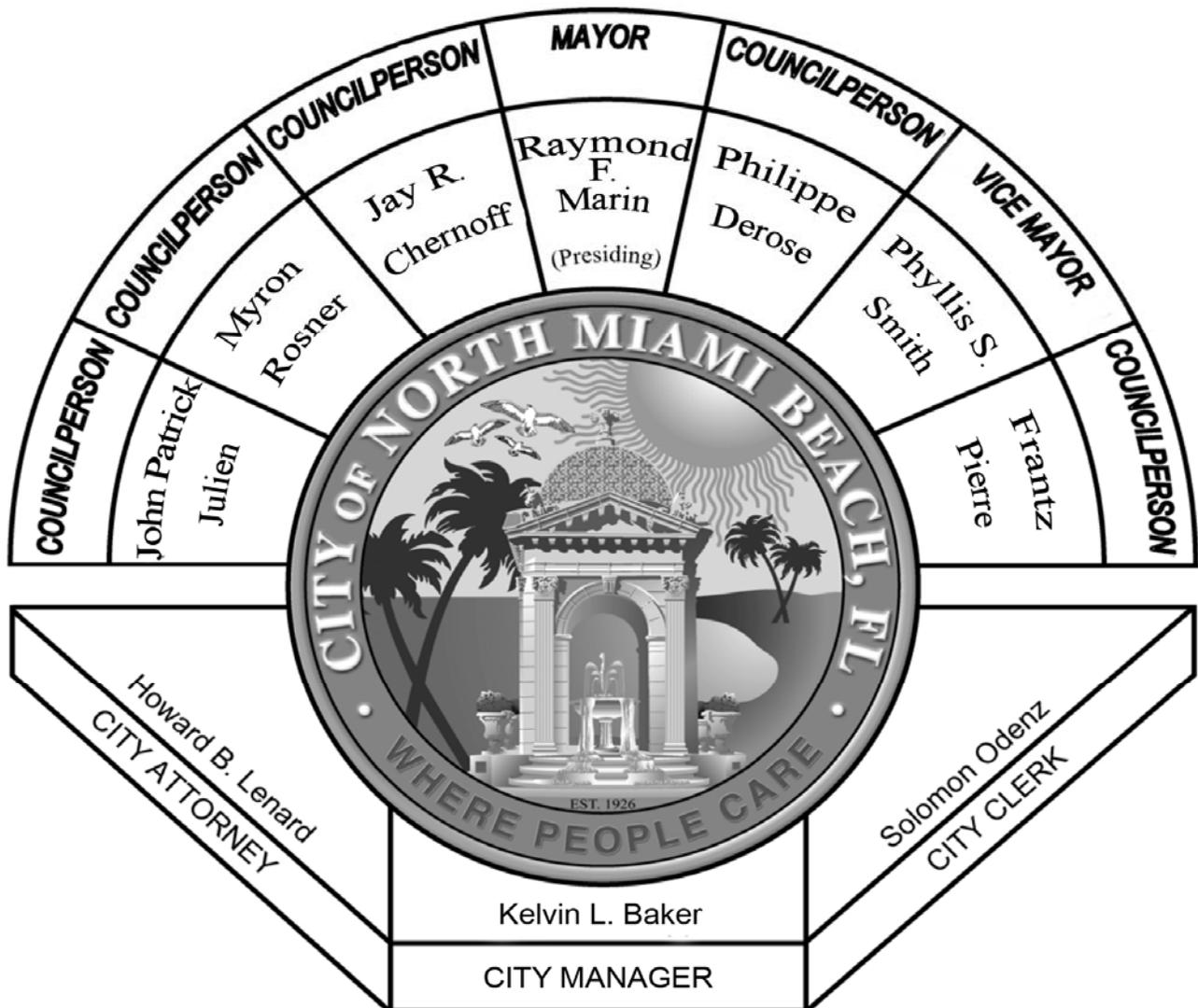


*Welcome
To A Meeting of the
City of North Miami Beach City Council
Your City Officials*



AGENDA

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

DATE and TIME: TUESDAY, SEPTEMBER 23, 2008, 7:30 PM
(2ND PUBLIC HEARING: BUDGET FY 2009-7:00 PM)

LOCATION: CITY HALL, 17011 NE 19th AVENUE
2ND FLOOR, COUNCIL CHAMBERS

NEXT CITY COUNCIL MEETING: TUESDAY, OCTOBER 7, 2008

AGENDA ITEMS

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

2. **INVOCATION:**

JONAS GEORGES, SENIOR MINISTER
ALL NATIONS PRESBYTERIAN CHURCH.

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

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

5. **APPOINTMENTS/PRESENTATIONS:**

A. **APPOINTMENTS:**

1. TONI DARWISH – YOUTH ADVISORY BOARD.
2. JOSHUA LAST – YOUTH ADVISORY BOARD.
3. SASKIA LINDO – YOUTH ADVISORY BOARD.

B. **PRESENTATIONS:**

1. PRESENTATION BY SHARON FRAZIER-STEPHENS, COMMUNITY OUTREACH AND RECRUITMENT LIAISON OF THE CENTER FOR FAMILY AND CHILD ENRICHMENT, INC. OF PROSPECTIVE FOSTERING OR ADOPTING CHILDREN.
2. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO TERRY CAMPBELL AS THE EMPLOYEE OF THE MONTH FOR SEPTEMBER.

6. **APPROVAL OF MINUTES:**

SEPTEMBER 9, 2008 (RESCHEDULED)

7. **CITY MANAGER'S REPORT:**

KELVIN L. BAKER

8. **CITY ATTORNEY'S REPORT:**

HOWARD B. LENARD

AGENDA ITEMS

9. SCHEDULED CITIZENS APPEARANCE:

TO ALL CITIZENS APPEARING UNDER SCHEDULED APPEARANCES:

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

SPEAKING BEFORE THE CITY COUNCIL:

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

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

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

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

PLEDGE OF CIVILITY

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

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

RE: FORENSIC AUDIT

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

RE: CONCERNS.

AGENDA ITEMS

9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:

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

RE: NMB ISSUES.

D. ROBERT TAYLOR
1951 N.E. 157 TERRACE
NORTH MIAMI BEACH, FL.

RE: CONCERNS.

E. RICHARD REISS
23 N.W. 169 STREET
NORTH MIAMI BEACH, FL.

RE: FIDUCIARY DUTIES = TRUSTED TRANSPARENCY AND ACCOUNTABILITY.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. BUSINESS TAX RECEIPT MATTERS: CITY CLERK

A. MANNY, MOE & JACK #173
d/b/a THE PEP BOYS
295 N.E. 167 STREET
NORTH MIAMI BEACH, FL.

MICHAEL J. SNYDER, ATTORNEY

RE: REQUEST APPROVAL OF A BUSINESS TAX RECEIPT FOR THE HOURS OF AUTOMOBILE REPAIR, SERVICE & INSTALLATION AS STIPULATED IN CONDITION #17, PARAGRAPH 2, OF RESOLUTION NO. R92-31A/RESOLUTION NO. R92-31B (ANNUAL APPROVAL).

B. PLATINUM SOUTH, INC.
d/b/a SOLID GOLD
2355 N.E. 163 STREET
NORTH MIAMI BEACH, FL.

ALAN S. ROSENTHAL, ATTORNEY

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

AGENDA ITEMS

12. BUSINESS TAX RECEIPT MATTERS - CONTINUED:

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

THOMAS M. MOON, ATTORNEY

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

13A. ADMINISTRATION OF TESTIMONY OATH (CITY CLERK)

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

13B. LEGISLATION:

RESOLUTIONS (SERIATIM NO. R2008-37):

NONE

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

ORDINANCE NO. R2008-18

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

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2008-13

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

AGENDA ITEMS

13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING - CONTINUED:

ORDINANCE NO. 2008-14

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

ORDINANCE NO. 2008-15

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

ORDINANCE NO. 2008-16

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

ORDINANCE NO. 2008-17

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

ORDINANCE NO. 2008-19

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

14. UNSCHEDULED CITIZENS APPEARANCES:

AGENDA ITEMS

15. CITY COUNCIL COMMITTEE REPORTS:

16. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)

17. ADJOURNMENT:

18. NEXT CITY COUNCIL MEETING:

TUESDAY, OCTOBER 7, 2008