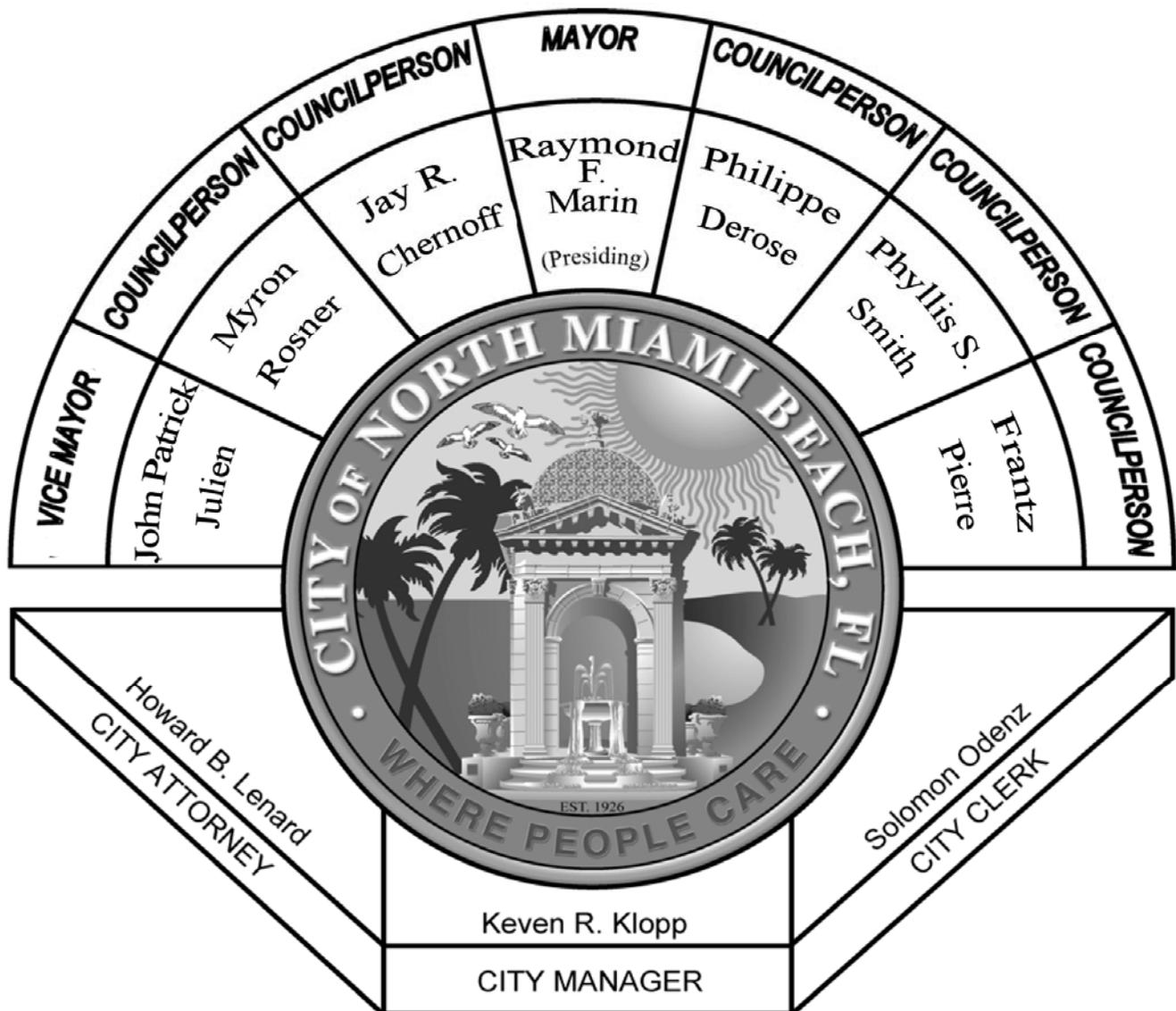


*Welcome
To A Meeting of the
City of North Miami Beach City Council
Your City Officials*



AGENDA

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

DATE and TIME: TUESDAY, MARCH 4, 2008, 7:30 PM

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

NEXT CITY COUNCIL MEETING: TUESDAY, MARCH 18, 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:**

NONE

B. **PRESENTATIONS:**

1. PRESENTATION OF THE OFFICER OF THE MONTH AWARD, BY MAYOR RAYMOND F. MARIN, TO DETECTIVE MICHAEL STEIN AS THE OUTSTANDING OFFICER FOR THE MONTH OF JANUARY 2008.
2. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN, PROCLAIMING MARCH 4, 2008 AS RILEY DAY.

6. **APPROVAL OF MINUTES:**

FEBRUARY 19, 2008

7. **CITY MANAGER'S REPORT:**
KEVEN R. KLOPP

- A. REQUEST APPROVAL FOR WAIVER OF BID FOR FLORIDA POWER AND LIGHT CO. TO PROCEED WITH INSTALLATION OF 34 DECORATIVE STREET LIGHTS ALONG NE 17TH AVENUE BETWEEN NE 163RD STREET AND SOUTH GLADES DRIVE IN CITY CENTER IN THE AMOUNT OF \$104,328.95.
- B. REQUEST APPROVAL FOR EXPENDITURE OF \$492,000.00 FROM FEDERAL JUSTICE LAW ENFORCEMENT TRUST FUND & \$413,500.00 FROM THE STATE & LOCAL LAW ENFORCEMENT TRUST FUND (POLICE DEPT.).

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. NATALIA DeBIASI
2374 N.E. 172 STREET
NORTH MIAMI BEACH, FL.

RE: COMPLAINTS REGARDING 171ST STREET AND 172ND STREET BLOCKS BETWEEN WEST DIXIE HIGHWAY AND 22ND AVENUE.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

AGENDA ITEMS

12. BUSINESS TAX RECEIPT MATTERS:
CITY CLERK

NONE

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. R2008-11):

RESOLUTION NO. R2008-3

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE U.S. DEPARTMENT OF JUSTICE TO CONVENE A GRAND JURY TO INVESTIGATE THE DEATHS OF ARMANDO ALEJANDRE, JR., MARIO DE LA PENA, CARLOS COSTA, AND PABLO MORALES, THE BROTHERS TO THE RESCUE PILOTS WHO WERE SHOT DOWN BY TWO CUBAN AIR FORCE WAR PLANES WHILE FLYING A HUMANITARIAN SEARCH AND RESCUE MISSION IN TWO UNARMED U.S. LICENSED CIVILIAN AIRCRAFT IN THE FLORIDA STRAITS ON FEBRUARY 24, 1996; AND STRONGLY URGING CONGRESS TO CONDEMN THESE RUTHLESS AND VIOLENT ACTS.

RESOLUTION NO. R2008-5

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RENAMING THE TOT LOT IN EASTERN SHORES AS "THE BERNARD & SYLVIA CITRON TOT LOT AT EASTERN SHORES, NORTH MIAMI BEACH, FLORIDA".

RESOLUTION NO. R2008-6

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REQUESTING THAT GOVERNOR CHARLIE CRIST AND THE CABINET FORM A REGIONAL LAW ENFORCEMENT TASK FORCE TO ADDRESS REGIONAL ISSUES OF JUVENILE AND ADULT GANGS IN OUR TRI-COUNTY AREA.

RESOLUTION NO. R2008-7

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL AND EASEMENT OVER PUBLIC RIGHT-OF-WAY (OR, ALTERNATIVELY, RIGHT-OF-WAY VACATION), IN ORDER TO CONSTRUCT A 14,550 SQUARE FOOT ONE-STORY RETAIL BUILDING ON A 52,175 SQUARE FOOT (1.2 ACRE) PARCEL OF LAND, AS PROPOSED; AND

(CONTINUED ON NEXT PAGE)

AGENDA ITEMS

13B. LEGISLATION (CONTINUED):

RESOLUTIONS (CONTINUED):

RESOLUTION NO. R2008-7 (CONTINUED):

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-52(D)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 1.8 ACRES OF THE MINIMUM REQUIRED LOT SIZE OF THREE (3) ACRES, WHERE DEVELOPMENT OF A 1.2 ACRE PARCEL IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THIRTEEN (13) FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE REAR YARD SETBACK OF TWELVE (12) FEET IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 2 & 3, BLOCK 2, SUNNY ISLES BISCAYNE BOULEVARD SUBDIVISION, PLAT BOOK 40, PAGE 4 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A/K/A
15050 Biscayne Boulevard
North Miami Beach, Florida
(P&Z Item No. 07-423 of February 11, 2008)

RESOLUTION NO. R2008-8

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A GAZEBO IN THE REAR YARD OF AN EXISTING SINGLE FAMILY HOUSE ON A 10,251 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-41(D)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHTEEN (18) FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE REAR YARD SETBACK OF SEVEN (7) FEET IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOT 52, BLOCK 5, EASTERN SHORES, PLAT BOOK 65, PAGE 28, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

A/K/A
16486 N.E. 32 Avenue
North Miami Beach, Florida
(P&Z Item No. 07-430 of February 11, 2008)

RESOLUTION NO. R2008-9

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, CONDITIONAL USE APPROVALS, AND RIGHT-OF-WAY DEDICATION, IN ORDER TO CONSTRUCT THREE (3) NEW ONE-STORY RETAIL BUILDINGS TOTALING 20,700 SQUARE FEET AND A TOWER FEATURE AT AN EXISTING 259,193 SQUARE FOOT SHOPPING MALL ON A 1,168,931 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND

(CONTINUED ON NEXT PAGE)

AGENDA ITEMS

13B. LEGISLATION (CONTINUED):

RESOLUTIONS (CONTINUED):

RESOLUTION NO. R2008-9 (CONTINUED):

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE FIVE (5) FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE FRONT YARD SETBACK OF TWENTY (20) FEET IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-52(D)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 2.62% (30,204 SQUARE FEET) OF THE MINIMUM REQUIRED PERVIOUS AREA OF TWENTY (20%) PERCENT (230,592 SQUARE FEET), WHERE PROVISION OF 17.38% PERVIOUS AREA (200,388 SQUARE FEET) IS PROPOSED, ON EXISTING PERVIOUS AREA OF 18.33% (214,248); AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(14) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, IN ORDER TO OPERATE UP TO FOUR (4) FAST FOOD RESTAURANTS, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(17) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, IN ORDER TO OPERATE A TANNING SALON, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, IN ORDER TO OPERATE A PACKAGE LIQUOR STORE, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, IN ORDER TO OPERATE A BAR OR LOUNGE, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(LENGTHY LEGAL DESCRIPTION, SEE ATTACHED EXHIBIT "A")

A/K/A
3501 N.E. 163 Street
North Miami Beach, Florida
(P&Z Item No. 07-249 of February 11, 2008)

RESOLUTION NO. R2008-10

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE, ASSIGNING ITS DUTIES AND DURATION, PROVIDING AUTHORITY FOR EXPENDITURES; PROVIDING FOR PUBLIC MEETINGS; PROVIDING FOR A METHOD OF PROVIDING LEGAL AND STAFF SUPPORT FOR THE COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE AND A DATE FOR TERMINATION OF ACTIVITIES.

AGENDA ITEMS

13B. LEGISLATION (CONTINUED):

ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2008-7):

ORDINANCE NO. 2008-5

AN ORDINANCE AMENDING SECTION 2-23.3 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ALLOWING PERSONS SERVING ON CITY BOARDS OR COMMISSIONS TO SIMULTANEOUSLY SERVE ON THE PROPOSED CHARTER REVIEW COMMITTEE.

ORDINANCE NO. 2008-6

AN ORDINANCE REENACTING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR RECODIFICATION; AUTHORIZING CERTAIN MODIFICATIONS TO CODE; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2008-4

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE; PROVIDING A DEFINITION OF PLACES OF PUBLIC ASSEMBLY; TREATING ALL PLACES OF PUBLIC ASSEMBLY, INCLUDING RELIGIOUS INSTITUTIONS, IN A UNIFORM AND NON-DISCRIMINATORY MANNER SO AS TO COMPLY WITH THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT [RLUIPA]; 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:

15. CITY COUNCIL COMMITTEE REPORTS:

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

17. ADJOURNMENT:

18. NEXT CITY COUNCIL MEETING:

TUESDAY, MARCH 18, 2008