

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

MAY 18, 2010



PREPARED BY:
SUSAN A. OWENS, CMC, CITY CLERK

MAY 18, MEETING MINUTES
(CNMB-CC MINUTES TAPE #441)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:41 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Philippe Derosé and Council Members Beth E. Spiegel, Barbara Kramer, Frantz Pierre, John Patrick Julien and Phyllis S. Smith. Also present were City Manager Kelvin L. Baker, City Attorney Darcee S. Siegel, City Clerk Susan A. Owens, and Assistant City Clerk Joanne Callahan.

2. INVOCATION

The invocation was given by Reverend Jonas Georges, All Nations Presbyterian Church.

3. PLEDGE OF ALLEGIANCE

Mayor Rosner led the City Council in the Pledge of Allegiance.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Assistant City Clerk Callahan announced that Items #5.3 and #5.4 were requested to be deferred.

5. PRESENTATIONS

5.1 Presentation by Jack Ross of the North Miami Beach Optimist to the Oratorical Award Winners

Highland Oaks 7th Grade student Joseph Levy presented his speech on cyber communication.s Highland Oaks 7th Grade student Sandra Schoenlank presented her speech on excerpts from Alice in Wonderland.

5.2 Presentation of the February Officer of the Month Award to Sergeant Warren Hardison

Presentation was given by Police Chief Rafael Hernandez.

5.3 Presentation of the February Officer of the Month Award to Officer Richard Gauvreau

Item was deferred. (See Item #4)

5.4 Presentation of the February Officer of the Month Award to Officer David Foy

Item was deferred. (See Item #4)

- 5.5 Presentation by Mayor Rosner to Esmond Scott, Assistant Director of Public Services, proclaiming the week of May 16-22, 2010 as *National Public Works Week*

Presentation was given by Mayor Rosner.

- 5.6 Presentation by Mayor Myron Rosner to H. Mark Roth, Public Affairs Officer, Coast Guard Auxiliary, proclaiming the week of May 22-28, 2010 as *Safe Boating Week*

Presentation was given by Mayor Rosner.

6. APPOINTMENTS

- 6.1 **Advisory Committee for Disabled Individuals** (*Mayor Myron Rosner*)

Wayne Bauer (*Re-Appointment*)

Rick Zoehfeld (*Re-Appointment*)

Motion made by Councilwoman Smith, seconded by Councilman Pierre, to re-appoint Wayne Bauer and Rick Zoehfel to the Advisory Committee for Disabled Individuals. In a voice vote, all voted in favor. (**Motion carried 7-0**)

- 6.2 **Civil Service Board** (*Councilwoman Beth E. Spiegel*)

Fortuna Smukler (*Re-Appointment*)

Mamie Lorraine Willis (*Re-Appointment*)

Motion made by Councilwoman Spiegel, seconded by Councilwoman Smith, to re-appoint Fortuna Smukler and Mamie Lorraine Willis to the Civil Service Board. In a voice vote, all voted in favor. (**Motion carried 7-0**)

- 6.3 **Multi-Cultural Board** (*Councilman John Patrick Julien*)

Carlos Ponce

Motion made by Councilman Julien, seconded by Councilwoman Smith, to appoint Carlos Ponce to the Multi-Cultural Board. In a voice vote, all voted in favor. (**Motion carried 7-0**)

- 6.4 **Library Board** (*Councilman Frantz Pierre*)

Dennis E. Berger (*Re-Appointment*)

Deborah Louise Donovan (*Re-Appointment*)

Alberta Williams (*Re-Appointment*)

Tamara Philippeaux

Motion made by Councilman Pierre, seconded by Councilwoman Smith, to re-appoint Dennis E. Berger, Deborah Louise Donovan, and Alberta Williams, and to appoint Tamara Philippeaux to the Library Board. In a voice vote, all voted in favor. (**Motion carried 7-0**)

7. **CONSENT AGENDA**

7.1 April 20, 2010 Meeting Minutes

7.2 Resolution No. R2010-36

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION IN THE AMOUNT OF \$6,297,318 FOR THE MAJOR SEWER REHABILITATION PROGRAM; ACCEPTING THE WASTEWATER FACILITY PLAN AFTER AN ADVERTISED PUBLIC UTILITY COMMISSION MEETING ACCEPTING PUBLIC COMMENT THEREON; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7.3 Resolution No. R2010-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION IN THE AMOUNT OF \$4,201,765 FOR THE INFILTRATION AND INFLOW FACILITIES PROJECT; ACCEPTING THE WASTEWATER FACILITIES PLAN AFTER AN ADVERTISED PUBLIC UTILITY COMMISSION MEETING ACCEPTING PUBLIC COMMENT THEREON; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7.4 Resolution No. R2010-38

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION IN THE AMOUNT OF \$4,000,000 FOR THE VOLATILE ORGANIC CHEMICAL FACILITY; ACCEPTING THE WATER FACILITY PLAN ADDENDUM; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7.5 Resolution No. R2010-39

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO ENTER INTO THE 2010 FLORIDA FOREST HEALTH INITIATIVE GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY.

Motion made by Vice Mayor Derose, seconded by Councilman Pierre, to approve the Consent Agenda. In a voice vote, all voted in favor. (**Motion carried 7-0**)

8. CITY MANAGER'S REPORT – Kelvin L. Baker

8.1 Miscellaneous Updates

Census. Mr. Baker reported that he was optimistic about the City reaching a 60⁺% response rate. The Census is no longer giving participation percentages; but, the enumerators could possibly generate another 20%. Census workers wanted to get the City to the 100% marker. He added that volunteers are still going door-to-door encouraging the community to participate, and that the residents have been very cooperative. Mr. Baker particularly encouraged participation by the residents in Highland Village, Eastern Shores (condo associations), the community directly behind the Government Center, and Sunray East.

Boards/Commissions/Committees. Mr. Baker distributed a copy of the procedure regarding Board and Committee appointments which Assistant City Manager Roslyn Weisblum had developed.

Upcoming Events. May 27, 2010 at 9:00 a.m., the City will be hosting the Miami-Dade County City Managers Association Meeting. The topics of discussion will be Cities Working Better with the County & Procurement Issues. On June 3, 2010 at 9:00 a.m., the City and the South Florida Water Management District Water Advisory Commission will meet.

Federal Appropriation Projects. Mr. Baker stated that there was a good possibility that the City may receive \$2 million dollars in federal funds for the Tennis Center. The City may also receive \$3 million dollars in federal funds for the Volatile Organic Compounds Project; if the City does, then the loans would no longer be needed.

Grants. Mr. Baker reported the City has submitted \$17.2 million dollars of grant submittals, and that the City will remain very aggressive in its grant efforts. The staff made great contacts in Tallahassee in 2009. He further stated that federal and state dollars were scarce, but the City had received positive responses.

Developer Concessions. In response to the discussion that took place at the last meeting regarding developer comments relating to pipe installation, Mr. Baker explained that if a developer proposes a project, there are usually various infrastructure needs; and, as a concession to granting approval, the City will inform the developer what is needed. Mr. Baker stated that in this particular case, the City requested the developer to install additional pipe, so that it will not need to tear up the roads and sidewalks again. The City grants credits on developers' impact fees based upon any agreed upon concessions. He further stated that this was a common practice in the city utility industry.

9. CITY ATTORNEY'S REPORT – Darcee S. Siegel

Poole & Kent Lawsuit. City Attorney Siegel reported that the City was sued for \$37 million dollars regarding a contract dispute involving the Water Plant. She added that it was resolved thanks to the efforts of Public Services and the City Manager; a substantial amount of the retainer was kept and no funds were utilized to resolve the lawsuit.

Mortgage Foreclosures Update. City Attorney Siegel reported that approximately fifteen mortgage foreclosures were sold by auction to the banks recently. She added that liens are automatically wiped out at auction and then Code Enforcement re-cites the new property owners. City Attorney Siegel stated that under Florida Statutes, the banks are now responsible for these properties, and that they are now cleaning them up.

Council Compensation. City Attorney Siegel reported that a resolution on Council Compensation is being prepared for the June 1, 2010 Council Meeting.

10. **MAYOR'S DISCUSSION – *Waived***

11. **PUBLIC COMMENT**

The following individuals appeared before the City Council to express their opinions and concerns:

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke regarding the Police Department, salaries, retirement funds, and contracting with the county.

Charles Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL, spoke regarding the school clinic; bus transportation, North Bay Village, Mayor Dr. Paul Vogel, and the Census.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke regarding the Citizens' Bill of Rights, advertising, and public notices.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL, spoke regarding former Public Services Director Marty King and Census advertising.

Richard Riess, 23 NW 169 Street, North Miami Beach, FL, spoke regarding the Public Utilities Commission, bottled water, and borrowing of funds.

12. **MISCELLANEOUS ITEMS – *None***

13. **WAIVER OF FEE – *None***

14. **BUSINESS TAX RECEIPTS – *None***

15. **LEGISLATION – *None***

16. **CITY COUNCIL COMMITTEE REPORTS**

VICE MAYOR DEROSE

Flag Day. Today is May 18th, Flag Day holiday for the Republic of Haiti. I want to take this opportunity to wish the community Happy Flag Day. Councilman Julien, Happy Flag Day. Councilman Pierre, Happy Flag Day to you, too.

Walk for Haiti. I want to take this great opportunity to thank a young man for his support to the Republic of Haiti. Mr. Zach Collette started walking on April 11, 2010 and ended on May 15, 2010 in Miami. He's doing that just to raise awareness of the earthquake victims in Haiti. I want to commend him for his courage and support to his country.

COUNCILWOMAN SPIEGEL

Memorial Service Singer. The first thing I want to do is publicly acknowledge the young woman who sang at the Police Memorial last week. She had the most incredible voice. I had asked if we could get the address, and her parents asked that we just express whatever we wanted to express through the Police Department. She was amazingly talented, and I thank her for sharing in the moving tribute with us.

Public Utilities Commission (PUC) Appointment. Mr. Riess, it was interesting that you talk about the PUC Board because I have a vacancy and I have started asking for a volunteer. It is my nomination, so I am going to publicly ask for anyone who has the time, the knowledge, the expertise, and the willingness to serve on the PUC, please submit an application to serve on the PUC. Get it to me. I am trying to get new people to serve on city boards, and so I need help from the community. If you can't do it, but you think your neighbor would be good, tell me about your neighbor and I would be happy to call him or her; but, we need some volunteers.

Netbooks. I want to thank the City Manager for getting at least two of us netbooks because, tying into our going green, 303 pages for the one resolution. I read the entire thing online. When pushed came to shove, I printed out 4 pages. That to me was the crux of it. Thank you for saving 700 pages of paper tonight.

Street Smart Family Safety Event. And last, I promised School Board Member Ana Rivas Logan I would publicize this. There is going to be an event this Saturday, May 22, 2010: Street Smart Family Safety Event at Miami Metro Zoo. Take your families. It is going to be free. They are going to have basic self-defense classes, Stranger Danger, fingerprinting, poison control information, safety classes for parents, anti-bullying classes, water safety information, and internet safety classes. It's Saturday, May 22, 2010 from 10:00 a.m. to 2:00 p.m. It's free. If you have kids, take them, go to the Zoo and learn. Make your family safe.

Happy Memorial Day. To everybody that I won't see until after Memorial Day, have a great Memorial Day holiday.

COUNCILWOMAN SMITH

Loan Rates. I want to point out, I understood Mr. Mayor when there is a consent that there is no discussion, so I did not bring up the fact when the Manager and I spoke on these resolutions, we went over the fact that the responsibility of, if this is granted to have these loans, is on the Manager, and we are giving him the responsibility. And in my past experiences with these kinds of contracts, that even though it says that there is a certain limit of what the loan rate should be, which is very low, 3% and even under, and if it goes anything above that or that it gets really out of line, that he will bring it back to the Council. So I thank you for that Mr. Manager, and making sure that our City stays within the guidelines that we want to be.

E-Mail Records. I also want to bring up, thanks to our current Attorney and our Attorney Emeritus, that both of them sent me the article that Miami Lakes has a lot of lawsuits going on, my resolution that I pulled and therefore will let them determine how the guidelines are going to be. And that was the resolution in reference to the e-mails being public record. And I just read one sentence in the article dated Saturday, May 8, 2010 from the Miami Herald, but it says "It casts a light between how local

governments are caught between residents concerns for privacy and adherence to public records laws in a digital age.” Everybody that wanted to tell me in the e-mails, etc. that this isn’t something that should be brought to the attention, it is being brought to the attention in other cities, and we’ll see how that falls.

Law Enforcement Month. I believe that this is Law Enforcement Month and with that, not only do we have a lot of things going on where are Police are out there, but we also have Reserve Officer Anthony Provenzano and tonight’s his very last night. I want to thank him for his service to North Miami Beach and want to congratulate him. He is retiring and this is his last night. And I think we owe him a great deal of gratitude. So let’s bring him forth. We thank you for your service and we thank you so much for what you’ve sacrificed. And we appreciate it and in another half hour he is a retired man, at 12:00 a.m. You’re on duty until 12:00 a.m., okay?

Happy Holidays. To everybody that has holidays, all these holidays. I wish everybody a Happy Holiday.

Oprah’s Live the Best Life You Can Live Event. I just want to add one more thing. I was gone this past week to have the privilege and the pleasure to going with my daughter to Oprah’s three days of Live the Best Life You Can Live in New York with people from all over the world. We walked with a girl, came by herself, newly married from London. A mother with her two daughters from Australia. There were 6,000 – 10,000 people. There were closer to 15,000 people on the walk on Sunday morning. And, I have to tell you, the goal should be that for each of us that when you get up in the morning, try to live the best you can. When you go to bed at night, say I think I have accomplished to the best to my ability, the best life.

Upcoming Meetings. With that, I wanted to remind everybody at 9:00 a.m. we have the Seniors Meeting. I heard it was an outrageous celebration. We have Economic Development at 5:30 p.m. and if anybody would like to come, give me your comments, spend an hour with me, the Focus Group is still on tomorrow night at 7:30 p.m. at the McDonald Center.

COUNCILMAN JULIEN

Happy Holidays. To all of those residents of the Jewish faith, I wish you a Happy Holiday.

Going into the Community. Mr. Manager, I would like to say thank you for coming off of the balcony and going into the valley, so to speak. Only by doing so can we sometime understand what is going on around us. I was touched and very pleased that you were willing to come out of your office and go into the community, so that you can see with your very own eyes what your city looks like and feels like. It’s a gesture that speaks volumes of the character and the person that you truly are. I’m hoping that by coming off of the balcony and coming into the valley, that you have a new found understanding of what is going on around us, and I expect nothing but great things. And obviously, we truly are the envy of a lot of communities. I am very proud of what North Miami Beach is doing, and I know it’s going continue under your leadership, so thank you.

COUNCILWOMAN KRAMER

Board Appointments. I also wanted to remind the residents out there that we do have some openings. Appointments are coming up for some major boards. Planning and Zoning there’s some openings and

the Public Utilities Commission. I also always have an opening on my Recreation Committee, so I would really appreciate some input and some assistance. We have a lot of activities going on. We have parks we need adopted. We can use your help.

Homeless Meter. I want to say finally that we had our ribbon-cutting for our Homeless Meter. It finally has arrived. It is located right in front of City Hall on the west side. But anyway, it's finally there. If you really want to help the homeless, if you want to know that the money that goes into that meter is really taking care of helping people who are on the streets, then you can deposit your change when you come pay your water bill, come pay us a visit. It's a beautiful meter. We are the first city in Miami-Dade County to have this homeless meter, so that's very exciting. I invite other areas in North Miami, businesses, developments, shopping centers, so forth to have one on their property as well, so we can do everything we can to help people get off the streets.

Memorial Day Service. Monday, May 31, 2010 is our Memorial Day Service. It's a very moving experience and I welcome you all to come and see what the City has planned for Memorial Day. It's beautiful; and, with that, have a good evening and we will see you June 1, 2010.

COUNCILMAN PIERRE

Law Enforcement Month. Good evening, on behalf Mayor and Council, I want to say, I would like to transfer my appreciation to the men and women in uniform who dedicate their lives to serve and protect our City. I understand that May is Law Appreciation Month. That should be every month, a celebration. And Chief, on behalf of Mayor and Council, I delegate upon you to tell your troopers how much we appreciate them and thank you for putting their lives in line for all of us.

Happy Holidays. I also understand that we have a different celebration in May. To my Jewish friends, Happy Holidays. My Haitians friends, including on the Council, Happy Flag Day!

MAYOR ROSNER

Happy Holidays. Happy Holidays as well for those celebrating.

17. **NEXT REGULAR CITY COUNCIL MEETING** – Mayor Rosner announced that the next Regular City Council meeting will be Tuesday, June 1, 2010.
18. **ADJOURNMENT** – There being no further business to come before the City Council of the City of North Miami Beach, the Regular Meeting of the City Council of the City of North Miami Beach was adjourned on May 18, 2010 at 9:13 p.m. on a motion by Councilwoman Smith and seconded by Councilman Pierre. In a voice vote, all voted in favor. **(Motion carried 7-0)**

CERTIFICATION

I, SUSAN A. OWENS, CITY CLERK OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES, PAGES ONE (1) THROUGH PAGE EIGHT (8) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS RECORDED AT THE REGULAR CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE 18TH DAY OF MAY, 2010.



SUSAN A. OWENS, CMC
CITY CLERK
CITY OF NORTH MIAMI BEACH

(S E A L)