



DECEMBER 7, 2010
REGULAR MEETING MINUTES
(CNMB-CC MINUTES TAPE #459)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:37 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Beth E. Spiegel, and Council Members Philippe Derose, McKenzie Fleurimond, Frantz Pierre and Phyllis S. Smith. Also present were Acting City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel, and Interim City Clerk Joanne M. Callahan. Councilwoman Barbara Kramer was absent.

2. INVOCATION

Reverend Jonas Georges, All Nations Presbyterian Church, led the invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Rosner led the Pledge of Allegiance.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Interim City Clerk Callahan announced the following changes to the agenda: withdrawal of Item 7.1 Resolution No. R2010-75 (Banning Saggy Pants in Public Places) from the Consent Agenda and correction to Item 6.1: ex-officio member appointments.

5. PRESENTATIONS/DISCUSSIONS

- 5.1** Swearing In of Police Officer Michael Azevedo – Presented By Chief Rafael Hernandez
- 5.2** September 2010 Employee of the Month Award to Carlos Rivero, CIP & Urban Projects Coordinator, Public Works Division – Presented By Councilman Frantz Pierre
- 5.3** NE 35th Avenue Sewer Force Main Replacement Project – Presentation by Fernando J. Alonso, P.E., P.L.S., Miami-Dade Water & Sewer Dept.
- 5.4** The Green Family Foundation Neighborhood HELP (FIU College of Medicine) – Presented by Dr. Luther Brewster and Sophia Lacroix

6. APPOINTMENTS

6.1 Multi-Cultural Committee (Councilman Fleurimond)

Alfredo Munar (ex-officio)

Alicia Munar (ex-officio)

Motion made by Councilman Fleurimond, seconded by Councilwoman Smith, to appoint Alfredo Munar and Alicia Munar as ex-officio members of the Multi-Cultural Committee. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

7. CONSENT AGENDA

Councilwoman Smith requested to pull Item 7.3 R2010-79 from the Consent Agenda. There were no objections.

Motion made by Councilman Derosé, seconded by Councilwoman Smith, to approve the Consent Agenda. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

7.2 Resolution No. R2010-78

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING "THE EMPLOYEE OF THE MONTH" AS AN OFFICIAL AND PERMANENT AWARD OF THE CITY OF NORTH MIAMI BEACH.

7.4 Resolution No. R2010-80

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR ALLEN PARK RECREATION CENTER RENOVATION TO INCLUDE PHASE II FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$150,000, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

7.5 Resolution No. R2010-81

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER REQUEST FOR ADDITIONAL WORK BY FLORIDA ENGINEERING & DEVELOPMENT, CORP., ON HANFORD BOULEVARD, IN NORTH MIAMI BEACH FLORIDA, UNDER ROADWAY IMPROVEMENTS PHASE IV B: THE HANFORD BOULEVARD NE 18TH AVENUE BETWEEN NE 164TH STREET AND SOUTH GLADES DRIVE.

7.6 Resolution No. R2010-82

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE ALLOCATION OF MATCHING FUNDS FROM THE CITY'S GENERAL FUND IN AN AMOUNT NOT TO EXCEED

\$35,000 FOR THE REPAIR AND RESTORATION OF THE FULFORD-BY-THE-SEA FOUNTAIN.

7.7 Resolution No. R2010-83

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KAILAS, CORP. FOR THE N.E. 173 STREET ROADWAY IMPROVEMENTS.

8. CITY MANAGER'S REPORT

Acting City Manager Weisblum reported the following:

- a) The Public Services Department Staff received the 2010 Best in Class Water Conservation Award for Excellence from the American Water Works Association. She thanked all of the employees who participated in this green conservation effort.
- b) The Victory Pool was remaining open during the weekdays and closed during the weekends due to the turnout. The hours will change following the winter season.

8.1 Forfeiture Law Enforcement Trust Fund (LETf) Appropriation Request

In the backup material provided to the Council, it was explained that the asset forfeiture program was a process depriving criminals from the proceeds of their crime, and funds are used to offset any investigative expenses of law enforcement. Police departments can utilize the proceeds from these investigations to offset the costs of certain allowed expenses as provided by Federal Guidelines and State Statutes.

Motion made by Councilwoman Smith, seconded by Councilman Derosé, to approve the appropriation request of \$907,000 from the Federal (Justice) LETf and \$170,000.00 from the State/Local LETf. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

9. CITY ATTORNEY'S REPORT

City Attorney Siegel spoke positively about the conclusion of a trial that the City fared well in. She reported the following three (3) resolutions being presented at the December 21st Council Meeting: a) the banning of saggy pants (revised); b) an agreement with Design Communications for a Digital Sign at the Tennis Center; and c) an agreement with Morris Group for Marketing for the Community Redevelopment Agency. City Attorney Siegel noted that, at the request of Councilman Fleurimond, a resolution would also be presented asking the Legislation to immediately implement the *Pill Mill Legislation* as passed last spring and that ordinances regarding affecting the business tax receipts and zoning requirements would follow.

Chief Hernandez recognized City Attorney Siegel for outstanding representation at the trial.

9.1 Litigation List - *No Discussion*

10. MAYOR'S DISCUSSION - *Waived*

11. PUBLIC COMMENT

Interim City Clerk Callahan read the rules for Public Comment.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke about the budget in comparison to other municipalities and made recommendations regarding the City Manager selection process.

Charles Loeb, 16800 NE 15 Avenue #112, North Miami Beach, FL, spoke about public transportation.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, wished everyone Happy Holidays and spoke about the City not wanting to replace the War Memorial for war heroes, bloated budget and the Mayor's holiday greetings on City benches.

Laura Kallus, Executive Director, and Ron Werner, Board Present, PanZOu Project, 1541 NE 167th Street, North Miami Beach, FL, thanked the residents and City for its support and investment of resources to their agency.

Yona Lunger, Vice President, NMB Chamber of Commerce, 1870 NE 171 Street, North Miami Beach, FL, wished everyone Happy Holidays and thanked the Mayor, City Council, and Staff for attending the Thanksgiving event and supporting the Chamber. He spoke positively about "Coffee with a Cop."

12. MISCELLANEOUS ITEMS – *None*

13. WAIVER OF FEE – *None*

14. BUSINESS TAX RECEIPTS

14.1 Holiday Charities and Promotions, Inc.

Interim City Clerk Callahan explained that Holiday Charities & Promotions, Inc., had applied for a semi-annual Business Tax Receipt (BTR) for the sale of sparklers and fireworks, from 9:00 a.m. to 10:00 p.m. at 199 NE 167 Street - December 23 - December 31, 2010 and 13885 Biscayne Boulevard - December 23 - December 31, 2010. She added that 20% of proceeds were going to "Stop Hunger" and that the BTR was subject to Building and Fire Department approvals. Raul Caminero, 1495 West, Hialeah, FL, was present to answer questions.

Motion made by Councilman Derose, seconded by Councilman Pierre, to approve the semi-annual BTR as presented. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

15. LEGISLATION

Motion made by Councilman Derose, seconded by Councilwoman Smith, to introduce Ordinance No. 2010-28 First Reading, By Title Only. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

15.1 Ordinance No. 2010-28 (First Reading, By Title Only)

AN ORDINANCE AMENDING SECTION 24-147.2(D) POLITICAL SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; LIMITING THE TIME SIGNS MAY BE DISPLAYED; PROVIDING FOR SEVERABILITY;

PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Councilman Derose, seconded by Councilman Pierre, to adopt Ordinance No. 2010-28 on First Reading, By Title Only.

Councilman Pierre noted he had asked this resolution to be drafted by the Legal Department and explained that there were people in the community that had a concern for campaign signs being posted before Feb. 1st. He added that Former Councilman John Patrick Julien suggested at the start of the qualifying period of mid March. Councilman Fleurimond requested the results of the Council vote for Ordinance 2009-15 and then suggested March 1st for consideration. Vice Mayor Spiegel expressed that she was not in favor of restricting the placing of signs to the end of qualifying period because she believed it favored the incumbents and harmed the unknown candidates. Councilwoman Smith expressed that if the election date was changed, the ordinance would need to be changed as well. She added that 40 days was not enough and said she was happy with the ordinance. Councilman Derose expressed that citizens did not like to see too many elections signs during election time in the City and commented that he did not have any objection amending it to March 1st.

Motion made by Councilman Fleurimond, seconded by Councilman Pierre, to amend Ordinance 2010-28 to change the installation date to March 1st. In a roll call, all voted in favor of the motion with the exception of Vice Mayor Spiegel who voted in the negative. (**Motion carried 5-1**).

Motion made by Councilman Fleurimond, seconded by Councilman Pierre, to adopt Ordinance 2010-28 on First Reading, By Title Only as amended. In a roll call, all voted in favor with the exception of Vice Mayor Spiegel who voted in the negative. (**Motion carried 5-1**).

Motion made by Councilman Derose, seconded by Councilman Smith, to introduce Resolution No. R2010-79. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

7.3 Resolution No. R2010-79 *(pulled from the Consent Agenda)*

A RESOLUTION OF THE CITY COUNCIL OF NORTH MIAMI BEACH, FLORIDA; MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION FOR THE FIXED NETWORK AUTOMATED METER READING PROJECT; RE-ACCEPTING THE WATER FACILITY PLAN PREVIOUSLY APPROVED FOR THE VOC PROJECT; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT IN THE AMOUNT OF \$2,434,815; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Motion made by Councilman Derose, seconded by Councilwoman Smith, to adopt Resolution No. R2010-79. Councilwoman Smith expressed concern for Section 3, which authorized the city manager as being the city's representative in carrying out the responsibilities of the loan agreement. She said she was looking for more of a balance with two (2) people. Councilwoman Smith also expressed concern for Section 4. regarding the possibility of that person jeopardizing the water plant as security for a loan. She asked that "other security" be stricken from the resolution.

Motion made by Councilwoman Smith, seconded by Vice Mayor Spiegel, to strike out “other security” in Section 4 of the proposed resolution. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

Karl Thompson, Asst. Utilities Director, was present to answer questions posed by the Council. Acting City Manager Weisblum provided an overview of the project.

Vote: All voted in favor to adopt Resolution No. R2010-79 as amended. **(Motion carried 6-0).**

16. CITY COUNCIL COMMITTEE REPORTS

Vice Mayor Spiegel reminded everyone about recycling collection. She suggested that when the trash receptacles were replaced around the City that they be replaced with a double receptacle, one for trash and one for recycling. Vice Mayor Spiegel noted that a recycling reminder note had been passed to the Mayor at the last meeting and was in the City Clerk’s possession; there was no sunshine violation. She spoke of the Commission on the Status of Women, the Police Department and Public Services supporting a list of needy children with Target gift card donations for the holidays and encouraged Public participation. Vice Mayor Spiegel thanked the Staff for the holiday lighting celebration. She also spoke about educating and recognizing December 7th as the attack on Pearl Harbor. She encouraged everyone to attend Snow Fest on Saturday, December 11th, on 19th Avenue in front of City Hall, featuring a parade at 6:30 p.m., games, food, music, and a snow mountain.

Councilwoman Smith spoke about honoring and thanking our Veterans every day. She recognized the passing of Mrs. Elizabeth Edwards and encouraged everyone to be nice and celebrate life every day. Councilwoman Smith spoke strongly about supporting the Saggy Pants resolution. She directed Acting City Manager Weisblum to have new employees hired under a 401K program. Councilwoman Smith spoke of a standard form for bid selection for those doing business in the City, which included a start date and expiration date. She suggested having a limited time or some kind of deadline where there would be penalties after a certain deadline. She asked Staff to make the changes and get it back to her. Councilwoman Smith recognized Yona Lunger for bringing various people to the Menorah Lighting. She also spoke of attending the Dog Park at Haulover Beach Park Ribbon Cutting. She gave direction to Acting City Manager Weisblum and Community Redevelopment Agency Director Dan Wick to get an extension for the Bus Hub, a 6 million dollar grant project with applications due Dec. 31st. She wished everyone Happy Holidays.

Councilman Fleurimond thanked Residents for their participation in tonight’s meeting. He directed Staff to get approval for the Gun Mount on 19th Avenue as a historic site, so the City can acquire state funding for the refurbishment. He encouraged everyone to volunteer and attend the Multi-Cultural Committee on the second Monday of each month. Councilman Fleurimond spoke about the Fulford United Methodist Church’s Thanksgiving Holiday Feeding, Snowfest and the Chamber of Commerce luncheon at the Water Club. He encouraged resident participation and feedback at the Chamber of Commerce events. He thanked the North Miami Beach High School Parent Teacher Association for having him at a recent meeting and encouraged participation and involvement. Councilman Fleurimond spoke about moving forward with the selection process of the City Manager position; Councilwoman Smith requested City Attorney Siegel to present a draft contract for the city manager position. Councilman Fleurimond wished everyone Happy Holidays.

Councilman Derosé wished everyone a Happy Holiday season and expressed that he supported the idea of new employees being enrolled in a 401K. He said many citizens have contacted him requesting

the Council to reconsider hosting the monthly Town Meetings, where residents can express concerns before the Staff, Mayor and Council.

Councilman Pierre wished everyone a Happy and Healthy Holiday. He said he was also contacted by residents requesting the Council to host the Turkey Drive and Town Meetings again. Councilman Pierre recognized the Police Department for its Neighborhood Special Unit. He noted that on December 2nd, Chief Hernandez, his Staff and Neighborhood Services greeted residents in the community, and that the Police Department was hosting “Freeze Out Crime Night” on December 11th, followed by Snowfest on December 11th. Councilman Pierre also noted that the Police Department’s website listed a 9.2% reduction in crime for the past six (6) months. He announced that the Library would be open during the holidays including Sundays.

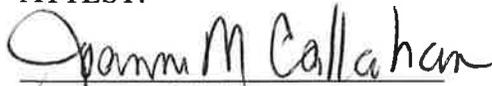
Mayor Rosner noted, on behalf of Councilwoman Smith, a Seniors Meeting on December 15th at 9:00 a.m. and an Economic Development Meeting on December 15th at 5:30 p.m.

17. NEXT REGULAR CITY COUNCIL MEETING – Tuesday, December 21, 2010

18. ADJOURNMENT - There being no further business to come before the City Council, the meeting was adjourned at 9:36 p.m. on a motion made by Councilman Smith and seconded by Councilman Pierre. By consensus, all voted in favor. **(Motion carried 6-0).**

ATTEST:

(S E A L)


Joanne M. Callahan
Interim City Clerk