

JULY 6, 2010 MEETING MINUTES
(CNMB-CC MINUTES TAPE #444)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:37 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Philippe Derose, and Council Members Beth E. Spiegel, Phyllis S. Smith, John Patrick Julien Barbara Kramer, and Frantz Pierre. 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 Reverend Marta Burke, Fulford United Methodist Church.

3. PLEDGE OF ALLEGIANCE

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

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Items #5.2, #5.3, and #5.5 were deferred. Items #7.2 and #7.3 were pulled from the Consent Agenda. Withdrawn from Item #5.4 were the presentations to Stephanie Ammons and William Beuparlant.

5. PRESENTATIONS

- 5.1** Certificate of Appreciation for home invasion victim/witness assisting in the arrest of the four suspected robbers

Presentation was made by Police Chief Rafael Hernandez to Jonvoncea Alvis

- 5.2** Presentation of May 2010 C.A.R.E. Suggestion Award to Judy Genao, Police Department - Item was deferred. (See Item #4)
- 5.3** Recognition of 2010 Community Festival performers - Item was deferred. (See Item #4)
- 5.4** Recognition of City Employee Graduates
 - Farrha Calixte
 - Watlyn Clervoix
 - Eugene Jeeta
 - Shernett Lee
 - Esther Martinez

Steven Williams
(~~Stephanie Ammons presentation withdrawn, see item #4~~)
(~~William Beauparlant presentation withdrawn, see item #4~~)

Presentations were made by Councilman Pierre and City Manager Baker.

5.5 Community Presentation - Item was deferred. (See Item #4)

6. APPOINTMENTS

6.1 Economic Development Commission (*Councilwoman Phyllis S. Smith*)

Maritza Erb
Daniel Fox
Andrew Hirsch (Re-Appointment)
Harve D. Rosenthal

Motion made by Councilwoman Smith, seconded by Councilwoman Spiegel, to appoint the above referenced individuals to the Economic Development Commission. In a voice vote, all voted in favor. **(Motion carried 7-0)**

7. CONSENT AGENDA

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to approve the Consent Agenda as amended (Items #7.2 and 7.3 were pulled, see Item #4). In a voice vote, all voted in favor. **(Motion carried 7-0)**

7.1 June 1, 2010 Meeting Minutes

7.2 Resolution No. R2010-48 - Item was pulled from Consent Agenda. (See Item #4)

7.3 Resolution No. R2010-49 - Item was pulled from Consent Agenda. (See Item #4)

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

8.1 Miscellaneous Updates

Census. City Manager Baker reported that the Census Bureau is wrapping up their enumeration process and they are now focusing on vacant homes in our community. He stated he is looking forward to favorable results in the end.

Gulf Coast Recovery Jobs. City Manager Baker reported that the City has been in touch with agencies located in Pensacola to see if they can come to the City to recruit for jobs which may become available in the Gulf area. Screening is being done locally and those who meet the criteria will be transported to the West Coast and provided job opportunities and lodging.

Audit Presentation. City Manager Baker reported back to the Council that he has located the Power Point presentation from the City's previous auditor which was mentioned at the last meeting, and that copies will be on their desk in a day or so.

In response to Council questions regarding signs on Biscayne Boulevard in the areas designated where flowers can no longer be sold, or funds collected, City Manager Baker stated signs are up at NE 163rd Street, although he was unsure of exactly which corner they are located. City Manager Baker agreed this has been a constant problem; however, they are making an effort to eliminate the street selling and solicitation.

9. CITY ATTORNEY'S REPORT – Darcee S. Siegel

Charter School. City Attorney Siegel reported that she has looked into the Memorandum of Understanding for the Charter School. A meeting was held on June 25, 2010. Negotiations are ongoing. On June 29, 2010, her department sent a redlined Memorandum of Understanding to the Charter School officials; however, they have yet to respond.

Foreclosures. City Attorney Siegel reported that the City has received a surplus check for just under \$1,000. The City is keeping up with the mortgage foreclosures, and they are confident that the additional monies owed to the City will be forthcoming.

Seay Towing. City Attorney Siegel reported that oral arguments on the Seay Towing lawsuit will be held on July 14, 2010, and that she will advise Council when she receives the ruling.

Upcoming Legislation. City Attorney Siegel stated that at the next Council meeting, she will be bringing forward a Haitian immigration resolution to urge the federal government to allow Haitians to come into the country to work, and an ordinance adjusting Building Department fees.

10. MAYOR'S DISCUSSION - None

11. PUBLIC COMMENT

Charles Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL, spoke regarding the census, little league, and the drivers license renewal process.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke regarding City management and budget workshops.

Ketli Noel, 1585 NE 169 Street, North Miami Beach, FL, spoke regarding neighborhood crime efforts.

Margie Love, 1579 NE 169 Street, North Miami Beach, FL, spoke regarding crime prevention and victim advocacy.

Nick Mirabal, 1560 NE 170 Street, North Miami Beach, FL, spoke regarding crime prevention.

Hupert Rose, 415 NW 192 Street, North Miami Beach, FL, spoke regarding City management.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke regarding City management and meeting minutes.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL, spoke regarding public records.

George Vallejo, 2940 NE 164 Street, North Miami Beach, FL, spoke regarding City management, facility maintenance, and the budget.

12. MISCELLANEOUS ITEMS – None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS – None

15. LEGISLATION

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-13 (First Reading, By Title Only). By consensus, all voted in favor. **(Motion carried 7-0)**

15.1 Ordinance No. 2010-13 (First Reading, By Title Only)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ANOTHER POST-EMPLOYMENT BENEFIT TRUST FOR THE EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; AUTHORIZING THE JOINING AS A PARTY THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT AND THE PARTICIPATION OF SAID TRUST IN THE OTHER POST-EMPLOYMENT BENEFIT PLAN TRUST UNDER THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT; PROVIDING FOR PUBLICATION; 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 individual came before the City Council:

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

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to adopt Ordinance No. 2010-13 (First Reading, By Title Only). In a roll call vote, Vice Mayor Derose, Councilwoman Spiegel, Councilwoman Smith, Councilman Julien, Councilman Pierre, and Mayor Rosner voted yes; Councilwoman Kramer voted no. **(Motion carried 6-1)**

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-14 (First Reading, By Title Only). By consensus, all voted in favor. **(Motion carried 7-0)**

15.2 Ordinance No. 2010-14 (First Reading, By Title Only)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ORDINANCE 2009-31 ENTITLED THE NORTH MIAMI BEACH DANGEROUS INTERSECTION SAFETY ACT; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL DEVICES CONSISTENT WITH GENERAL LAW OF THE STATE OF FLORIDA, CHAPTER 2010-80 (THE MARK WANDALL TRAFFIC SAFETY ACT); PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The following individuals came before the City Council:

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

George Vallejo, 2940 NE 164 Street, North Miami Beach, FL

Motion made by Vice Mayor Derose, seconded by Councilman Julien, to adopt Ordinance No. 2010-14 (First Reading, By Title Only). In a roll call vote, Councilwoman Spiegel, Councilwoman Smith, Councilman Julien, Councilwoman Kramer, Councilman Pierre, and Mayor Rosner voted yes; Vice Mayor Derose voted no. **(Motion carried 6-1)**

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-15 (First Reading, By Title Only). By consensus, all voted in favor. **(Motion carried 7-0)**

15.3 Ordinance No. 2010-15 (First Reading, By Title Only)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; AMENDING SECTION 1.05 CONCERNING AMENDMENT OF THE PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

The following individuals came before the City Council:

Janice Coakley, 19681 NW 33 Avenue, North Miami Beach, FL

Lori Helton, 8140 NW 11 Street, Pembroke Pines, FL

Kenneth Harrison, 100 Miracle Mile, #300, Coral Gables, FL

George Vallejo, 2940 NE 164 Street, North Miami Beach, FL

Charles Loeb, 16800 NE 15 Avenue, North Miami Beach, FL

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

Jim Crosland, Labor Employment Attorney for City Retirement Boards

Motion made by Vice Mayor Derose, seconded by Councilman Julien, to adopt Ordinance No. 2010-15 (First Reading, By Title Only). In a roll call vote, Councilwoman Spiegel, Councilwoman Smith, Councilman Julien, Councilwoman Kramer, Councilman Pierre, and Mayor Rosner voted yes; Vice Mayor Derose voted no. **(Motion carried 6-1)**

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-16 (First Reading, By Title Only). By consensus, all voted in favor. **(Motion carried 7-0)**

15.4 Ordinance No. 2010-16 (First Reading, By Title Only)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; AMENDING SECTION 6 OF ORDINANCE 2002-30, CONCERNING AMENDMENT OF THE PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

The following individuals came before the City Council:

Joe Romero, 16901 NE 19 Avenue, North Miami Beach, FL
Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL
Allison Robie, 2131 NE 179 Street, North Miami Beach, FL
Janice Coakley, 19681 NW 33 Avenue, North Miami Beach, FL

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to adopt Ordinance No. 2010-16 (First Reading, By Title Only). In a roll call vote, Councilwoman Spiegel, Councilwoman Smith, Councilman Julien, Councilwoman Kramer, Councilman Pierre, and Mayor Rosner voted yes; Vice Mayor Derose voted no. **(Motion carried 6-1)**

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-17 (First Reading, By Title Only). By consensus, all voted in favor. **(Motion carried 7-0)**

15.5 Ordinance No. 2010-17 (First Reading, By Title Only)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE POLICE OFFICERS AND FIREFIGHTERS' RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH; AMENDING SECTION 1.05, CONCERNING AMENDMENT OF THE PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

The following individuals came before the City Council:

Linda Loizzo, [address confidential per F.S.]
Todd Scott, 16901 NE 19 Avenue, North Miami Beach, FL
Leo Socorro, 16901 NE 19 Avenue, North Miami Beach, FL
Armando Sotero, 16901 NE 19 Avenue, North Miami Beach, FL
Tony Loizzo, [address confidential per F.S.]
Steve Steinberg, [address confidential per F.S.]
Skip Washa, [address confidential per F.S.]
Jack Tucker, 5913 Sancerno Court, Lake Worth, FL
Janice Coakley, 19681 NW 33 Avenue, North Miami Beach, FL
David Templer, 3260 NE 164 Street, North Miami Beach, FL
Cory Portier, 1247 NE 163 Street, North Miami Beach, FL
Senator Ron Silver, 2031 NE 209 Street, North Miami Beach, FL
Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL
Allison Robie, 2131 NE 179 Street, North Miami Beach, FL
Margie Love, 1579 NE 169 Street, North Miami Beach, FL
Kenneth Harrison, 100 Miracle Mile, #300, Coral Gables, FL

Motion made by Councilman Julien, seconded by Councilman Pierre, to adopt Ordinance No. 2010-17 (First Reading, By Title Only). In a roll call vote, Councilwoman Spiegel, Councilwoman Smith, Councilman Julien, Councilwoman Kramer, Councilman Pierre, and Mayor Rosner voted yes; Vice Mayor Derose voted no. **(Motion carried 6-1)**

Motion made by Councilman Julien, seconded by Councilman Pierre, to introduce Ordinance No. 2010-12 (Second and Final Reading). By consensus, all voted in favor. **(Motion carried 7-0)**

15.6 Ordinance No. 2010-12 (Second and Final Reading)

AN ORDINANCE AMENDING SECTION 2-32.3 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CREATING AN EXCEPTION TO THIS SECTION FOR EX OFFICIO MEMBERS OF THE CITY OF NORTH MIAMI BEACH'S GENERAL EMPLOYEES' PENSION BOARD OF TRUSTEES AND POLICE OFFICERS' AND FIREFIGHTERS' PENSION BOARD OF TRUSTEES WHOSE MEMBERSHIP RIGHTS AND RESPONSIBILITIES ARE NOT LIMITED BY THIS SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

The following individuals came before the City Council:

- Mubarak Kazan**, 15564 NE 12 Avenue, North Miami Beach, FL
- Allison Robie**, 2131 NE 179 Street, North Miami Beach, FL
- Margie Love**, 1579 NE 169 Street, North Miami Beach, FL

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to adopt Ordinance No. 2010-12 (Second and Final Reading). In a roll call vote, all voted in favor. **(Motion carried 7-0)**

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Resolution No. R2010-48. By consensus, all voted in favor. **(Motion carried 7-0)**

7.2 Resolution No. R2010-48 - Item had been pulled from Consent Agenda. (See Item #4)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENCOURAGING LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION ON ALL NEW CONSTRUCTION AND BUILDING RENOVATIONS WITHIN THE CITY OF NORTH MIAMI BEACH.

Motion made by Councilman Pierre, seconded by Councilwoman Spiegel, to extend the meeting past 12:00 a.m. In a voice vote, Vice Mayor Derose, Councilwoman Spiegel, Councilwoman Smith, Councilman Julien, Councilman Pierre, and Mayor Rosner voted yes; Councilwoman Kramer voted no. **(Motion carried 6-1)**

Motion made by Councilwoman Smith, seconded by Vice Mayor Derose, to adopt Resolution No. R2010-48.

Motion made by Councilwoman Smith, seconded by Vice Mayor Derose to amend Resolution No. R2010-48 to as follows:

- 1) Fifth Whereas Clause to read : “Whereas, suggesting that all new construction as well as renovations within the City of North Miami Beach by attaining the goal of LEED Certification will

encourage the promotion of environmental awareness among government agencies, architects, engineers, developers, and builders;”

- 2) Section 2 to read: “The Mayor and City Council of the City of North Miami Beach, Florida, support encouraging LEED Certification for all new construction and renovations throughout the City of North Miami Beach.”

In a voice vote, Vice Mayor Derose, Councilwoman Smith, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted yes; Councilwoman Spiegel and Councilman Pierre voted no. **(Motion carried 5-2)**

Motion made by Councilwoman Smith, seconded by Vice Mayor Derose to adopt Resolution No. R2010-48 as amended. In a voice vote, Vice Mayor Derose, Councilwoman Smith, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted yes; Councilwoman Spiegel and Councilman Pierre voted no. **(Motion carried 5-2)**

Motion made by Councilman Julien, seconded by Councilman Pierre, to introduce Resolution R2010-49. By consensus, all voted in favor. **(Motion carried 7-0)**

7.3 Resolution No. R2010-49 - Item had been pulled from Consent Agenda. (See Item #4)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING GOVERNING PROTOCOLS AND PROCEDURES REGARDING THE FUTURE ACQUISITION AND DISPOSITION OF REAL PROPERTIES BY THE CRA PURSUANT TO POWERS CONFERRED BY CHAPTER 163, FLORIDA STATUTES, AND WHICH ARE CONSISTENT WITH THE CITY OF NORTH MIAMI BEACH'S COMPREHENSIVE PLAN, AND DIRECTING THE CRA COORDINATOR TO ENSURE THAT THESE ADOPTED LAND ACQUISITION AND DISPOSITION PROTOCOLS AND PROCEDURES ARE EMPLOYED BY THE CRA IN CARRYING OUT ITS DUTIES AND RESPONSIBILITIES.

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to adopt Resolution R2010-49. In a voice vote, Vice Mayor Derose and Councilman Julien voted yes; Councilwoman Spiegel, Councilwoman Smith, Councilwoman Kramer, Councilman Pierre, and Mayor Rosner voted no. **(Motion failed 2-5)**

16. CITY COUNCIL COMMITTEE REPORTS

VICE MAYOR DEROSE

Vice Mayor Derose wished everyone a good evening.

COUNCILWOMAN SPIEGEL

Councilwoman Spiegel requested that speakers not be required to restate their address if they have already spoken (*Council concurred*); requested that the City Clerk resend the DREAM Act Resolution to our Legislators; and expressed her appreciation of being a U.S. citizen and seeing democracy in action this evening.

COUNCILWOMAN SMITH

Councilwoman Smith thanked Reverend Marta Burke for speaking on patience during her invocation; wished a happy birthday to Al Sturtz and her brother Irwin; and, acknowledged the tremendous momentum the Crime Watch is gaining and encouraged residents to get involved.

COUNCILMAN JULIEN

Councilman Julien wished Al Sturtz a happy birthday, and echoed the sentiments of Councilwoman Spiegel by expressing his appreciation of seeing democracy in action this evening.

COUNCILWOMAN KRAMER

Councilwoman Kramer wished Al Sturtz a happy birthday, and expressed her condolences to the family of long time resident and activist Russell Specht.

COUNCILMAN PIERRE

Councilman Pierre reminded everyone that summertime is family time and to be safe, and reminded everyone that the library is still open during the summer.

MAYOR ROSNER

Mayor Rosner asked that, when residents speak with a City employee, that they tell the employee how much you appreciate them.

17. **NEXT REGULAR CITY COUNCIL MEETING** - Mayor Rosner announced that the next regular City Council meeting will be Tuesday, July 20, 2010.
18. **ADJOURNMENT** - There being no further business to come before the City Council, the meeting was adjourned at 12:16 a.m. on a motion made by Vice Mayor Derosé and seconded by Councilman Pierre. By consensus, all voted in favor. (**Motion carried 7-0**)

ATTEST:

(S E A L)


for Susan A. Owens, CMC
City Clerk