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MINUTES
(CNMB-CC MINUTES TAPE #426)

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1. ROLL CALL OF THE CITY OFFICIALS:

MAYOR	MYRON ROSNER, PRESIDING
VICE MAYOR	FRANTZ PIERRE- <i>Arrived at 7:20 PM</i>
COUNCILWOMAN	BETH E. SPIEGEL
COUNCILWOMAN	PHYLLIS S. SMITH- <i>Arrived at 7:20 PM</i>
COUNCILMAN	JOHN PATRICK JULIEN
COUNCILMAN	PHILIPPE DEROSE
COUNCILWOMAN	BARBARA KRAMER
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	DARCEE S. SIEGEL
CITY CLERK	SUSAN A. OWENS

2. INVOCATION: RABBI RAPHAEL ROSENBERG, SKYLAKE SYNAGOGUE

3. SALUTE TO THE AMERICAN FLAG

**4. PUBLIC HEARINGS – 7:00 P.M.
ACTUAL START – 7:22 P.M.**

MOTION by COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE to MOVE OUT OF THE REGULAR ORDER OF BUSINESS TO DISCUSS ITEM #7A AND ITEM #16B, RESOLUTION R2009-56. MOTION CARRIED.

ITEM #7(A) PRESENTATION OF A PROCLAMATION TO MIAMI-DADE COUNTY COMMISSIONER SALLY HEYMAN, BY MAYOR MYRON ROSNER FOR HER ASSISTANCE WITH THE 15TH AVENUE ROADWAY IMPROVEMENT PROJECT.

PRESENTATION WAS MADE BY MAYOR ROSNER.

ITEM #16(B) *Resolution R2009-56* - COUNCIL RECOGNIZED COMMISSIONER HEYMAN'S SUPPORT AND THE MIAMI-DADE FIRE DEPARTMENT'S COOPERATION IN NEGOTIATING THE EASTERN SHORES FIRE RESCUE

INTERLOCAL AGREEMENT.

MOTION by VICE MAYOR PIERRE, seconded by COUNCILWOMAN SMITH to MOVE BACK TO THE REGULAR ORDER OF BUSINESS. MOTION CARRIED.

A. **Resolution No. R2009-55** entitled, "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2010 BUDGET OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY AS AMENDED AND CLARIFIED", was introduced by MOTION of COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE. MOTION CARRIED.

MOTION by COUNCILMAN JULIEN, seconded by COUNCILWOMAN SMITH, to ADOPT RESOLUTION NO. R2009-55. MOTION CARRIED.

Name of Party (ies) Appearing:

1. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL

B. **Ordinance No. 2009-19** entitled, "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, 2009 AND FIXING THE MILLAGE RATES FOR DEBT SERVICE ON THE GENERAL OBLIGATION BONDS, SERIES 2000B AND SERIES 2002A", was introduced by MOTION of COUNCILMAN JULIEN, seconded by COUNCILWOMAN SMITH ON ITS SECOND AND FINAL READING.

COUNCILWOMAN SMITH ASKED THE RECORD TO REFLECT THAT SHE VOTED AGAINST THE MILLAGE NOT GOING BACKWARDS. THE COUNCILWOMAN STATED THAT IT MIGHT HAVE BEEN VERY SLIGHT; OUT OF A POPULATION OF 42,000 OR 45,000 PEOPLE, WE HAD THREE OR FOUR COME AND SAY IT'S AN INSULT. SHE STATED THAT WE ARE NUMBER 7 IN THE COUNTY, AND THIS MAY BE OUR LAST OPPORTUNITY. COUNCILWOMAN SMITH RELATED THAT THE RUMORS SHE HEARD IS THAT THE ASSESSED VALUES ARE GOING TO GO DOWN 22% NEXT YEAR. THE COUNCILWOMAN STATED THAT WE HAD AN OPPORTUNITY AS A COUNCIL TO SAY TO OUR PUBLIC THIS IS THE LAST GIFT WE COULD TRY AND GIVE YOU, AS LITTLE AS IT MAY BE; AND, WE VOTED AS A COUNCIL TO PUT IT IN RESERVES. NEXT YEAR WE MAY HAVE TO RAISE THE MILLAGE TO COVER OUR DEBT SERVICE. COUNCILWOMAN SMITH REITERATED THAT SHE WAS ONE THAT WANTED TO REDUCE THE MILLAGE RATE.

COUNCILWOMAN SPIEGEL ASKED THE RECORD TO REFLECT THAT SHE WAS ONE OF THE PEOPLE THAT DID NOT WANT THE MILLAGE RATE REDUCED BECAUSE IT WAS SUCH A MINIMAL SAVINGS TO THE RESIDENTS, AND SHE HAD CONCERNS ABOUT HOW TIGHTLY THE BUDGET HAS BEEN CONFIGURED AND HOW REALISTIC THE REVENUE PROJECTIONS WERE. COUNCILWOMAN SPIEGEL EXPRESSED THAT THE COUNCIL WAS MORE RESPONSIBLE TO KEEP THE MILLAGE RATE WHERE IT IS AND TO HAVE THE FUNDS. COUNCILWOMAN SPIEGEL STATED THAT THE LAST THING SHE WANTED TO SEE WAS THE CITY BOUNCING CHECKS OR NOT HAVING THE FUNDS AVAILABLE. SHE STATED THAT SHE VOTED AS WHAT SHE THOUGHT SHE SHOULD DO AS A RESPONSIBLE COUNCILMEMBER TO ENSURE THAT THIS CITY CAN CONTINUE TO FUNCTION NEXT YEAR AND PROVIDE THE SERVICES THAT WE NEED TO PROVIDE.

MOTION by COUNCILMAN JULIEN, seconded by COUNCILWOMAN SMITH to ADOPT ORDINANCE NO. 2009-19 ON ITS SECOND AND FINAL READING. MOTION CARRIED.
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	NO	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	NO	(VOTE: 5 YES;
COUNCILMAN JULIEN	YES	2 NO)
COUNCILMAN DEROSE	YES	
COUNCILWOMAN KRAMER	YES	
MAYOR ROSNER	YES	

Names of Party(ies) Appearing:

- MARY HILTON
1950 NE 157 Terrace
North Miami Beach, FL
- RICHARD RIESS
23 N.W. 169 Street
North Miami Beach, FL

AT THIS TIME COUNCILMAN JULIEN TOOK A MOMENT TO RECOGNIZE CODE COMPLIANCE MANAGER SHARON RAGOONAN, WHO IS LEAVING THE CITY OF NORTH MIAMI BEACH FOR ANOTHER MUNICIPALITY, AND TO THANK HER FOR HER YEARS OF SERVICE.

- MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL
- SUSAN GOODING-LIBURD, City of North Miami Beach Finance Director
17011 N.E. 19 Avenue
North Miami Beach, FL

C. **Ordinance No. 2009-20** entitled, "AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009", was introduced by MOTION of COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MAYOR ROSNER ASKED THE CITY MANAGER ABOUT THE CITY'S PLANS TO GIVE COUPONS TO THE FAMILIES LIVING IN NORTH MIAMI BEACH THAT WILL BE AFFECTED BY THE CLOSING OF THE HAZEL CRAWFORD DAYCARE CENTER, SO THAT THEIR CHILDREN CAN ATTEND OTHER FACILITIES. THE CITY MANAGER RESPONDED THAT THE CITY IS AWAITING A RESPONSE FROM DERM THAT WOULD DETERMINE WHAT THEIR NEXT STEP WILL BE. THE CITY MANAGER STATED THAT THE CITY HAS PUT THE DAYCARE ON NOTICE THAT THEIR CONTRACT EXPIRES AT THE END OF THE YEAR; AND, THAT BASED ON SOME OF THE ENVIRONMENTAL CONDITIONS AT THE LOCATION, IT WOULD NOT BE THE CITY'S DESIRE TO RENEW THE AGREEMENT. HE EXPLAINED THAT RENEWING THE AGREEMENT WOULD CONFLICT WITH THE CITY DOING THE ENVIRONMENTAL WORK THAT IS REQUIRED BY DERM. THE CITY MANAGER STATED THAT THE RESPONSE TO THE DAYCARE WILL BE BASED UPON HOW MUCH TIME THE CITY IS GRANTED BY DERM TO DO THE MITIGATION AT THE SITE. THE CITY MANAGER STATED THAT THE WAY IT IS SET UP NOW, IF IT ENDED DECEMBER, VOUCHERS WOULD BE GIVEN FOR THE REMINDER OF THE SCHOOL YEAR.

COUNCILMAN DEROSE ASKED THE CITY MANAGER, IF THE CITY SUCCESSFULLY REACHES 50,000 IN THE CENSUS, HOW MUCH MONEY WILL THE CITY GET IN FEDERAL FUNDS. THE CITY MANAGER REPLIED THAT IT WOULD BE BETWEEN \$6-8 MILLION.

COUNCILWOMAN SMITH ASKED ELLEN SNOW, RISK MANAGER, TO CLARIFY WHETHER OR NOT THE CITY'S INSURANCE COMPANY HAD A SUPPLEMENT FOR MEDICARE FOR PEOPLE THAT ARE OLDER THAN 65. ELLEN SNOW REPLIED THAT AVMED DOES HAVE A MEDICARE ADVANTAGE PLAN THAT THE CITY UTILIZED DURING THIS PAST YEAR; AND, THAT ONLY ONE FORMER EMPLOYEE WHO TOOK ADVANTAGE OF IT. COUNCILWOMAN SMITH ASKED IF THE CITY WAS GOING TO IMPLEMENT THAT FOR CURRENT EMPLOYEES THAT ARE OLDER THAN 65. MS. SNOW REPLIED THAT PRESENTLY THE CITY CANNOT, ACCORDING TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, ACTIVELY PARTICIPATE IN PUTTING EMPLOYEES ON A MEDICARE PLAN OR A MEDICARE SUPPLEMENT PLAN. MS. SNOW ADDED THAT THE CITY GROUP POLICY IS PRIMARY FOR ACTIVE EMPLOYEES, NO MATTER HOW OLD THEY ARE. COUNCILWOMAN SMITH STATED THAT WE NEED, AS A COUNCIL, TO NOT ONLY PROVIDE THE BEST INSURANCE BUT TO PROVIDE, INSTEAD OF JUST THROWING THE MONEY AWAY BECAUSE THEY ARE ENTITLED, THAT MAYBE THE BEST POLICY IS REALLY A SUPPLEMENT TO THE MEDICARE. MS. SNOW REPLIED THAT FOR EMPLOYEES AT WORK, THE CITY'S OPTION IS TO PROVIDE THEM ACCESS TO OUR GROUP PLAN, THE SAME AS EVERY OTHER EMPLOYEE. MS. SNOW STATED THAT IS THE CITY'S LEGAL OPTION. THE COUNCILWOMAN REQUESTED THAT THE ATTORNEY CHECK INTO FURTHER WHAT OTHER OPTIONS WE HAVE WITH THAT, AND THAT WE WOULD APPRECIATE A REPORT BACK ON THAT, FOR THE PUBLIC.

COUNCILWOMAN SMITH SUGGESTED TO THE MANAGER IS THAT THIS WEEK COMING UP WE START OUR FIRST WORKSHOP ON THE NEW BUDGET; AND, THAT WE DON'T WAIT TO SEE THAT THE ROOF IS FALLING IN. COUNCILWOMAN SMITH SUGGESTED THAT WE START NOW FOR NEXT YEAR, KNOWING THAT WE ARE GOING TO GET LESS REVENUE.

COUNCILWOMAN SMITH CONFIRMED WITH THE CITY MANAGER THAT OUR CONTRACT WITH THE POLICE DEPARTMENT IS UP NOW. COUNCILWOMAN SMITH ASKED WHETHER, WITHOUT A CONTRACT, IF CHANGES TO THE TAKE HOME CAR POLICY COULD BE IMPLEMENTED IN OCTOBER OR NOVEMBER; OR, WOULD COUNCIL NEED TO WAIT UNTIL THE MANAGER HAS REACHED AN AGREEMENT. THE CITY MANAGER REPLIED THAT IS SOMETHING THAT HAS BEEN DISCUSSED IN THE NEGOTIATIONS NOW. THE MANAGER ADVISED COUNCIL TO WAIT UNTIL HE BRINGS THE MATTER BEFORE THEM. COUNCILWOMAN SMITH WANTED TO KNOW IF WHEN IT COMES BEFORE THEM IF THEY COULD START IMPLEMENTING IT NOW TOWARDS WHAT NEXT YEAR SHOULD BE.

COUNCILWOMAN SPIEGEL RECOGNIZED THAT TWO SPEAKERS MENTIONED THE DROP PROGRAM. SHE STATED THAT IT WAS NOT THIS MANAGER AND FOR THE MOST PART NOT THIS COUNCIL; BUT, IT WAS PASSED AND SO IT'S SOMETHING THAT WE NEED TO GO BACK AND LOOK AT, AND WE WILL.

COUNCILWOMAN SPIEGEL RECOGNIZED ANOTHER SPEAKER THAT BROUGHT UP THE HAZEL CRAWFORD SCHOOLS. COUNCILWOMAN SPIEGEL STATED THAT THERE'S NOT A PERSON SITTING UP HERE THAT DOESN'T WANT TO DO WHAT'S BEST FOR OUR YOUTH; BUT WE HAVE PROBLEM WITH DERM TOO. THE COUNCILWOMAN STATED THAT SHE BROUGHT UP THE IDEA OF MAYBE GOING MONTH TO MONTH SO THAT THESE KIDS COULD STAY IN THEIR SCHOOL UNTIL WE START WITH DERM.

COUNCILWOMAN SPIEGEL STATED THAT SHE WANTED TO SOUND THE ALARM NOW FOR NEXT YEAR'S BUDGET; IT'S GOING TO GET WORSE, BEFORE IT GETS BETTER.

MOTION by COUNCILMAN JULIEN, seconded by COUNCILWOMAN SMITH, to ADOPT ORDINANCE NO. 2009-20 ON ITS SECOND AND FINAL READING. MOTION CARRIED,
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	YES	(VOTE: 7 YES;
COUNCILMAN JULIEN	YES	0 NO)
COUNCILMAN DEROSE	YES	
COUNCILWOMAN KRAMER	YES	
MAYOR ROSNER	YES	

Names of Party(ies) Appearing:

1. MURIEL KEMP
1479 NE 178 Street
North Miami Beach, FL
2. MARY HILTON
1950 NE 157 Terrace
North Miami Beach, FL
3. MARISE HAYDEN
16415 NE 32 Avenue
North Miami Beach, FL
4. RICHARD RIESS
23 NW 169 Street
North Miami Beach, FL
5. CHARLES LOEB
16800 NE 15 Avenue
North Miami Beach, FL
6. FRANCINE SALMON
17325 NE 22 Avenue
North Miami Beach, FL
7. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL

D. Ordinance No. 2009-21 entitled, “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 PSC ANNUAL INFLATION ADJUSTMENT; IMPLEMENTING A PREVIOUSLY AUTHORIZED ANNUAL INCREASE IN WATER AND SEWER RATES, FEES, AND CHARGES; REVISING THE WATER MINIMUM CHARGES; REDUCING THE EMERGENCY WATER CONSERVATION RATES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE”, was introduced by MOTION of COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE to ADOPT ORDINANCE NO. 2009-21 ON ITS SECOND AND FINAL READING. MOTION CARRIED,
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	YES	(VOTE: 7 YES;
COUNCILMAN JULIEN	YES	0 NO)
COUNCILMAN DEROSE	YES	
COUNCILWOMAN KRAMER	YES	
MAYOR ROSNER	YES	

Names of Party(ies) Appearing:

1. RICHARD RIESS
23 NW 169 Street
North Miami Beach, FL
2. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL

5. **CITY COUNCIL REGULAR MEETING – 7:30 P.M.**
ACTUAL START –8:45 P.M.

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

CORRECTION(S): ITEM #9(I)
CORRECTION TO NAME OF YOUTH ADVISORY BOARD APPOINTEE FROM PATRICK BERROUET TO ERICK BERROUET.

RE-ORDERING(S): ITEM #16(B)(1)
MOVED TO BEGINNING OF THE AGENDA.

ITEM #8(B)(Resolution No. R2009-50)
PULLED FROM CONSENT AGENDA; WILL BE HEARD UPON CONCLUSION OF ITEM #16(D).

ITEM #8(B)(Resolution No. R2009-58)
PULLED FROM CONSENT AGENDA; WILL BE HEARD UPON CONCLUSION OF ITEM #16(D).

ITEM #8(B)(Resolution No. R2009-60)
PULLED FROM CONSENT AGENDA; WILL BE HEARD UPON CONCLUSION OF ITEM #16(D).

ITEM #8(B)(Resolution No. R2009-62)

PULLED FROM CONSENT AGENDA; WILL BE HEARD UPON CONCLUSION OF ITEM #16(D).

Resolution No. R2009-56 entitled, "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO PROVIDE FIRE RESCUE SERVICE AT THE EASTERN SHORES RESCUE FACILITY", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR PIERRE to ADOPT RESOLUTION NO. R2009-56. MOTION CARRIED.

Names of Party(ies) Appearing:

1. PEDRO BAST, Miami-Dade Fire Rescue Division Chief
9300 NW 41 Street
Doral, FL
2. RICHARD RIESS
23 NW 169 Street
North Miami Beach, FL
3. DAVID SANTAVERNER
16435 NE 35 Avenue
North Miami Beach, FL
4. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL

AT THIS TIME, MAYOR ROSNER WISHED TO PERSONALLY THANK YAHUDA KAPLUM, MAYOR CARLOS ALVAREZ, COMMISSIONER SALLY HEYMAN, AND ALL OF THE KEY PLAYERS IN BRINGING THIS PARTNERSHIP TO FRUITION. COUNCILWOMAN SMITH WISHED TO ALSO THANK ASSISTANT CITY MANAGER ROSLYN WEISBLUM FOR HER TIRELESS EFFORTS IN THESE NEGOTIATIONS.

7. **PRESENTATIONS**

- A. PRESENTATION OF A PROCLAMATION TO MIAMI-DADE COMMISSIONER SALLY HEYMAN, BY MAYOR MYRON ROSNER, FOR HER ASSISTANCE WITH THE 15TH AVENUE ROADWAY IMPROVEMENT PROJECT.

SEE PAGE 1.

Name of Party (ies) Appearing:

1. TEACHER CARLINE PAUL, Haitian American Youth of Tomorrow
1348 NE 147 Street
Miami, FL

2. DAVID FREDERICK, Haitian American Youth of Tomorrow
1348 NE 147 Street
Miami, FL 33161

AT THIS TIME, THE COUNCIL RETURNED TO THE REGULAR ORDER OF BUSINESS.

8. CONSENT AGENDA

A. APPROVAL OF MINUTES:

1. SEPTEMBER 1, 2009

B. RESOLUTIONS:

Resolution No. R2009-50

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AVMED INC. D.B.A. AVMED HEALTH PLANS, FOR THE SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO, AND GROUP MEDICARE PLAN.

PULLED FROM CONSENT AGENDA; SEE PAGE 20.

Resolution No. R2009-58

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AND URGING THE PASSAGE OF THE DEVELOPMENT RELIEF AND EDUCATION FOR ALIEN MINORS (DREAM) ACT.

PULLED FROM CONSENT AGENDA; SEE PAGES 9-10.

Resolution No. R2009-59

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A LONG RANGE PLAN OF SERVICE FOR THE LIBRARY AND AUTHORIZING THE SUBMISSION OF THE FY09/10 STATE AID APPLICATION TO THE FLORIDA DEPARTMENT OF STATE DIVISION OF LIBRARY AND INFORMATION SERVICES.

Resolution No. R2009-60

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 FLORIDA ENGINEERING AND DEVELOPMENT CORP. FOR THE N.E. 18TH AVENUE ROADWAY IMPROVEMENT PROJECT.

PULLED FROM CONSENT AGENDA; SEE PAGE 20.

Resolution No. R2009-61

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR IMPROVEMENTS TO MISHCON PARK AND THE ARTHUR SNYDER TENNIS CENTER.

Resolution No. R2009-62

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COMMERCE BANK N.A., TO PROVIDE ELECTRONIC ACCOUNTS PAYABLE PROCESSING THROUGH MEANS OF VISA TRANSACTIONS.

PULLED FROM CONSENT AGENDA; SEE PAGE 19.

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN DEROSE to APPROVE THE CONSENT AGENDA AS AMENDED (SEE PAGES 7-8, ITEM #6). MOTION CARRIED.

9. APPOINTMENTS:

A. LIBRARY BOARD (*Vice Mayor Pierre*)

JILL MARIE SUPRASKI (Reappointment)

JEAN BERROUET

MOTION by VICE MAYOR PIERRE, seconded by COUNCILWOMAN SPIEGEL TO REAPPOINT JILL MARIE SUPRASKI, AND TO APPOINT JEAN BERROUET to the LIBRARY BOARD.

MOTION CARRIED.

B. MULTI-CULTURAL COMMITTEE (*Councilman Julien*)

JONATHAN WEITZ (Ex-Officio)

MOTION by COUNCILMAN JULIEN, seconded by COUNCILWOMAN SMITH to APPOINT JONATHAN WEITZ AS EX-OFFICIO MEMBER to the MULTI-CULTURAL COMMITTEE.

MOTION CARRIED.

C. ADVISORY COMMITTEE FOR DISABLED INDIVIDUALS (*Mayor Rosner*)

BRADLEY B. WEITZ, ESQ. (Reappointment)

EVAN SCOTT PIPER (Reappointment)

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN JULIEN to REAPPOINT BRADLEY B. WEITZ, ESQ. AND EVAN SCOTT PIPER to the ADVISORY COMMITTEE FOR DISABLED INDIVIDUALS. MOTION CARRIED.

D. BEAUTIFICATION COMMITTEE (*Councilman Deroose*)

BERNADETTE A. FORDE (Reappointment)

LESLEY KAPLAN (Reappointment)

BRUCE LAMBERTO (Reappointment)

HELEN GOLDBERG (Reappointment)

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH to REAPPOINT BERNADETTE A. FORDE, LESLEY KAPLAN, AND BRUCE LAMBERTO, AND TO APPOINT HELEN GOLDBERG AS EX-OFFICIO to the BEAUTIFICATION COMMITTEE. MOTION CARRIED.

E. COMMISSION ON AGING-SENIOR CITIZENS ADVISORY BOARD

ROBERTA MILLER (Reappointment)

MOTION by COUNCILWOMAN SMITH, seconded by VICE MAYOR PIERRE to REAPPOINT ROBERTA MILLER to the COMMISSION ON AGING- SENIOR CITIZENS ADVISORY BOARD. MOTION CARRIED.

F. COMMISSION ON THE STATUS OF WOMEN (*Councilman Julien*)

ALICE M. BRODER (Reappointment)

RAABIA LILADRIE (Reappointment)

HALLEA M. HALL (Reappointment as Ex-Officio)

EILEEN HASDAY (Ex-Officio)

MOTION by COUNCILMAN JULIEN, seconded by COUNCILWOMAN SMITH to REAPPOINT ALICE M. BRODER AND RAABIA LILADRIE, to REAPPOINT HALLEA M. HALL AS EX-OFFICIO MEMBER, AND to APPOINT EILEEN HASDAY AS EX-OFFICIO MEMBER. MOTION CARRIED.

G. ECONOMIC DEVELOPMENT COMMISSION (*Councilwoman Smith*)

SHARON HOLAS (Reappointment)

DR. EDUARDO RIVAS (Reappointment)

ELENA DeFIGUEROA

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILWOMAN SPIEGEL to REAPPOINT SHARON HOLAS AND DR. EDUARDO RIVAS AND to APPOINT ELENA DeFIGUEROA AS EX-OFFICIO MEMBER to the ECONOMIC DEVELOPMENT COMMISSION. MOTION CARRIED.

H. RECREATION COMMITTEE (*Councilwoman Kramer*)

CARLO DOURA (Reappointment)

ALAN SOKOL (Reappointment)

MOTION by COUNCILWOMAN KRAMER, seconded by COUNCILWOMAN SMITH to REAPPOINT CARLO DOURA AND ALAN SOKOL to the RECREATION COMMITTEE. MOTION CARRIED.

I. YOUTH ADVISORY BOARD (*Vice Mayor Pierre*)

MYKERA CRAWFORD (Reappointment)

JOEL MERCADO (Reappointment)

PATRICK BERROUET ERICK BERROUET (SEE PAGE 9, ITEM #6)

MOTION by VICE MAYOR PIERRE, seconded by COUNCILWOMAN SMITH to REAPPOINT MYKERA CRAWFORD AND JOEL MERCADO, AND to APPOINT ERICK BERROUET to the YOUTH ADVISORY BOARD. MOTION CARRIED.

AT THIS TIME, COUNCILMAN JULIEN WANTED IT NOTED FOR THE RECORD THAT THERE WAS A THIRD BERROUET WHO WANTED TO BE APPOINTED TO THE MULTI-CULTURAL COMMITTEE; AND, THAT THE COUNCILMAN WILL BE MORE THAN HAPPY TO PUT IT ON THE AGENDA ONCE HE RECEIVES THE APPLICATION.

AT THIS TIME, MAYOR ROSNER REQUESTED THAT THE DRAFT FORMAT OF THE CITY HISTORY BOOK BE BROUGHT TO A PRE-COUNCIL MEETING SO THAT THE COUNCIL MAY REVIEW IT BEFORE IT GOES TO THE PUBLISHER.

10. CITY MANAGER'S REPORT – KELVIN L. BAKER:

THE CITY MANAGER REPORTED THAT THE CITY HALL CAFÉ IS IN NEED OF SOME SPECIAL LICENSES, AND WE ARE MAKING SOME HEADWAY WITH GETTING THEM. IN THE MEANTIME, THE CITY MANAGER STATED THAT WE HAD TO TEMPORARILY CLOSE IT DOWN SO THAT WHEN THE INSPECTOR ARRIVES THERE IS NO ACTIVITY THERE. THE CITY MANAGER ASKED EVERYONE TO JUST BEAR WITH US FOR A FEW MORE WEEKS UNTIL OUR CONCESSIONER GETS ALL THE LICENSES IN PLACE TO MAKE SURE EVERYTHING IS PROPER.

AT THIS TIME, MAYOR ROSNER ANNOUNCED THAT THERE WAS AN ARTICLE THIS WEEKEND ABOUT SAFE HAVEN AT RISK, THE PANZOU PROJECT AND THE WEED AND SEED. THE MAYOR REQUESTED THAT THE CITY MANAGER AND POLICE CHIEF RAFAEL P. HERNANDEZ TAKE A MOMENT TO SPEAK ON THOSE ITEMS. THE CITY MANAGER YIELDED TO THE CHIEF ON THIS ITEM. THE CHIEF STATED THAT THE POLICE DEPARTMENT WAS HELPED BY THE CITY MANAGER AND THE LAW ENFORCEMENT TRUST FUND, WHICH DOESN'T COST THE RESIDENTS ANY MONEY, TO MAKE DONATIONS OF \$75,000.00 TO BOTH THE PANZOU PROJECT AND THE WEED AND SEED PROGRAM. COUNCILWOMAN SMITH ASKED CHIEF HERNANDEZ IF HE COULD CONTACT NORTH MIAMI AND SOME OF THE CITIES THAT ARE ALSO BENEFICIAL AND SEE IF THEY WOULD ALSO PARTICIPATE. THE CHIEF REPLIED THAT HE WOULD TRY, BUT THAT HE COULD NOT MAKE ANY PROMISES.

11. CITY ATTORNEY'S REPORT – DARCEE S. SIEGEL:

1. CITY ATTORNEY DARCEE SIEGEL WISHED TO REPORT ON A COUPLE OF ITEMS TO THE COUNCIL. THE CITY ATTORNEY STATED THAT AT THE NEXT PRE-COUNCIL MEETING ON THE 6TH SHE WAS GOING TO BRING BACK TO THE COUNCIL A DRAFT OF THE RAB ORDINANCE. THE CITY ATTORNEY RECOGNIZED THAT WE'VE SPOKEN ABOUT IT IN THE PAST, THE REDEVELOPMENT ADVISORY BOARD. THE CITY ATTORNEY STATED THAT SHE IS GOING TO WORK WITH THE CRA ATTORNEY AND THAT THEY WERE GOING TO PUT SOMETHING TOGETHER BASED ON WHAT OTHER CRAs HAVE, AND WHAT WILL SUIT THE CITY AND WHICH WILL ALSO SUIT WHAT THE COUNCIL WANTS IN THAT PARTICULAR ORDINANCE. SHE STATED THAT SHE WILL BRING IT BACK AS A PRE-COUNCIL ITEM, AS A REPORT AND WITH A DRAFT. COUNCILWOMAN SMITH ASKED THE CITY ATTORNEY IF SHE IS ALSO DOING THE STUDY, AS REQUESTED, BECAUSE THERE ARE PLENTY OF CITIES THAT ARE DISBANDED THAT BOARD COMPLETELY AND SHE WANTED TO MAKE SURE THAT THAT STUDY IS VERY CLEAR FOR ALL OF US. THE CITY ATTORNEY ALSO STATED THAT SHE WANTS TO MAKE SURE THAT SHE HAS THE INPUT FROM THE CRA ATTORNEY AS WELL WHEN WORKING ON IT.

2. THE CITY ATTORNEY ALSO REPORTED THAT CURRENTLY SHE IS STILL WORKING ON THE PANHANDLING ORDINANCE. THE CITY ATTORNEY WANTED THE COUNCIL TO KNOW THAT IT HAS NOT FALLEN BY THE WAYSIDE. SHE STATED THAT SHE HAS GATHERED PANHANDLING AND SOLICITATION ORDINANCES FROM VARIOUS CITIES THROUGHOUT THE STATE; AND, THAT SHE IS ALSO GOING TO PUT SOMETHING TOGETHER, THE CITY ATTORNEY STATED THAT SHE DOESN'T KNOW IF THAT'S GOING TO COME BACK AS A PRE-COUNCIL ON THE 6TH OR THE 20TH, BUT SHE WANTED THE COUNCIL TO KNOW THAT SHE IS WORKING ON THAT AS WELL. THE CITY ATTORNEY STATED THAT YOU CAN SEE THAT THERE WAS A LOT OF ITEMS ON THE AGENDA THIS EVENING. WE'VE BEEN VERY BUSY IN HER OFFICE AND WE WILL CONTINUE TO BE SO.

AT THIS TIME, COUNCILWOMAN SMITH ASKED WHEN THE AUDITORS WERE COMING BACK. THE CITY MANAGER REQUESTED THAT THE COUNCIL PUSH BACK ITS SCHEDULED MEETING WITH THE AUDITOR TO OCTOBER 20TH, SINCE THE NEW AUDITOR HAS NOT BEEN SELECTED YET.

AT THIS TIME, THE CITY CLERK ANNOUNCED THAT THE COMMUNITY REDEVELOPMENT AGENCY WAS ATTEMPTING TO SCHEDULE ANOTHER COMMUNITY REDEVELOPMENT AGENCY WORKSHOP; AND, THAT THEY WERE TENTATIVELY LOOKING AT OCTOBER 6TH, POSSIBLY BEFORE THE PRE-COUNCIL MEETING. MAYOR ROSNER ASKED WHAT THE SUBJECT MATTER OF THE MEETING WOULD BE. DAN WICK, COMMUNITY REDEVELOPMENT AGENCY COORDINATOR, ANNOUNCED THAT IT WAS THE SECOND PART OF THE PREVIOUS CRA WORKSHOP. COUNCIL CONSENSUS WAS TO HOLD THE WORKSHOP AT 5:00 P.M. ON OCTOBER 6, 2009.

12. PUBLIC COMMENT:

1. CHARLES LOEB
16800 NE 15 Avenue
North Miami Beach, FL

RE: SCHOOL OPEN HOUSE, COUNTY-RUN FREE DAYCARE PROGRAM, FLORIDA HOMELESS EDUCATION, FP&L RATES, WATER AND SEWER BILLING FORMAT AND TIMEFRAMES, HOMELESS EDUCATION BROCHURE, AND FUNDING FOR PANZOU PROJECT.

2. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL

RE: PANZOU PROJECT, RESPECT FOR RESIDENTS, GANG ACTIVITY, CRIME RATE, SWITCHING TO THE MIAMI-DADE COUNTY POLICE DEPARTMENT.

13. MISCELLANEOUS ITEMS:

NONE

14. WAIVER OF FEE:

NONE

15. BUSINESS TAX RECEIPT MATTERS - CITY CLERK:

- A. SEAY TOWING, INC
15699 WEST DIXIE HIGHWAY
NORTH MIAMI BEACH, FL

RONALD ISRIEL, ATTORNEY
AL COLLETA, PRESIDENT

RE: RE-HEARING OF SEAY TOWING BUSINESS TAX RECEIPT REVOCATION

MOTION by VICE MAYOR PIERRE, seconded by COUNCILMAN DEROSE, to RE-HEAR THE REVOCATION OF SEAY TOWING'S BUSINESS TAX RECEIPT. MOTION FAILED,
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	NO	
COUNCILWOMAN SMITH	NO	(VOTE: 2 YES;
COUNCILMAN JULIEN	NO	5 NO)
COUNCILMAN DEROSE	YES	
COUNCILWOMAN KRAMER	NO	
MAYOR ROSNER	NO	

B. BAMBOO BANQUET ROOM

1222 NE 163 Street
North Miami Beach, FL

MAN WA YEUNG, PRESIDENT
MOW TAI YAN, SECRETARY/TREASURER

RE: REVOCATION OF BUSINESS TAX RECEIPT

COUNCILWOMAN SPIEGEL ASKED IF IT WAS PROPER FOR A PRIVATE CITIZEN, RATHER THAN THE CITY, TO BRING FORWARD A REVOCATION OF BUSINESS TAX RECEIPT. THE CITY ATTORNEY RESPONDED THAT, TO HER KNOWLEDGE, THIS HAS NEVER OCCURRED. SHE ADDED THAT NORMALLY THE CITY WILL BRING SOMETHING BEFORE THE BOARD AND RECOMMEND THAT REVOCATION TAKE PLACE. THE CITY ATTORNEY EXPLAINED THAT THIS ITEM WAS PUT ON THE AGENDA AS AN ACCOMMODATION BY ONE OF THE COUNCIL MEMBERS AT THE LAST COUNCIL MEETING; AND, IT WAS VOTED UPON BY THE MAJORITY OF THE COUNCIL TO ALLOW IT TO OCCUR. AFTER MUCH DISCUSSION REGARDING THE LEGALITIES OF HEARING AN ITEM BROUGHT FORWARD BY A PRIVATE CITIZEN, THE COUNCIL DECIDED TO WITHDRAW THIS ITEM; AND, INSTEAD, ALLOW BOTH PARTIES THREE MINUTES FOR PUBLIC COMMENT.

MAYOR ROSNER PASSED THE GAVEL TO THE VICE MAYOR, IN ORDER TO MAKE A MOTION.

MOTION by MAYOR ROSNER, seconded by COUNCILWOMAN SPIEGEL to WITHDRAW THIS REVOCATION OF BUSINESS TAX RECEIPT FROM THE AGENDA. MOTION CARRIED,
WITH COUNCILMAN JULIEN AND VICE MAYOR PIERRE VOTING IN THE NEGATIVE, AND COUNCILWOMAN SMITH ABSENT.

Names of Party(ies) Appearing for Public Comment Only:

1. FRANK WOLLAND, P.A.
12865 West Dixie Highway
North Miami Beach, FL
 2. JOSEPH PAGLINO
1270 NE 162 Street
North Miami Beach, FL
 3. MOW TAI YAN (PAUL), Bamboo Banquet Hall Secretary/Treasurer
1232 NE 163 Street
North Miami Beach, FL
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16. LEGISLATION

A. 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)

B. RESOLUTIONS - (SERIATIM NO. R2009-63):

RESOLUTION NO. R2009-56

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO PROVIDE FIRE RESCUE SERVICE AT THE EASTERN SHORES RESCUE FACILITY.”

SEE PAGE 8.

RESOLUTION NO. 2009-57, entitled “A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ELIMINATING CITY PAID HEALTH CARE BENEFITS FOR ALL CURRENT AND FUTURE ELECTED OFFICIALS OF THE CITY OF NORTH MIAMI BEACH; ELIMINATING CITY PAID HEALTH INSURANCE DEDUCTIBLES AND COINSURANCE FOR CURRENT AND FUTURE ELECTED OFFICIALS OF THE CITY OF NORTH MIAMI BEACH; INCREASING LIFE INSURANCE BENEFITS FOR ALL CURRENT AND FUTURE ELECTED OFFICIALS OF THE CITY OF NORTH MIAMI BEACH AND INCREASING THE SALARY PAID TO ALL CURRENT AND FUTURE AND ELECTED OFFICIALS OF THE CITY OF NORTH MIAMI BEACH”, was introduced by MOTION of VICE MAYOR PIERRE, seconded by COUNCILWOMAN SMITH.

MOTION CARRIED.

MOTION by VICE MAYOR PIERRE, seconded by COUNCILWOMAN SPIEGEL to ADOPT RESOLUTION R2009-57.

THE CITY ATTORNEY STATED THAT SHE WAS ASKED BY A COUNCILMEMBER IF THE CITY HAS ANY EXPOSURE TO A FOURTEENTH AMENDMENT CONSTITUTIONAL VIOLATION IF THE BENEFITS REMAIN AS THEY ARE. THE CITY ATTORNEY OPINED THAT YES THERE COULD BE SOME EXPOSURE.

MOTION by VICE MAYOR PIERRE, seconded by COUNCILWOMAN SPIEGEL to AMEND RESOLUTION NO. R2009-57 TO REMOVE THE WORD "CAN" FROM THE SECOND WHEREAS CLAUSE AND TO ADOPT AS AMENDED RESOLUTION NO. R2009-57. MOTION FAILED,
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	NO	
COUNCILWOMAN SMITH	NO	(VOTE 1 YES;
COUNCILMAN JULIEN	NO	6 NO)
COUNCILMAN DEROSE	NO	
COUNCILWOMAN KRAMER	NO	
MAYOR ROSNER	NO	

MOTION by COUNCILMAN JULIEN, seconded by VICE MAYOR PIERRE TO RECONSIDER RESOLUTION NO. R2009-57. MOTION CARRIED,
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	NO	(VOTE: 4 YES;
COUNCILMAN JULIEN	YES	3 NO)
COUNCILMAN DEROSE	NO	
COUNCILWOMAN KRAMER	YES	
MAYOR ROSNER	NO	

MOTION by COUNCILWOMAN KRAMER, seconded by VICE MAYOR PIERRE to AMEND RESOLUTION NO. R2009-57 TO REFLECT THE FOLLOWING:

1. SECTION 5: COUNCIL MEMBERS' SALARY WAS CHANGED TO \$35,000.00 PER YEAR.
2. SECTION 6: MAYOR'S SALARY WAS CHANGED TO \$40,000.00 PER YEAR.
3. TO REMOVE THE WORD "CAN" FROM THE SECOND WHEREAS CLAUSE.

AND TO APPROVE RESOLUTION NO. R2009-57 AS AMENDED. MOTION CARRIED,
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	NO	(VOTE: 5 YES;
COUNCILMAN JULIEN	YES	2 NO)
COUNCILMAN DEROSE	NO	
COUNCILWOMAN KRAMER	YES	
MAYOR ROSNER	YES	

 AT THIS TIME, THE COUNCIL AGREED TO MOVE OUT OF THE REGULAR ORDER OF BUSINESS TO BRING FORWARD RESOLUTION NO. R2009-62.

RESOLUTION NO. R2009-62, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COMMERCE BANK N.A. TO PROVIDE ELECTRONIC ACCOUNTS PAYABLE PROCESSING THROUGH MEANS OF VISA TRANSACTIONS", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN. MOTION CARRIED.

 AT THIS TIME, THE CITY CLERK ADVISED THE MAYOR THAT THE TIME WAS NOW 11:58 P.M. AND, ACCORDING TO THE COUNCIL RULES OF PROCEDURE, AN AFFIRMATIVE VOTE OF THE COUNCIL IS NEEDED TO CONTINUE PAST 12:00 A.M.

MOTION by COUNCILWOMAN SMITH, seconded COUNCILWOMAN SPIEGEL TO EXTEND THE MEETING PAST MIDNIGHT TO COMPLETE THE REMAINING AGENDA ITEMS.
MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR PIERRE to ADOPT RESOLUTION NO R2009-62.
MOTION CARRIED.

Names of Party(ies) Appearing:

1. SUSAN GOODING-LIBURD, City of North Miami Beach Director of Finance
 17011 NE 19 Avenue
 North Miami Beach, FL
2. CHRISTINA PUJOLT, Commerce Bank Representative
 7240 SW 110 Terrace
 Pinecrest, FL
3. BRUCE CORAM, Commerce Bank Representative
 1124 Hanover Circle
 Stockbridge, GA

RESOLUTION NO. R2009-50, entitled "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 AVMED INC. D.B.A. AVMED HEALTH PLANS, FOR THE SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO, AND GROUP MEDICARE PLAN", was introduced by MOTION of COUNCILMAN DEROSE, seconded by VICE MAYOR PIERRE. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, SECONDED by COUNCILMAN JULIEN to ADOPT RESOLUTION NO. R2009-50. MOTION CARRIED.

Names of Party(ies) Appearing:

1. ELLEN SNOW, City of North Miami Beach Risk Manager
17011 NE 19 Avenue
North Miami Beach, FL

RESOLUTION NO. 2009-60, entitled "A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FLORIDA ENGINEERING AND DEVELOPMENT CORP. FOR THE N.E. 18TH AVENUE ROADWAY IMPROVEMENT PROJECT", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN, to ADOPT RESOLUTION NO. 2009-60. MOTION CARRIED.

17. CITY COUNCIL COMMITTEE REPORTS:

A. VICE MAYOR PIERRE:

1. VICE MAYOR PIERRE STATED GOOD EVENING TO NORTH MIAMI BEACH. VICE MAYOR PIERRE STATED THAT HE WANTED TO THANK THE CITY EMPLOYEES AND THE CITY MANAGER FOR WORKING HARD ON THE BUDGET. THE VICE MAYOR STATED THAT HE KNOWS THE MANAGER HAS NOT HAVE MUCH SLEEP FOR THE PAST THREE MONTHS. VICE MAYOR PIERRE STATED THAT MAYBE HE CAN HAVE A DAY OFF TOMORROW.
2. VICE MAYOR PIERRE STATED THAT TONIGHT HE THINKS WE HAVE ACCOMPLISHED A LOT. THE VICE MAYOR STATED THAT THE AMBULANCE THING HAS BEEN TAKEN CARE OF, THE HEALTH INSURANCE CO-PAY HAS BEEN TAKEN CARE OF, THE DREAM ACT HAS BEEN SUPPORTED AND PANZOU AND WEED & SEED ARE HERE TO STAY. VICE MAYOR PIERRE STATED THAT HE THINKS WE'VE ACCOMPLISHED A LOT, AND HE WISHED EVERYONE A GOOD NIGHT.

B. COUNCILWOMAN SPIEGEL:

1. COUNCILWOMAN SPIEGEL WANTED TO THANK THE CITY EMPLOYEES ALSO; AND, I PARTICULARLY WANT TO THANK PATRICK WHO IS UNFAILINGLY NICE AND HELPS HER WITH HER COMPUTER PROBLEMS. THE COUNCILWOMAN STATED THAT SHE DOES APPRECIATE THAT. COUNCILWOMAN SPIEGEL STATED THAT SHE WANTED TO THANK HIM AND OUR CLERK, WHO ENABLED HER TO LISTEN TO OUR LAST MEETING.
2. COUNCILWOMAN SPIEGEL WANTED TO WISH EVERYBODY, THE JEWISH MEMBERS OF OUR COMMUNITY, A L'SHANAH TOVAH, AN EASY FAST. COUNCILWOMAN SPIEGEL STATED THAT SHE HAD A CLIENT WHO EXPLAINED TO HER, SHE THINKS WE'VE MISSED THE FIRST THREE DAYS OF RAMADAN, BUT TO THOSE OF OUR MEMBERS WHO SHE SHOULD HAVE SAID A HAPPY RAMADAN TO TWO WEEKS AGO, SHE APOLOGIZES AND SAYS IT NOW. COUNCILWOMAN SPIEGEL WISHED EVERYONE A GOOD NIGHT.

C. COUNCILMAN SMITH:

1. COUNCILWOMAN SMITH WISHED TO DIRECT THE CITY MANAGER AGAIN TO SET UP A WORKSHOP AS SOON AS POSSIBLE FOR NEXT YEAR'S BUDGET. COUNCILWOMAN SMITH STATED THAT IN OUR OWN CITY'S PRINTOUT FOR THE BIDS, THE SAYING LAST WEEK WAS BY FAILING TO PREPARE YOU'RE PREPARING TO FAIL. COUNCILWOMAN SMITH STATED THAT SHE THINKS WE NEED TO START RIGHT NOW FOR PREPARING FOR WHAT'S GOING TO BE AND WHERE WE CAN MAKE MOVES AND HOW WE CAN MAKE WHAT MONEY WE HAVE WORK TO THE BETTERMENT OF THE CITY.
2. COUNCILWOMAN SMITH WISHED TO ADDRESS THE MANAGER, THE ATTORNEY, AND THE CLERK. COUNCILWOMAN SMITH STATED THAT THESE AGENDAS, AGAIN SHE ASKED RESPECTFULLY, THAT THEY NOT BE SO FULL. THE COUNCILWOMAN STATED THAT SHE HAS BEEN ON THIS COUNCIL FOR OVER TWO YEARS; MANY TIMES WE WANTED TO PUT SOMETHING ON THE AGENDA AND IT WAS TOO FULL, WE COULDN'T AND WE HAD TO WAIT. COUNCILWOMAN SMITH STATED THAT WHEN YOU JAM THESE AGENDAS, IT'S NOT THE LENGTHY HOUR, IT'S THE FACT THAT THE PUBLIC IS THE ONE THAT LOSES WHEN THE AGENDA IS SO FULL; AND, THE PUBLIC WE'RE HERE, THAT'S WHAT WE REPRESENT. THE COUNCILWOMAN REQUESTED THAT THEY RESPECTFULLY TO DO THAT.

3. COUNCILWOMAN SMITH STATED THAT SHE HAD THE PRIVILEGE, THE ABSOLUTE PRIVILEGE, TO BE INCLUDED AT THE FUNERAL FOR THE THREE HAITIAN WOMEN THAT WERE UNKNOWN THAT ON MAY 18TH WERE LOST OFF WEST PALM BEACH. COUNCILWOMAN SMITH STATED THAT AS A 'BOAT PERSON', YOUNG WOMEN IN THEIR 20's, THE MORGUE KEPT THEM UP THERE FOR THREE OR FOUR MONTHS UNTIL THEY TRIED TO FIND OUT WHO THEY WERE. MAYBE FAMILY WOULD COME AND CLAIM THE; BUT, THE FAMILY WAS AFRAID AND SO THEY HAD TO GET THEM OUT OF THERE AFTER FOUR MONTHS. AND THERE WAS A FUNERAL SERVICE THAT REALLY, SHE HAD TO SAY, SHE SAT THERE. THE COUNCILWOMAN STATED THAT THE MAYOR FROM NORTH MIAMI WAS THERE; AND, SHE CAN ONLY SAY IT ABSOLUTELY SAID WHY WE ARE HERE FOR POLITICS, WHY WE ARE HERE. COUNCILWOMAN SMITH STATED THAT WE OWE IT TO EVERYBODY THAT LIVES IN THIS COUNTRY TO MAKE THE BEST COUNTRY FOR THEM BECAUSE THEY HAVE THE OPPORTUNITY AND THERE ARE MANY PEOPLE THAT GIVE THEIR LIFE TO TRY TO HAVE THAT OPPORTUNITY. THE COUNCILWOMAN WISHED THAT THEY MAY REST IN PEACE.

4. COUNCILWOMAN SMITH ALSO WANTED TO WISH TO THE PEOPLE THAT ENJOYED THEIR RAMADAN. COUNCILWOMAN SMITH STATED THAT SHE HOPED THAT THAT WAS A WONDERFUL HOLIDAY FOR THEM AND THAT THEY WILL CONTINUE TO HAVE A GOOD LIFE. THE COUNCILWOMAN STATED THAT, FOR THE JEWISH FAITH, SHE JUST HOPED THAT THEY HAVE AN EASY FAST AND THAT YOU KNOW THAT NEXT YEAR HOPEFULLY WILL BE BETTER FOR ALL OF US. COUNCILWOMAN SMITH STATED THANK YOU AND GOODNIGHT.

D. COUNCILWOMAN JULIEN:

1. COUNCILMAN JULIEN STATED GOOD MORNING TO EVERYONE. COUNCILMAN JULIEN STATED MR. MANAGER, REAL QUICKLY, COUNCILWOMAN SPIEGEL STATED IT BUT THE COUNCILMAN WANTED TO ELABORATE JUST A LITTLE BIT. COUNCILMAN JULIEN STATED THAT HE WANTED TO THANK PATRICK AND LORI OF THE I.T. DEPARTMENT FOR DOING A FANTASTIC JOB, AT MY REQUEST. THE COUNCILMAN STATED THAT HE WAS SURE YOU GOT A COPY OF IT; THEY CREATED A GREAT FLOW-CHART, ORGANIZATIONAL FLOW-CHART FOR ME. THE COUNCILMAN STATED THAT IT WAS VERY INTERACTIVE; YOU COULD CLICK ON EACH DEPARTMENT AND IT WOULD TAKE YOU TO A SUMMARY PAGE OF THE BUDGET. COUNCILMAN JULIEN STATED THAT HE HAD TO TELL YOU THAT THAT WAS INVALUABLE IN HELPING HIM COMMUNICATE WITH THE MULTITUDE OF RESIDENTS THAT STARTED OFF WANTING TO HANG HIM AND THEN EVENTUALLY UNDERSTOOD WHERE IT IS HE WAS

TRYING TO GET TO. COUNCILMAN JULIEN STATED, AGAIN, PATRICK, THANK YOU AS ALWAYS FOR A GREAT JOB. COUNCILMAN JULIEN STATED WITH THAT, THANK YOU.

E. COUNCILMAN DEROSE:

1. COUNCILMAN DEROSE GOOD MORNING TO EVERYONE; AND, FOR THE JEWISH PEOPLE, L'SHANAH TOVAH

F. COUNCILMAN KRAMER:

1. COUNCILWOMAN KRAMER WANTED TO APOLOGIZE TO HER COLLEAGUES FOR GETTING A LITTLE EMOTIONAL THIS EVENING. BUT SHE WAS VERY PASSIONATE ABOUT THAT ONE PARTICULAR RESOLUTION. COUNCILWOMAN KRAMER STATED THAT SHE THINKS WE MADE THE RIGHT DECISION AND SHE HOPES THE PUBLIC FEELS THAT WAY AS WELL
2. COUNCILWOMAN KRAMER WANTED TO WISH EVERYONE A HAPPY NEW YEAR IN THE JEWISH FAITH, HAPPY RAMADAN TO MY DEDICATED CITIZEN OUT THERE, MUBARAK KAZAN, AND ALL HIS BROTHERS AND SISTERS, AND AN EASY FAST TO ALL OF US AGAIN THAT ARE GOING TO BE OBSERVING YOM KIPPUR. COUNCILWOMAN KRAMER WISHED EVERYONE A GOOD MORNING.

G. MAYOR ROSNER'S REPORT:

1. MAYOR ROSNER STATED L'SHANAH TOVAH, HAVE AN EASY FAST EVERYONE, AND GOOD NIGHT.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH WAS ADJOURNED AT 12:15 A.M. ON A MOTION by COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE. MOTION CARRIED.

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 TWENTY FOUR (24) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS TAPE RECORDED AT THE SECOND PUBLIC BUDGET HEARING AND THE SPECIAL CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE TWENTY-SECOND (22ND) DAY OF SEPTEMBER, 2009.

(SEAL)

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