

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

OCTOBER 6, 2009



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

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MINUTES

(CNMB-CC MINUTES TAPE #427)

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1. ROLL CALL OF THE CITY OFFICIALS:

MAYOR	MYRON ROSNER, PRESIDING
VICE MAYOR	FRANTZ PIERRE
COUNCILWOMAN	BETH E. SPIEGEL
COUNCILWOMAN	PHYLLIS S. SMITH
COUNCILMAN	PHILIPPE DEROSE
COUNCILWOMAN	BARBARA KRAMER
COUNCILMAN	JOHN PATRICK JULIEN
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	DARCEE S. SIEGEL
CITY CLERK	SUSAN A. OWENS

2. **INVOCATION:** REVEREND MARTA BURKE, FULFORD UNITED METHODIST CHURCH

3. **SALUTE TO THE AMERICAN FLAG**

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

ADDITION(S): **ITEM #5**
PRESENTATION OF APPRECIATION BY THE NORTH MIAMI BEACH SUN DEVILS YOUTH FOOTBALL AND CHEERLEADING LEAGUE TO POLICE CHIEF RAFAEL P. HERNANDEZ FOR THE CITY'S CONTINUED SUPPORT OF THE PROGRAM TO BE MADE AT BEGINNING OF AGENDA.

ITEM #11
PRESENTATION BY COUNCILMAN JULIEN TO BE MADE AT THE CONCLUSION OF PUBLIC COMMENT.

PRESENTATION OF APPRECIATION BY THE NORTH MIAMI BEACH SUN DEVILS YOUTH FOOTBALL AND CHEERLEADING LEAGUE TO POLICE CHIEF RAFAEL P. HERNANDEZ FOR THE CITY'S CONTINUED SUPPORT OF THE PROGRAM.

PRESENTATION WAS MADE BY LEAGUE COMMISSIONER IYANNA HARRIS, BOARD MEMBER GEORGE GABRIEL, AND REPRESENTATIVES OF LEAGUE STAFF AND YOUTH PARTICIPANTS.

5. **PRESENTATIONS**

A. PRESENTATION OF PROCLAMATION BY MAYOR MYRON ROSNER PROCLAIMING OCTOBER 10, 2009 AS *PUT THE BRAKES ON FATALITIES DAY*.

PRESENTATION WAS MADE BY MAYOR MYRON ROSNER.

B. PRESENTATION OF CERTIFICATE OF APPRECIATION BY COUNCILMAN JOHN PATRICK JULIEN TO J & S PROCUTS BARBERSHOP.

PRESENTATION WAS MADE BY COUNCILMAN JOHN PATRICK JULIEN.

C. PRESENTATION OF CERTIFICATE OF APPRECIATION BY COUNCILMAN JOHN PATRICK JULIEN TO EDMIR WATTS.

PRESENTATION WAS MADE BY COUNCILMAN JOHN PATRICK JULIEN.

6. **APPOINTMENTS:**

A. PLANNING & ZONING BOARD (*Councilwoman Spiegel*)

HECTOR MARRERO

MOTION by COUNCILWOMAN SPIEGEL, seconded by COUNCILWOMAN SMITH to APPOINT HECTOR MARRERO to the PLANNING & ZONING BOARD. MOTION CARRIED.

B. CODE ENFORCEMENT BOARD (*Councilman Julien*)

DR. THOMAS K. PINDER

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN JULIEN to APPOINT DR. THOMAS K. PINDER to the CODE ENFORCEMENT BOARD. MOTION CARRIED.

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

DR. THOMAS K. PINDER

MOTION by COUNCILMAN JULIEN, seconded by VICE MAYOR PIERRE to APPOINT DR. THOMAS K. PINDER to the MULTI-CULTURAL COMMITTEE. MOTION CARRIED.

7. **MAYOR'S DISCUSSION**

A. ROBERT'S RULES OF ORDER

B. PUBLIC DISCUSSION

C. COUNCIL DISCUSSION

MAYOR ROSNER STATED THAT IN LIGHT OF SEVERAL COMPLAINTS ABOUT THE LENGTH OF THE COUNCIL MEETINGS, NEW PARAMETERS WERE ADOPTED. THE MAYOR LISTED THESE PARAMETERS AND PROVIDED A SUMMARY OF THE APPLICABLE RULES FROM ROBERT'S RULES OF ORDER.

COUNCILWOMAN SPIEGEL REQUESTED THAT THIS ITEM BE PLACED ON THE NEXT COUNCIL CONFERENCE FOR FURTHER DISCUSSION AND THAT THE CITY ATTORNEY

PREPARE A MEMO ON WHAT IS MANDATED BY THE STATE AND WHAT IS NOT. COUNCIL AGREED.

8. CONSENT AGENDA

A. APPROVAL OF MINUTES:

SEPTEMBER 8, 2009

B. RESOLUTIONS:

Resolution No. R2009-64

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY (CRA) TO PROVIDE MATCHING FUNDS IN THE AMOUNT OF \$550,000.00 FOR ALLOCATION OF AWARDED FUNDS FROM THE MIAMI-DADE COUNTY SAFE NEIGHBORHOODS PARKS (SNP) BOND PROGRAM GRANT IN THE AMOUNT OF \$183,375.00 FOR IMPROVEMENTS TO MISHCON PARK.

Resolution No. R2009-65

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AGREEMENTS WITH TRAN CONSTRUCTION INCORPORATED, JERRY'S CUSTOM LANDSCAPING INCORPORATED, AND VILA & SON LANDSCAPING FOR THE PURCHASE, DELIVERY, INSTALLATION, AND REMOVAL OF TREES AND PALMS FOR THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN KRAMER to ADOPT THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED.

9. CITY MANAGER'S REPORT
KELVIN L. BAKER

- A. REQUEST APPROVAL FOR EXPENDITURE OF \$922,500.00 FROM THE FEDERAL LAW ENFORCEMENT TRUST FUND AND \$673,610.00 FROM THE STATE/LOCAL LAW ENFORCEMENT TRUST FUND (*POLICE CHIEF P. HERNANDEZ*).

MOTION by COUNCILWOMAN SMITH, seconded by VICE MAYOR PIERRE to APPROVE THE REQUESTED EXPENDITURES FROM THE FEDERAL AND STATE/LOCAL LAW ENFORCEMENT TRUST FUNDS. MOTION CARRIED.

Names of Party(ies) Appearing:

1. MICHAEL NOZILLE, Executive Director for Weed & Seed
1528 N.E. 152 TER
North Miami Beach, FL.

2. LAURA KALLIS, Executive Director for Panzou Project
1541 N.E. 167 ST
North Miami Beach, FL.
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10. **CITY ATTORNEY'S REPORT**
DARCEE S. SIEGEL

- A. THE CITY ATTORNEY STATED THAT COUNCILWOMAN SMITH HAD ASKED HER AT THE LAST COUNCIL MEETING ABOUT INSURANCE BENEFITS. THE CITY ATTORNEY STATED THAT SHE MET WITH ELLEN SNOW, ASSISTANT DIRECTOR OF HUMAN RESOURCES, AND RESIDENT MURIEL KEMP ON OCTOBER 1ST TO ADDRESS MRS. KEMP'S CONCERNS REGARDING THE CITY'S GROUP HEALTH INSURANCE COVERAGE, SPECIFICALLY THE MEDICARE SUPPLEMENT COVERAGE FOR EMPLOYEES OVER THE AGE OF 65. THE CITY ATTORNEY STATED THAT SHE PROVIDED MRS. KEMP WITH INFORMATION FROM THE CENTERS OF MEDICARE AND MEDICAID SERVICES. THE CITY ATTORNEY STATED TO THE COUNCIL THAT SHE TOLD MRS. KEMP THAT THE CENTER FOR MEDICARE AND MEDICAID STATES THAT AN EMPLOYER CANNOT OFFER, SUBSIDIZE, OR BE INVOLVED IN THE ARRANGEMENT OF A MEDICARE SUPPLEMENT POLICY WHERE THE LAW MAKES MEDICARE THE SECONDARY PAYOR. MEDICARE IS SECONDARY TO A GROUP HEALTH PLAN FOR INDIVIDUALS AGE 65 IF THE EMPLOYER HAS TWENTY OR MORE EMPLOYEES. THE CITY ATTORNEY STATED THAT THE BOTTOM LINE IS THAT THE CITY LEGALLY CANNOT OFFER OR EVEN MENTION TO THE EMPLOYEE THE OPTION. THE CITY ATTORNEY FURTHER STATED THAT NOW, BY THE FACT THAT SHE IS REPORTING TO THE COUNCIL AND THIS IS ON TELEVISION, IF AN EMPLOYEE ON THEIR OWN ELECTS TO GO THAT ROUTE OR THEY WANT TO GET THAT KIND OF COVERAGE, THAT'S ONE THING. THE CITY ATTORNEY REITERATED THAT THE EMPLOYER CANNOT OFFER IT, OR SUBSIDIZE IT, OR ANYTHING OF THAT NATURE. EMPLOYEES CAN GO GET THEIR OWN PRIVATE THING AND DO THAT; BUT, THE CITY CANNOT LEGALLY DO THAT. THE CITY ATTORNEY STATED THAT THE MEDICARE HANDBOOK STATES THAT AN EMPLOYER IS REQUIRED TO OFFER TO THEIR EMPLOYEES AGE 65 OR OVER, AND TO THE AGE 65 OR OVER SPOUSES OF EMPLOYEES OF ANY AGE, THE SAME COVERAGE THAT THEY OFFER TO EMPLOYEES AND EMPLOYEES' SPOUSES UNDER AGE 65. THE CITY CANNOT HAVE DIFFERENT TREATMENT. THOSE EMPLOYEES HAVE TO BE OFFERED THE SAME EXACT BENEFIT OR COVERAGE AS THE OTHER INDIVIDUALS. THIS EQUAL RULE APPLIES TO COVERAGE OFFERED TO ALL ELIGIBLE EMPLOYEES. THE CITY ATTORNEY STATED THAT THE MEDICARE BENEFICIARIES ARE FREE TO REJECT THE EMPLOYER PLAN COVERAGE; IT IS THEIR OPTION. IN WHICH CASE, THEY WOULD RETAIN MEDICARE AS THEIR PRIMARY COVERAGE. THE CITY ATTORNEY STATED THAT, UNDER THE LAW, THE EMPLOYERS MAY NOT SPONSOR OR CONTRIBUTE TO INDIVIDUAL MEDIGAP OR MEDICARE SUPPLEMENT POLICIES FOR BENEFICIARIES WHO HAVE, OR WHOSE SPOUSE HAS, CURRENT EMPLOYMENT STATUS. IN TERMS

OF MEDICARE COVERAGE FOR FORMER EMPLOYEES AGE 65 OR OVER. THEY ARE ELIGIBLE TO CONTINUE COVERAGE UNDER THE CITY'S GROUP HEALTH PLAN. AVMED, THE CITY'S CURRENT CARRIER, HAS A MEDICARE ADVANTAGE PPO AND HMO PLAN AVAILABLE; HOWEVER, SINCE THIS PLAN IS ONLY AVAILABLE TO RESIDENTS OF MIAMI-DADE AND BROWARD COUNTIES, THE CITY IS EXPLORING AVAILABILITY OF OTHER MEDICARE PLANS. THE CITY ATTORNEY STATED THAT SHE BELIEVES THAT THAT PLAN EXPIRES IN JANUARY; AND, CURRENTLY, THE CITY STAFF IS LOOKING FOR OTHER OPTIONS TO PROVIDE FOR CITY RETIREES.

B. THE CITY ATTORNEY PROVIDED NOTICE OF A MEETING AND ATTORNEY-CLIENT SESSION. THE CITY ATTORNEY STATED THAT THIS NOTICE WILL BE PUBLISHED IN THE PAPER; BUT, IS ALSO REQUIRED BY LAW, UNDER FLORIDA STATUE 286.011, TO BE STATED AT A PUBLIC MEETING. THE CITY ATTORNEY REMINDED THE COUNCIL THAT THERE ARE ONLY TWO CIRCUMSTANCES IN WHICH AN ATTORNEY-CLIENT SESSION CAN BE HELD; ONE IS TO DISCUSS PENDING LITIGATION AND THE OTHER IS TO DISCUSS LABOR NEGOTIATIONS. THE CITY ATTORNEY STATED THAT NOTICE IS HEREBY GIVEN THAT ON TUESDAY, OCTOBER 20TH, 2009 AT 5:00 P.M., OR AS SOON AS POSSIBLE THEREAFTER, THERE SHALL BE CONVENED AN ATTORNEY-CLIENT SESSION OF THE CITY OF NORTH MIAMI BEACH. THE PURPOSE OF THE SESSION SHALL BE TO MEET WITH LEGAL COUNSEL TO DISCUSS SETTLEMENT STRATEGY IN THE MATTER OF NATIVIDAD HERNANDEZ, KRYSTLE HERNANDEZ, AND DANNY D. HERNANDEZ, INDIVIDUALLY AND AS CO-PERSONAL REPRESENTATIVES, OF THE ESTATE OF DANNY HERNANDEZ VERSUS THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAYOR OF CITY OF NORTH MIAMI BEACH, FL, POLICE CHIEF OF CITY OF NORTH MIAMI BEACH, FL, AND RUBEN V. VASQUEZ, ESQ. AS PERSONAL REPRESENTATIVE OF THE ESTATE OF EVENS JANVIER, DECEASED. THE CASE NUMBER IS 08-20724-CIV-GOLD. THE MEETING SHALL BE HELD IN THE COUNCIL CONFERENCE ROOM, 4TH FLOOR, AT CITY OF NORTH MIAMI BEACH CITY HALL LOCATED AT 17011 NE 19 AVENUE, NORTH MIAMI BEACH, FLORIDA. IT IS ANTICIPATED THAT THE ATTORNEY-CLIENT SESSION SHALL BE APPROXIMATELY THIRTY (30) MINUTES IN LENGTH. IN ATTENDANCE WILL BE THE FOLLOWING INDIVIDUALS: MAYOR MYRON ROSNER, VICE MAYOR FRANTZ PIERRE, COUNCILMAN JOHN PATRICK JULIEN, COUNCILMAN PHILIPPE DEROSE, COUNCILWOMAN PHYLLIS SMITH, COUNCILWOMAN BARBARA KRAMER, COUNCILWOMAN BETH SPIEGEL, CITY MANAGER KELVIN BAKER, AND CITY ATTORNEY DARCEE SIEGEL.

C. THE CITY ATTORNEY GAVE A SHOUT OUT TO HER SON ADAM, WHO IS AT THE UNIVERSITY OF ROCHESTER, WHO HE AND HIS FRIENDS RIGHT NOW SHOULD BE LISTENING TO THEIR PROFESSOR AT THEIR CHEMISTRY CLASS. THEY HAVE LAB REVIEW EVERY TUESDAY EVENING; AND, HE IS WATCHING THE COUNCIL MEETING ON THE COMPUTER. HE JUST INFORMED HER THAT HE IS HAVING A HARD TIME HEARING IT THIS EVENING. THE CITY ATTORNEY ASKED IF ANYONE CAN CHANGE THAT. THE CITY ATTORNEY

STATED THAT SHE JUST WANTED TO SAY HI, AND THAT SHE APPRECIATES HIM LISTENING.

11. PUBLIC COMMENT

- A.** BERT KEHREN
3302 N.E. 171 ST
North Miami Beach, FL
RE: COUNCIL SALARIES
- B.** SAMANTHA SUAYA
16570 N.E. 35 AVE
North Miami Beach, FL
RE: PUBLIC COMMENT AND COUNCIL SALARIES
- C.** CHARLES LOEB
16800 N.E. 15 AVE
North Miami Beach, FL
RE: COUNCIL SALARIES AND CHARITY DONATIONS, FUNDING FOR PANZOU, FREE DAYCARE PROGRAM, UPCOMING TRANSPORTATION AND TRANSIT MEETINGS, TIMING OF COUNCIL REPORTS, AND MAVERICKS HIGH CEREMONY
- D.** MURIEL KEMP
1479 N.E. 178 ST
North Miami Beach, FL
RE: COUNCIL OUT OF POCKET HEALTH EXPENSE REIMBURSEMENTS
- E.** MARILYN BAUMOEHL
18635 N.E. 20 CT
North Miami Beach, FL
RE: COUNCIL SALARIES
- F.** BARBARA FALSEY
3660 N.E. 166 ST
North Miami Beach, FL
RE: COUNCIL SALARIES
- G.** JULIUS LITTMAN
3545 N.E. 166 ST
North Miami Beach, FL
RE: CITY BUDGET AND EASTERN SHORES FIRE RESCUE STATION AGREEMENT, COUNCIL SALARIES, INVITATION TO GRAND OPENING OF FREE CHILDREN'S CLINIC, AND SECURITY DOWNSTAIRS

- H.** RICHARD RIESS
23 N.W. 169 ST
North Miami Beach, FL
RE: RECENT CHARTER AMENDMENTS AND COUNCIL SALARIES
- I.** BRUCE LAMBERTO
3420 N.E. 165 ST
North Miami Beach, FL
RE: COUNCIL SALARIES AND TRAVEL BENEFITS
- J.** MARIA HAUCK
2023 N.E. 179 ST
North Miami Beach, FL
RE: COUNCIL SALARIES
- K.** SANDY VALLEJO
2940 N.E. 174 ST
North Miami Beach, FL
RE: COUNCIL SALARIES
- L.** GEORGE VALLEJO
2940 N.E. 174 ST
North Miami Beach, FL
RE: COUNCIL SALARIES
- M.** MUBARAK KAZAN
2940 N.E. 174 ST
North Miami Beach, FL
RE: RUNNING OF MEETINGS, ROBERT'S RULES OF ORDER, PUBLIC PARTICIPATION, CHARTER AMENDMENT 5, AND COUNCIL SALARIES
- N.** ALLISON ROBIE
2131 N.E. 179 ST
North Miami Beach, FL
RE: COUNCIL SALARIES, COUNCIL OUT OF POCKET HEALTH EXPENSE REIMBURSEMENTS, AND POSSIBLE REFERENDUM FOR THESE ITEMS
- O.** NORMAN EDWARDS
1640 N.E. 175 ST
North Miami Beach, FL
RE: COUNCIL SALARIES AND JOB DUTIES

P. ROBERT TAYLOR
1951 N.E. 157 TER
North Miami Beach, FL

RE: RUNNING OF MEETINGS

Q. COUNCILMAN JOHN PATRICK JULIEN
17011 N.E. 19 AVE
North Miami Beach, FL

COUNCILMAN JULIEN STATED THAT HE REQUESTED TO SPEAK IN ORDER TO CLEAR UP A COUPLE OF THINGS. THE COUNCIL LOOKED INTO THE ISSUE OF SIMPLY RESCINDING BENEFITS, BUT THERE WERE ISSUES OF VESTED RIGHTS AND POTENTIAL LITIGATION. BASED UPON INFORMATION REQUESTED FROM STAFF, THE COUNCILMAN MADE A PRESENTATION ON WHAT THIS AND PREVIOUS COUNCILS HAVE COST THE CITY AND HOW MUCH WOULD HAVE BEEN SAVED OVER THE YEARS IF THE \$35,000 AND \$40,000 SALARIES HAD BEEN IMPLEMENTED THEN. WHAT THE COUNCILMAN STATED THAT HE WANTED TO SHOW HERE IS WHAT HAPPENS WITH AN UNLIMITED AMOUNT THAT YOU CAN GET REIMBURSED.

12. MISCELLANEOUS ITEMS

NONE

13. WAIVER OF FEE

NONE

14. BUSINESS TAX RECEIPT MATTERS
CITY CLERK

A. DOUGLAS GARDENS CMHC MIAMI BEACH, INC.
d/b/a DOUGLAS GARDENS A.C.L.F.
17000-17030 N.E. 21 AVENUE
NORTH MIAMI BEACH, FL

DANIEL T. BRADY, EXECUTIVE DIRECTOR

RE: REQUEST APPROVAL OF A BUSINESS TAX RECEIPT FOR A RESIDENTIAL TREATMENT FACILITY AS PER RESOLUTION NO. R86-26, R86-26A, AND R86-26B (ANNUAL APPROVAL)

MOTION by VICE MAYOR PIERRE, seconded by COUNCILMAN DEROSE, to APPROVE THE ISSUANCE OF A BUSINESS TAX RECEIPT. MOTION CARRIED.

Names of Party(ies) Appearing:

1. DANIEL BRADY, Executive Director of Douglas Gardens
17000 N.E. 21 AVENUE
NORTH MIAMI BEACH, FL

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- B. PLATINUM SOUTH, INC., A FLORIDA CORP.**
d/b/a DEAN'S GOLD
2355 N.E. 163 STREET
NORTH MIAMI BEACH, FL

ALAN ROSENTHAL, ATTORNEY

RE: APPROVAL OF BUSINESS TAX RECEIPT FOR EXTENSION OF HOURS –
4:00 A.M. TO 6:00 A.M. (ANNUAL APPROVAL)

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to APPROVE THE
ISSUANCE OF A BUSINESS TAX RECEIPT FOR AN EXTENSION OF HOURS.

MOTION CARRIED.

WITH VICE MAYOR PIERRE VOTING IN THE NEGATIVE.

Names of Party(ies) Appearing:

1. ALAN ROSENTHAL, Attorney for Platinum South
20900 N.E. 30 AVE
Aventura, FL

-
- C. SMG ENTERTAINMENT, INC. *and* SMG ENTERTAINMENT, INC.**
d/b/a SWEET DREAMS **d/b/a ENCORE**
17450 BISCAYNE BOULEVARD 17450 BISCAYNE BOULEVARD
NORTH MIAMI BEACH, FL NORTH MIAMI BEACH, FL

NORMAN POWELL, ATTORNEY

RE: APPROVAL OF BUSINESS TAX RECEIPT FOR EXTENSION OF HOURS –
4:00 A.M. TO 6:00 A.M. (INITIAL 6 MONTH APPROVALS)

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to APPROVE AN
INITIAL 6 MONTH ISSUANCE OF A BUSINESS TAX RECEIPT FOR AN EXTENSION OF HOURS.
SUBJECT TO FINAL APPROVAL BY THE MIAMI-DADE COUNTY FIRE DEPARTMENT AND
SALE OF THE PROPERTY.

MOTION CARRIED.

WITH VICE MAYOR PIERRE VOTING IN THE NEGATIVE.

Names of Party(ies) Appearing:

1. NORMAN POWELL, Attorney for SMG Entertainment
17100 N.E. 19 AVE
North Miami Beach, FL

COUNCILWOMAN SMITH WISHED TO NOTE FOR THE RECORD THAT ALAN ROSENTHAL AND NORMAN POWELL HAVE BOTH REGISTERED AS LOBBYISTS FOR THEIR CLIENTS' RESPECTIVE ITEMS.

15. 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. R2002-66):**

Resolution No. R2009-49 entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH SHARPTON BRUNSON & COMPANY, P.A., AS THE FIRST RANKED FIRM; KEEFE, MCCULLOUGH & CO. LLP, AS THE SECOND RANKED FIRM; AND MCGLADERY & PULLEN, LLP, AS THE THIRD RANKED FIRM, FOR INDEPENDENT FINANCIAL AUDITING SERVICES", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to ADOPT RESOLUTION NO. R2009-49. MOTION CARRIED.

COUNCILWOMAN SMITH REQUESTED CLARIFICATION FOR THE RECORD AS TO WHETHER THERE WOULD BE A CONFLICT OF INTEREST IN MR. TONY BRUNSON SERVING AS THE CITY AUDITOR. THE CITY FINANCE DIRECTOR, SUSAN GOODING-LIBURD, STATED THAT THERE WOULD NOT BE ANY CONFLICT OF INTEREST.

Names of Party(ies) Appearing:

1. TONY BRUNSON, Senior Partner at Sharpson Brunson & Company
1 S.E. 3 AVE, SUITE 2100
Miami, FL
2. SUSAN GOODING-LIBURD, City of North Miami Beach Finance Director
17011 N.E. 19 AVE
North Miami Beach, FL

3. BRIAN O'CONNOR, City of North Miami Beach Chief Procurement Officer
17011 N.E. 19 AVE
North Miami Beach, FL.
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C. ORDINANCES – FIRST READING, BY TITLE ONLY:

NONE

D. ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2009-17 entitled "AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION OF A PROPERTY REZONED BY CITY OF NORTH MIAMI BEACH ORDINANCE NO. 96-1 ON FEBRUARY 6, 1996", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MOTION by VICE MAYOR PIERRE, seconded by COUNCILMAN JULIEN, to ADOPT ORDINANCE NO. 2009-17 ON ITS SECOND AND FINAL READING.

MOTION CARRIED.

WITH 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. ROBERT NIX, City of North Miami Beach Community Development Director
17011 N.E. 19 AVE
North Miami Beach, FL.
 2. MUBARAK KAZAN
15564 N.E. 12 AVE
North Miami Beach, FL.
-

ORDINANCE NO. 2009-18 entitled "AN ORDINANCE AMENDING CHAPTER X OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED SUBDIVISION AND FLOODPLAIN STANDARDS; UPDATING THE LANGUAGE TO BE CONSISTENT WITH THE FLORIDA MODEL FLOOD DAMAGE PREVENTION ORDINANCE AND TITLE 44, CODE OF FEDERAL REGULATIONS; DESIGNATING THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE AS

THE FLOODPLAIN ADMINISTRATOR; ESTABLISHING INTERDEPARTMENTAL ADMINISTRATIVE REQUIREMENTS; DEFINING TERMS; PROVIDING FOR ONE FOOT OR FREEBOARD IN REQUIRED FLOOR ELEVATIONS; UPDATING THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD TO THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS; AND MAKING SUCH OTHER AMENDMENTS AS MAY IMPROVE THE CITY'S STANDING IN THE COMMUNITY RATING SYSTEM, AND ENSURE COMPLIANCE WITH FEDERAL REGULATIONS PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE, was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN ON ITS SECOND AND FINAL READING. MOTION CARRIED.

AT THIS TIME MAYOR ROSNER PASSED THE GAVEL TO VICE MAYOR PIERRE IN ORDER TO MAKE THE FOLLOWING MOTION.

MOTION by MAYOR ROSNER, seconded by COUNCILMAN JULIEN to TABLE ORDINANCE NO. 2009-18. 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	

Name of Party (ies) Appearing:

1. ROBERT NIX, City of North Miami Beach Community Development Director
17011 N.E. 19 AVE
North Miami Beach, FL
2. MARLEN MARTELL
17374 S. Glades DR
North Miami Beach, FL
3. MUBARAK KAZAN
15564 N.E. 12 AVE
North Miami Beach, FL

AT THIS TIME THE VICE MAYOR PIERRE PASSED THE GAVEL BACK TO MAYOR ROSNER.

16. CITY COUNCIL COMMITTEE REPORTS

A. VICE MAYOR PIERRE:

1. VICE MAYOR PIERRE GREETED EVERYONE A GOOD EVENING. FIRST AND FOREMOST HE STATED THAT HE WOULD LIKE TO WISH A HAPPY AND HEALTHY HOLIDAY TO ALL HIS JEWISH FRIENDS. HE DID NOT KNOW HOW TO SAY IT IN THEIR LANGUAGE, BUT THEY KNOW WHAT HE MEANS.

2. VICE MAYOR PIERRE THANKED THE MEMBERS OF THE COMMUNITY THAT SHOWED UP TONIGHT TO SHARE THEIR CONCERNS. THE VICE MAYOR STATED THAT HE WANTED TO GET THE RECORD STRAIGHT. HE IS ALL IN FAVOR OF HAVING THE PUBLIC PARTICIPATING IN OUR RESOLUTIONS OR ORDINANCES, EVEN THOUGH WE DON'T HAVE TO. HE STATED THAT HE THINKS IT IS PART OF THE PROCESS; AND, HE THINKS EVERYBODY, INCLUDING THE RESIDENTS, BENEFIT FROM THE DISCUSSION. HE ALSO LEARNED FROM TONIGHT THAT FOR MANY YEARS OUR RESIDENTS HAVE BEEN KEPT IN THE DARK; AND, THE NUMBERS THAT WERE PUBLISHED BY COUNCILMAN JULIEN JUST PROVE IT. THE VICE MAYOR STATED THAT THE PUBLIC IS WELCOME EVERY TIME WE HAVE AN OPEN DISCUSSION. EVERY TIME WE HAVE A RESOLUTION, HE WOULD URGE HIS COLLEAGUES TO ADOPT THE PRINCIPLE OF INVITING OUR PEOPLE TO OUR DEBATE. WHEN IT CAME TO THE CITY MANAGER, NO DISCUSSION. WHEN IT CAME TO ADJUSTING THE SALARIES, NO DISCUSSION. THE VICE MAYOR STATED THAT HE PERSONALLY DOES NOT FEEL COMFORTABLE WITH THAT. VICE MAYOR PIERRE ALSO STATED THAT HE PERSONALLY FEELS THAT HE DID THE RIGHT THING, THAT WE DID THE RIGHT THING. HE DOES NOT THINK HE WOULD HAVE CHANGED HIS MIND BASED ON THE NUMBERS. THE VICE MAYOR STATED THAT THE MORE HE STUDIED, THE MORE HE FELT WE DID THE RIGHT THING. HE FURTHER STATED THAT BY INVITING THE COMMUNITY TO PARTICIPATE THEY WILL BE MORE EDUCATED, THEY WILL LEARN MORE. THOSE NUMBERS PROVE THAT THEY WERE KEPT IN THE DARK FOR SO MANY YEARS; ONLY GOD KNOWS FOR HOW LONG. HE STATED THAT HE WAS GLAD THAT IT IS OVER. VICE MAYOR PIERRE STATED GOD BLESS YOU; AND, HE LOVES YOU ALL.

B. COUNCILWOMAN SPIEGEL:

1. COUNCILWOMAN SPIEGEL STATED THAT THERE ARE COPIES OF HER LETTER FROM SEPTEMBER 23RD IN CITY HALL IF ANYONE WANTS TO SEE IT OR UNDERSTAND HER MOTIVATIONS FOR NOT ACCEPTING THE FULL \$35,000. SHE STATED THAT SHE HOPES THAT MAYBE WE CAN HAVE A FULLER AIRING OR DISCUSSION WITH RESIDENTS AT SOME POINT.

2. COUNCILWOMAN SPIEGEL STATED THAT SINCE WE WERE LAST HERE, THERE WAS A RALLY IN CHALLENGER PARK WHICH INCLUDED SUPPORT OF THE DREAM ACT. SHE THANKED HER FELLOW COUNCILMEMBERS FOR HAVING VOTED UNANIMOUSLY FOR HER FIRST RESOLUTION. THE COUNCILWOMAN ALSO THANKED THE CITY CLERK FOR SENDING IT OFF TO SCOTT ELFENBEIN WHO, THREE OR FOUR YEARS AGO, SPEARHEADED THE EFFORT DOWN HERE ON THE DREAM ACT.
3. COUNCILWOMAN SPIEGEL STATED THAT SHE HAD THE DISTINCT PLEASURE OF GOING TO THE OPENING OF THE MAVERICKS HIGH SCHOOL. WHEN SHE TALKED TO LAURA KALLIS FROM THE PANZOU PROJECT, MS. KALLIS TOLD HER THAT SOME OF HER STUDENTS ARE AT MAVERICKS HIGH SCHOOL. THE COUNCILWOMAN STATED THAT IT IS NICE TO SEE THE SYNERGY THAT IS WORKING WITHIN OUR CITY.
4. COUNCILWOMAN SPIEGEL STATED ONE OF THE THINGS THAT SHE HAS DONE FOR YEARS, AND WOULD URGE OUR CONSTITUENTS TO DO, IS TO DONATE BUSINESS CLOTHES. WHEN WOMEN HAVE TO LEAVE THEIR HOMES SUDDENLY BECAUSE OF DOMESTIC VIOLENCE, THEY LEAVE WITHOUT THEIR POSSESSIONS, WITHOUT THEIR CLOTHES; AND, THEY HAVE TO GO OUT INTO THE REAL WORLD AND LOOK FOR JOBS. COUNCILWOMAN SPIEGEL URGED THAT IF YOU HAVE BUSINESS CLOTHES, SUITS, DONATE THEM. IT IS REALLY VERY IMPORTANT.
5. COUNCILWOMAN SPIEGEL STATED THAT SHE WAS WEARING PINK TONIGHT BECAUSE IT IS NATIONAL BREAST CANCER MONTH. THE COUNCILWOMAN URGED WOMEN, AND MEN, TO GO OUT AND DO WHAT YOU ARE SUPPOSED TO DO.
6. COUNCILWOMAN SPIEGEL WISHED TO WARN EVERYBODY THAT AT THE NEXT COUNCIL MEETING SHE WILL BE LEAVING EARLY BECAUSE SHE CANNOT FIGURE OUT ANY OTHER WAY TO FULFILL HER DUTIES AS A TRUSTEE ON THE PENSION & FIRE BOARD AND COMPLETE THE CONTINUING EDUCATION REQUIREMENTS WHICH ARE MANDATED BY STATE. THIS MEANS THAT SHE HAS TO ATTEND THE POLICE & FIRE PENSION SCHOOL, STARTING THE MORNING OF OCTOBER 23RD. THE COUNCILWOMAN STATED THAT WE HAVE TO BE IN ORLANDO AT 8:30; SO, FAIR WARNING, YOU ARE GOING TO SEE ME LEAVE EARLY AND SHE APOLOGIZES NOW. COUNCILWOMAN SPIEGEL WISHED EVERYONE A GOOD NIGHT AND A GOOD TWO WEEKS UNTIL WE ARE ALL TOGETHER AGAIN.

C. COUNCILWOMAN SMITH:

1. COUNCILWOMAN SMITH STATED THAT THE WOMEN AGAINST VIOLENCE WALK IS THIS SATURDAY. IF YOU CAN GET IN TOUCH WITH THE POLICE DEPARTMENT; IF YOU CAN'T WALK, IF YOU COULD AGAIN GIVE A SMALL CHECK OR A LARGE CHECK. SHE READ IN THE PAPER ALSO THAT THERE ARE TWO DROP-OFFS; ONE OF THEM IS RIGHT HERE IN NORTH MIAMI AND THE OTHER IS IN BROWARD COUNTY FOR WOMEN'S SUITS. THE COUNCILWOMAN STATED THAT IF YOU CAN'T GET THERE, PERHAPS WE COULD, MR. MANAGER, HAVE SOMEPLACE HERE WHERE PEOPLE COULD BRING THAT KIND OF THING. THE COUNCILWOMAN STATED THAT THEY WANT THINGS THAT PEOPLE CAN USE, OR IN RELATIVELY NEW CONDITION.
2. COUNCILWOMAN SMITH STATED THAT EVERY SINGLE ONE OF US ARE AFFECTED BY BREAST CANCER. IF IT IS NOT US, NOT A RELATIVE, THEN IT IS A NEIGHBOR. THIS IS SOMETHING THAT EVEN TRAVELING LAST NIGHT AT 11 O'CLOCK ON THE PLANE, DELTA IS COLLECTING THIS MONTH FOR DONATIONS FOR BREAST CANCER. THIS IS SOMETHING, YOU KNOW WE HAVE A LOT OF ISSUES, AND IF WE CAN ALL DO OUR LITTLE PART, IT ALL ADDS UP.
3. COUNCILWOMAN SMITH STATED THAT TONIGHT WE SAW A LOT OF YOUTH HERE, A LOT OF PROGRAMS, THE FOOTBALL PROGRAM, FROM ALLEN PARK, AND WASHINGTON PARK, THE PEOPLE VOLUNTEERING THEIR TIME, AND LAURA CRYING. THE COUNCILWOMAN STATED THAT SHE HOPES THE PUBLIC RECOGNIZES THAT THAT IS THE NEXT GENERATION; TWENTY YEARS FROM NOW, THAT WILL BE SITTING UP HERE TAKING CARE OF YOU IN YOUR OLD AGE. ANYTHING THAT WE CAN DO FOR THAT, SHE THINKS WE ALL NEED TO DO OUR PART.
4. COUNCILWOMAN SMITH STATED THAT SHE ALSO WANTED TO MENTION THAT WE DO TALK A LOT UP HERE; BUT, THE SUNSHINE LAW. THE COUNCILWOMAN ASKED WHEN ARE WE SUPPOSED TO DISCUSS IT. COUNCILWOMAN SMITH ASKED, AS 600 EMPLOYEES AND AS THE PUBLIC, WOULD YOU LIKE US JUST TO COME UP HERE AND VOTE YES VOTE NO AND NOT TRY TO HAVE A CONVICTION AND HAVE THE FELLOW COUNCILMEN THINKING THE OTHER WAY AND TRY TO GET THEM TO SEE WHY YOU FEEL SO STRONGLY ABOUT IT. EITHER WE HAVE TO FINALLY DO WHAT SHE SAID AND HAVE WORKSHOPS OR WE ARE GOING TO BE UP HERE DISCUSSING IT. THE COUNCILWOMAN STATED THAT SHE DOES NOT SEE ONE OF US IN THIS COUNCIL THAT DOES NOT WANT TO MAKE A BETTER CITY. THEY HAVE THEIR CONVICTIONS THAT MAY BE TOTALLY DIFFERENT FROM WHAT SOMEBODY ELSE BELIEVES.
5. COUNCILWOMAN SMITH STATED THAT SHE DOES ALSO WANT TO THANK THE PUBLIC. THE COUNCILWOMAN STATED THAT SHE

THINKS THAT THE PUBLIC HAS EVERY RIGHT TO, AND SHE SAID IT WHEN SHE RAN. THAT WAS WHAT SHE STOOD UP AND SAID WHEN SHE MADE THE DECISION THAT NIGHT TO RUN; THAT IT IS A VERY SIMPLE THING. IT IS OUR CITY AND OUR MONEY; AND, THAT INCLUDES EVERY SINGLE RESIDENT AND THE EMPLOYEES THAT HAVE A VESTED INTEREST AND THE BUSINESSES THAT HAVE A VESTED INTEREST. COUNCILWOMAN SMITH STATED THAT SHE BELIEVES WE WILL TOGETHER AS A COUNCIL, WITH THE MAYOR AS OUR CHAIR BUT AS A COUNCIL, MAKE DECISIONS THAT WILL MAKE IT BETTER FOR THE PUBLIC TO BE A PART OF IT. COUNCILWOMAN SMITH THANKED EVERYONE VERY MUCH AND WISHED THEM A GOOD NIGHT AND A WONDERFUL NEXT TWO WEEKS.

AT THIS TIME, VICE MAYOR PIERRE REQUESTED TO MAKE A CORRECTION. IT IS NOT GOING TO BE A WOMEN'S MARCH AGAINST VIOLENCE; IT IS GOING TO BE A MARCH AGAINST DOMESTIC VIOLENCE PERIOD.

D. COUNCILMAN JULIEN:

1. COUNCILMAN JULIEN GREETED EVERYONE A GOOD EVENING. COUNCILMAN JULIEN STATED TO ALL OF THE MEMBERS OF THE JEWISH COMMUNITY, HAPPY HOLIDAYS TO YOU. THE COUNCILMAN STATED THAT HE WAS NOT GOING TO TRY TO SAY IT IN HEBREW EITHER AND EMBARRASS HIMSELF. COUNCILMAN JULIEN STATED THAT, AS COUNCILWOMAN SMITH JUST BROUGHT UP, WE KNOW THAT THE MONTH OF OCTOBER IS BREAST CANCER AWARENESS MONTH. COUNCILMAN JULIEN ANNOUNCED THAT THE COMMISSION ON THE STATUS OF WOMEN, ON OCTOBER 24TH, WILL BE HAVING A BREAST CANCER AWARENESS EVENT. THAT IS A SATURDAY; IT IS GOING TO BE HELD FROM 10 A.M. TO 12 NOON RIGHT HERE AT THE MCDONALD CENTER AND EVERYBODY IS WELCOME. AT THAT POINT IN TIME, WE ARE GOING TO BE TAKING A COLLECTION OF FOOD. ANY CANNED FOODS THAT YOU HAVE, WE ASK YOU TO PLEASE BRING IT, BECAUSE EVERY YEAR WE DO A THANKSGIVING BASKET THAT WE GIVE AWAY. AS MUCH FOOD AS WE CAN COLLECT, WE TRY TO GIVE IT TO AS MANY NEEDY FAMILIES AS HUMANLY POSSIBLE. UNLIKE OTHER THANKSGIVING EVENTS WE ACTUALLY PILE INTO THE CAR, DRIVE TO PEOPLE'S HOMES AND KNOCK ON THE DOOR AND GIVE THEM A BASKET. WE DO NOT PUBLICIZE THEIR NAME AND DO NOT TAKE PICTURES BECAUSE WE JUST DO NOT DO THAT SORT OF STUFF.

2. COUNCILMAN JULIEN STATED THAT HE WANTED TO POINT OUT A COUPLE OF THINGS THAT HE NOTICED AFTER WE PAST OUR BUDGET. THE COUNCILMAN STATED THAT THE CITY OF MIAMI, MR. MANAGER, IS ACTUALLY DOING SOMETHING THAT WE DID LAST

YEAR; WELL, THEY ARE CONSIDERING DOING IT, WHICH IS THEY ARE ELIMINATING THE LEAVE PAYOUTS. WE DID THAT. WE SAVED THE RESIDENTS MILLIONS OF DOLLARS BY DOING AWAY WITH THE LEAVE PAYOUTS LAST YEAR. THE COUNCILMAN STATED THAT WE COULD BE A MOTLEY CREW PERHAPS; BUT, WE ARE, AND HE SAYS THAT VERY AFFECTIONATELY, WE ARE PROGRESSIVE, WE THINK. HE STATED THAT HE THINKS THAT, ON ANY GIVEN DAY, SOMEBODY IS GOING TO BE UPSET AT THE WAY HE VOTES AND THAT IS OKAY. HE WELCOMED ALL THE RESIDENTS THAT CAME HERE AND VOICED THEIR OPINION. THAT WAS ABSOLUTELY THEIR RIGHT TO DO THAT. HE TRULY BELIEVES, UNFORTUNATELY, WHEN PEOPLE ARE MISINFORMED OR THEY ARE NOT GIVEN ALL THE FACTS, THEY TEND TO REACT; AND, THAT IS GREAT. COUNCILMAN JULIEN STATED THAT HE LOVES TO SEE THE FACT THAT THERE IS SO MUCH PASSION HERE IN THE CITY OF NORTH MIAMI BEACH AND THAT IS A WONDERFUL THING.

3. COUNCILMAN JULIEN STATED THAT LAST WEEK, ON THURSDAY, HE WENT TO THE MIAMI-DADE LEAGUE OF CITIES MEETING. HE WAS SURROUNDED, THE CITY ATTORNEY SAW HIM INVOLVED IN A VERY HEATED CONVERSATION WITH THE CITY OF MIAMI GARDENS AND ALSO WITH THE CITY OF NORTH MIAMI. THE COUNCILMAN STATED THAT, BASICALLY, A LOT OF THEM ARE APPLAUDING US FOR DOING THINGS THAT THEY CANNOT DO. THEY ARE LOOKING TO US; THEY ARE SAYING TO US THAT WE ARE THE EXAMPLES THAT THEY WANT TO FOLLOW. NORTH MIAMI RIGHT NOW IS TRYING TO REVISIT SOMETHING THAT THEY DID. ON TOP OF WHATEVER SALARIES THAT THEY ARE MAKING IN NORTH MIAMI, THEY ARE STILL GETTING THEIR CAR ALLOWANCES, THEY ARE STILL GETTING THEIR MEDICAL INSURANCE, AND THEY ARE STILL GETTING ALL THESE PERKS THAT WE HAVE DONE AWAY WITH HERE IN NORTH MIAMI BEACH.
4. COUNCILMAN JULIEN STATED THAT HE THINKS THAT IF WE GET A POSITIVE MESSAGE OUT THERE AND WE LET THE RESIDENTS KNOW THAT WE ARE NOT DERELICT IN OUR RESPONSIBILITIES, THAT WE ARE ACTUALLY DOING OUR JOBS, THAT EVERYTHING WILL BE JUST FINE. THE COUNCILMAN STATED THAT HE WAS REALLY PROUD OF WHAT IT IS THAT WE ARE DOING HERE. WE ARE NOT PERFECT; BUT, HE THINKS THAT ALL SEVEN OF US, WITHIN OUR OWN MEANS AND WAYS, WE ARE DOING THE RIGHT THING FOR THE RESIDENTS OF NORTH MIAMI BEACH. COUNCILMAN JULIEN THANKED EVERYONE AND WISHED THEM AND GOOD NIGHT.

E. COUNCILMAN DEROSE:

1. COUNCILMAN DEROSE GREETED EVERYONE GOOD EVENING. HE STATED THAT HE WANTED TO TAKE THIS OPPORTUNITY TO THANK ALL OUR CITIZENS WHO CAME HERE THIS EVENING TO VOICE THEIR

OPINION AND OPPOSE THE INCREASE ON THE MAYOR AND COUNCIL COMPENSATION. IF YOU LOOK AT OUR LAST ELECTION, WE PUT SEVEN AMENDMENTS ON THE BALLOT AND THE CITIZENS TURNED OUT IN LARGE NUMBERS. THEY VOTED. THEY PASSED SIX AND THEY REJECTED ONE. THE ONE THAT THEY REJECTED IS THE AMENDMENT 5, WHERE WE ASK CAN THE VOIER VOTE TO AUTHORIZE US TO INCREASE OUR SALARY. THEY VOTED IT DOWN. IN LESS THAN SIX MONTHS, WE TURN AROUND AND VOTE TO INCREASE OUR SALARY. COUNCILMAN DEROSE STATED THAT HE THINKS IT IS IRRESPONSIBLE ON OUR PART, AND THIS IS WHY HE VOTED AGAINST THIS RESOLUTION. SINCE HE WAS NOT ON THE PREVAILING SIDE, HE WOULD LIKE TO SEE ONE OF THE COUNCIL ON THE PREVAILING SIDE TO RE-INTRODUCE THIS RESOLUTION. THIS IS WHAT HE WOULD LIKE TO SEE. BECAUSE, BASED ON WHAT WE SAW THIS EVENING, WE HAVE SEEN THE CITIZENS CAME IN LARGE NUMBERS AND OPPOSE THIS INCREASE. THE COUNCILMAN STATED THAT HE WOULD LIKE TO SEE OUR COLLEAGUES RECONSIDER. IT IS UP TO THE COUNCIL; BUT, THIS IS WHAT HE HAS BEEN ASKED. HE CANNOT ASK TO RESCIND THIS RESOLUTION; BUT, ANY MEMBER ON THE PREVAILING SIDE CAN DO SO. THIS IS WHAT HE WOULD LIKE TO SEE, FOR ONE OF OUR COLLEAGUES TO DO. COUNCILMAN DEROSE STATED THAT THIS IS HIS POSITION.

F. COUNCILWOMAN KRAMER:

1. COUNCILWOMAN KRAMER ASKED IF, SINCE SHE HAS THE MIKE HERE. IF THIS IS SOMETHING THAT SHE COULD ENTERTAIN, COUNCILMAN DEROSE'S QUESTION. HE WOULD LIKE US TO RESCIND THE RESOLUTION TO GIVE IT THOUGHT. COUNCILWOMAN KRAMER ASKED IF THIS IS SOMETHING WE WANT TO DO NOW. THE COUNCILWOMAN ASKED IF WE WANT TO GIVE THOUGHT TO IT; IF THIS CAN BE A DISCUSSION, OR IF SHE SHOULD JUST DO HER COMMITTEE REPORT. COUNCILMAN DEROSE OPENED UP SOMETHING; AND, SHE DOES NOT KNOW THAT WE NEED TO ADDRESS IT THIS MINUTE.

AT THIS TIME, COUNCILWOMAN KRAMER MADE THE FOLLOWING MOTION:

MOTION by COUNCILWOMAN KRAMER, seconded by COUNCILMAN DEROSE TO RECONSIDER RESOLUTION NO. R2009-57. MOTION CARRIED.
WITH VICE MAYOR PIERRE AND MAYOR ROSNER VOTING IN THE NEGATIVE.

AFTER MUCH DISCUSSION, THE FOLLOWING MOTION WAS MADE:

MOTION by COUNCILWOMAN SPIEGEL, seconded by COUNCILWOMAN KRAMER to TABLE THE RECONSIDERATION OF RESOLUTION NO. R2009-57 UNTIL NOVEMBER 3, 2009.
MOTION CARRIED.

2. COUNCILWOMAN KRAMER REMINDED EVERYONE THAT SHE IS THE LIAISON TO THE LEISURE SERVICES COMMITTEE; AND, LAST NIGHT, WE HAD A COMMITTEE MEETING. IN THAT COMMITTEE MEETING WE DISCUSSED THE NEED FOR MORE COMMITTEE MEMBERS. COUNCILWOMAN KRAMER ASKED THE CITIZENS OF NORTH MIAMI BEACH, THOSE OF YOU THAT ARE INTERESTED, TO PLEASE LOOK INTO JOINING OUR COMMITTEE. YOU COULD ALWAYS GIVE HER A CALL OR E-MAIL HER AND SHE CAN GIVE YOU AN IDEA OF WHAT WE DO; OR, YOU CAN CALL OUR LEISURE SERVICES DEPARTMENT. THE DIRECTOR IS PAULETTE MURPHY. THE COUNCILWOMAN STATED THAT ONE OF THE THINGS THAT WE SPOKE ABOUT WAS THAT WE DO HAVE AN ADOPT-A-PARK SPONSORSHIP PROGRAM. WE ARE ALSO LOOKING FOR SPONSORSHIP PROGRAMS TO DIFFERENT DIVISIONS IN THE CITY, SUCH AS THE TINY ONES, TEEN TIME PROGRAMS, AGED TO PERFECTION PROGRAMS, FAMILY FUN PROGRAMS, AND SO FORTH. WE ARE LOOKING TO THE COMMUNITY, TO THE RESIDENTS, AND TO THE BUSINESS OWNERS. COUNCILWOMAN KRAMER ASKED IF THEY COULD DO SOMETHING TO HELP OUR RECREATION DEPARTMENT AND OUR LEISURE SERVICES BECAUSE WE ARE LOOKING. WE NEED MORE FUNDS. COUNCILWOMAN KRAMER WISHED EVERYONE A GOOD NIGHT.

G. MAYOR ROSNER:

1. MAYOR ROSNER GREETED EVERYONE A GOOD EVENING. MAYOR ROSNER STATED THAT LAST NIGHT HE HAD THE HONOR OF MEETING THE COUNSEL GENERAL OF CHINA. THIS IS ALL IN OUTREACH TO RESIDENTS. THERE IS A VERY HEAVY ASIAN POPULATION IN OUR CITY; AND, PART OF THE 2010 CENSUS EFFORT IS TO, BASICALLY, REACH THOSE RESIDENTS. THE MAJORITY OF THEM ARE AMERICAN CITIZENS, A LOT OF THEM NOT PARTICIPATING WITHIN THE CITY. THE MAYOR STATED THAT SO FAR HE HAS MET WITH THE COUNSEL GENERAL OF TAIWAN, WHO HAS BEEN INSTRUMENTAL IN HELPING US TO GET OUTREACH TO THE CITIZENS IN OUR CITY FROM TAIWAN. LAST NIGHT HE MET WITH A WHOLE GROUP OF BUSINESS LEADERS THAT ARE A PART OF OUR CITY; AND, HE IS VERY PLEASED TO SAY THAT WE ARE REALLY DOING A GREAT JOB IN OUTREACH TO CITIZENS THAT HAVE NOT REALLY BEEN PART OF OUR CITY, WHO SHOULD BE. OUR RESIDENTS, OUR BUSINESS ARE A BIG PART OF IT. MAYOR ROSNER STATED THAT HE KNOWS THAT COUNCILMAN JULIEN HAS REACHED OUT TO SOME OF THE MEMBERS OF THAT COMMUNITY TO BE ON HIS MULTI-CULTURAL BOARD. THE MAYOR STATED THAT HE WAS TOLD LAST NIGHT THAT THEY HAVE A COUPLE OF IDEAS TO BRING A COUPLE OF MEMBERS FORWARD; THAT WOULD BE GREAT TO HAVE THEIR INPUT AS WELL. THE MAYOR THANKED THE CITY MANAGER VERY MUCH FOR SENDING HIM JEFF. THE MAYOR STATED THAT MOST OF THE DISCUSSION WAS IN CHINESE; AND HE DID NOT QUITE UNDERSTAND. THE MAYOR

MADE JEFF COME AND SIT NEXT TO HIM SO THAT HE COULD HAVE SOMEONE WHO UNDERSTOOD AND TRANSLATE FOR HIM A LITTLE MORE CLEARLY. THE CUSTOMS ARE VERY INTERESTING AND IT WAS A GREAT TREAT TO BE PART OF IT. THEY HAD CELEBRATIONS IN HAULOVER PARK; THEY HAVE HAD CELEBRATIONS NEXT DOOR IN THE MCDONALD CENTER. THROUGHOUT THIS NEXT EFFORT, WE ARE GOING TO CONTINUOUSLY REACH OUT TO THAT COMMUNITY. THE MAYOR STATED THAT WE ARE GLAD THAT THEY ARE INTERESTED IN GETTING INVOLVED IN OUR CITY, ESPECIALLY IN OUR GOVERNMENT.

2. MAYOR ROSNER WISHED HAPPY HOLIDAYS TO EVERYBODY IN OUR COMMUNITY. HAPPY SUKKOS; SIMCHAS TORAH IS COMING UP.
3. MAYOR ROSNER STATED THAT IN AN EFFORT TO BE TRANSPARENT, IS BASICALLY WHAT WE HAVE BEEN DOING. THE CHALLENGES OF RUNNING THESE MEETINGS ARE INTERESTING AND HE IS GLAD THAT WE ARE BRINGING THE DISCUSSION FORWARD SO THAT WE CAN ESTABLISH HOW IT IS EXACTLY THAT WE ARE GOING TO INTERACT WITH THE PUBLIC, THE ORDINANCES, THE RESOLUTIONS; SAME THING ON THE DAIS. HE WAS GLAD THAT WE ARE GOING TO SET SOMETHING UP SO THAT WE KNOW, WITH THE BANTERING, THAT WE CAN GO THROUGH THE CHAIR; WE CAN FIGURE OUT EXACTLY WHAT POLICY WE WANT TO SET IN PLACE SO THAT WE DO NOT HAVE MAYHEM AND WE HAVE ORDER.
4. MAYOR ROSNER STATED THAT WHEN HE FIRST CAME ON BOARD THERE WERE NOT A LOT OF WORKSHOPS; THERE ARE MORE WORKSHOPS TODAY. ONE OF THE THINGS WAS A BUDGET WORKSHOP. THE MAYOR STATED THAT HE REMEMBERS WHEN COUNCILMAN JULIEN INSISTED THAT WE DO A LINE BY LINE. HE HAS NOT SEEN AS MANY WORKSHOPS AS WE HAVE DONE IN THE LAST COUPLE OF YEARS, THAN WE HAVE EVER DONE BEFORE; SPECIFICALLY, WE DID BUDGET WORKSHOPS.
5. MAYOR ROSNER REMINDED EVERYONE THAT WE DID A PRE-COUNCIL WHERE WE DID THE SALARY ANALYSIS OF ALL THE CITIES. WE DID THAT AT THE BUDGET HEARING SO IT IS NOT LIKE WE JUST BROUGHT FORWARD A RESOLUTION; IT HAD BEEN DISCUSSED. WE KNEW THAT WE NEEDED TO FINALLY BRING IT FORWARD AS A COUNCIL. IT WAS LEAD BY VICE MAYOR PIERRE, TO FINALLY BRING IT FORWARD AS A RESOLUTION AND BASICALLY END THE BLEEDING. MAYOR ROSNER STATED THAT THE MANAGER HAD ASKED US TO TRY TO END THE BLEEDING BY THE BUDGET PERIOD. THE MAYOR STATED THAT HE THOUGHT THAT WE HAD ADDRESSED IT. COUNCILMAN JULIEN DID A GREAT PRESENTATION TONIGHT TO SHOW THAT THERE WERE HEAVY SAVINGS TO THE CITY. THE

MAYOR REQUESTED TO READ THE MANAGER'S LETTER TO THE EMPLOYEES. THE MAYOR READ, "THE RESOLUTION ADOPTED TO ELIMINATE THE MAYOR AND CITY COUNCIL'S PAID HEALTH BENEFITS AND INCREASE THE SALARIES, THIS CHANGE WILL RESULT IN A NET REDUCTION IN THE EXPENSES TO THE CITY AND WILL EQUITABLY COMPENSATE THE ELECTED OFFICIALS FOR THE DEMANDS OF THEIR POSITIONS." MAYOR ROSNER STATED THAT THE PROBLEM THAT HE SEES IS THAT SOMETIMES THE TRUTH HURTS. HE DOES NOT WANT TO HIDE BEHIND HIPPA OR PREVIOUSLY WHAT HAD BEEN DONE. THE ANALYSIS THAT COUNCILMAN JULIEN DID OBVIOUSLY SHOWS THAT THE MAYOR IS ONE OF THE ONES WHO IS OBVIOUSLY MEDICALLY CHALLENGED AND POSSIBLY COULD HAVE HIGHER MEDICAL EXPENSES. THE MAYOR STATED THAT WHEN HE RAN IN THE LAST ELECTION, ONE OF THE THINGS THAT A LOT OF PEOPLE DID NOT UNDERSTAND IS THAT HE PUT UP HIS MEDICAL FOR LIFE AT RISK IF HE LOST; BUT, HE WAS WILLING TO DO THAT IN ORDER TO DO THAT, TO COME HERE AND TAKE THE RISK. HE SUPPORTED THIS ORDINANCE LAST TIME BECAUSE IT TOOK A 5-2 VOTE. THE MAYOR STATED THAT FOR HIM, BEING DISABLED AND TAKING THE RISK OF NOW TAKING ON ALL, OBVIOUSLY THE BENEFIT PACKAGE WAS MUCH BETTER FOR HIM BEFORE. IT IS A RISK FOR HIM TO BE UNDER A FIXED AMOUNT.

MAYOR ROSNER STATED THAT HE UNDERSTOOD, UNDER FISCAL RESPONSIBILITY, ACCORDING TO THE MANAGER, THAT IT WAS THE RIGHT THING TO DO SO HE VOTED FOR IT. HE STATED THAT HE WAS A LITTLE DISAPPOINTED WE ARE RECONSIDERING IT BECAUSE WE REALLY HAVE DISCUSSED THIS, HASHED THIS OUT. WE HAVE BEEN DOING THIS FOR MONTHS, BETWEEN THE WORKSHOPS, BETWEEN THE PRE-COUNCIL, SO IT IS NOT A SURPRISE. WE DID THE ANALYSIS. AT THE LAST MEETING WE DID THE REDUCTION. VICE MAYOR PIERRE TRIED TO BRING IT FORWARD BASED ON THE \$42,000, \$48,000. THE MAYOR STATED THAT HE BELIEVED IT WAS COUNCILWOMAN KRAMER THAT THEN SUGGESTED A MID-GROUND; AND, WE VOTED A 5-2.

MAYOR ROSNER STATED THAT THE PROBLEM IS, IS SOMETIMES, AND TO QUOTE FROM A MOVIE, SOMETIMES PEOPLE CAN NOT HANDLE THE TRUTH. THIS COUNCIL HAS BEEN DEALING WITH IT; WE DEALT WITH A TON OF THINGS THAT HAVE NOT BEEN DEALT WITH BEFORE. SO SOMETIMES TRANSPARENCY AND TRUTH, WE HAVE PUT IT OUT THERE. THE SALARIES FOR THE MANAGER, THE SALARIES FOR THE ATTORNEY; EVERYTHING WE HAVE TRIED TO MAKE TRANSPARENT. THE MAYOR STATED THAT HE BELIEVES THAT IS WHAT WE HAVE BEEN DOING; AND, HE BELIEVES WE CONTINUE TO DO THAT. TONIGHT WE FOUND OUT ABOUT THE AUDITORS. THEY WERE HERE 30 YEARS; ENOUGH WAS ENOUGH. IT WAS TIME TO REVISIT AND

LOOK AT ALL THE DEPARTMENTS; WE HAVE BEEN DOING THAT AND IT IS UNBELIEVABLE HOW MUCH FARTHER AHEAD WE ARE. WE HAVE HEARD HOW WE ARE NOT GETTING FARTHER AHEAD. THAT IS NOT THE CASE. THE MAYOR STATED THAT HE WAS VERY PROUD OF WHAT WE HAVE ACCOMPLISHED; HE WAS VERY PROUD TO BE HERE AS THE MAYOR. HE THINKS WE ARE DEALING WITH THE ISSUES ONE BY ONE. THE MANAGER'S C.A.R.E. TEAM, EVERYTHING THAT HE HAS BROUGHT FORWARD HAS BEEN PHENOMENAL. WE ARE AN EXAMPLE TO THE COMMUNITY.

MAYOR ROSNER COMMENTED ON THE RALLY. THE LAST TIME WE HAD A RALLY WAS WHEN WE MADE A MOTION TO FIRE OUR PREVIOUS CITY MANAGER. HE STATED THAT HE MADE THE MOTION AND FIVE OF THE COUNCIL AGREED WITH IT. TONIGHT WHEN HE FOUND OUT THERE WAS GOING TO BE A RALLY, HE REALIZED THAT WE MUST BE DOING THE RIGHT THING; BECAUSE, WE DID IT LAST TIME AND IT WAS ALL BECAUSE WE DECIDED THAT IT WAS TIME. DOOM AND GLOOM WAS UPON US. WE WERE LETTING EMPLOYEES GO, WE WERE CLOSING PARKS AND RECREATION. MAYOR ROSNER ASKED THE COUNCIL IF THEY REALIZE HOW FAR WE HAVE COME. WE HAVE MASTER PLANS FOR OUR PARKS, WE HAVE A CRA THAT IS GOING TO MOVE FORWARD, AND THERE IS AGAIN THAT WHOLE BEHIND THE SCENES THING PUSHING FORWARD. THE MAYOR STATED THAT WE REALLY HAVE TO REALIZE HOW FAR WE HAVE COME. OUR CITY ATTORNEY'S OFFICE IS BEING REBUILT; OUR CLERK'S OFFICE IS BEING REBUILT. YOU HAVE HEARD OF COST SAVINGS TONIGHT. THERE IS SO MUCH GOOD THAT HAS HAPPENED WITH THIS GROUP; THAT IS WHAT WE REALLY NEED TO LOOK AT. MAYOR ROSNER ANNOUNCED THAT WE ARE GOING TO HAVE A LIGHT AGENDA NEXT TIME, AND HE WISHED EVERYONE GOOD NIGHT.

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 AT 11:55 PM ON A MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN JULIEN. 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-THREE (23) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS TAPE RECORDED AT THE REGULAR CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE SIXTH (6TH) DAY OF OCTOBER, 2009.



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

(SEAL)