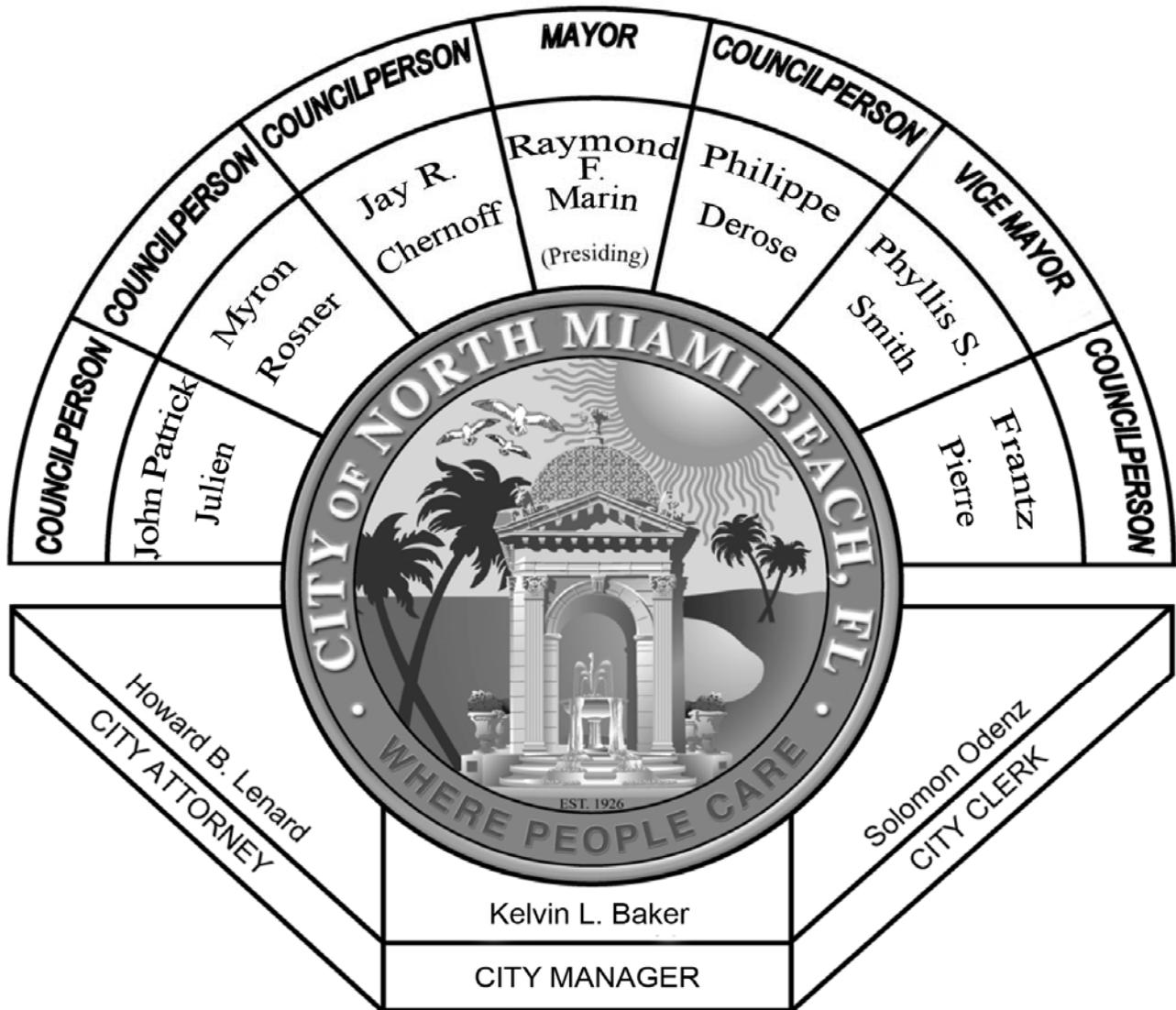


*Welcome  
To A Meeting of the  
City of North Miami Beach City Council  
Your City Officials*



**AGENDA**

**RESCHEDULED MEETING OF THE CITY COUNCIL  
CITY OF NORTH MIAMI BEACH, FLORIDA**

**DATE and TIME:** TUESDAY, SEPTEMBER 9, 2008, 8:00 PM  
(1<sup>ST</sup> PUBLIC HEARING: BUDGET FY 2009-7:00 PM)

**LOCATION:** CITY HALL, 17011 NE 19<sup>th</sup> AVENUE  
2<sup>ND</sup> FLOOR, COUNCIL CHAMBERS

**NEXT CITY COUNCIL MEETING: TUESDAY, SEPTEMBER 23, 2008  
(2<sup>ND</sup> PUBLIC HEARING: BUDGET FY 2009-7:00 PM)**

# AGENDA ITEMS

1. **ROLL CALL OF THE CITY OFFICIALS:**

2. **INVOCATION:**

REVEREND MARTA BURKE  
FULFORD UNITED METHODIST CHURCH

3. **SALUTE TO THE AMERICAN FLAG.**

4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA:**

5. **APPOINTMENTS/PRESENTATIONS:**

A. **APPOINTMENTS:**

NONE

B. **PRESENTATIONS:**

1. SWEARING IN OF NEW CITY MANAGER KELVIN L. BAKER
2. RECOGNITION OF THE NORTH MIAMI BEACH POLICE EXPLORERS BY CHIEF RAFAEL P. HERNANDEZ AND TOM CARNEY, DIRECTOR OF POLICE SERVICES, FOR WINNING 1<sup>ST</sup> PLACE IN THE RECENT REGIONAL EXPLORER COMPETITION.
3. PRESENTATION BY MAYOR RAYMOND F. MARIN AND HARRIET ORR, PARKS AND RECREATION DIRECTOR, OF CERTIFICATES OF ACHIEVEMENT TO THE FOLLOWING CITY OF NORTH MIAMI BEACH LIFEGUARDS WHO MADE LIFE SAVING RESCUES AT VICTORY AND ULETA POOLS DURING THE 2008 SUMMER CAMP PROGRAMS:

LINCING (JACKIE) HERNANDEZ, RECREATION LEAD GUARD  
GUILLERMO D. MARAVI, RECREATION LIFE GUARD  
SAMUEL RANDLE, RECREATION LIFE GUARD  
REGINAL STEELE, RECREATION LIFE GUARD

4. PRESENTATION BY HARRIET ORR, PARKS AND RECREATION DIRECTOR, AND PAULETTE MURPHY, DEPUTY DIRECTOR, OF CERTIFICATES TO CHIEF HERNANDEZ, MICHAEL NOZILE AND A REPRESENTATIVE OF "THE VILLAGE" WEED & SEED PROGRAM AS WELL AS THE FOLLOWING 17 YEAR OLD AND UNDER CHAMPIONS OF THE YOUTH EMPOWERMENT PROJECT BASKETBALL PROGRAM:

JUDE ELYSEE	CEASER HENFIELD
JULES ELYSEE	LYNX PIERRE-LOUIS
ANDREW FOX	KEVIN VIRGILE

6. **APPROVAL OF MINUTES:**

AUGUST 5, 2008 (REGULAR)  
AUGUST 12, 2008 (SPECIAL)  
AUGUST 19, 2008 (CANCELLED)

# AGENDA ITEMS

7. CITY MANAGER'S REPORT:  
KELVIN L. BAKER

NONE

8. CITY ATTORNEY'S REPORT:  
HOWARD B. LENARD

9. SCHEDULED CITIZENS APPEARANCE:

**TO ALL CITIZENS APPEARING UNDER SCHEDULED APPEARANCES:**

THE COUNCIL HAS A RULE WHICH DOES NOT ALLOW DISCUSSION ON ANY MATTER WHICH IS BROUGHT UP UNDER CITIZENS APPEARANCES UNLESS IT IS AN EMERGENCY. WE ARE, HOWEVER, VERY HAPPY TO LISTEN TO YOU. THE REASON FOR THIS IS THAT THE COUNCIL MUST HAVE STAFF INPUT AND PRIOR KNOWLEDGE AS TO FACTS AND FIGURES SO THAT THEY CAN INTELLIGENTLY DISCUSS A MATTER. THE COUNCIL MAY WISH TO ASK QUESTIONS REGARDING THIS MATTER BUT WILL NOT BE REQUIRED TO DO SO. AT THE NEXT OR SUBSEQUENT COUNCIL MEETING YOU MAY, IF YOU SO DESIRE, HAVE ONE OF THE COUNCILPERSONS INTRODUCE YOUR MATTER AS HIS OR HER RECOMMENDATION. WE WISH TO THANK YOU FOR TAKING THE TIME TO BRING THIS MATTER TO OUR ATTENTION.

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**SPEAKING BEFORE THE CITY COUNCIL:**

THERE IS A THREE (3) MINUTE TIME LIMIT FOR SPEAKERS/CITIZENS PARTICIPATION AT ALL PUBLIC HEARINGS AS WELL AS SCHEDULED/UNSCHEDULED CITIZENS APPEARANCE(S). YOUR COOPERATION IS APPRECIATED IN OBSERVING THE THREE (3) MINUTE TIME LIMIT POLICY.

IF YOU HAVE A MATTER YOU WOULD LIKE TO DISCUSS WHICH REQUIRES MORE THAN THREE (3) MINUTES, PLEASE FEEL FREE TO ARRANGE A MEETING OR AN APPOINTMENT WITH THE APPROPRIATE ADMINISTRATIVE OR ELECTED OFFICIAL.

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**NOTE:** IN THE COUNCIL CHAMBERS, CITIZEN PARTICIPANTS ARE ASKED TO COME FORWARD TO THE PODIUM, GIVE YOUR NAME AND ADDRESS, NAME AND ADDRESS OF THE ORGANIZATION YOU ARE REPRESENTING, IF ANY, AND SPEAK ONLY ON THE SUBJECT FOR DISCUSSION.

THANKING YOU VERY MUCH, IN ADVANCE, FOR YOUR COOPERATION.

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**PLEDGE OF CIVILITY**

A RESOLUTION WAS ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH RECOGNIZING THE IMPORTANCE OF CIVILITY, DECENCY AND RESPECTFUL BEHAVIOR IN PROMOTING CITIZEN PARTICIPATION IN A DEMOCRATIC GOVERNMENT. THE CITY OF NORTH MIAMI BEACH CALLS UPON ALL RESIDENTS, EMPLOYEES, AND ELECTED OFFICIALS TO EXERCISE CIVILITY TOWARD EACH OTHER. (RESOLUTION NO. R2007-57, 11/06/07)

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A. STEPHANIE KIENZLE  
1653 N.E. 178 STREET  
NORTH MIAMI BEACH, FL.

RE: THE TRUTH IS OUT THERE.

# AGENDA ITEMS

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## **9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:**

B. BERT KEHREN  
3302 N.E. 171 STREET  
NORTH MIAMI BEACH, FL.

RE: CITY MANAGER.

C. CARMEN KIENZLE  
1653 N.E. 178 STREET  
NORTH MIAMI BEACH, FL.

RE: ME, YOU, RED, WHITE AND BLUE.

D. ALLISON ROBIE  
2131 N.E. 179 STREET  
NORTH MIAMI BEACH, FL.

RE: CONCERNS.

E. MUBARAK KAZAN  
15564 N.E. 12 AVENUE  
NORTH MIAMI BEACH, FL.

RE: CONCERNS.

## **10. MISCELLANEOUS ITEMS:**

NONE

## **11. WAIVER OF FEE:**

NONE

## **12. BUSINESS TAX RECEIPT MATTERS:** **CITY CLERK**

NONE

## **13A. ADMINISTRATION OF TESTIMONY OATH** **(CITY CLERK)**

*RECENT FLORIDA SUPREME COURT RULINGS REGARDING MUNICIPAL ZONING MATTERS REQUIRE ALL CITIZENS WHO WILL BE PRESENT BEFORE THE LEGISLATIVE BODY OR CITY COUNCIL TO FOLLOW THE RULE OF TESTIMONY OATH (CITY CLERK TO ADMINISTER OATH).*

# AGENDA ITEMS

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## **13B. LEGISLATION:**

### **RESOLUTIONS (SERIATIM NO. R2008-37):**

#### **RESOLUTION NO. R2008-34**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CO-DESIGNATING A PORTION OF SOUTH GLADES DRIVE (BETWEEN N.E. 16<sup>TH</sup> AVENUE AND N.E. 19<sup>TH</sup> AVENUE) AS "DETECTIVE JAMES WALKER JR. DRIVE".

#### **RESOLUTION NO. R2008-35**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE WINDWARD NEIGHBORHOOD IN THEIR REQUEST TO MIAMI-DADE COUNTY REGARDING STREET CLOSURES AND TRAFFIC CALMING IN ORDER TO DETER CRIMINAL ACTIVITY AND ACHIEVE AN ENHANCED QUALITY OF LIFE.

#### **RESOLUTION NO. R2008-36**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN ANNUAL PLAN OF SERVICE FOR THE LIBRARY AND AUTHORIZING THE SUBMISSION OF THE FY 08/09 STATE AID APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES.

### **ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2008-20):**

#### **ORDINANCE NO. 2008-13**

AN ORDINANCE FIXING THE MILLAGE RATE FOR AD VALOREM TAXES ON REAL AND PERSONAL PROPERTY IN THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 AND FIXING THE MILLAGE RATES FOR DEBT SERVICE ON THE GENERAL OBLIGATION BONDS, SERIES 200-B AND SERIES 2002A.

#### **ORDINANCE NO. 2008-14**

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008.

#### **ORDINANCE NO. 2008-15**

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR THE MONTHLY PAYMENTS TO THE CITY OF NORTH MIAMI BEACH, AND PROVIDING FOR AN EFFECTIVE DATE.

# AGENDA ITEMS

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## **13B. LEGISLATION - CONTINUED:**

### **ORDINANCES - FIRST READING, BY TITLE ONLY - CONTINUED:**

#### **ORDINANCE NO. 2008-16**

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO PEOPLE'S GAS SYSTEM, INC., A DIVISION OF TAMPA ELECTRIC COMPANY, A FLORIDA CORPORATION, FOR A PERIOD OF THREE (3) YEARS, WITH PROVISION FOR AUTOMATIC RENEWAL FOR SUCCESSIVE THREE (3) YEAR TERMS; SETTING FORTH TERMS AND CONDITIONS, INCLUDING PROVISION THAT CITY IS ENTITLED TO HIGHER FRANCHISE TAX RATE EXTENDED TO ANY OTHER AGENCY IN FLORIDA GRANTING SIMILAR FRANCHISE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

#### **ORDINANCE NO. 2008-17**

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO PIVOTAL UTILITY HOLDINGS, INC., A NEW JERSEY CORPORATION, D/B/A FLORIDA CITY GAS, FOR A PERIOD OF THREE (3) YEARS; SETTING FORTH TERMS AND CONDITIONS, INCLUDING PROVISION THAT CITY IS ENTITLED TO HIGHER FRANCHISE TAX RATE EXTENDED TO ANY OTHER AGENCY IN FLORIDA GRANTING SIMILAR FRANCHISE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

#### **ORDINANCE NO. 2008-18**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CHAPTER 2, ENTITLED "STRUCTURE OF CITY GOVERNMENT", BY ADDING A SECTION PROVIDING FOR LOBBYIST REGISTRATION; PROVIDING FOR LOBBYIST REPORTING REQUIREMENTS; PROVIDING FOR LATE REGISTRATION AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

#### **ORDINANCE NO. 2008-19**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XIX OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "WATER AND SEWERS"; IMPLEMENTING A PREVIOUSLY AUTHORIZED PSC ANNUAL INFLATION ADJUSTMENT; IMPLEMENTING A PREVIOUSLY AUTHORIZED ANNUAL INCREASE IN WATER AND SEWER RATES, FEES, AND CHARGES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

### **ORDINANCES - SECOND AND FINAL READING:**

NONE

# AGENDA ITEMS

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14. UNSCHEDULED CITIZENS APPEARANCES:
  
15. CITY COUNCIL COMMITTEE REPORTS:
  
16. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)
  
17. ADJOURNMENT:
  
18. NEXT CITY COUNCIL MEETING:  
TUESDAY, SEPTEMBER 23, 2008  
(2<sup>ND</sup> PUBLIC HEARING: BUDGET FY 2009)