

# MINUTES

OF THE  
REGULAR  
CITY COUNCIL MEETING

DECEMBER 1, 2009



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

\* \* \* \* \*

**MINUTES**

*(CNMB-CC MINUTES TAPE #430)*

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

MAYOR	MYRON ROSNER, PRESIDING
VICE MAYOR	FRANTZ PIERRE
COUNCILWOMAN	BETH E. SPIEGEL
COUNCILWOMAN	PHYLLIS S. SMITH
COUNCILMAN	JOHN PATRICK JULIEN
COUNCILMAN	PHILIPPE DEROSE
COUNCILWOMAN	BARBARA KRAMER
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	DARCEE S. SIEGEL
CITY CLERK	SUSAN A. OWENS

**2. INVOCATION: REVEREND CANON RONALD N. FOX, ST. BERNARD DeCLAIRVAUX EPISCOPAL CHURCH**

**3. SALUTE TO THE AMERICAN FLAG**

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

**DEFERMENT(S):**            ITEM #7(A)  
MAYOR'S DISCUSSION

ITEM #14(A)  
DIAMOND'S GENTLEMAN'S CLUB BUSINESS TAX RECEIPT

**ADDITION(S):**            REPLACEMENT ITEM #7(A)  
SCHOOL BOARD BOUNDARIES DISCUSSION

**5. PRESENTATIONS**

A. PRESENTATION OF OCTOBER 2009 C.A.R.E. SUGGESTION AWARD BY COUNCILWOMAN PHYLLIS S. SMITH AND KELVIN L. BAKER, CITY MANAGER, TO ROBERT BARRABEITG FOR HIS SUGGESTION TO OFFER AFTER HOURS TURN ON WATER SERVICE TO WATER UTILITY CUSTOMERS UP TO 6 P.M. AND CHARGE A REASONABLE FEE THAT COVERS CITY EXPENSES, INCLUDING OVERTIME

PRESENTATION WAS MADE BY COUNCILWOMAN SMITH AND THE CITY MANAGER.

- B. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO *LINDA McNEW* AS THE *EMPLOYEE OF THE MONTH* FOR OCTOBER 2009

MS. McNEW WAS NOT ABLE TO ATTEND THE MEETING; BUT, VICE MAYOR PIERRE TOOK A MOMENT TO PUBLICLY RECOGNIZE HER SERVICE.

- C. RECOGNITION OF COMMISSION ON THE STATUS OF WOMEN MEMBERS BY COUNCILMAN JOHN PATRICK JULIEN.

PRESENTATION WAS MADE BY COUNCILMAN JULIEN TO THE MEMBERS THAT PARTICIPATED IN DELIVERING THANKSGIVING BASKETS TO NEEDY FAMILIES WITHIN THE CITY, AND TO WINN DIXIE FOR THEIR DONATIONS OF FOOD.

6. APPOINTMENTS

- A. COMMISSION ON THE STATUS OF WOMEN (*Councilman Julien*)

*MOHAMMED AHARED MALIK*  
*SAMIA TAOULOST-MALIK*

MOTION BY COUNCILMAN JULIEN, SECONDED BY COUNCILWOMAN SMITH TO REMOVE MOHAMMED AHARED MALIK FROM CONSIDERATION AND TO APPOINT SAMIA TAOULOST-MALIK TO THE COMMISSION ON THE STATUS OF WOMEN.

MOTION CARRIED.

- B. MULTI-CULTURAL COMMITTEE (*Councilman Julien*)

*DORISE BERROUET*  
*McKENZIE FLEURIMOND*  
*MOHAMMED AHARED MALIK*

MOTION BY COUNCILMAN JULIEN, SECONDED BY VICE MAYOR PIERRE TO APPOINT DORISE BERROUET, MCKENZIE FLEURIMOND, AND MOHAMMED AHARED MALIK TO THE MULTI-CULTURAL COMMITTEE.

MOTION CARRIED.

7. MAYOR'S DISCUSSION

- A. CAN YOU IMAGINE?

ITEM DEFERRED AND REPLACED WITH A DISCUSSION ON THE SCHOOL BOARD BOUNDARY CHANGES (SEE PAGE 1).

- A. SCHOOL BOARD BOUNDARY CHANGES

SCHOOL BOARD MEMBER DR. MARTIN KARP INVITED RESIDENTS TO A PUBLIC ABC MEETING THAT THE SCHOOL BOARD WILL BE HOLDING AT AVENTURA WATERWAYS AT MICHAEL KROP SENIOR HIGH ON THURSDAY DECEMBER 3.

2009 AT 6:30 P.M. TO HEAR WHAT THE PUBLIC HAS TO SAY IN REGARDS TO THE BOUNDARY ISSUE. MR. KARP STATED THAT NOTHING HAS BEEN DECIDED AT THIS TIME. HE FURTHER STATED THAT THE OTHER PURPOSE OF THIS MEETING IS TO PROVIDE ACCURATE INFORMATION TO THE PUBLIC. REGION II DIRECTOR PAUL GREENFIELD WILL BE MAKING THE PRESENTATION. DR. KARP ALSO INFORMED EVERYONE THAT A LIST OF THESE MEETINGS FOR THE ENTIRE YEAR CAN BE FOUND ON HIS WEBSITE, WWW.DISTRICT3.DADESCHOOLS.NET. THERE IS ALSO A LINK ON THE SITE FOR COMMUNITY MEETINGS.

COUNCILWOMAN SMITH ADDED THAT ANOTHER MEETING WILL BE HELD AT 6:30 P.M. ON THURSDAY NIGHT, DECEMBER 4, 2009, AT ALFONSO AND TRACY MOURNING SENIOR HIGH.

**8. CONSENT AGENDA**

**A. APPROVAL OF MINUTES**

NOVEMBER 3, 2009  
NOVEMBER 17, 2009 (*Deferred*)

**B. RESOLUTIONS**

**Resolution No. R2009-73**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING AN \$8,515.00 FEDERAL AWARD FOR THE DOMESTIC VIOLENCE PROJECT.

**Resolution No. R2009-74**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH PBS&J, AS THE FIRST RANKED FIRM; KIMLEY-HORN AND ASSOCIATES, INC., AS THE SECOND RANKED FIRM; AND EAC CONSULTING, INC., AS THE THIRD RANKED FIRM, FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE ARTHUR SNYDER TENNIS CENTER EXPANSION AND THE PATRICIA MISHCON ATHLETIC FIELD EXPANSION.

MOTION BY COUNCILMAN JULIEN. SECONDED BY COUNCILMAN DEROSE TO INTRODUCE  
CONSENT AGENDA. MOTION CARRIED.

MOTION BY COUNCILWOMAN SMITH. SECONDED BY COUNCILMAN DEROSE TO  
APPROVE CONSENT AGENDA. MOTION CARRIED.

**9. CITY MANAGER'S REPORT**  
**KELVIN L. BAKER**

- A. REQUEST APPROVAL FOR EXPENDITURE OF \$600,500.00 FROM THE FEDERAL JUSTICE LAW ENFORCEMENT TRUST FUND (*POLICE CHIEF RAFAEL P. HERNANDEZ*)

MOTION BY COUNCILMAN DEROSE, SECONDED BY VICE MAYOR PIERRE TO APPROVE AN EXPENDITURE OF \$600,500.00 FROM THE FEDERAL JUSTICE LAW ENFORCEMENT TRUST FUND. MOTION CARRIED.

- B. HISTORICAL PRESERVATION GRANT APPLICATION FOR FULFORD FOUNTAIN RESTORATION

THE CITY MANAGER ANNOUNCED THAT THE CITY OF NORTH MIAMI BEACH IS SUBMITTING A REQUEST TO THE STATE OF FLORIDA'S DIVISION OF HISTORIC PRESERVATION SMALL MATCHING GRANTS PROGRAM TO REPAIR AND RESTORE THE FOUNTAIN. THE CITY IS REQUESTING \$20,000.00 FROM THE STATE OF FLORIDA WITH AN ADDITIONAL \$13,975.00 CASH MATCH FROM THE CITY'S GENERAL FUND AND \$6,025.00 IN-KIND SERVICES MATCH FOR A TOTAL PROJECT BUDGET OF \$40,000.00. THE REQUIRED COUNCIL RESOLUTION TO AUTHORIZE THE CASH AND IN-KIND MATCH WILL BE SUBMITTED FOR THE DECEMBER 15, 2009 MEETING. THE CITY HAS RECEIVED A ROUGH ESTIMATE FROM ONE COMPANY IN MIAMI-DADE COUNTY OF \$34,000.00 TO COMPLETE THIS PROJECT.

THIS REPAIR AND RESTORATION PROJECT WILL CONSIST OF:

- PRESSURE CLEANING, SAND BLASTING, GRINDING TO EXPOSE ORIGINAL HISTORIC FINISH
- REPAIR OF HISTORICAL STRUCTURAL ELEMENTS WITH HYDRAULIC CEMENTS AND MORTARS TO FILL IN ALL CRACKS AND JOINTS
- PRESSURE CLEANING, SMOOTHING, AND RESTORING THE SEAL
- RECONDITIONING TO PRESERVE ARCHITECTURAL FEATURES AND REPLACEMENT OF PLANTERS AND HISTORIC REPLICA
- REPLACE FOUR INTERIOR LIGHTS AND CONCEAL CONDUITS WITH ENERGY EFFICIENT LED LIGHTING
- MARCITE OR DIAMOND BRITE FOUNTAIN SURFACES
- SPRAY DECK, NEW PLANTERS, AND COPING
- UPGRADE FILTRATION SYSTEM
- RECONDITION HISTORIC DOME AND ADDITION OF SIMILAR MOSAIC TILE
- PAINT FOUNTAIN STEPS
- FIX ALL EXPOSED REBAR ON UNICORN HORNS AND INSIDE DOME
- REPLACE PVC WHERE ACCESSIBLE (INCLUDING EXCAVATION) WITHOUT DEMOLITION TO FOUNTAIN
- PATCH ROAD WHERE NEEDED FOR PVC REPLACEMENT PER THE

BUILDING CODE

THERE ARE TWO REQUIRED COMPONENTS OF THIS GRANT. ONE IS A PUBLIC AWARENESS CAMPAIGN, WHICH THE CITY HAS ALREADY BEGUN. THERE IS A LINK ON THE CITY'S WEBPAGE THAT DESCRIBES THE RESTORATION PROJECT AND THE HISTORICAL INFORMATION ABOUT THE MONUMENT. THE CITY HAS SENT PRESS RELEASES TO THE COMMUNITY MAKING THEM AWARE THAT WE ARE SEEKING FUNDING TO REPAIR AND RESTORE THE MONUMENT. THERE WILL ALSO BE COVERAGE DURING THE BOOK REVIEW WITH SETH BRAMSON, FROM FARMS AND FIELDS TO THE FUTURE: THE INCREDIBLE HISTORY OF NORTH MIAMI BEACH, OUTLINED IN HIS BOOK THAT FEATURES THIS PARTICULAR SITE. THE CITY IS ASKING FOR THOSE IN OUR COMMUNITY THAT ARE HISTORY BUFFS TO SEND LETTERS OF SUPPORT TO MR. SCOTT STROH, DIVISION OF HISTORICAL RESOURCES DIRECTOR, BUREAU OF HISTORIC PRESERVATION, GRANTS AND EDUCATION SECTION, 500 SOUTH BRONOUGH STREET, TALLAHASSEE, FLORIDA 32399.

THE CITY MANAGER THANKED THE MAYOR FOR ALLOWING HIM TO MAKE THIS STATEMENT. READING THIS STATEMENT IS ONE OF THE REQUIRED STEPS IN THE GRANT PROCESS. OUR NEXT STEP IS TO BRING THE RESOLUTION FORWARD AT THE NEXT MEETING; AND, THEN, WE WILL SEND THE ENTIRE PACKAGE TO TALLAHASSEE WITH HOPE OF GETTING THE FUNDING.

**10. CITY ATTORNEY'S REPORT**  
**DARCEE S. SIEGEL**

THE CITY ATTORNEY INFORMED THE MAYOR AND COUNCIL OF A COUPLE OF LEGISLATIVE ITEMS SHE WILL BE BRINGING FORWARD TO OUR NEXT MEETING. WE ARE GOING TO HAVE AN AMENDMENT TO THE RED LIGHT ORDINANCE. THERE'S SOME SCRIVENER'S ERRORS THAT NEED TO BE CORRECTED, AS WELL THERE'S NO PROVISION FOR ADMINISTRATIVE COSTS OR COURT COSTS. SO THAT THE CITY CAN RECOUP WHAT'S BEING PAID FOR THE SPECIAL MASTERS' SERVICES, MANY OTHER CITIES HAVE THAT INCLUDED IN THEIR ORDINANCE AND SHE THINKS THAT THAT IS SOMETHING PRUDENT THAT THE CITY WOULD LIKE TO DO AS WELL. ALSO, AS WE DISCUSSED EARLIER IN THE WORKSHOP ABOUT PET SHOPS, SHE IS ANTICIPATING BRINGING FORWARD, FOR FIRST READING, AN ORDINANCE INVOLVING PET SHOPS/PET GROOMERS THAT WAS DISCUSSED EARLIER THIS EVENING.

THE CITY ATTORNEY STATED THAT HER OFFICE HAS BEEN VERY BUSY WITH CONTRACTS. THERE ARE A LOT OF CONTRACTS OUT THERE AND THE LEGAL DEPARTMENT HAS BEEN REVIEWING THOSE AND MAKING SOME CORRECTIONS AND ADDITIONS TO THEM. ONE INTERESTING POINT THAT SHE WANTED TO LET THE COUNCIL KNOW IS, DURING THE WEEK OF THANKSGIVING IT WAS ONLY A THREE DAY WORKWEEK; AND, IN THOSE THREE DAYS WE WERE SERVED WITH FOUR FORECLOSURES. IT'S NOT SLOWING UP; IT'S JUST AMAZING. WHATEVER YOU READ,

DON'T BELIEVE BECAUSE THEY ARE STILL HAPPENING. SHE IS JUST AMAZED IN THAT SHORT PERIOD OF TIME.

THE CITY ATTORNEY ALSO WANTED THE COUNCIL TO KNOW THAT BEFORE THE END OF THE YEAR THEY MOST PROBABLY ARE GOING TO SEE A LOT MORE CASES ON THE LITIGATION LIST, PRIMARILY BECAUSE LAWYERS LIKE TO GET THEM IN SO THAT THEY APPEAR A YEAR OLDER THAN THEY REALLY ARE AND THAT'S HOW THE COURTS HANDLE CASES. THEY HANDLE THEM BY THE YEAR NUMBER, THE FIRST TWO NUMBERS. THEY ARE GOING TO DEAL WITH A 2009 CASE BEFORE THEY DEAL WITH A 2010 CASE, EVEN THOUGH IT WAS FILED ON DECEMBER 31<sup>ST</sup> OF 2009. BY JANUARY 1<sup>ST</sup> OF 2010 IT APPEARS AS THOUGH IT'S A YEAR OLD ALREADY. SO JUST BE ON THE LOOKOUT THAT THE LITIGATION LIST, WHICH CURRENTLY EXISTS AND CONSISTS OF 17 PAGES, IN THE NEXT MONTH OR SO WILL DEFINITELY BE LARGER.

#### **11. PUBLIC COMMENT**

##### **TO ALL CITIZENS APPEARING UNDER PUBLIC COMMENT**

THE COUNCIL HAS A RULE WHICH DOES NOT ALLOW DISCUSSION ON ANY MATTER WHICH IS BROUGHT UP UNDER PUBLIC COMMENT. 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. UNDER NO CIRCUMSTANCES WILL PERSONAL ATTACKS, EITHER FROM THE PUBLIC OR FROM THE DAIS, BE TOLERATED.

##### **SPEAKING BEFORE THE CITY COUNCIL**

THERE IS A THREE (3) MINUTE TIME LIMIT FOR EACH SPEAKER DURING PUBLIC COMMENT AND A THREE (3) MINUTE TIME LIMIT FOR EACH SPEAKER DURING ALL PUBLIC HEARINGS. 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, AND NAME AND ADDRESS OF THE ORGANIZATION YOU ARE REPRESENTING, IF ANY. IF YOU ARE SPEAKING ON A PUBLIC HEARING ITEM, PLEASE SPEAK ONLY ON THE SUBJECT FOR DISCUSSION. THANK YOU VERY MUCH, IN ADVANCE, FOR YOUR COOPERATION.

**NOTICE TO ALL LOBBYISTS**

ANY PERSON WHO RECEIVES COMPENSATION, REMUNERATION OR EXPENSES FOR CONDUCTING LOBBYING ACTIVITIES IS REQUIRED TO REGISTER AS A LOBBYIST WITH THE CITY CLERK PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY BOARDS, COMMITTEES OR THE CITY COUNCIL. A COPY OF THE APPLICABLE ORDINANCE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK WHICH IS LOCATED ON THE GROUND FLOOR OF CITY HALL OR ON THE CITY'S WEBSITE.

**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. CHARLES LOEB**

16800 N.E. 15 AVE  
NORTH MIAMI BEACH, FL

RE: CENSUS, FORM 9 GIFT REPORTING, THE NEW BUS SCHEDULE, MAYOR'S ORLANDO INCIDENT, HIGH SPEED RAIL TRANSPORTATION, AND NEW PROCESS FOR WATER FILTERS

**B. BRUCE LAMBERTO**

3420 N.E. 165 ST  
NORTH MIAMI BEACH, FL

RE: FEMA FUNDING FOR MOBILE COMMAND POST, ADVERTISING FOR VOLUNTEERS TO MENTOR KIDS, VETERANS' MONUMENT FOUNTAIN

**C. MICHAEL PONS, North Miami Beach Police Officers' Association, IUPA Local #6005**

16901 N.E. 19 AVE  
NORTH MIAMI BEACH, FL

RE: UNION NEGOTIATIONS AND OFFICER MORALE

**12. MISCELLANEOUS ITEMS**

NONE

**13. WAIVER OF FEE**

NONE

**14. BUSINESS TAX RECEIPT MATTERS**

**CITY CLERK**

**A. BLUE LIGHT DISTRICT ENTERTAINMENT, LLC**

**d/b/a DIAMOND'S GENTLEMAN'S CLUB**

337-349 N.W. 170 STREET

NORTH MIAMI BEACH, FL 33169

LEONARD J. MOORE, MANAGING MEMBER

RE: 1. APPROVAL OF BUSINESS TAX RECEIPT FOR AN ADULT ENTERTAINMENT ESTABLISHMENT, SUBJECT TO FINAL APPROVAL FROM THE CITY BUILDING DEPARTMENT, THE MIAMI DADE COUNTY FIRE DEPARTMENT, AND ANY AND ALL OTHER STIPULATIONS PROVIDED BY THE CITY POLICE CHIEF (INITIAL APPROVAL)

2. APPROVAL OF A 4:00 A.M. TO 6:00 A.M. EXTENSION OF HOURS BUSINESS TAX RECEIPT (INITIAL SIX MONTH APPROVAL)

ITEM DEFERRED (SEE PAGE 1).

**15. LEGISLATION**

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

*NONE NEEDED FOR THIS EVENING'S PROCEEDINGS*

**B. ORDINANCES – FIRST READING**

NONE

**C. ORDINANCES - SECOND AND FINAL READING**

*Ordinance No. 2009-28* entitled "AN ORDINANCE AMENDING CHAPTER II, STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS, SECTION 2-56 TITLED REDEVELOPMENT ADVISORY BOARD, OF THE CODE OF ORDINANCES OF NORTH MIAMI BEACH, FLORIDA; MEMBERSHIP; TERMS; ELIGIBILITY; MEETINGS AND QUORUM; ADDING SELECTION OF OFFICERS AND HANDLING OF VACANCIES ON THE BOARD; PROVIDING FOR SEVERABILITY; 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". WAS INTRODUCED BY MOTION OF COUNCILMAN JULIEN, SECONDED BY VICE MAYOR PIERRE ON SECOND AND FINAL READING. MOTION CARRIED.

MOTION BY COUNCILMAN JULIEN, SECONDED BY COUNCILMAN DEROSE TO ADOPT ORDINANCE NO. 2009-28 ON SECOND AND FINAL READING.

MOTION BY COUNCILWOMAN SMITH, SECONDED BY VICE MAYOR PIERRE TO AMEND ORDINANCE NO. 2009-28 TO REFLECT THAT THE COUNCIL MUST APPROVE THE MAYOR'S APPOINTMENT OF THE COUNCIL LIAISON. MOTION CARRIED, WITH MAYOR ROSNER AND COUNCILMAN JULIEN VOTING IN THE NEGATIVE.

MOTION BY COUNCILMAN JULIEN, SECONDED BY VICE MAYOR PIERRE TO ADOPT ORDINANCE NO. 2009-28, AS AMENDED, ON SECOND AND FINAL READING. MOTION CARRIED.

BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	YES	(VOTE: 7 YES;
COUNCILMAN JULIEN	YES	0 NO)
COUNCILMAN DEROSE	YES	
COUNCILWOMAN KRAMER	YES	
MAYOR ROSNER	YES	

*Ordinance No. 2009-29 (Original Version)* entitled "AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS; AMENDING SECTION 12-20 ENTITLED TOWING; EXTENDING THE SITE LOCATION OF TOWED OR REMOVED VEHICLES; REQUIRING A PERMIT FROM THE CITY'S BUILDING DEPARTMENT FOR ALL EXISTING AND NEW SIGNAGE, AND INCREASING THE PERMIT FEE; PROVIDING FOR THE RATES OF TOWED OR REMOVED VEHICLES NOT TO EXCEED ANY RATES SET BY MIAMI-DADE COUNTY TOWING ORDINANCE; REQUIRING PROOF OF ALL DRIVERS, DRIVING LICENSES, CRIMINAL HISTORY AND DRUG SCREENING TESTING, DISALLOWING UNAUTHORIZED SIGNAGE ON THE TOWING VEHICLES; 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", WAS INTRODUCED BY MOTION OF COUNCILMAN JULIEN, SECONDED BY COUNCILMAN DEROSE ON SECOND AND FINAL READING. MOTION FAILED, WITH ALL COUNCILPERSONS VOTING IN THE NEGATIVE.

*Ordinance No. 2009-29 (Version Incorporating the Changes from First Reading)* entitled "AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS; AMENDING SECTION 12-20 ENTITLED TOWING; EXTENDING THE SITE LOCATION OF TOWED OR REMOVED VEHICLES; EXTENDING HOURS FOR RELEASE OF A VEHICLE TO AN OWNER; SUPPLEMENTING THE LANGUAGE OF THE RECEIPT GIVEN TO AN OWNER STATING THAT PAYMENT WAS MADE PRIOR TO RELEASE; REQUIRING THE

TOWING COMPANY TO PROVIDE A SAFE PLACE FOR THEIR CUSTOMERS TO RETRIEVE VEHICLES AND REQUIRING THAT ALL DRUG TESTS ADMINISTERED TO TOW DRIVERS BE PAID FOR BY THE TOWING COMPANY AND THE RESULTS BE PROVIDED TO THE CITY; REQUIRING A PERMIT FROM THE CITY'S BUILDING DEPARTMENT FOR ALL EXISTING AND NEW SIGNAGE, AND INCREASING THE PERMIT FEE; PROVIDING FOR THE RATES OF TOWED OR REMOVED VEHICLES NOT TO EXCEED ANY RATES SET BY MIAMI-DADE COUNTY TOWING ORDINANCE; REQUIRING PROOF OF ALL DRIVERS' DRIVING LICENSES, CRIMINAL HISTORY AND DRUG SCREENING TESTING, DISALLOWING UNAUTHORIZED SIGNAGE ON THE TOWING VEHICLES; 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", WAS INTRODUCED BY MOTION OF COUNCILMAN JULIEN, SECONDED BY COUNCILMAN DEROSE ON SECOND AND FINAL READING. MOTION CARRIED.

MOTION BY COUNCILMAN JULIEN, SECONDED BY COUNCILMAN DEROSE TO ADOPT ORDINANCE NO. 2009-29 ON SECOND AND FINAL READING.

MOTION BY COUNCILWOMAN SMITH TO AMEND ORDINANCE NO. 2009-29 TO REMOVE THE \$500.00 CAP ON MEDALLION FEES. MOTION DIED FOR LACK OF A SECOND.

MOTION BY COUNCILWOMAN SMITH, SECONDED BY COUNCILWOMAN KRAMER TO AMEND ORDINANCE NO. 2009-29 BY REMOVING THE LAST SENTENCE OF SECTION 12-20.2(B), REGARDING PENALTIES FOR A BUSY PHONE LINE. MOTION CARRIED.

MOTION BY COUNCILWOMAN SMITH, SECONDED BY COUNCILMAN DEROSE TO AMEND SECTION 12-20.10 OF ORDINANCE NO. 2009-29 TO REMOVE THE PROVISION OF A JAIL SENTENCE FOR VIOLATIONS AND TO INSTEAD CREATE A TIERED PENALTY STRUCTURE AS SPECIFIED BELOW. MOTION CARRIED.

1<sup>ST</sup> OFFENSE: \$500.00  
2<sup>ND</sup> OFFENSE: \$1,000.00  
3<sup>RD</sup> OFFENSE: \$1,500.00

MOTION BY COUNCILWOMAN SMITH, SECONDED BY COUNCILMAN JULIEN TO ADOPT ORDINANCE NO. 2009-29, AS AMENDED, ON SECOND AND FINAL READING.

MOTION CARRIED.

BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	YES	(VOTE: 7 YES:
COUNCILMAN JULIEN	YES	0 NO)

COUNCILMAN DEROSE	YES
COUNCILWOMAN KRAMER	YES
MAYOR ROSNER	YES

MOTION BY COUNCILWOMAN SMITH, SECONDED BY VICE MAYOR PIERRE TO BRING BACK ORDINANCE NO. 2009-29 FOR THIRD AND FINAL READING AND TO INCLUDE THE APPROVED AMENDMENTS LISTED ABOVE AND A PROVISION IN THE BODY OF THE ORDINANCE RELATING TO THE REQUIRED "SAFE SPACE" REFERENCED IN THE TITLE OF THE ORDINANCE. MOTION CARRIED.

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Names of Party(ies) Appearing:

1. CHIEF RAFAEL L. HERNANDEZ, City of North Miami Beach Police Department  
16901 N.E. 19 AVE  
North Miami Beach, FL
2. CAPTAIN JOE GAMERL, City of North Miami Beach Police Department  
16901 N.E. 19 AVE  
North Miami Beach, FL.

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**16. CITY COUNCIL COMMITTEE REPORTS:**

**A. VICE MAYOR PIERRE:**

1. VICE MAYOR PIERRE WISHED EVERYONE GOOD EVENING. HE STATED THAT HE HOPED YOU ALL HAD A PEACEFUL THANKSGIVING HOLIDAY. UNFORTUNATELY, THIS YEAR THERE WAS NO TURKEY GIVEAWAYS BY THE CITY. HOWEVER, HE DID MANAGE TO GIVE OUT SOME ON HIS OWN. HE HOPES THAT WE WILL CONTINUE THIS TRADITION WHEN THE ECONOMY TAKES THE PROSPERITY SLOPE.
2. VICE MAYOR PIERRE ALSO THANKED THE CITY MANAGER AND THE CITY EMPLOYEES FOR PUTTING ON A NICE SHOW, THE TALENT SHOW. HE DIDN'T KNOW WE HAVE SO MUCH TALENT, SO MANY ARTISTS IN OUR CITY. HE ENJOYED THE SHOW AND HOPED THAT THAT TRADITION CONTINUES IN THE FUTURE.
3. VICE MAYOR PIERRE REMINDED RESIDENTS TO SHOW UP ON THURSDAY NIGHT AT THE SCHOOL BOARD CHANGE COMMUNITY MEETING TO VOICE YOUR OPINION. HE WILL BE THERE AND SOME OF HIS COLLEAGUES WILL BE THERE; BUT, YOU ARE THE ONES THAT MAKE THE DIFFERENCE. SO, BE THERE.
4. VICE MAYOR PIERRE STATED THAT HE'S LOOKING FOR A VOLUNTEER WHO WISHES TO SERVE ON THE REDEVELOPMENT ADVISORY BOARD. HE

STATED THAT HE IS LOOKING FOR ONE GOOD RESIDENT OR BUSINESS OWNER, SOMEBODY WHO KNOWS ABOUT REAL ESTATE, FINANCE, AND THINGS OF THAT NATURE. SO, CALL THE OFFICE 305-948-2986 AND LEAVE YOUR NAME AND HE WILL BE MORE THAN HAPPY TO SIT DOWN AND DISCUSS IT WITH YOU.

5. VICE MAYOR PIERRE STATED THAT THE DECEMBER HOLIDAYS ARE AROUND THE CORNER. IT'S NOT TOO EARLY TO SAY HAPPY HOLIDAYS TO ALL OF YOU REGARDLESS OF WHAT YOU ARE CELEBRATING, CHRISTMAS, HANUKKAH, KWANZAA, EVERYTHING. HAPPY HOLIDAYS TO ALL. THANK YOU.

**B. COUNCILWOMAN SPIEGEL:**

1. COUNCILWOMAN SPIEGEL STATED THAT ON BEHALF OF THE COUNCIL AND OUR RESIDENTS, SHE THANKED DR. KARP FOR COMING HERE TONIGHT TO SPEAK WITH US. SHE WANTED TO REITERATE WHAT VICE MAYOR PIERRE HAS ALREADY SAID AND WHAT SHE WAS SURE AT LEAST TWO OTHER COUNCILMEMBERS ARE GOING TO REITERATE ALSO. IT IS VERY, VERY IMPORTANT FOR THE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH TO COME OUT TO BE SEEN IN STRENGTH, IN NUMBERS, WITH THE DISCUSSION ABOUT SCHOOL BOUNDARY CHANGES. SHE THINKS THAT EVERYONE SHOULD CONSIDER GOING TO THE MEETING TOMORROW NIGHT AT MICHAEL KROP SENIOR HIGH SCHOOL AT 6:30 P.M. WHICH CONCERNS THE BOUNDARIES FOR THE AVENTURA WATERWAYS SCHOOL. YOU ABSOLUTELY NEED TO COME OUT 6:30 P.M. THURSDAY NIGHT AT ALONZO AND TRACY MOURNING BISCAYNE BAY CAMPUS FOR THE DISCUSSION, THE COMMITTEE MEETING ON THE BOUNDARY CHANGES FOR SUNNY ISLES K-8. IT'S GOING TO AFFECT OUR CHILDREN, IT'S GOING TO AFFECT NORTH MIAMI BEACH RESIDENTS. IT MAY EVEN AFFECT PROPERTY VALUES, ULTIMATELY. SHE ENCOURAGED ALL RESIDENTS, WHETHER THEY HAVE CHILDREN OR DON'T THIS IS A COMMUNITY ISSUE, TO COME OUT. LET THE SCHOOL BOARD SEE THAT NORTH MIAMI BEACH CARES ABOUT ITS CHILDREN, CARES ABOUT THE EDUCATION OF THE FUTURE.
2. COUNCILWOMAN SPIEGEL WANTED TO LET THE POLICE OFFICERS KNOW THAT DESPITE HER QUESTIONS HAVING TO DO WITH THE PENSION AND THE BUDGET ISSUES, SHE THINKS THAT THE NEIGHBORHOOD FOOTBALL LEAGUE IS A VERY GOOD PROGRAM. IT WAS NOTHING PERSONAL; IT WAS JUST TRYING TO BE FISCALLY RESPONSIBLE. SHE THANKED THE POLICE AND PARKS AND RECREATION FOR CLEANING UP THE ULETA PROBLEM.
3. SHE STATED HATS OFF TO THE COUNCIL MEMBERS WHO PARTICIPATED, TO THE CITY WORKERS, WHOEVER, FOR THE GARAGE SALE. IT WAS A

GREAT EVENT. SHE HAD FUN.

4. COUNCILWOMAN SPIEGEL STATED THAT, LIKE VICE MAYOR PIERRE, WE ARE LOOKING FOR GOOD PEOPLE FOR THE REDEVELOPMENT BOARD.
5. COUNCILWOMAN SPIEGEL STATED THAT FOR ONCE SHE'S ACTUALLY DOING HOLIDAYS IN ADVANCE. HANUKKAH WILL START BEFORE WE MEET AGAIN. SO HAPPY HANUKKAH TO EVERYONE; AND, TO EVERYONE A GOOD NIGHT.

**C. COUNCILWOMAN SMITH:**

1. COUNCILWOMAN SMITH STATED THAT, UNFORTUNATELY, RIGHT BEFORE THANKSGIVING SHE HAD TO GO TO THE MEMORIAL SERVICE FOR MICHAEL LONETTO WHO WAS ON HER ECONOMIC DEVELOPMENT AND SHE WAS SURE MOST OF NORTH MIAMI BEACH KNEW HIM. HE WAS THE MANAGER FOR COSTCO; BUT, HE WAS, TO THIS CITY, HE NEVER SAID NO. EVERY PLACE WE WENT HE WAS THERE. HE WAS THE FIRST ONE TO SAY WHAT CAN I DO, HOW MUCH DO YOU NEED. SHE STATED THAT SHE MUST TELL YOU, FOR TWO HOURS TO HEAR HIS EMPLOYEES REPORT ON THE FACT THAT THEY COULDN'T PAY THEIR MORTGAGE AND HE DID FOR THREE MONTHS, TO HEAR A WONDERFUL GENTLEMAN COME UP AND SAY HIS WHOLE LIFE EVERYBODY SAID HEY YOU, BOY, AND HE MET HIM WORKING THERE AND HE CALLED HIM BY HIS NAME. HE SAID FROM THAT POINT ON, AND THIS WAS YEARS AGO, THE RELATIONSHIP THAT HE MADE WITH EACH AND EVERY ONE OF HIS EMPLOYEES; BUT, NOT ONLY THAT, EACH AND EVERY ONE OF HIS CUSTOMERS. THE COUNCILWOMAN WENT THERE ON BEHALF OF THE MAYOR AND THE COUNCIL FOR NORTH MIAMI BEACH BECAUSE SHE WAS IN SHOCK WHEN SHE CAME TO THE ECONOMIC DEVELOPMENT. IT'S A BOARD OF FIFTEEN AND THERE WERE ONLY THREE PEOPLE THERE AND HE WAS ALWAYS THERE. ALWAYS THERE WITH HIS IDEAS, AND ALWAYS THERE WITH HIS HEART. HE DIED VERY SUDDENLY AT 56 YEARS OLD; AND, TO HIS FAMILY AND TO ALL OF US, NORTH MIAMI BEACH WON'T BE THE SAME AND COSTCO CERTAINLY WON'T BE THE SAME. THEY CAME FROM ALL OVER THE UNITED STATES TO COME TO THIS SERVICE. HER HEART GOES OUT TO THEM.
2. COUNCILWOMAN SMITH STATED THAT WHEN SHE WAS AT ONE OF HER LEAGUE OF CITIES EVENTS, THEY ALWAYS WANT TO KNOW WHAT DO YOU DO THERE, WHAT DO YOU DO THERE. SHE STATED THAT SHE RECEIVED A LETTER FROM JENNIFER STOCKETT, SHE'S WITH THE U.S. DEPARTMENT OF TREASURY, THE OFFICE OF FINANCIAL STABILITY, HOMEOWNERSHIP PREVENTION AND SHE'S IN WASHINGTON D.C., OF COURSE. IN THE LETTER MS. STOCKETT SAID, "SORRY FOR THE DELAY, I'VE BEEN TRAVELING TOO MUCH. I QUESTION BOTH FANNIE MAE AND

FREDDIE MAC AND THEY ARE BOTH IN AGREEMENT ON THE GUIDELINES. COUNCILWOMAN SMITH STATED THAT THIS IS IN REFERENCE TO THE FACT THAT UNFORTUNATELY MANY PEOPLE DON'T PAY THEIR MAINTENANCE. IF YOU'RE IN A COMPLEX OR A BUILDING THAT REQUIRES A MAINTENANCE, WHAT ARE WE SUPPOSED TO DO? WE HAVE SOME BUILDINGS THAT ONLY HAVE ONE WATER METER. IF HALF THE BUILDING DOESN'T PAY THEIR MAINTENANCE THEY CAN'T PAY THEIR WATER; AND, IF THEY DON'T PAY THEIR WATER, AS A CITY WE DON'T GET OUR WATER BILL PAID. YET, HOW DO YOU SHUT IT OFF FOR PEOPLE THAT ARE PAYING THEIR MAINTENANCE. THAT WAS THE COUNCILWOMAN'S QUESTION. MS. STOCKETT TOOK IT BACK TO WASHINGTON AND UNFORTUNATELY HER ANSWER DIDN'T QUITE ADDRESS THAT BUT IT SAYS, "THE TREND IN SITUATIONS SUCH AS DESCRIBED THE CONDO IS OWNED AS A WHOLE SO LESS TENANTS MEAN LESS MONEY. AN INCREASE IN H.O.A. FEES DUE TO THE INCREASED PERCENTAGE EACH UNIT WILL HAVE TO CARRY FOR MAINTENANCE, ETC. WHEN I INTERVIEWED BORROWERS, THEY HAVE ALSO CITED THIS INCREASE AS A REASON FOR DEFAULT BECAUSE IT'S UNEXPECTED, LIKE AN ASSESSMENT." COUNCILWOMAN SMITH STATED THAT THEY ARE HEARING. SHE STATED THAT SHE IS GOING TO E-MAIL HER BACK OR FAX HER BACK SOMETHING TO SAY, YOU KNOW, THIS ISN'T ENOUGH. YOU HAVE TO BE WORKING ON THIS AND THE GOVERNMENT HAS TO BE THERE TO HELP EVERYONE. WE DO GET SOME CONTACT AND WE ARE MAKING SOME PROGRESS FOR THE RESIDENTS THAT IT AFFECTS.

3. COUNCILWOMAN SMITH ALSO MENTIONED ABOUT THE GARAGE SALE. CHARLES LOEB IS SITTING HERE AND SHE WILL BE INDEBTED TO HIM. WHAT HAPPENED IS SHE WASN'T ALLOWED TO HAVE A TABLE AND THE TABLE WAS FOR HER NEPHEW. SO THAT'S THE REASON THAT SHE WAS VERY APPRECIATIVE THAT HER NEPHEW, WHO DOES NOT HAVE A WINDOW OR A POT TO THROW IT OUT OF, AND EVERY DOLLAR COUNTS. MR. LOEB WAS KIND ENOUGH TO SHARE HIS TABLE WITH HIM. AND SHE ALSO WANTED TO REALLY EXTEND THAT THANKS TO CHRIS HEID. SHE IS GOING TO MAKE HIM AN HONORARY SENIOR CITIZEN EVEN THOUGH HE TOLD HER HE'S ONLY 28 YEARS OLD. WHEN SHE ASKED THE EXPLORERS, WHICH HER UNDERSTANDING WAS THAT THEY WOULD HELP US SET UP IF YOU GOT THERE, THEY COULDN'T. THEY SAID THEY WERE TOO BUSY; AND, HERE THEY SHOWED UP FROM THE HUMANE SOCIETY WITH BOXES OF THINGS FOR THE SENIORS TO SELL. SHE THOUGHT IT WAS A BRILLIANT IDEA AND SHE STILL DOES, EXCEPT SHE FORGOT THAT SENIORS, 80 SOMETHING YEARS OLD, THEY CAN'T TAKE THE HEAT. THEY CAN'T EMPTY THOSE BOXES. THEY ARE CHARGING \$1.00 FOR A \$20.00 ITEM AND, YOU KNOW, CHARGING \$2.00 FOR A \$50.00 DOLLAR ITEM; GOD BLESS THEM. WE MADE \$161.00, OF WHICH WE WILL GIVE ABOUT \$30.00

OR \$40.00 TO THE HUMANE SOCIETY BEING THAT IT WAS THEIR ITEMS. IN THE END OF THE DAY, WHEN THE HEAT WAS VERY BAD, SHE ACTUALLY HAD A PROBLEM WITH THE HEAT HERSELF. THE EXPLORERS CAME OVER A QUARTER TILL 2:00 P.M. AND SAID, "COUNCILWOMAN, ARE YOU OKAY?" SHE SAID NO, THAT SHE COULD USE THEIR HELP. WITHIN TEN MINUTES THEY HELPED HER BOX UP THE REST OF THE STUFF. WOODY WAS THERE AND PUT IT IN HER HUSBAND'S TRUCK. IT'S A NICE FEELING TO BE ABLE TO HAVE THAT \$120.00 OR \$125.00 FOR CITIZENS THAT CAN'T, RESIDENTS THAT CAN'T, AFFORD TO GO ON THESE TRIPS. NOW THEY'LL BE ABLE TO. SHE IS LOOKING FORWARD TO DOING SOMETHING LIKE THAT CONSTANTLY TO ADD TO HER BOARD. SHE THANKED CHRIS HEID OVER AND OVER AND CHARLES LOEB; THANK YOU VERY MUCH. AND THE EXPLORERS WHO CAME TO HER RESCUE RIGHT BEFORE THEY WOULD HAVE TO PICK HER UP RATHER THAN PICK UP THE BOXES.

4. COUNCILWOMAN SMITH ALSO WANTED TO COMMENT ON THAT HOLIDAY SHOW. THAT WAS PROBABLY THE BEST TIME SHE HAS EVER SPENT IN THIS CITY. SHE FELT THE CAMARADERIE. SHE ASKED THE CITY MANAGER NOW TO GET TOGETHER EITHER A BASEBALL GAME. MAYBE, CHIEF, IT SHOULD BE THE POLICE AGAINST THE EMPLOYEES. MAYBE THAT'S WHAT WE SHOULD CONSIDER. WE NEED TO DO SOMETHING LIKE THAT IN THE FALL. THIS TIME, THOUGH, THE MANAGER WHO REFUSED TO SING BECAUSE HE HAD NOT PRACTICED. NEXT YEAR HE WILL BE GIVING US THE SINGING, A SONG FOR ALL OF US; AND, WE ARE ALL LOOKING FORWARD TO THAT. SHE HOPED IT WILL BE AN ANNUAL EVENT. WE WILL HAVE HIM OUT THERE IN SHORTS. SHE HAS SEEN HIM IN SHORTS; HE'S GOT A HECK OF LEGS AND HE'LL BE OUT THERE. HE'LL BE OUT THERE PITCHING THAT BASEBALL AND HITTING IT WITH THE POLICE OFFICERS. WE ARE GOING TO, THE CITY NEEDS TO DO A COUPLE OF THINGS LIKE THAT A YEAR. IT WAS A FABULOUS.
5. COUNCILWOMAN SMITH WANTED TO TELL THE POLICE DEPARTMENT THAT WE ARE NOT AWARE OF ANYTHING THAT HAPPENS WITH THE NEGOTIATIONS. UNTIL THE GENTLEMAN SPOKE BEFORE US, THE OFFICERS TOLD US, WE HAVE NO IDEA. WE CERTAINLY SAW THE PLANES FLYING AND IF WE DIDN'T, THE NEIGHBORS CALLED US AND TOLD US, BUT WE HAVE NO IDEA WHAT'S GOING ON. SO WE HOPE AT THE END OF THE DAY THAT WE CAN HAVE A POLICE FORCE THAT IS PROUD TO BE WORKING IN NORTH MIAMI BEACH AND THAT WE CAN HAVE A CITY THAT'S PROUD TO HAVE OUR POLICE FORCE THE WAY WE ALWAYS HAVE. SHE WAS SURE THAT'S THE WAY IT'S GOING TO WORK OUT AND SHE WAS SURE THIS MAYOR AND COUNCIL WILL WANT TO BE A PART OF MAKING SURE IT'S ALWAYS THAT WAY. THAT IT'S BEEN.
6. COUNCILWOMAN SMITH STATED THAT NEXT TIME WE MEET, WE WILL BE

PICKING THE RESIDENT THAT HAS GIVEN A LOT OF TIME AND SERVICE TO THE CITY FROM THE DAY THE CITY STARTED. IN OUR, THAT WE SAID THAT WE WOULD DO MONTHLY; SHE WILL BRING THAT FORTH ON THE NEXT COUNCIL MEETING. IN THE MEANTIME, PLEASE COME ON DECEMBER 8<sup>TH</sup>, NEXT TUESDAY, BECAUSE THE BOOK ABOUT NORTH MIAMI BEACH WILL BE PREVIEWED AT THE JULES LITTMAN THEATRE. IT'S AT 7:00 P.M. THE COUNCILWOMAN STATED THAT SHE WILL TELL YOU THAT, THEN THE FOLLOWING WEEK, YOU CAN COME HERE TO THE COUNCIL OR VIEW IN TO THE COUNCIL AND WE WILL PICK SOMEBODY AND RECOGNIZE THEM FOR ALL THEIR SERVICE.

7. COUNCILWOMAN SMITH STATED THAT SHE WILL BE AT TOMORROW NIGHT'S MEETING. SHE HAS A COMMITMENT THURSDAY NIGHT. SHE WILL TRY TO GET THERE; BUT, SHE WILL DEFINITELY BE THERE TOMORROW NIGHT. SHE ALSO HAS THE TAPE OF AVENTURA IF ANYONE WANTS HER TO TRY TO GET SOMEBODY TO HELP HER SEND IT BECAUSE SHE CERTAINLY DOESN'T KNOW THAT SHE WOULD. THIS IS THE MOST IMPORTANT ISSUE FOR OUR CITY. WHY? BECAUSE IF WE SNOOZE, WE LOSE; AND, WE CAN'T SNOOZE ON THIS. IT'S THIS WEEK. IT'S THURSDAY NIGHT. RED SHIRTS. COME BRING YOUR VOICES, BRING YOUR CHILDREN, BRING YOUR GRANDCHILDREN, BRING YOUR NEIGHBORS, AND MAKE THEM BE PART OF THIS FOR AN HOUR TO LET THIS COUNTY KNOW THAT IT'S VERY IMPORTANT TO US THAT YOU HAVE TANTALIZED US WITH A NEW SCHOOL AND NOW THEY'RE TRYING TO TELL US THAT OUR CHILDREN HAVE TO RIDE THE BUS FOR TWENTY MINUTES EACH WAY WHEN THE SCHOOL IS AROUND THE CORNER.
8. COUNCILWOMAN SMITH WISHED A HAPPY HANUKKAH TO ALL THE JEWISH COMMUNITY. SHE LOOKS FORWARD TO SEEING EVERYONE IN TWO WEEKS; AND, IF NOT BEFORE, AT ONE OF OUR FUNCTIONS. THANK YOU AND GOODNIGHT.

**D. COUNCILMAN JULIEN:**

1. COUNCILMAN JULIEN WISHED EVERYONE A GOOD EVENING. HE STATED THAT EVER SINCE THE MAY ELECTIONS, THIS IS THE EARLIEST WE ARE GOING TO GET OUT. CALL IT FOR LACK OF AN AGENDA OR WHATEVER; BUT, WHATEVER IT IS, LET'S KEEP IT UP. HE TOO WOULD LIKE TO THANK MR. LOEB; BUT, FOR DIFFERENT REASONS. MR. LOEB WAS VERY GRACIOUS IN WALKING HOME AND BRINGING OVER A BAG FULL OF FOOD ITEMS SO THAT HE COULD CONTRIBUTE TO OUR FOOD DRIVE WHICH THE VERY NEXT DAY, AS THE COUNCILMAN STATED EARLIER, WE WENT OUT AND GAVE TO THE NEEDY PEOPLE OF THIS COMMUNITY. COUNCILMAN JULIEN THANKED MR. LOEB ON BEHALF OF THE INDIVIDUALS THAT WE GAVE HIS CONTRIBUTIONS TO. THE COUNCILMAN AGAIN THANKED AND

RECOGNIZED THE LADIES OF THE COMMISSION ON THE STATUS OF WOMEN FOR THEIR EFFORTS. THIS IS THE FOURTH YEAR THAT WE HAVE DONE THIS; AND, AGAIN, HE HOPES THAT IT'S SOMETHING THAT CAN CONTINUE IN PERPETUITY BECAUSE IT'S A GREAT FEELING, DRIVING AROUND TOWN WITH BASKETS FULL OF FOOD KNOWING THAT YOU ARE GIVING IT TO THOSE THAT ARE LESS FORTUNATE THAN YOURSELVES.

2. COUNCILMAN JULIEN ALSO WANTED TO THANK THE CITY STAFF AND THE EXPLORERS AND ALL OF THE PARTICIPANTS, BE THEY RESIDENTS OF THE CITY OF NORTH MIAMI BEACH OR OUTSIDE OF THE CITY OF NORTH MIAMI BEACH, FOR PARTICIPATING IN OUR SIXTH GARAGE SALE. WE'LL SEE WHAT THE FUTURE HOLDS.
3. COUNCILMAN JULIEN STATED THAT SOME OF YOU MAY HAVE SEEN HIM PLAYING WITH THIS LITTLE THING. IT LOOKS LIKE A NOTEBOOK; BUT, IT'S ACTUALLY A KINDLE AND HE THANKED PATRICK FOR BRINGING THIS FORWARD. THIS IS A PAPERLESS AGENDA. HE DIDN'T KNOW IF YOU COULD SEE THE SCREEN HERE, BUT HE HAS BEEN TOGGLING BACK AND FORTH AND FOLLOWING THE ENTIRE MEETING WITH THIS LITTLE ITEM. THIS IS NOT PERFECT BUT HE THINKS WITH SOME TWEAKING THE FINE FOLKS OVER THERE IN THE I.T. DEPARTMENT, PATRICK ROSIAK, IN PARTICULAR, WE ARE GOING TO GET THIS DOWN TO A SCIENCE. WE'RE GOING TO SAVE A WHOLE BUNCH OF TREES AND SAVE A LOT OF MAN HOURS IN BEING ABLE TO SIMPLY WALK AROUND WITH SOMETHING LIKE THIS. HE STATED THAT HE THINKS IT'S LESS THAN A POUND, THIS ITEM HERE.
4. COUNCILMAN JULIEN STATED TO THE CITY MANAGER THAT HE TOO HAD A CONVERSATION THAT HE KIND OF FOUND A LITTLE BIT SURPRISING. OF COURSE HE BELIEVES THERE'S ALWAYS THREE SIDES TO EVERY STORY, THERE'S A CITY SIDE, THERE'S A POLICE SIDE, AND THEN THERE'S THE ACTUAL TRUTH. THE ONE THING THAT HE HOPES, AND YOU KNOW ONCE HE DIGS HIS HEELS INTO THE DIRT HE IS USUALLY VERY STEADFAST. HE STATED THAT HE LIKES TO HAVE ALL THE FACTS. HIS HOPE IS THAT THE CITY AND THE POLICE ARE REALLY OPERATING IN GOOD FAITH BECAUSE IF WE REACH AN IMPASSE BECAUSE WE ARE OPERATING IN GOOD FAITH THEN THAT'S ONE THING. IF WE REACH AN IMPASSE BECAUSE WE'RE NOT OPERATING IN GOOD FAITH, THEN THAT'S A TOTALLY DIFFERENT ISSUE. THE COUNCILMAN'S HOPE IS THAT WE ARE ACTUALLY DEALING WITH OUR POLICE FORCE IN GOOD FAITH.
5. COUNCILMAN JULIEN STATED THAT HE HAD THE PLEASURE OF ATTENDING AN EVENT TODAY IN THE CITY OF NORTH MIAMI WHERE THE NEWLY ELECTED MAYOR, MAYOR ANDRE PIERRE, HAD A FANTASTIC EVENT WHERE HE HAD A KEY EXCHANGE WITH THE NEWLY ELECTED

MAYOR OF THE CITY OF MIAMI, MR. TOMAS REGALADO. IT WAS WONDERFUL. COUNCILMAN DEROSE WAS THERE AS WELL. COUNCILMAN JULIEN STATED THAT HE WAS THERE, OBVIOUSLY NOT ONLY REPRESENTING THE CITY OF NORTH MIAMI BEACH, BUT AS A MEMBER OF THE 5,000 ROLE MODELS OF EXCELLENCE. WE HAD A WHOLE BUNCH OF YOUTH THAT WERE THERE. IT WAS REALLY A FANTASTIC EVENT AND HE COULDN'T SAY ENOUGH ABOUT IT. THE COUNCILMAN GAVE KUDOS AND CONGRATULATIONS TO MAYOR PIERRE FOR BRINGING SOMETHING LIKE THAT FORWARD.

6. COUNCILMAN JULIEN STATED THAT SINCE WE ARE ALWAYS TALKING ABOUT THE CENSUS, HE TOOK IT UPON HIMSELF, AS HE TOLD THE MANAGER, THAT HE WOULD HELP AS MUCH AS HE CAN WITH THE CENSUS. SOME OF YOU MAY HAVE HEARD HIM ON HOT 105. THAT WAS A FREEBIE THAT THEY GAVE HIM. WE WERE ACTUALLY ON THERE AND WE RECORDED A PUBLIC SERVICE ANNOUNCEMENT. WHERE THEY'VE PLAYED IT REPEATEDLY, BASICALLY TALKING ABOUT THE CENSUS THAT'S GOING TO BE COMING UP BETWEEN JANUARY AND APRIL OF NEXT YEAR. HE ALSO WANTED TO THANK ISLAND TV. TODAY HE WAS OUT THERE; THEY AGAIN ALLOWED HIM TO. THEY GAVE HIM A FREEBIE; THEY ALLOWED HIM TO RECORD SOMETHING FOR THE HAITIAN COMMUNITY, AND ALSO THE FINE FOLKS OVER THERE AT PLANET RADIO WHICH IS 1580 AM, THEY'VE DONE THE SAME THING AS WELL. BASICALLY THE MESSAGE THAT WE'RE PUTTING OUT, OR AT LEAST HE IS PUTTING OUT THERE, IS THINK OF THE 2010 CENSUS AS YOU WOULD YOUR TAX RETURN. YOU ARE GOING TO GET A FORM FROM THE IRS IN JANUARY. YOU'RE GOING TO GET A FORM FROM THE CENSUS IN JANUARY. AT THE SAME TIME THAT YOU'RE FILLING OUT YOUR TAX RETURN AND SUBMITTING IT TO UNCLE SAM, PLEASE DO THE SAME FOR YOUR CENSUS AND SEND THAT IN BECAUSE WE NEED AS ACCURATE A COUNT AS HUMANLY POSSIBLE. WE NEED TO GET AS MUCH DOLLARS AS WE CAN INTO THE CITY OF NORTH MIAMI BEACH SO THAT WE CAN CONTINUE TO PROVIDE THE SERVICES THAT OUR RESIDENTS HAVE COME TO ENJOY. HAVING SAID THAT, TO THE JEWISH COMMUNITY, HE WISHED A HAPPY HOLIDAY SEASON. GOD BLESS YOU ALL. GOD WILLING, WE WILL SEE YOU IN TWO WEEKS.

**E. COUNCILMAN DEROSE:**

1. COUNCILMAN DEROSE WISHED EVERYONE A HAPPY HOLIDAY SEASON AND A GOOD NIGHT.

**F. COUNCILWOMAN KRAMER:**

1. COUNCILWOMAN KRAMER WANTED TO MENTION AGAIN, AS COUNCILWOMAN SMITH MENTIONED, THAT WE DO HAVE THE LAUNCH OF OUR BOOK, FROM FARMS AND FIELDS TO THE FUTURE: THE INCREDIBLE HISTORY OF NORTH MIAMI BEACH. IT'S VERY EXCITING. SHE WAS SURE A LOT OF THE RESIDENTS ARE NOT AWARE OF THE GREAT STORIES AND THE FACTS AND THE HISTORY OF OUR ORIGINS HERE IN THE CITY. HOPEFULLY, IF ALL GOES WELL, WE WILL HEAR THE SONG "DREAMS OF FULFORD-BY-THE-SEA", WHICH PROBABLY NO ONE HAS HEARD IN THE LAST 80 YEARS. IT'S REALLY EXCITING THAT WE'RE GOING TO HEAR THIS. IT WILL BE A BOOK SIGNING; THE AUTHOR WILL BE THERE TO SIGN YOUR BOOKS. IT'S GOING TO BE A GREAT COMMUNITY EVENT; SO, SHE HOPES EVERYONE CAN COME OUT AND BE THERE.
2. COUNCILWOMAN KRAMER ANNOUNCED THAT DECEMBER 12<sup>TH</sup> IS OUR SNOWFEST. IT IS FROM 6:00 P.M. TO 10:00 P.M. AT THE GWEN MARGOLIS AMPHITHEATER. SHE WAS TOLD THERE IS GOING TO BE FORTY TONS OF SNOW FOR THE KIDS TO PLAY IN AND THERE'S GOING TO BE A PARADE ON HANFORD BOULEVARD. ANOTHER GREAT COMMUNITY EVENT WHERE WE CAN ALL CELEBRATE THE HOLIDAYS TOGETHER.
3. COUNCILWOMAN KRAMER STATED THAT SHE'S STILL LOOKING FOR SOME MEMBERS FOR THE RECREATION COMMITTEE. IT'S LEISURE SERVICES; IT INCLUDES OUR LIBRARY, OUR THEATER, PARKS, THE COMMUNITY CENTERS, AND THE SPORT FIELDS. ANYBODY WHO HAS GOT CREATIVITY, WHO IS ATHLETIC, WHO KNOWS ABOUT THE FIELDS, PERHAPS AN EDUCATOR ABOUT THE LIBRARY, OR THINGS THAT YOU CAN PUT INPUT WITH THE THEATER. WE WOULD LOOK FORWARD TO HAVING YOU.
4. COUNCILWOMAN KRAMER ALSO WANTED TO MENTION ONCE AGAIN THE COMMUNITY CONNECTS EVENT ON JANUARY 13<sup>TH</sup>. IT'S A WEDNESDAY, FROM 6:30 P.M. TO 8:30 P.M. WE ARE GOING TO HAVE A TOWN HALL MEETING. MIAMI-DADE COUNTY JUDGES ARE GOING TO BE HERE TO ANSWER YOUR QUESTIONS REGARDING FORECLOSURES, CONDOMINIUM ASSOCIATIONS, SMALL CLAIMS, DOMESTIC VIOLENCE, AND SO FORTH. IT'S A GREAT OPPORTUNITY FOR YOU TO BE ABLE TO ASK QUESTIONS AND BE DIRECTED OF HOW TO GO ABOUT YOUR SPECIAL SITUATIONS.
5. COUNCILMAN KRAMER STATED THAT SHE REGRETTED NOT REALIZING THAT IT WAS BOTH COUNCILMAN DEROSE AND MR. BAKER'S BIRTHDAYS LAST WEEK AND THE WEEK BEFORE. SHE NEVER WISHED THEM A HAPPY BIRTHDAY AT THE LAST MEETING. SHE REALLY REGRETTED THAT; SO, HAPPY AND HEALTHY TO YOU BOTH. SHE WISHED EVERYONE A HAPPY HANUKKAH COMING UP; AND, WE'LL SEE YOU REAL SOON.

**G. MAYOR ROSNER:**

1. MAYOR ROSNER WISHED EVERYONE A GOOD EVENING. HE STATED THAT ONE OF THE ADVANTAGES OF ACTUALLY COMING TO THE FARMS AND FIELDS AND TO THE FUTURE PRESENTATION IS THAT THE BOOK WILL BE \$14.99 WHICH IS \$5.00 OFF THE REGULAR PRICE OF \$19.99 AND THE AUTHOR WILL SIGN YOUR BOOK.
2. MAYOR ROSNER STATED THAT ON THURSDAY NIGHT HE GUESSED THE COUNCIL HAD A CONFLICT. HE DID NOT KNOW HOW MANY OF HIS COLLEAGUES WERE GOING TO GO TO THE SCHOOL BOARD MEETING BECAUSE WE HAVE A LEAGUE OF CITIES MEETING ON THURSDAY NIGHT AS WELL. THOSE MEMBERS AT THE OTHER EVENT WILL BE EXCUSED.
3. MAYOR ROSNER STATED THAT HE HAS TO SAY THAT THE COMMUNITY REDEVELOPMENT AGENCY HAS GOT A GREAT YEAR AHEAD OF IT, 2010. THE PROJECTS THAT WERE ANNOUNCED BY THE MANAGER ON HIS PROJECT LIST FOR NEXT YEAR IS A RESULT OF YOUR COMMUNITY REDEVELOPMENT AGENCY AT WORK. THE BROCHURE THAT YOU PUT OUT, THAT YOU'RE MAILING TO THE RESIDENTS, IS PHENOMENAL; A GREAT PRESENTATION IN HERE. YOU'RE SHOWING YOUR FUTURE PROJECTS, THE SNYDER TENNIS CENTER, MISHCON PARK. YOU DID A GREAT JOB. MR. WICK, ON THE PRESENTATION THAT'S GOING OUT.
4. MAYOR ROSNER STATED THAT THE ADVISORY COMMITTEE FOR DISABLED INDIVIDUALS IS GOING TO HAVE, PROVIDED EVERYTHING FALLS INTO PLACE PROPERLY AND THE TENNIS CENTER IS READY BY END OF FEBRUARY AS FORECASTED, WE ARE GOING TO HAVE OUR FIRST TENNIS TOURNAMENT HERE IN OUR CITY. WE ARE GOING TO BE LOOKING FOR A SPONSOR FOR IT. WE HAVE THE UNITED STATES TENNIS ASSOCIATION VERY EXCITED ABOUT DOING IT HERE IN OUR CITY. WE ARE LOOKING TO GET THE INTERNATIONAL TENNIS FEDERATION INVOLVED AND HAVE A NATIONAL REPRESENTATION AT THAT, WITH SPONSORSHIPS, WITH PRIZES. FIRST PRIZE, SECOND PRIZE, THIRD PRIZE IN THE DIFFERENT EVENTS. THAT SHOULD BE WONDERFUL TO SHOWCASE OUR NEW RENOVATIONS THAT ARE GOING TO BE UNDERWAY AT ARTHUR SNYDER. WE NOW HAVE OVER 80 PARTICIPANTS IN OUR PROGRAM, WHICH IS ABSOLUTELY PHENOMENAL.
5. MAYOR ROSNER STATED THAT HE HAS NOW BEEN THE PUBLIC UTILITIES COMMISSION LIAISON FOR A FEW MONTHS; AND, HE MUST SAY THAT THE MEMBERS ARE HEAVILY ENGAGED. THE STAFF IS PHENOMENAL. WE AS A COUNCIL CAN FEEL VERY GOOD THAT BEFORE THE INFORMATION COMES TO US THAT THEY HAVE ANALYZED IT; AND, STAFF HAS DONE A GREAT JOB AT PRESENTING IT. HE WAS VERY PROUD TO BE LIAISON OF THAT COMMISSION.

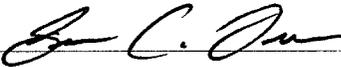
6. MAYOR ROSNER STATED TO THE CITY MANAGER THAT HE GOT \$200.00 (FAKE MONEY FOR THE RECORD) AT THE TALENT SHOW. THE MAYOR ASKED IF HE NEEDED TO GET THE FORM 9 FOR THIS. MR. BAKER RESPONDED THAT THAT WAS PART OF THE JOKE. THE MAYOR WANTED TO KNOW WHERE HE COULD SPEND IT; OR, IS THAT THE JOKE? THE MAYOR STATED THAT THEY ARE NOT SPENDING IT. YOU CANNOT SPEND THESE IN NORTH MIAMI BEACH. HE HAS \$200.00 HERE THAT HE DOESN'T KNOW HOW TO DECLARE. SO, ANYBODY THAT NEEDS NORTH MIAMI BEACH DOLLARS, HERE THEY ARE. BAKER BUCKS. THE TALENT SHOW WAS AMAZING. THE MAYOR STATED THAT NO, HE DIDN'T GET THE MANAGER'S JOKE . YOU GOT TO WORK ON IT. HE STILL ASKS WHAT THE MANAGER DID OTHER THAN PRANCE AROUND AT THE END. BUT IT WAS A PHENOMENAL, PHENOMENAL SHOW.
7. MAYOR ROSNER WISHED EVERYONE A HAPPY HANUKKAH. THERE'S GOING TO BE NO PRE-COUNCIL AT OUR NEXT MEETING ON DECEMBER 15<sup>TH</sup>. OUR NEXT REGULAR COUNCIL MEETING WILL BE DECEMBER 15, 2009.

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 10:31 P.M. ON A MOTION BY COUNCILMAN DEROSE, SECONDED BY COUNCILWOMAN SMITH. MOTION CARRIED.

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  
TWENTY-TWO (22) 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 FIRST (1<sup>ST</sup>) DAY OF DECEMBER,  
2009.

(SEAL)



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