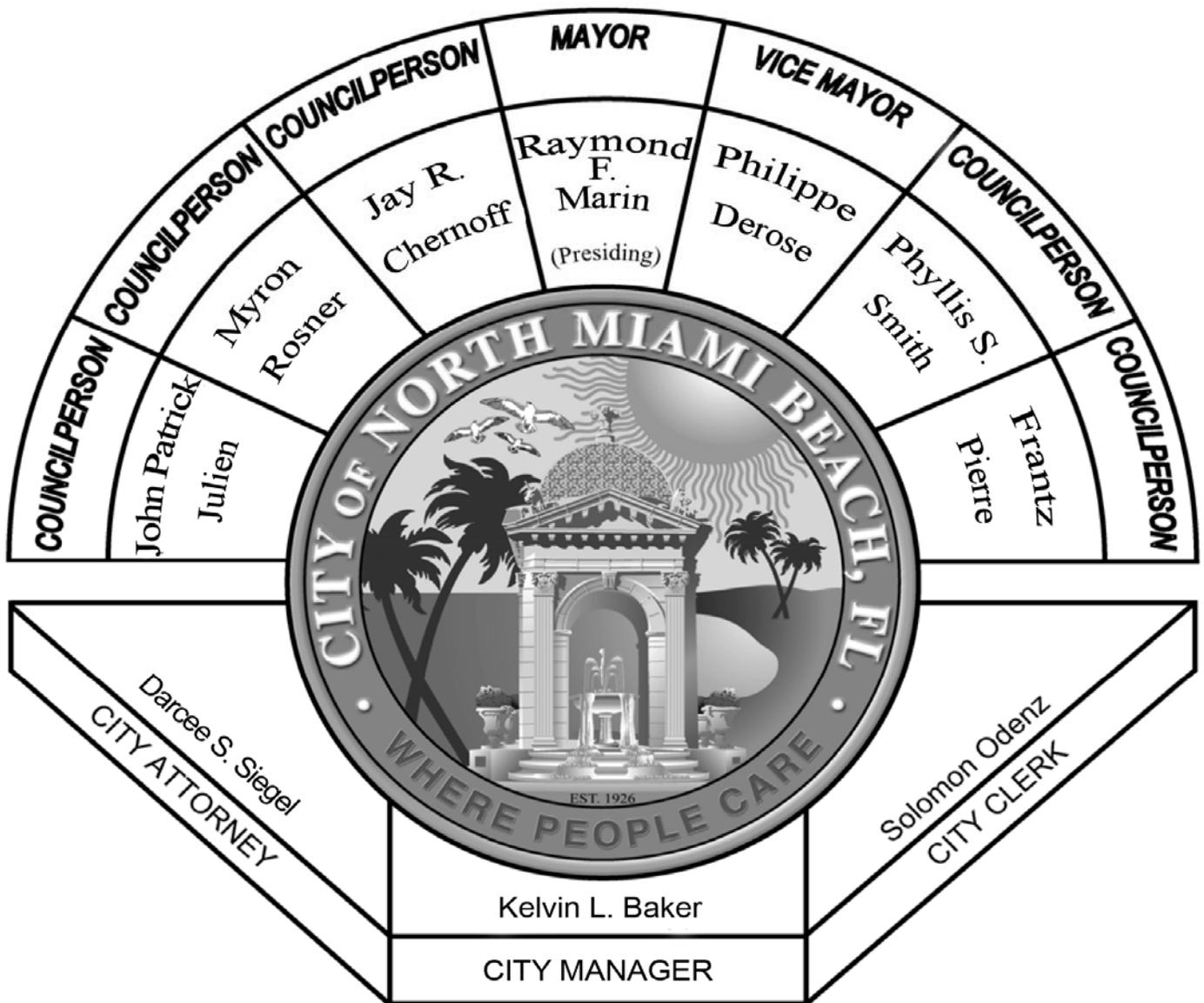


*Welcome  
To A Meeting of the  
City of North Miami Beach City Council  
Your City Officials*



## AGENDA

### REGULAR MEETING OF THE CITY COUNCIL CITY OF NORTH MIAMI BEACH, FLORIDA

DATE and TIME: TUESDAY, JANUARY 6, 2009, 7:30 PM

LOCATION: CITY HALL, 17011 NE 19<sup>th</sup> AVENUE  
2<sup>ND</sup> FLOOR, COUNCIL CHAMBERS

**NEXT CITY COUNCIL MEETING: TUESDAY, JANUARY 20, 2009**

# AGENDA ITEMS

1. **ROLL CALL OF THE CITY OFFICIALS:** [00:01:03]
  
2. **INVOCATION:** [00:01:32]  

RABBI DAVID LEHRFIELD  
YOUNG ISRAEL OF GREATER MIAMI
  
3. **SALUTE TO THE AMERICAN FLAG.** [00:02:20]
  
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA:** [00:02:44]
  
5. **APPOINTMENTS/PRESENTATIONS:** [00:02:56]
  - A. **APPOINTMENTS:**  

NONE
  
  - B. **PRESENTATIONS:**
    1. SWEARING IN OF NEW CITY ATTORNEY DARCEE S. SIEGEL.
  
    2. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO JOSE A. QUINTERO AS THE EMPLOYEE OF THE MONTH FOR DECEMBER 2008.
  
    3. PRESENTATION OF THE NOW MORE BEAUTIFUL AWARDS.
  
    4. PRESENTATION BY MAYOR RAYMOND F. MARIN, CHIEF OF POLICE RAFAEL P. HERNANDEZ AND CAPTAIN MARCIANTE TO THE FOLLOWING SPECIAL RESPONSE TEAM (SRT) MEMBERS WHO COMPETED IN THE 2008 SWAT ROUND UP:

DETECTIVE OCHOA	OFFICER SANON
DETECTIVE HERNANDEZ	OFFICER RUIZ
OFFICER HARRELL	OFFICER MUNDY
OFFICER MAYA	DETECTIVE JURADO
  
6. **APPROVAL OF MINUTES:** [00:39:19]  

DECEMBER 16, 2008
  
7. **CITY MANAGER'S REPORT:** [00:39:29]  
**KELVIN L. BAKER**
  - A. REQUEST APPROVAL FOR AWARD OF BID ITB #2008-03-23G FOR THE NE 168<sup>TH</sup> STREET ROADWAY IMPROVEMENT PROJECT TO M. VILA & ASSOCIATES, INC. IN THE AMOUNT OF \$321,373.60.
  
  - B. REQUEST APPROVAL TO EXECUTE AMENDMENT TO THE EXISTING INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OF THE HIGHLAND VILLAGE WASTEWATER PROJECT.

# AGENDA ITEMS

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

C. REQUEST APPROVAL TO EXECUTE AMENDMENT TO THE EXISTING INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR FUNDING THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OF THE N.E. 168 STREET ROADWAY IMPROVEMENT PROJECT.

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

[00:43:24]

**9. SCHEDULED CITIZENS APPEARANCE:**

[00:44:30]

**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.

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**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.

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**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.

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**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)**

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

RE: F. P. & L.

# AGENDA ITEMS

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**9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:**

B. RICHARD RIESS  
23 N.W. 169 STREET  
NORTH MIAMI BEACH, FL.

RE: UNINTENDED CONSEQUENCES.

C. MURIEL KEMP  
1479 N.E. 178 STREET  
NORTH MIAMI BEACH, FL.

RE: OUR CITY.

**10. MISCELLANEOUS ITEMS:**

[00:58:23]

NONE

**11. WAIVER OF FEE:**

[00:58:24]

NONE

**12. BUSINESS TAX RECEIPT MATTERS:  
CITY CLERK**

[00:58:25]

NONE

**13A. ADMINISTRATION OF TESTIMONY OATH  
(CITY CLERK)**

[01:03:17]

*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:**

[00:58:26]

**RESOLUTIONS (SERIATIM NO. R2009-4):**

**RESOLUTION NO. R2009-1**

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 M. VILA & ASSOCIATES, INC. FOR THE N.E. 168<sup>TH</sup> STREET AND 18<sup>TH</sup> AVENUE ROADWAY IMPROVEMENT PROJECT.

# AGENDA ITEMS

## **13B. LEGISLATION - CONTINUED:**

### **RESOLUTIONS - CONTINUED:**

#### **RESOLUTION NO. R2009-2**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR HIGHLAND VILLAGE WASTEWATER IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND FUTURE AMENDMENTS AS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **RESOLUTION NO. R2009-3**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR N.E. 168 STREET ROADWAY IMPROVEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$300,000; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND FUTURE AMENDMENTS AS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.

### **ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2009-1):**

#### **ORDINANCE NO. 2008-23**

AN ORDINANCE AMENDING CHAPTER 14 BUILDING AND HOUSING MODIFYING RESIDENTIAL RENTAL PERMITS AND INSPECTIONS; AMENDING CHAPTER 24 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; MODIFYING THE FORMAT FOR LISTING USES IN BUSINESS DISTRICTS; CLARIFYING FULFORD CITY CENTER (FCC) ZONING DISTRICT REGULATIONS; MODIFYING PARKING AREA REQUIREMENTS AND REGULATIONS; RELOCATING BEAUTIFICATION IMPACT FEE PROVISIONS AND INCREASING THE FEE; MODIFYING SIGN CODE PROVISIONS; MODIFYING TEXT OF THE LAND DEVELOPMENT FEE SCHEDULE; CLARIFYING AND UPDATING BUILDING HEIGHT PROVISIONS IN ALL ZONING DISTRICTS; MODIFYING HEIGHT EXCEPTIONS AS TO PARAPET WALLS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

(TABLED FROM THE DECEMBER 16, 2008 CITY COUNCIL MEETING.)

### **ORDINANCES - SECOND AND FINAL READING:**

NONE

## **14. UNSCHEDULED CITIZENS APPEARANCES:**

# AGENDA ITEMS

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15. CITY COUNCIL COMMITTEE REPORTS: [01:37:58]
16. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)
17. ADJOURNMENT: [01:46:48]
18. NEXT CITY COUNCIL MEETING: [01:46:40]  
TUESDAY, JANUARY 20, 2009