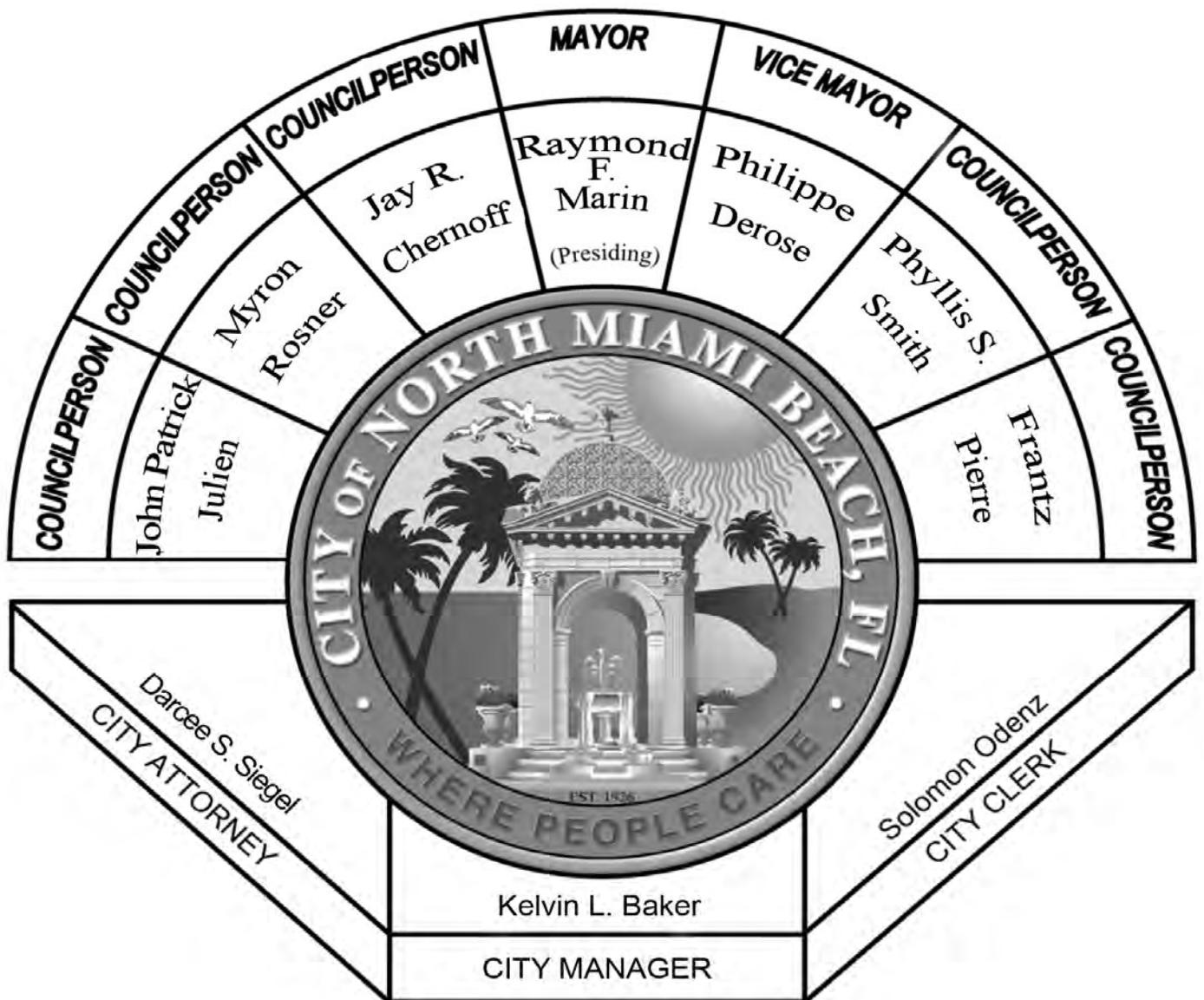


*Welcome  
To A Meeting of the  
City of North Miami Beach City Council  
Your City Officials*



**AGENDA**

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

DATE and TIME: TUESDAY, APRIL 7, 2009, 7:30 PM

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

**NEXT CITY COUNCIL MEETING: TUESDAY, APRIL 21, 2009**

# AGENDA ITEMS

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

2. **INVOCATION:**

SENIOR MINISTER JONAS GEORGES,  
ALL NATIONS PRESBYTERIAN CHURCH.

3. **SALUTE TO THE AMERICAN FLAG.**

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

5. **APPOINTMENTS/PRESENTATIONS:**

A. **APPOINTMENTS:**

1. MARYTE GUDAVICIENE CRON – RECREATION COMMITTEE.
2. FAITH L. BLOCK – COMMISSION ON AGING/SENIOR CITIZENS ADVISORY BOARD.

B. **PRESENTATIONS:**

1. SWEARING IN, BY MAYOR RAYMOND F. MARIN, OF POLICE OFFICER PEDRO ROJAS, JR.
2. PRESENTATION, BY MAYOR RAYMOND F. MARIN, TO OFFICER ROBERTO QUINONES AS THE OUTSTANDING OFFICER FOR THE MONTH OF JANUARY 2009.
3. PRESENTATION, BY MAYOR RAYMOND F. MARIN, TO OFFICER EDWARD GARCIA AS THE OUTSTANDING OFFICER FOR THE MONTH OF FEBRUARY 2009.
4. PRESENTATION BY CHIEF RAFAEL P. HERNANDEZ, OF THE EMPLOYEE OF THE MONTH RECOGNITION TO PCO TONYA HOLIMON.
5. THANKING THE POLICE DEPARTMENT FOR DELIVERING SERVICE BY SONIA TIRADO.
6. PRESENTATION, BY MAYOR RAYMOND F. MARIN, OF PROCLAMATION TO THE PUBLIC SERVICES DEPARTMENT PROCLAIMING APRIL AS *WATER CONSERVATION MONTH*.
7. PRESENTATION, BY MAYOR RAYMOND F. MARIN, OF PROCLAMATION TO MICHAEL FOSTER, EXECUTIVE DIRECTOR OF PARALYZED VETERANS OF SOUTH FLORIDA, PROCLAIMING APRIL 12-18, 2009 AS *PARALYZED VETERANS OF AMERICA WEEK*.
8. PRESENTATION BY COUNCILWOMAN SMITH OF PROCLAMATION TO THE NMB LIGHTNING TRAVELING BASKETBALL TEAM.
9. PRESENTATION BY KAI VON MAYBERRY OF THE CENTER FOR FAMILY AND CHILD ENRICHMENT ON FOSTER AND ADOPTIVE SERVICES.
10. PRESENTATION BY KATHIA FERMIN REPRESENTING THE AMERICAN CANCER SOCIETY RELAY FOR LIFE.
11. PRESENTATION BY KATIA SAINT FLEUR OF THE DEPARTMENT OF COMMERCE CENSUS BUREAU REGARDING THE UPCOMING CENSUS 2010.

# AGENDA ITEMS

6. **APPROVAL OF MINUTES:**

MARCH 17, 2009

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

**KELVIN L. BAKER**

A. MISCELLANEOUS ITEMS UPDATES.

B. U.S. CENSUS UPDATE.

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

**DARCEE S. SIEGEL**

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)

# AGENDA ITEMS

## 9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:

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### 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 (CITY OF NORTH MIAMI BEACH CITY HALL) LOCATED AT 17011 N.E. 19<sup>TH</sup> AVENUE, GROUND FLOOR, NORTH MIAMI BEACH, FLORIDA 33162

\*\*\*\*\*

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

RE: CAMPAIGN.

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

RE: ETHICS.

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

RE: TIME FOR A CHANGE.

D. ALLISON ROBIE  
2131 N.E. 179 STREET  
NORTH MIAMI BEACH, FL.

RE: ISSUES.

## 10. MISCELLANEOUS ITEMS:

NONE

## 11. WAIVER OF FEE:

NONE

## 12. BUSINESS TAX RECEIPT MATTERS: CITY CLERK

NONE

# AGENDA ITEMS

## **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. R2009-26):**

#### **RESOLUTION NO. R2009-20**

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 10,586 SQUARE FOOT ADDITION TO AN EXISTING 18,461 SQUARE FOOT TWO-STORY OFFICE BUILDING, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 1-9 AND LOTS 22-30, BLOCK 5 "FULFORD VILLAS AMENDED" AND A 16' ALLEY LYING BETWEEN SAID LOTS, AS RECORDED IN PLAT BOOK 21, PAGE 24, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A/K/A  
15950 West Dixie Highway  
North Miami Beach, Florida  
(P&Z Item No. 09-443 of March 9, 2009)

#### **RESOLUTION NO. R2009-21**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR N.E. 18<sup>th</sup> AVENUE ROADWAY IMPROVEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$200,000; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND FUTURE AMENDMENTS AS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **RESOLUTION NO. R2009-22**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY.

#### **RESOLUTION NO. R2009-23**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING CITY POLICY REGARDING THE SPONSORSHIP OF ALL CITY FUNCTIONS, FESTIVALS AND EVENTS.

# AGENDA ITEMS

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

### **RESOLUTIONS - CONTINUED:**

#### **RESOLUTION NO. R2009-24**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF EDUCATION TO MAINTAIN CURRENT TRAINING STANDARDS FOR READING TEACHERS OF ENGLISH LANGUAGE LEARNERS ("ELL") IN FLORIDA'S PUBLIC SCHOOLS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF EDUCATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **RESOLUTION NO. R2009-25**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY'S PARTICIPATION IN THE PRESCRIPTION DISCOUNT CARD PROGRAM OF THE NATIONAL LEAGUE OF CITIES, IN COLLABORATION WITH CVS CAREMARK.

### **ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2009-11):**

#### **ORDINANCE NO. 2009-9**

AN ORDINANCE AMENDING SECTION 2-49, ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO PROVIDE FOR THE REMOVAL OF BOARD MEMBERS FOR FAILURE TO ATTEND MEETINGS.

#### **ORDINANCE NO. 2009-10**

AN ORDINANCE AMENDING SECTION 17-5.11, SIDEWALKS IN DANGEROUS CONDITION PROHIBITED; NOTICE REQUIRED, CONTENTS; PENALTY; OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH; CLARIFYING PROPERTY OWNERS' RESPONSIBILITY TO MAINTAIN SIDEWALKS ADJACENT TO THEIR PROPERTY; ESTABLISHING AUTHORITY OF CODE COMPLIANCE DEPARTMENT.

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

#### **ORDINANCE NO. 2009-8**

AN ORDINANCE AMENDING CHAPTER 16, PROPERTY MAINTENANCE, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENACTING SECTION 16-5, DISTRESSED PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

## **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, APRIL 21, 2009**

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: April 7, 2009**

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**RE: RESOLUTION NO. R2009-20  
Addition to Existing Two-Story Office Building  
15950 West Dixie Highway**

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**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 10,586 SQUARE FOOT ADDITION TO AN  
EXISTING 18,461 SQUARE FOOT TWO-STORY OFFICE  
BUILDING, AS PROPOSED, ON PROPERTY LEGALLY  
DESCRIBED AS:**

**LOTS 1-9 AND LOTS 22-30, BLOCK 5 "FULFORD VILLAS  
AMENDED" AND A 16' ALLEY LYING BETWEEN SAID  
LOTS, AS RECORDED IN PLAT BOOK 21, PAGE 24,  
PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.**

**A/K/A  
15950 West Dixie Highway  
North Miami Beach, Florida**

**(P&Z Item No. 09-443 of March 9, 2009)**

**RESOLUTION NO. R2009-20**

**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 10,586 SQUARE FOOT ADDITION TO AN EXISTING 18,461 SQUARE FOOT TWO-STORY OFFICE BUILDING, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:**

**LOTS 1-9 AND LOTS 22-30, BLOCK 5 "FULFORD VILLAS AMENDED" AND A 16' ALLEY LYING BETWEEN SAID LOTS, AS RECORDED IN PLAT BOOK 21, PAGE 24, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.**

**A/K/A  
15950 West Dixie Highway  
North Miami Beach, Florida**

**(P&Z Item No. 09-443 of March 9, 2009)**

**WHEREAS**, the property described herein is zoned B-3, Intensive Business District; and

**WHEREAS**, the applicant requests site plan approval in order to construct a 10,586 square foot addition to an existing 18,461 square foot two-story office building located at 15950 West Dixie Highway; and

**WHEREAS**, the Planning and Zoning Board on March 29, 2009 recommended approval of the site plan, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:

- Survey, Sheets 1 of 2 and 2 of 2, by Fortin, Leavy, Skiles, Inc. Surveyors, dated 10/13/08 and last revised 1/28/09;
- Site Plan, Sheet A-1.00, by Shulman + Associates, dated 2/27/09;
- As-Built Elevations (West & East) Sheet AB-2.01, by Shulman + Associates, dated 2/27/09;
- As-Built Elevations (North & South) Sheet AB-2.02, by Shulman + Associates, dated 2/27/09;
- Ground Floor Plan, Sheet A-1.01, by Shulman + Associates, dated 2/27/09;
- Second Floor Plan, Sheet A-1.02, by Shulman + Associates, dated 2/27/09;
- Roof Plan, Sheet A-1.03, by Shulman + Associates, dated 2/27/09;
- Proposed Elevations (North & South), A-2.01, by Shulman + Associates, dated 2/27/09;
- Proposed Elevations (East & West), Sheet A-2.02, by Shulman + Associates, dated 2/27/09;
- Sections, Sheet A-3.01, by Shulman + Associates, dated 2/27/09;
- Existing Lighting Plan, Sheet LT-1.00, by Shulman + Associates, dated 1/30/09;
- Proposed Lighting Plan, Sheet LT-1.01, by Shulman + Associates, dated 1/30/09;
- Planting Plan, Sheet LA-1.00, by Shulman + Associates, dated 2/26/09;

2. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.

2. All utilities, including but not limited to electrical, cable television and telephone must be located underground. The manner of locating these utilities, as well as the location of the transformer(s) must be submitted to and approved by the Community Development Director. Transformers and other above ground equipment must be screened with landscaping.
4. Project must be in complete conformity with the Americans With Disabilities Act (ADA).
5. Size and location of the garbage dumpster enclosure shall be submitted to and approved by the Directors of Public Works and Community Development prior to the issuance of a building permit for this project. The dumpster enclosure shall be constructed of CBS, have solid metal gates to prevent views into the enclosure, be large enough to encompass recycling materials, and be equipped with running water, hose hook-up and a floor drain.
6. Building materials and color samples must be submitted to, and approved by, the Community Development Director prior to the issuance of a building permit for this project.
7. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property, and, if necessary, the adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. All exterior lighting shall be white lighting only. Lighting shall be contained on-site only.
8. A revised landscape and irrigation plan, signed and sealed by a Florida registered Landscape Architect, shall be submitted to, and approved by, the City Forester. The plan shall be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy. This plan shall include all adjacent swale areas.
9. A Unity of Title shall be created including all lots and the 16' alley lying between said lots. This Unity must be to the satisfaction of the City Attorney and must be recorded prior to the issuance of building permit(s) for this project.
10. The abandonment of the alley must be recorded by the applicant prior to the issuance of building permit(s) for this project, or proof of prior recordation provided. This abandonment must be recorded in a manner to be approved by the City Attorney prior to said recordation.
11. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles and street furniture must be submitted to and approved by the Community Development Director.
12. Those areas identified on the floor plan as non-occupied warehouse space must remain so. Specifically, this includes the battery room and warehouse on the first floor and the "Arcos1" equipment area on the second floor.
13. A Utility easement must be provided for the existing fireline and detector meter on the north side of the property in a manner to be approved by the Public Services Director and the City Attorney.
14. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** Site plan approval in order to construct a 10,586 square foot addition to an existing 18,461 square foot two-story office building, on property legally described as:

**LOTS 1-9 AND LOTS 22-30, BLOCK 5 "FULFORD VILLAS AMENDED" AND A 16' ALLEY LYING BETWEEN SAID LOTS, AS RECORDED IN PLAT BOOK 21, PAGE 24, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.**

**A/K/A  
15950 West Dixie Highway  
North Miami Beach, Florida**

be and the same is granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:

- Survey, Sheets 1 of 2 and 2 of 2, by Fortin, Leavy, Skiles, Inc. Surveyors, dated 10/13/08 and last revised 1/28/09;
- Site Plan, Sheet A-1.00, by Shulman + Associates, dated 2/27/09;
- As-Built Elevations (West & East) Sheet AB-2.01, by Shulman + Associates, dated 2/27/09;
- As-Built Elevations (North & South) Sheet AB-2.02, by Shulman + Associates, dated 2/27/09;
- Ground Floor Plan, Sheet A-1.01, by Shulman + Associates, dated 2/27/09;
- Second Floor Plan, Sheet A-1.02, by Shulman + Associates, dated 2/27/09;
- Roof Plan, Sheet A-1.03, by Shulman + Associates, dated 2/27/09;
- Proposed Elevations (North & South), A-2.01, by Shulman + Associates, dated 2/27/09;
- Proposed Elevations (East & West), Sheet A-2.02, by Shulman + Associates, dated 2/27/09;
- Sections, Sheet A-3.01, by Shulman + Associates, dated 2/27/09;
- Existing Lighting Plan, Sheet LT-1.00, by Shulman + Associates, dated 1/30/09;
- Proposed Lighting Plan, Sheet LT-1.01, by Shulman + Associates, dated 1/30/09;
- Planting Plan, Sheet LA-1.00, by Shulman + Associates, dated 2/26/09;

2. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.

2. All utilities, including but not limited to electrical, cable television and telephone must be located underground. The manner of locating these utilities, as well as the location of the transformer(s) must be submitted to and approved by the Community Development Director. Transformers and other above ground equipment must be screened with landscaping.

4. Project must be in complete conformity with the Americans With Disabilities Act (ADA).

5. Size and location of the garbage dumpster enclosure shall be submitted to and approved by the Directors of Public Works and Community Development prior to the issuance of a building permit for this project. The dumpster enclosure shall be constructed of CBS, have solid metal gates to prevent views into the enclosure, be large enough to encompass recycling materials, and be equipped with running water, hose hook-up and a floor drain.

6. Building materials and color samples must be submitted to, and approved by, the Community Development Director prior to the issuance of a building permit for this project.

7. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property, and, if necessary, the adjacent swale

areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. All exterior lighting shall be white lighting only. Lighting shall be contained on-site only.

8. A revised landscape and irrigation plan, signed and sealed by a Florida registered Landscape Architect, shall be submitted to, and approved by, the City Forester. The plan shall be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy. This plan shall include all adjacent swale areas.

9. A Unity of Title shall be created including all lots and the 16' alley lying between said lots. This Unity must be to the satisfaction of the City Attorney and must be recorded prior to the issuance of building permit(s) for this project.

10. The abandonment of the alley must be recorded by the applicant prior to the issuance of building permit(s) for this project, or proof of prior recordation provided. This abandonment must be recorded in a manner to be approved by the City Attorney prior to said recordation.

11. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles and street furniture must be submitted to and approved by the Community Development Director.

12. Those areas identified on the floor plan as non-occupied warehouse space must remain so. Specifically, this includes the battery room and warehouse on the first floor and the "Arcos1" equipment area on the second floor.

13. A Utility easement must be provided for the existing fireline and detector meter on the north side of the property in a manner to be approved by the Public Services Director and the City Attorney.

14. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval

**Section 2.** Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the applicant shall submit the final building plans within six (6) months of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended by the City Council prior to its expirations.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this \_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

**MEMORANDUM**

**TO:           MAYOR AND CITY COUNCIL  
              CITY CLERK  
              CITY MANAGER**

**FROM:       DARCEE S. SIEGEL  
              CITY ATTORNEY**

**DATE:       April 7, 2009**

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**RE:    RESOLUTION NO. R2009-21  
          Community Development Block Grant for N.E. 18<sup>th</sup> Avenue  
          Roadway Improvement Project**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR N.E. 18<sup>th</sup> AVENUE ROADWAY IMPROVEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$200,000; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND FUTURE AMENDMENTS AS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**RESOLUTION NO. R2009-21**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR N.E. 18<sup>th</sup> AVENUE ROADWAY IMPROVEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$200,000; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND FUTURE AMENDMENTS AS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the Miami-Dade County Community Development Block Grant Program, the City was awarded a \$200,000 grant in Fiscal Year 2009; and

**WHEREAS**, it is in the best interest of the citizens of Miami-Dade County and the City of North Miami Beach to accept the grant funds to improve the quality of life within the area.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach as follows:

**Section 1.** The City Manager or his designee and the City Clerk are hereby authorized, in their respective capacities, to execute an Interlocal Agreement and subsequent amendments to said agreement between the City of North Miami Beach and Miami-Dade County to implement the N.E. 18<sup>th</sup> Avenue Roadway Improvements, accepting and utilizing Community Development Block Funds awarded for an amount not to exceed \$200,000.

**Section 2.** This Resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_ day of April, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK  
(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

Sponsored by: Mayor and City Council

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: April 7, 2009**

---

**RE: RESOLUTION NO. R2009-22  
Forestry Grant**

---

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO  
ENTER INTO AN URBAN AND COMMUNITY FORESTRY  
GRANT MEMORANDUM OF AGREEMENT WITH THE  
STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES, DIVISION OF FORESTRY.**

**RESOLUTION NO. R2009-22**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY.**

**WHEREAS,** trees are an important part of our community and provide both health and aesthetic benefits that enhance the quality of life of our citizens and residents; and

**WHEREAS,** the City of North Miami Beach wants to better maintain its newly planted trees by establishing a computerized tree inventory system; and

**WHEREAS,** the City of North Miami Beach desires to apply for an Urban and Community Forestry Grant which would provide monies to fund a computerized tree inventory system; and

**WHEREAS,** the City of North Miami Beach wishes to enter into an Urban and Community Forestry Grant Memorandum of Agreement with the Florida Department of Agriculture and Consumer Services.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida

**Section 1.** The Mayor and City Council of the City of North Miami Beach support the development of a computerized tree inventory system to allow continuation of the City's tree planting and maintenance program.

**Section 2.** The City Manager is hereby authorized to execute an Urban and Community Forestry Grant Memorandum of Agreement between the City of North Miami Beach, Florida, and the Florida Department of Agriculture and Consumer Services.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

**RESOLUTION R2009-22**

**MEMORANDUM**

**TO:           MAYOR AND CITY COUNCIL  
              CITY CLERK  
              CITY MANAGER**

**FROM:       DARCEE S. SIEGEL  
              CITY ATTORNEY**

**DATE:       April 7, 2009**

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**RE:    RESOLUTION NO. R2009-23  
          Sponsorship of City Functions**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE  
CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING  
CITY POLICY REGARDING THE SPONSORSHIP OF ALL CITY  
FUNCTIONS, FESTIVALS AND EVENTS.**

**RESOLUTION NO. R2009-23**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING CITY POLICY REGARDING THE SPONSORSHIP OF ALL CITY FUNCTIONS, FESTIVALS AND EVENTS.**

**WHEREAS**, the City of North Miami Beach conducts numerous functions, festivals and events during the course of the year to provide the citizens and residents with education, information, access to services and wholesome family oriented entertainment; and

**WHEREAS**, as the governing body of the City, the entire City Council has the responsibility and authority for approval and budgeting of such activities and events; and

**WHEREAS**, no single member of the City Council has the authority or right to claim sponsorship or credit for any City event.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** It shall be the policy of the City of North Miami Beach, Florida that all City activities, events, festivals and functions that are open to and provided for the residents and citizens of this City shall be formally sponsored by the Mayor and City Council and not by any single member of the City's governing body.

**Section 3.** All advertising, mailings, signage and promotions of any kind for any City sponsored events of any nature shall specifically state "Sponsored by the Mayor and City Council" and shall not name any individual member, unless all are named.

**Section 4.** This policy shall not preclude the co-sponsorship of private sector entities that partner with the City to fund City events.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Councilwoman Phyllis Smith  
Mayor and Council

MEMORANDUM

**TO:** MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER

**FROM:** DARCEE S. SIEGEL  
CITY ATTORNEY

**DATE:** April 7, 2009

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**RE:** RESOLUTION NO. R2009-24  
Supporting “ELL” Program in Florida’s Public Schools

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A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF EDUCATION TO MAINTAIN CURRENT TRAINING STANDARDS FOR READING TEACHERS OF ENGLISH LANGUAGE LEARNERS (“ELL”) IN FLORIDA’S PUBLIC SCHOOLS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF EDUCATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**RESOLUTION NO. R2009-24**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF EDUCATION TO MAINTAIN CURRENT TRAINING STANDARDS FOR READING TEACHERS OF ENGLISH LANGUAGE LEARNERS (“ELL”) IN FLORIDA’S PUBLIC SCHOOLS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF EDUCATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the United States District Court for the Southern District of Florida, Miami Division, Case No. 90-1913, issued a Consent Decree in *LULAC v. Florida Board of Education* in 1990, calling for equal access to all education programs for ELL students, including a mandate for ESOL Endorsement for all teachers of the English language to ELL students; and

**WHEREAS**, in 2007 and 2008 legislative efforts to weaken the training requirements for reading teachers of ELL students failed, but a current administrative move by the Florida Department of Education again threatens to reduce training requirements; and

**WHEREAS**, Section 1003.56, Florida Statutes, entitled “English Language Instruction for Limited English Proficient Students”, is designed to develop the student’s mastery of the four language skills, including listening, speaking, reading and writing as rapidly as possible; and

**WHEREAS**, the Mayor and Council of the City of North Miami Beach, Florida, (the “CITY”), desires for all children to read English, wants teachers to prepare them to read, and wants monitoring to ensure compliance with the requirements stated in the Consent Decree referenced above; and

**WHEREAS**, it makes no sense to withdraw support from children who are already struggling; and

**WHEREAS**, not supporting appropriate training would violate the intent of the Consent Decree; and

**WHEREAS**, at a time when we must strive to be as competitive as possible in the quickly changing global economy, we cannot afford to lower the bar of expectations and training for our highly qualified teachers; and

**WHEREAS**, the Mayor and City Council of the City of North Miami Beach deem the maintenance of the continued training standards for reading teachers of English Language Learners to be in the best interests of the citizens and residents of the City of North Miami Beach, Florida.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach, Florida, hereby urge the Florida Department of Education to maintain current training standards for reading teachers of the English Language Learners in Florida's public schools.

**Section 3.** The City Clerk is hereby directed to send a copy of this resolution to the Florida Department of Education.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Councilman Frantz Pierre  
Mayor and Council

**MEMORANDUM**

**TO:           MAYOR AND CITY COUNCIL  
              CITY CLERK  
              CITY MANAGER**

**FROM:       DARCEE S. SIEGEL  
              CITY ATTORNEY**

**DATE:       April 7, 2009**

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**RE:   RESOLUTION NO. R2009-25  
      City Participation in CVS Prescription Discount Card Program**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF  
THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
AUTHORIZING THE CITY'S PARTICIPATION IN THE  
PRESCRIPTION DISCOUNT CARD PROGRAM OF THE  
NATIONAL LEAGUE OF CITIES, IN COLLABORATION WITH  
CVS CAREMARK.**

# City of North Miami Beach Memorandum



*City Manager's Office*

**TO:** Mayor and City Council  
**FROM:** Kelvin L. Baker, City Manager  
**DATE:** March 31, 2009

A handwritten signature in black ink, appearing to read 'Kelvin L. Baker', written over the 'FROM' line.

**RE:** Approval of Resolution for City Participation in a CVS Prescription Discount Card Program

## **BACKGROUND:**

The National League of Cities is sponsoring a program in collaboration with CVS Caremark to provide the City of North Miami Beach residents with prescription discount cards at no cost. The discount cards may be used by all residents of North Miami Beach and has no restrictions based on the resident's age, income level or existing health coverage. The discount cards are free and offer average savings of 20 percent off the retail price of commonly prescribed drugs. Many cities have implemented this program with CVS throughout the State of Florida for its residents.

## **RECOMMENDATION:**

It is respectfully recommended that this program be approved for city residents to allow residents to receive prescriptions with CVS Caremark drug discounts.

**FISCAL IMPACT:** There is no fiscal impact to the City because the cards are issued free of charge to city residents.

There is no personnel impact to the City other than the use of staff to distribute the discount cards to residents at City owned facilities.

**CONTACT PERSON:** Bernard McGriff, Assistant City Manager.

**RESOLUTION NO. R2009-25**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY'S PARTICIPATION IN THE PRESCRIPTION DISCOUNT CARD PROGRAM OF THE NATIONAL LEAGUE OF CITIES, IN COLLABORATION WITH CVS CAREMARK.**

**WHEREAS**, many citizens of the City of North Miami Beach are among the millions of Americans without health insurance or with limited prescription drug coverage; and

**WHEREAS**, the National League of Cities ("NLC") is sponsoring a program, in collaboration with CVS Caremark, to provide relief from the high cost of prescription drugs to city residents around the country; and

**WHEREAS**, the NLC Prescription Discount Card Program will be available to member cities of NLC at no cost to those cities; and

**WHEREAS**, CVS Caremark will provide participating cities with prescription discount cards, marketing materials and customer support; and

**WHEREAS**, the discount card program offers an average savings of 20 percent off the retail price of most prescription drugs, has no enrollment form or membership fee, has no restrictions based on the resident's age or income level, and may be used by city residents and their families any time their prescriptions are not covered by insurance.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach, Florida, hereby authorize the City Manager to enroll the City of North Miami Beach in the NLC Prescription Discount Card Program and to work with the NLC and CVS Caremark to implement the program for the benefit of the residents of the City of North Miami Beach.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK  
(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Councilman Frantz Pierre  
Councilwoman Phyllis Smith  
Mayor and Council

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: APRIL 7, 2009**

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**RE: ORDINANCE NO. 2009-9  
Removal of Board Members for Failure to Attend Meetings**

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**AN ORDINANCE AMENDING SECTION 2-49, ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO PROVIDE FOR THE REMOVAL OF BOARD MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

**ORDINANCE NO. 2009-9**

**AN ORDINANCE AMENDING SECTION 2-49, ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO PROVIDE FOR THE REMOVAL OF BOARD MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

**WHEREAS**, the responsibilities of the Economic Development Commission of the City of North Miami Beach are crucial to the ongoing economic health of our City; and

**WHEREAS**, the unexcused failure of commission members to attend regular meetings hampers the ability of the Commission to conduct its business; and

**WHEREAS**, the Mayor and City Council deem it in the best interest of the citizens and residents of the City to provide a mechanism for the removal of commission members who regularly fail to attend meetings.

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Section 2-49, Economic Development Commission, Sub-section 2-49.2 Terms, of the Code of Ordinances of the City of North Miami Beach, Florida is hereby amended as follows:

**2-49 Economic Development Commission**

**2-49.2 Terms**

**Members shall be appointed for terms to commence on June 1 of the year of appointment, and appointments shall be for (2) years except for appointments to fill unexpired terms, which shall be for the remainder of the unexpired term. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the Chairman, the Economic Development Commission shall declare the member's office vacant, and the Mayor and City Council shall promptly fill such vacancy for the remainder of the term.**

**Section 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 4.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 5.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**SOLOMON ODENZ**  
**CITY CLERK**

(CITY SEAL)

\_\_\_\_\_  
**RAYMOND F. MARIN**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

**Sponsored by:      Councilwoman Phyllis Smith**  
**Mayor and City Council**

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: APRIL 7, 2009**

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**RE: ORDINANCE NO. 2009-10  
Amendment of Section 17-5.11,  
Sidewalks in Dangerous Condition Prohibited**

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**AN ORDINANCE AMENDING SECTION 17-5.11,  
SIDEWALKS IN DANGEROUS CONDITION PROHIBITED;  
NOTICE REQUIRED, CONTENTS; PENALTY; OF THE  
CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI  
BEACH; CLARIFYING PROPERTY OWNERS'  
RESPONSIBILITY TO MAINTAIN SIDEWALKS  
ADJACENT TO THEIR PROPERTY; ESTABLISHING  
AUTHORITY OF CODE COMPLIANCE DEPARTMENT.**

ORDINANCE NO. 2009-10

AN ORDINANCE AMENDING SECTION 17-5.11, SIDEWALKS IN DANGEROUS CONDITION PROHIBITED; NOTICE REQUIRED, CONTENTS; PENALTY; OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH; CLARIFYING PROPERTY OWNERS' RESPONSIBILITY TO MAINTAIN SIDEWALKS ADJACENT TO THEIR PROPERTY; ESTABLISHING AUTHORITY OF CODE COMPLIANCE DEPARTMENT.

WHEREAS, the Mayor and City Council deem it necessary to clarify the responsibility of property owners regarding City owned sidewalks and swales adjacent to their property; and

WHEREAS, the Mayor and City Council deem it necessary to provide the Code Compliance Department with the necessary authority to enforce the responsibility of property owners to properly maintain adjacent sidewalks and swales.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Section 17-5.11 Sidewalks in Dangerous Condition Prohibited; Notice Required, Contents; Penalty, shall hereby be amended as follows:

**17-5.11. Maintenance of Sidewalks in Dangerous Safe Condition Prohibited; Notice Required, Contents; Penalty.**

~~a. Prohibited. It shall be unlawful for any owner, occupant or agent thereof of any walk, sidewalk or curb (i.e., the owner, occupant or agent thereof of any property to which such sidewalk is contiguous) to allow such walk or sidewalk to remain in such a condition as to be dangerous or detrimental to citizens on their property.~~

**a. Responsibility of Property Owner. It shall be the responsibility of any owner, occupant or owner's agent of any property located in the City of North Miami Beach to maintain the City owned sidewalk, swale and/or curb adjacent to that property in a safe condition.**

**b. Notice.** In case the surface of any walk or sidewalk in the City shall become so uneven as to make walking over it dangerous or detrimental, or if the curbing shall become decayed, worn out or broken, it shall be the duty of the ~~City Engineer~~ **Code Compliance Department** to notify the owner, and if the owner cannot be served, to notify the occupant, and if there is no occupant, then to notify the agent of the owner of the property to which the sidewalk is contiguous to repair such walk or sidewalk.

**c. Contents of Notice.** The notice required in paragraph b. above shall be in writing and allow such owner, agent or

occupant thirty (30) days in which to repair such walk or sidewalk; shall describe the walk, sidewalk or curb to be repaired; and shall set forth that such walk, sidewalk or curb shall be repaired, if surface work is to be done, with the same material as such walk, sidewalk or curb was originally constructed, and if curbing is to be put in, with concrete; and shall be served, returned and filed in the office of the City Engineer City's Code Compliance Office.

d. Permit required. Owner, agent or occupant effecting the required sidewalk and/or curb repairs shall submit any necessary sketch and/or plans to the City's Building Department and shall obtain the necessary permit prior to the commencement of repairs.

~~e. Penalty. After the expiration of the thirty (30) days notice hereinabove provided, failure of the owner to comply with the notice shall be punishable by a fine of not to exceed fifty (\$50.00) dollars or one (1) day in jail and each day that the violation shall continue to exist after the expiration of the thirty (30) days notice shall constitute a separate violation hereof.~~

**Section 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 4.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 5.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**SOLOMON ODENZ**  
**CITY CLERK**

**(CITY SEAL)**

\_\_\_\_\_  
**RAYMOND F. MARIN**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

**Sponsored by: Mayor and City Council**

MEMORANDUM

**TO:** MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER

**FROM:** DARCEE S. SIEGEL  
CITY ATTORNEY

**DATE:** ~~MARCH 17, 2009~~ APRIL 7, 2009

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**RE: ORDINANCE NO. 2009-8**  
**Responsibility for Maintenance of Distressed Properties**

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**AN ORDINANCE AMENDING CHAPTER 16, PROPERTY MAINTENANCE, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENACTING SECTION 16-5, DISTRESSED PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

ORDINANCE NO. 2009-8

AN ORDINANCE AMENDING CHAPTER 16, PROPERTY MAINTENANCE, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENACTING SECTION 16-5, DISTRESSED PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach, along with the rest of the nation, is experiencing an alarming number of residential mortgage foreclosures and otherwise depressed housing conditions; and

WHEREAS, code compliance efforts on distressed properties is causing the City to expend funds in an effort to maintain the health, safety and welfare of our residents and the integrity of our residential neighborhoods; and

WHEREAS, foreclosing lenders, trustees and buyers of distressed properties that do not properly maintain their property to minimum housing standards should be required to post a bond to cover the City's costs for maintenance work performed by City crews or contracted for by the City.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Chapter 16, Property Maintenance, of the Code of Ordinances of the City of North Miami Beach, Florida, is hereby amended by the enactment of Section 16-5, Distressed Properties, which shall state as follows:

**Section 16-5. Distressed Properties.**

**a. Definitions as used in this section:**

**1. "Abandoned" means a residential property that is vacant or for which there is evidence of vacancy.**

**2. "Compliance", for purposes of this section, means maintaining the property so as to be free of violation of any provision of this chapter in a manner consistent with neighborhood standards.**

**3. "Distressed" means a residential property:**

**(a) that is under current notice of default on a mortgage, deed of trust, contract for sale, or**

similar financing security; a notice of trustee's sale; is the subject of a pending delinquent tax sale; is the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or that has been transferred to another under a deed in lieu of foreclosure; and

(b) on which there have been two or more unaddressed violations of Chapter 16 of this Code within a 12-month period.

4. "Evidence of vacancy" means any condition that alone or combined with other conditions present would lead a reasonable person to conclude that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation; the accumulation of newspapers, circulars, flyers door-hangers or mail; past due utility notices or disconnected utilities; the accumulation of trash; the recurrent absence of household waste on collection days for the neighborhood in which the property is located; the absence of window coverings such as curtains, blinds or shutters; the evident absence of furnishings and personal items consistent with residential habitation; or statements by neighbors, delivery agents, or others familiar with the property that the property is vacant.

5. "Neighborhood standards" means those conditions that are present on a simple majority of properties within a 300-foot radius of the subject property. A property that is the subject of a neighborhood standard comparison, or any other abandoned, distressed property within the 300-foot radius, shall not be counted toward the simple majority.

6. "Owner" means any person, partnership, association, corporation, or fiduciary (including a beneficiary or a trustee under a mortgage or deed of trust) having legal or equitable title in or to any real property.

7. "Unaddressed violation" means a violation that was corrected by or through the City and that required the expenditure of City funds.

b. The Director of Code Compliance may order the owner of a property that is abandoned and distressed to post a bond, letter of credit, or escrow deposit in the amount of \$2,500 to secure future compliance for the property. The owner shall post the bond or other security within 30 days after receipt of notice from the Director. In the event the amount of the bond or other security is reduced or depleted for the purpose of bringing the property into compliance after the bond or other security has been posted with the City, the owner shall, within 15 days after notice from the City, provide such additional sums to the bond or other security so as to maintain the amount so secured or posted at the minimum level of \$2,500. Any funds obtained by the City under a bond, letter of credit, or escrow account posted under this section shall be used only for the purpose of bringing the property secured by the bond or other security into compliance, and shall not be part of the City's general fund. If a property for which a bond or other security is provided under this section either:

1. has not had an unaddressed violation within 12-months following the posting of the bond or other security; or
2. is sold or occupied following the posting of the bond or other security; then

the person who posted the bond or other security shall be entitled to the cancellation of the bond or letter of credit, or a refund of the amounts then held for the property in the escrow account, as the case may be.

c. The owner of an abandoned and distressed property shall place a sign on the property as provided in this subsection containing the name and 24-hour contact telephone number of a local property manager or other person designated by the owner to be responsible for the property. The sign shall be no less than 3 inches by 8 inches (3"x 8") and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" and the loan number, case number or other information by which (in addition to the address) the owner identifies the property. The sign shall be of a durable, weather-resistant material and shall be secured to the front door of the building. The local property manager or other responsible person shall inspect the property on a regular basis to determine if the property is in compliance with the requirements of this Chapter.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

APPROVED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK  
(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

Sponsored by: Councilwoman Phyllis Smith  
Mayor & Council

**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, City Attorney**  
**DATE: April 7, 2009**

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## LITIGATION LIST

### **I. Wrongful Deaths:**

Graham Donald/Smith Sylvia vs. CNMB  
Wrongful Death

Hernandez, Estate of v. CNMB  
Wrongful Death

Kelly, Estate of v. CNMB  
Wrongful Death

### **II. Civil Rights:**

Mack, Eugene E. v. Loizzo, et al  
Civil Rights Violation/False Arrest

Madura, Maryla vs. CNMB, Antonio Marciante and Tony Sanchez, individually  
Civil Rights Violation/False Arrest

Nelson, Travis v. CNMB, et al  
Civil Rights Violation/False Arrest

Smith, Louis v. John Richard Renaud, NMBPD, & CNMB  
Civil Rights Violation/False Arrest

Torres, Antonio v. CNMB  
Civil Rights Violation/False Arrest

### **III. Personal Injury:**

Donahue, Louise, et al v. CNMB  
Slip & Fall/Personal Injury

Gilmore, Turner and Frances v. CNMB and Christopher C. Sweigart  
Automobile Accident/Personal Injury

Jones, Zettie & Earnest v. CNMB, et al  
Slip & Fall/Personal Injury

Martell, Erlinda v. CNMB  
Personal Injury

\* Rogers, Ethel Mathis v. CNMB  
Automobile Accident/Personal Injury

Moy, Christian v. CNMB  
Automobile Accident/Personal Injury

**IV. Land Use Litigation:**

Donahue, John, et al. v. CNMB, Sol Odenz and Miami-Dade County  
Petition Protest (Height and Density)

State of Florida, Division of Administrative Hearings  
Alvey, Errol and Taylor, Robert v. CNMB  
Comprehensive Plan Challenge

Baron, Charles & Taylor, Robert v. CNMB  
Administrative Zoning Appeal

Builders Association of South Florida (The), et al., v. CNMB  
Declaratory Judgment and Permanent Injunction

**CLOSED**

**V. Other Litigation:**

Capital One Bank vs. Altiaga and CNMB  
Writ of Garnishment

CACV of Colorado v. Lubin and CNMB  
Writ of Garnishment

Chase Manhattan Bank v. Guiteau and CNMB  
Writ of Garnishment

**VI. Forfeitures:**

CNMB v. Abarca/Tablas/Vazquez-Casimiro/Nunes/Perez/Romero  
Forfeiture

CNMB v. Alonso/Gonzalez  
Forfeiture

CNMB v. Bernadin  
Forfeiture

CNMB v. Camejo  
Forfeiture

CNMB v. Chavez/Hernandez  
Forfeiture

\* CNMB v. Clarke  
Forfeiture

CNMB v. Colon  
Forfeiture

CNMB v. Diaz/Ramirez/Rodriguez  
Forfeiture

CNMB v. Exposito/Leiva/Moore  
Forfeiture

CNMB v. Gedeon  
Forfeiture

**SETTLED/CLOSED**

CNMB v. Gilles  
Forfeiture

CNMB v. Giordano  
Forfeiture

CNMB v. Goodman  
Forfeiture

CNMB v. Harryton/Cunningham/Furbush  
Forfeiture

\* CNMB v. Hurtado  
Forfeiture

CNMB v. Johnson/Murat  
Forfeiture

CNMB v. Jones/Morgan  
Forfeiture

**SETTLED**

CNMB v. Lassus  
Forfeiture

CNMB v. Maldonado-Diaz  
Forfeiture

CNMB v. Molina/Fernadnez  
Forfeiture

CNMB v. Muhammad/Camarioca Auto  
Forfeiture

CNMB v. Mullins/Holmes/Upshaw  
Forfeiture

CNMB v. Noa/Corrales  
Forfeiture

CNMB v. Ottoni/Silva  
Forfeiture

\* CNMB v. Parker/Lewis/Santos  
Forfeiture

CNMB v. Parra/Martinez  
Forfeiture

CNMB v. Pecina/Portillo/Tango  
Forfeiture

CNMB v. Peoples  
Forfeiture

CNMB v. Perrier  
Forfeiture

CNMB v. Poitier/Jean-Pierre  
Forfeiture

CNMB v. Rodriguez/Pinon  
Forfeiture

CNMB v. Rojas  
Forfeiture

CNMB v. St Hilaire/Mazard/Donaldson  
Forfeiture

CNMB v. Torres, et al  
Forfeiture

CNMB v. Torres, C., et al  
Forfeiture

CNMB v. Turbides/Nicholas/Rincon/Abreu  
Forfeiture

CNMB v. Urena/Rodriguez/Mathieux  
Forfeiture

CNMB v. Virgile  
Forfeiture

Alphera Financial Services v. CNMB  
Replevin

**CLOSED**

Bennie v. CNMB (Police Department)  
Replevin

**CLOSED**

Ford Motor Credit Company v. CNMB  
Replevin

**CLOSED**

**VII. Mortgage Foreclosures:**

Accredited Home Lenders, Inc. v. CNMB (Funes)  
Mortgage Foreclosure

ACT Properties, LLC v. CNMB (Robinson, et al)  
Mortgage Foreclosure

Aegis Mortgage Corp v. CNMB (Galina Pikh)  
Mortgage Foreclosure

Aegis Mortgage Corp v. CNMB (Galina Pikh, et al.)  
Mortgage Foreclosure

Allied Mortgage & Financial Corp. vs. CNMB (Sorota)  
Mortgage Foreclosure

Ameriquet Funding vs. CNMB (Caraballo)  
Mortgage Foreclosure

Argent Mortgage Company v. CNMB (Harmitt)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (George)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Gomez, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Hernandez)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Manser, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC. v. CNMB (Rivera, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Rodriguez, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Cedeno, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Coffey, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Escalante, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Miller, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Tamir, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Johnson, Nick, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Lima, et al)  
Mortgage Foreclosure

Baron, Marilyn S., et al v. CNMB (Campbell, et al)  
Mortgage Foreclosure

Bayview Loan Servicing, LLC v. CNMB (Avin)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Espinosa)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Meisels)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Rua, et al)  
Mortgage Foreclosure

Chevy Chase Bank, F.S.B. v. CNMB (Gonzalez, et al)  
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Anglade, et al)  
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Austin, et al)  
Mortgage Foreclosure

Citifinancial Equity Services, Inc. v. CNMB (Morales)  
Mortgage Foreclosure

Citimortgage v. CNMB(Anchava)  
Mortgage Foreclosure

Citimortgage v. CNMB (Rivaroli, et al)  
Mortgage Foreclosure

Cong Vo v. CNMB (Perroti, Miranda)  
Action to Quiet Title

Consumers Alliance Corp. v. CNMB (Haronda Realty)  
Action to Quiet Title

Countrywide Home Loans, Inc. vs. CNMB (Gilles)  
Mortgage Foreclosure

Countrywide Home Loans, Inc. v. CNMB (Monroy, et al)  
Mortgage Foreclosure

Countrywide Home Loans v. CNMB (Schmidt, et al)  
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas)  
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Adelson)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Angelillo)  
Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Barksdale)  
Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Barksdale)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Bien-Aime, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Calix, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Gonzalez)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Horton, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Johnson)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Liebman)  
Mortgage Foreclosure

Deutsche Bank National. vs. CNMB (Mejia)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sanchez)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sierra, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Suhag, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Voltaire, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Watkins, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Whittle, et al)  
Mortgage Foreclosure

Eastern Financial v. CNMB (Diaz, et al)  
Mortgage Foreclosure

EMC Mortgage Corp. v. CNMB (Gordon)  
Mortgage Foreclosure

\* Flagstar Bank v. CNMB (Pena)  
Mortgage Foreclosure

Fiserv ISS & Co., vs. CNMB (Estime)  
Mortgage Foreclosure

Fremont Investment & Loan v. CNMB (Rubes)  
Mortgage Foreclosure

Global Trust v. CNMB (Roth)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Calix)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Platel, et al)  
Mortgage Foreclosure

Golden Beach (Town of) v. CNMB (Goodman, et al)  
Mortgage Foreclosure

Greenpoint Mortgage v. CNMB (Global Properties Investment et al)  
Mortgage Foreclosure

Happy Home Lending Corp. vs. CNMB (Shon Furman)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Counne)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Gamble)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Gomez)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Miranda)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Mora)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Pintero)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Vidal, et al)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Westgate)  
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hamami, et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Abraham)  
Mortgage Foreclosure

JP Morgan v. CNMB (Lopez, et al)  
Mortgage Foreclosure

LaSalle Bank v. CNMB (Campbell, et al)  
Mortgage Foreclosure

LaSalle Bank Midwest v. CNMB (Gomez)  
Mortgage Foreclosure

LaSalle Bank, N.A. v. CNMB (Hernandez)  
Mortgage Foreclosure

LaSalle Bank, N.A. v. CNMB (Jean-Baptiste)  
Mortgage Foreclosure

LaSalle Bank National v. CNMB (Rodriguez)  
Mortgage Foreclosure

LaSalle Bank National v. CNMB (Rodriguez)  
Mortgage Foreclosure

Litton Loan Servicing LP v. CNMA (Gonzalez, et al)  
Mortgage Foreclosure

Miami-Dade County v. CNMB (Morrobel)  
Mortgage Foreclosure

Mortgage Electronic Registration System, Inc. vs. CNMB (Miller)  
Mortgage Foreclosure

Mortgage Investment Group v. CNMB (Deliford, et al)  
Mortgage Foreclosure

Nationstar Mortgage LLC f/k/a Centex Home Equity v. CNMB (Hechevarria, et al)  
Mortgage Foreclosure

Novastar Mortgage v. CNMB (Montas)  
Mortgage Foreclosure

Owen Federal Bank v. CNMB (Bain)  
Mortgage Foreclosure

Parklane Equity v. CNMB(Beaubien-Cordon)  
Mortgage Foreclosure

Private Capital Group LLC v. CNMB (Giraldo)  
Mortgage Foreclosure

REO Properties Corporation v. CNMB (Cotto, et al)  
Mortgage Foreclosure

RMS Residential Properties v. CNMB(Heredia)  
Mortgage Foreclosure

Sazant v. CNMB(Pluviose)  
Mortgage Foreclosure

U.S. Bank NA, et al. v. CNMB (Arocho)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Cabrera)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, J., et al.)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Island Place Apts., et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jean-Louis)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jimenez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Marin)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Martinez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Maxwell)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Michel)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Mora, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Oratz, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Perez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Robinson, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Suarez, et al.)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Whittaker, et al)  
Mortgage Foreclosure

**CLOSED/DEFAULT ENTERED**

Venice Isle, Inc. v. CNMB (Suhag)  
Claim of Lien Foreclosure

Wachovia Mortgage v. CNMB (Campos)  
Mortgage Foreclosure

Wachovia Mortgage Corp v. CNMB (Diaz)  
Mortgage Foreclosure

Wachovia Bank v. CNMB (Martinez)  
Mortgage Foreclosure

Washington Mutual Bank, F.A. v. CNMB, Sandra T. Porter, et al  
Mortgage Foreclosure

Washington Mutual Bank v. CNMB (Schmidt)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Bojotte, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Bonilla)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Hernandez, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Jackson)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mendez, et al)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mohr, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Torres)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Sacco)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Rand)  
Mortgage Foreclosure

**VIII. Bankruptcies:**

Adams, Evrol C.  
American LaFrance LLC  
American Home Mortgage Holdings  
Cimax USA, LLC  
Diversified Displays/Michael Phelan  
Florida Select Insurance  
Kim, Myung Ja  
Porter, Michael and Shanda  
The New Kosher World Bakery  
SMG Entertainment  
South Pointe Family and Children Center  
Sunny Isles Unicenter  
Tweeter Intellectual Property (Sound Advice)  
Vartec Telecom, Inc.  
Verestar, Inc.  
Villaverde, Olga  
WCI Communities, Inc.

\*New Cases