

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

FEBRUARY 16, 2010



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

FEBRUARY 16, 2010 MEETING MINUTES
(CNMB-CC MINUTES TAPE #435)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:35 P.M. Present at the meeting were Mayor Myron Rosner, Vice Mayor Phyllis S. Smith, and Council Members Beth E. Spiegel, Philippe Derosé, Barbara Kramer, Frantz Pierre, and John Patrick Julien. Also present were City Manager Kelvin L. Baker, City Attorney Darcee S. Siegel, and City Clerk Susan A. Owens.

2. INVOCATION

The invocation was given by Rabbi David Lehrfield of Young Israel of Greater Miami.

3. PLEDGE OF ALLEGIANCE

Mayor Rosner led the City Council in the Pledge of Allegiance.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

The City Clerk announced that Item #6.1, the appointment of Catherine Christofis to the Redevelopment Advisory Board has been withdrawn at the request of appointee due to a scheduling conflict. Councilwoman Spiegel requested Item #7.2, Resolution No. R2010-11, be pulled from the Consent Agenda for discussion at the end of the meeting.

5. PRESENTATIONS

- 5.1** Presentation of Plaque to Chief Rafael P. Hernandez, by Ayana Harris of the North Miami Beach Football and Cheerleaders Optimist Club

Presentation was made by Ayana Harris.

- 5.2** Presentation of the January 2010 Employee of the Month Award, by Councilman Frantz Pierre and City Manager Kelvin L. Baker, to Raymond Charles

Presentation was made by Councilman Frantz Pierre and the City Manager.

- 5.3** Presentation of the December 2009 C.A.R.E. Suggestion Award, by Vice Mayor Phyllis S. Smith and City Manager Kelvin L. Baker, to Lori Helton, Information Technologies

Presentation was made by Vice Mayor Smith and the City Manager to Ms. Helton for her suggestion to initiate a study to convert billing and collection of sanitation and storm water utility fees from the current monthly quarterly utility bill by the city, to a non-ad valorem assessment that gets billed annually on the County Property Tax bill.

6. APPOINTMENTS

6.1 Redevelopment Advisory Board

Catherine Christofis – *as 2nd Alternate* (Councilman Derose)

Item was withdrawn. (See Page 1)

6.2 Beautification Committee

McKenzie Fleurimond (Councilman Derose)

Motion made by Councilman Derose, seconded by Councilman Julien, to appoint McKenzie Fleurimond to the Beautification Committee. In a voice vote, all voted in favor. (**Motion carried 7-0**)

6.3 Multi-Cultural Committee

Yona S. Lunder (Councilman Julien)

Motion made by Councilman Julien, seconded by Councilman Pierre, to appoint Yona S. Lunder to the Multi-Cultural Committee. In a voice vote, all voted in favor. (**Motion carried 7-0**)

7. CONSENT AGENDA

Motion made by Councilman Julien, seconded by Councilman Derose, to introduce the Consent Agenda as amended (Item #7.2 was pulled). In a voice vote, all voted in favor. (**Motion carried 7-0**)

7.1 February 2, 2010 Meeting Minutes

7.2 Resolution No. R2010-11 – Item was pulled from Consent Agenda. (See Page 1)

7.3 Resolution No. R2010-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE FLORIDA STATE LEGISLATURE TO ENCOURAGE OTHER GOVERNMENTAL ENTITIES TO GO "GREEN" BY ADVOCATING FOR AND UTILIZING ADVANCED TECHNOLOGICAL DEVICES.

7.4 Resolution No. R2010-13

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2010 PROJECTS FOR AN AMOUNT NOT TO EXCEED \$987,410.00; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Councilman Julien, seconded by Councilman Derose, to approve the Consent Agenda as amended. In a voice vote, all voted in favor. (**Motion carried 7-0**)

8. **CITY MANAGER'S REPORT** – Kelvin L. Baker

8.1 Update on Miscellaneous Items

The City Manager was pleased to report that, as a follow up to the panhandling ordinance passed at the previous Council meeting, we have issued several warnings. Per the direction of the Council, we are in a six month warning period. We are encouraging the community to call the Police Department if they see anyone. A request has been put in to install the signs. This is a rather lengthy process. We are working with the Department of Transportation to get them installed as quickly as possible.

The Homeless Trust Meter installation is tentatively scheduled for February 23, at 4:00 P.M. There are some logistical issues that we are trying to work out as quickly as possible.

We are meeting with consultants that have worked with Councils on putting together some team-building concepts that will help us work better together. I hope to have some proposals to present at the next meeting.

There will be a ribbon cutting at the new and improved Eastern Shore Fire Rescue Facility on February 17, 2010 at 4:00 P.M. There will be several dignitaries from the County there and we are inviting the public to attend.

We are continuing our Haiti relief efforts; supplies are continuing to pour in. We met with an organization that is spearheading a drive to collect donated bicycles. The conditions of the roads in Haiti have limited vehicular traffic but bicycles can navigate through it; so, we have added that to our list of preferred supplies.

The Community Festival is coming up and everyone is encouraged to come and celebrate with us.

The City was able to pull together our international C.A.R.E. presentation. There were 60 something sites from around the world that listened in. I want to thank you for your support in helping us move forward with our C.A.R.E. Program.

9. **CITY ATTORNEY'S REPORT** – *Waived*

10. **MAYOR'S DISCUSSION** – *Waived*

11. **PUBLIC COMMENT**

The following individuals appeared before the City Council to express their opinions and concerns:

Charles Loeb, 16800 NE 15 AVE. #112, North Miami Beach, FL, spoke regarding the Super City Celebration, the obesity epidemic and physical fitness programs, the environment, and County Commissioner Sorenson's retirement.

Joseph Paglino, 1270 NE 162 ST. North Miami Beach, FL, spoke regarding enforcement of noise ordinances and employee pension meetings.

Muriel Kemp, 1479 NE 178 ST. North Miami Beach, FL, spoke regarding discussion of agenda items at the pre-Council Conference.

Allison Robie, 2131 NE 179 ST, North Miami Beach, FL, spoke regarding Ordinance 2010-3 regarding the Independent City Auditor.

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL, spoke regarding public comments, parking in the fire lane, discussion of agenda items at the pre-Council Conference, and the City Auditor.

Mayor Rosner requested that the City Attorney clarify the discussions from the pre-Council Conference regarding discussion of agenda items. The City Attorney stated that some agenda items will be discussed at the pre-Council Conference in order to air out any concerns the Council may have. The pre-Council Conference is tape recorded and is open to the public; and, there will be no voting on the items. The items will still be discussed at the Regular Council Meeting and the public will have an opportunity to comment on them. This effort is being made in order to make the meetings more effective and it is not a violation of the Sunshine Law. In fact, there is a history of some legislative items, such as the political signage ordinance, being discussed at the pre-Council Conference in order to guide the City Manager and myself in drafting the legislation.

12. **MISCELLANEOUS ITEMS** – *None*

13. **WAIVER OF FEE** – *None*

14. **BUSINESS TAX RECEIPTS** - *None*

15. **LEGISLATION**

Motion made by Councilman Julien, seconded by Councilman Derose, to introduce Resolution No. R2010-9. In a voice vote, all voted in favor. (**Motion carried 7-0**)

JENNINGS DISCLAIMER(S):

Councilwoman Spiegel disclosed she did not have any ex-parte communications; but, that she was present at the Planning and Zoning meeting where this item was discussed and voted upon. Outside of the meeting she recognized and greeted the Architect.

15.1 Resolution No. R2010-9

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 TWO-STORY SINGLE FAMILY HOUSE, 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)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE NINE (9) PERCENT (196 SQUARE FEET) OF THE MINIMUM REQUIRED FRONT YARD PERVIOUS AREA OF SEVENTY (70) PERCENT (1,471 SQUARE FEET), WHERE FRONT YARD PERVIOUS AREA OF SIXTY-ONE (61) PERCENT (1,275 SQUARE 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 24-41(D)(9)(a) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE

ALL OF THE MINIMUM REQUIRED ROOF PITCH OF THREE AND ONE-HALF (3-1/2) FEET IN TWELVE (12) FEET, WHERE A FLAT ROOF IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 73 & 74, BLOCK 5, EASTERN SHORES, PLAT BOOK 65, PAGE 28, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

A/K/A

16496 N.E. 31 Avenue

North Miami Beach, Florida 33160

(P&Z Item No. 09-467 of January 11, 2010)

The following staff members provided testimony to the City Council:

Chris Heid, City Planner, 17050 NE 19 AVE, North Miami Beach, FL

The following individuals were sworn in and provided testimony to the City Council:

Allison Robie, 2131 NE 179 ST, North Miami Beach, FL

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL

Miguel Ruiz, Ruiz Brito Architects, 267 Minorca AVE Suite #301, Coral Gables, FL

Motion made by Councilman Julien, seconded by Councilwoman Spiegel, to approve Resolution No. R2010-9. In a roll call vote, all voted in favor. (**Motion carried 7-0**)

Motion made by Councilman Julien, seconded by Councilman Derose, to introduce Resolution No. R2010-10. In a voice vote, all voted in favor. (**Motion carried 7-0**)

JENNINGS DISCLAIMER(S) -- None

15.2 Resolution No. R2010-10

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 NEW FRONT FAÇADE ON AN EXISTING 18,000 SQUARE FOOT ONE-STORY SHOPPING CENTER ON A 33,000 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 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE SIXTEEN (16) FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE FRONT YARD SETBACK OF NINE (9) FEET IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 4-9, BLOCK 1 OF "FULFORD BY THE SEA", PLAT BOOK 14, PAGE 37 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

A/K/A

1330-78 N.E. 163 Street

North Miami Beach, Florida 33162

(P&Z Item No. 09-463 of December 14, 2009)

The following staff members provided testimony to the City Council:

Chris Heid, City Planner, 17050 NE 19 AVE, North Miami Beach, FL

Dan Wick, CRA Coordinator, 17011 NE 19 AVE, North Miami Beach, FL

The following individuals were sworn in and provided testimony to the City Council:

Allison Robie, 2131 NE 179 ST, North Miami Beach, FL

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL

Tony Ng, 1140 NE 163 ST, Suite #28, North Miami Beach, FL

Motion made by Councilman Julien, seconded by Vice Mayor Smith, to approve Resolution No. R2010-10. In a roll call vote, all voted in favor. (**Motion carried 7-0**)

Motion made by Councilman Julien, seconded by Councilman Derose, to introduce Resolution No. R2010-14. In a voice vote, all voted in favor. (**Motion carried 7-0**)

15.3 Resolution No. R2010-14

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENT #10 TO THE MASTER LEASE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND SUNTRUST EQUIPMENT FINANCE & LEASING CORP. FOR FINANCING THE COST OF ACQUIRING AND INSTALLING EQUIPMENT; PROVIDING FOR THE PAYMENT OF THE LEASE PAYMENTS; PROVIDING FOR AN ESCROW DEPOSIT AGREEMENT TO FACILITATE FUNDING; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The following staff members spoke before the City Council:

Brian O'Connor, Chief Procurement Officer, 17011 NE 19 AVE, North Miami Beach, FL

Chief Raphael P. Hernandez, Police Chief, 16901 NE 19 AVE, North Miami Beach, FL

Motion made by Councilman Julien, seconded by Councilman Derose, to approve Resolution No. R2010-14. In a voice vote, all voted in favor. (**Motion carried 7-0**)

Motion made by Councilman Julien, seconded by Councilman Derose, to introduce Ordinance No. 2010-3 on First Reading, by Title Only. In voice vote, all voted in favor. (**Motion carried 7-0**)

15.4 Ordinance No. 2010-3 (First Reading, by Title Only)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF THE NORTH MIAMI BEACH, FLORIDA, CREATING A SECTION OF THE NORTH MIAMI BEACH CITY CODE ENTITLED "INDEPENDENT CITY AUDITOR"; CREATING THE DUTIES, METHODS OF SELECTION, AND METHOD OF COMPENSATION OF THE INDEPENDENT CITY AUDITOR PURSUANT TO THE CITIZENS' BILL OF RIGHTS, ARTICLE 7, SECTION 36 OF THE NORTH MIAMI BEACH CITY CHARTER; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

The following staff members spoke before the City Council:

Susan Gooding-Liburd, Finance Director, 17011 NE 19 AVE, North Miami Beach, FL

The following individuals appeared before the City Council to express their opinions and concerns:

Charles Loeb, 16800 NE 15 AVE, #112, North Miami Beach, FL

Allison Robie, 2131 NE 179 ST, North Miami Beach, FL

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL

Motion made by Councilman Julien, seconded by Councilman Derose, to approve Ordinance No. 2010-3, on First Reading, by Title Only.

Motion made by Councilwoman Spiegel, seconded by Councilman Julien, to amend Ordinance No. 2010-3 to modify Section 2-33(A)(2), to read "Conduct an annual audit which shall be conducted...", and to approve as amended Ordinance No. 2010-3 on First Reading, by Title Only. In a roll call vote, all voted in favor. **(Motion carried 7-0)**

Motion made by Councilman Julien, seconded by Councilman Derose, to introduce Resolution No. R2010-11 (Item was pulled from the Consent Agenda). In a voice vote, all voted in favor. **(Motion carried 7-0)**

7.2 Resolution No. R2010-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A WAIVER OF BID FOR THE CONTINUED OPERATION OF THE CITY'S STAND ALONE POLICE 800 MHZ RADIO SYSTEM; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH COMMUNICATIONS INTERNATIONAL, INC. FOR SUCH PURPOSE; AND PROVIDING FOR AN EFFECTING DATE.

The following staff members spoke before the City Council:

Chief Raphael P. Hernandez, Police Chief, 16901 NE 19 AVE, North Miami Beach, FL

Captain John Cassarino, Police Department, 16901 NE 19 AVE, North Miami Beach, FL

Motion made by Councilman Julien, seconded by Councilman Derose, to approve Resolution No. R2010-11. In a voice vote, all voted in favor. **(Motion passed 7-0)**

16. CITY COUNCIL COMMITTEE REPORTS

VICE MAYOR SMITH

Upcoming Meetings and Events. I would like to say that tomorrow is a very busy day as every 3rd Wednesday of the month is. At 9:10 A.M. we start our Seniors Meeting on the fourth floor and we invite more people to come to that committee and we are making a lot of wonderful changes for seniors in our neighborhood.

At 5:30 P.M. we have Economic Development, which is going to be a huge meeting. We are going to introduce the new people that are the North Miami Beach Chamber. Mr. Wick has an entire list of things that are going on in the City; and, it is going to be a very involved meeting and that's for an

hour tomorrow at 5:30 P.M., also on the fourth floor.

Tomorrow at 7:00 P.M. is, I call it a focus group because that's what the City that I copy called it, but that's my meeting that you can come to the McDonald Center and sit and give me some suggestions for the City, give me some praises for the City, and whatever you have on your mind. I'm happy to be there an hour a month to allow the public to come on a one-to-one with a Councilperson.

The seniors are having a luncheon on Friday. The speaker is going to be discussing internal medicine with Humana. And the lunch is outrageous. They try to get sponsors. This month they did not, so it's \$4.00 for a wonderful hot meal, chicken and a lot of fun also, besides the speaker. And, if you need a kosher meal you can call ahead to our Recreation Department and they'll make sure it's there for you.

The last thing about the seniors is on March 4th, they are going to the Bonnet House. It's a historic home; it leaves the City at 8:30 A.M. and returns at 3:00 P.M. We provide the transportation, right there outside the McDonald Center in the back. It is \$20.00 per person, you bring your own lunch and it's a wonderful outing, a wonderful afternoon. Just call again to the City, to the Recreation Department.

And, with that, those that have been following, my little granddaughter Charlie is now a year old. And, to her I wish her a belated happy birthday. I got to be with her this weekend for her birthday.

COUNCILWOMAN SPIEGEL

Civil Service Board. We have a new nominee that will come up at the next meeting for the Civil Service Board. For those members of the Civil Service Board and for Ms. Hobson, it's not that I haven't been trying. People who were at the Highland Village Census Party, Neighborhood Block Party, will know that I was approaching people asking them to go onto the Civil Service Board. So, anybody who's listening who would like to volunteer a couple hours a year, we still need another civilian for the Civil Service Board.

Tip-A-Cop Luncheon. I went to the Tip-A-Cop Luncheon. It was fun. It is such a great cause. They explained the cause to me while I was there and I believe there is going to be a Tip-A-Cop Event at the Outback, yet. So, Chief, you will publicize that very well so people can go. It benefits the families of slain officers and it's our police officers doing a really good deed.

COUNCILMAN JULIEN

Osteoporosis Seminar. I just wanted to remind everyone that on Saturday, February 20th, from 10:00 A.M. – Noon, the Commission on the Status of Women is having an Osteoporosis Seminar. We will have some nurses there, which will provide some very good information. This is an annual event that we put on and I encourage everybody that would like some free information on Osteoporosis to please attend.

Commendation. And, Mr. Manager, I know that you normally only hear complaints about your staff, but I wanted to give you some good marks on Shari Kamali. She works in your Building Department and she goes above and beyond to help the citizens of the City of North Miami Beach.

So I've heard enough good things about her that I figured it was worthy of me giving you the good news.

COUNCILMAN DEROSE

Haiti Relief Efforts. I want to take this opportunity to thank all our citizens who continue to make donations to the Republic of Haiti. Also, I want to thank our staff for their hard work and support. Last week I was participating in a meeting with Senator Bill Nelson and in a recent trip to the Republic of Haiti and what he described to us is really bad. Far greater than what we saw on television. The country needs all the help we can give. I believe this is a great challenge for the government and the citizens. What happened to the Republic of Haiti, I want everyone to know, can happen to any other country. In fact, some of the scientists believe that before we reach 2012, the world is going to experience major hurricanes and major earthquakes. So, what we need to do is support each other and be prepared for the worst.

COUNCILWOMAN KRAMER

Love In. I can say that the Leisure Services Department pulled off another amazing event. I attended my first Love In, it was on Valentine's Day and I understand that it's every Valentine's Day, no matter what day of the week. You would definitely think this was a Saturday night event. It was a Sunday night. The spirit and the excitement, it was a sold out crowd. Every single seat was taken. And the couples renewed their vows. I understand that a lot of the people that came, the guests were, this was like their second, third, fourth, it's been going on for like 20 years, or something. So, these are repeat guests and they really enjoy themselves. I think it was \$12.00 a person and you had a live band and you had food and you had a little bubbly. And, it was really lovely. It was great to see everyone have such a wonderful time.

Community Festival. I want to remind everyone we have our Community Festival, it's coming up on March 6th, it's a Saturday, it starts at 1:00 P.M. and goes all the way until 10:00 P.M. There's going to be a lot of great vendors, a lot of businesses displaying what they sell, what they offer, and we are going to have a lot of great food and a lot of great dancing. So, at any point and time that you come there, between 1:00 P.M. – 10:00 P.M. there's going to be something for everyone and especially for the children, it is a great family event.

COUNCILMAN PIERRE

Census. Just to remind everyone, 2010 is Census year. Make sure you get counted.

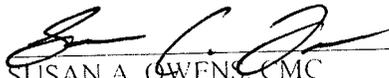
MAYOR ROSNER

Humane Society. This Saturday, our North Miami Beach Humane Society is having a walk at 9:00 A.M., downtown. I believe that any donations are welcome.

17. **NEXT REGULAR CITY COUNCIL MEETING** – Mayor Rosner announced that the next Regular City Council meeting will be Tuesday, March 2, 2010.
18. **ADJOURNMENT** – 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 10:02 P.M. on a motion by Councilman Julien, seconded by Councilman Pierre. In a voice vote, all voted in favor. **(Motion carried 7-0)**

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 NINE (9) 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 16TH DAY OF FEBRUARY, 2010.



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

(S E A L)