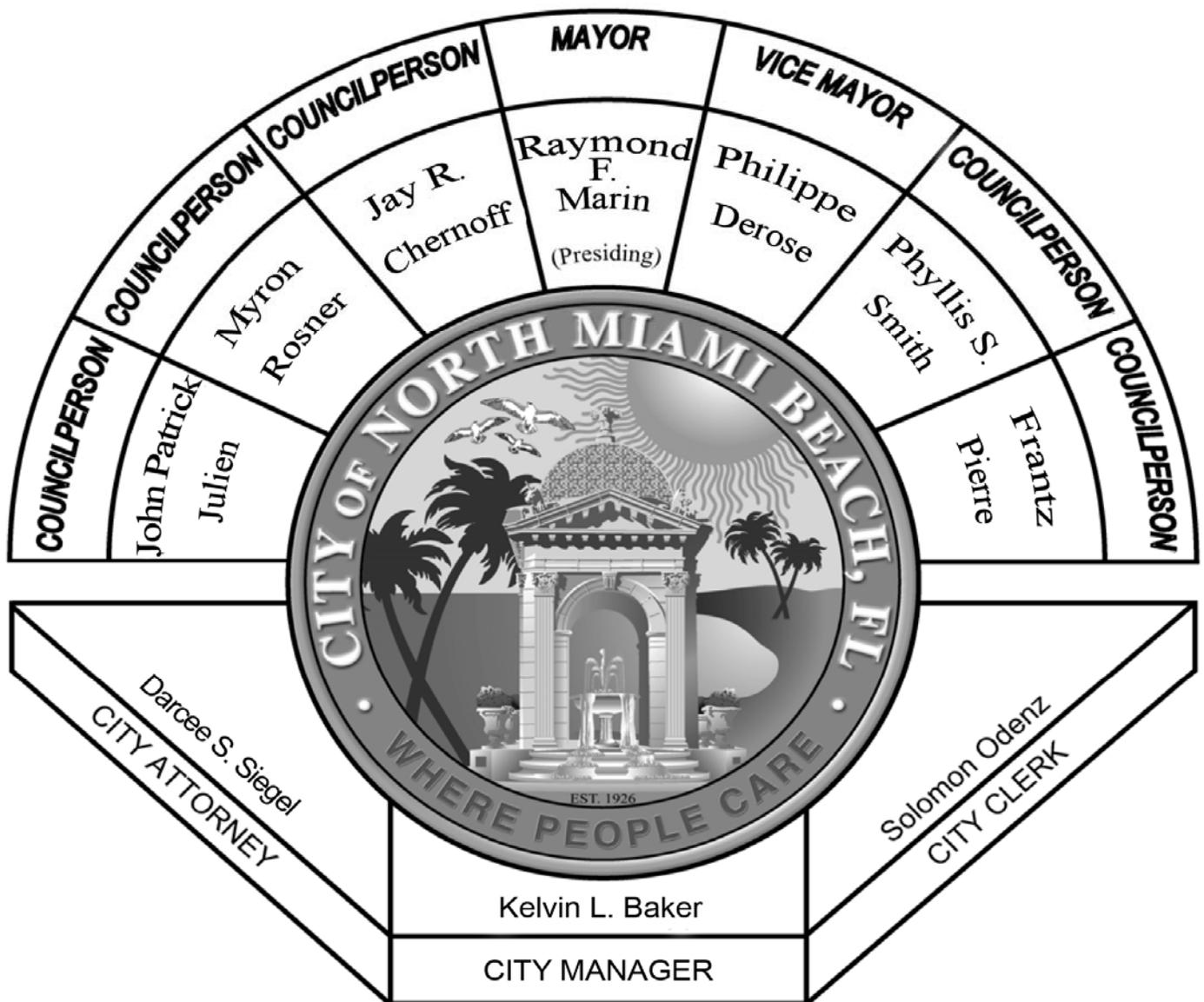


*Welcome  
To A Meeting of the  
City of North Miami Beach City Council  
Your City Officials*



**AGENDA**

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

DATE and TIME: TUESDAY, FEBRUARY 3, 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, FEBRUARY 17, 2009**

# AGENDA ITEMS

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1. **ROLL CALL OF THE CITY OFFICIALS:** [00:00:24]
  
2. **INVOCATION:** [00:00:53]  
RABBI RAPHAEL ROSENBERG  
SKYLAKE SYNAGOGUE
  
3. **SALUTE TO THE AMERICAN FLAG.** [00:03:47]
  
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA:** [00:04:08]
  
5. **APPOINTMENTS/PRESENTATIONS:** [00:04:43]
  - A. **APPOINTMENTS:**  
NONE
  
  - B. **PRESENTATIONS:**  
NONE
  
6. **APPROVAL OF MINUTES:** [00:09:18]  
JANUARY 20, 2009
  
7. **CITY MANAGER'S REPORT:** [00:10:00]  
KELVIN L. BAKER
  - A. **PRESENTATION OF THE PANZU PROGRAM BY LAURA KALLUS, EXECUTIVE DIRECTOR.**
  
  - B. **PRESENTATION OF THE WEED AND SEED PROGRAM BY MICHAEL NOZILE, EXECUTIVE DIRECTOR.**
  
8. **CITY ATTORNEY'S REPORT:** [00:53:53]  
DARCEE S. SIEGEL

# AGENDA ITEMS

**9. SCHEDULED CITIZENS APPEARANCE:**

**[01:43:12]**

**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.

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**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.

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**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.

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**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)**

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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**

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

RE: ACCOUNTABLE SERVANTS TO WHO?

# AGENDA ITEMS

**10. MISCELLANEOUS ITEMS: [01:48:28]**

NONE

**11. WAIVER OF FEE: [01:48:29]**

NONE

**12. BUSINESS TAX RECEIPT MATTERS: [01:48:30]**

**CITY CLERK**

- A. H2O DIVER, INC.  
d/b/a H2O DIVER  
14374 & 14382 BISCAYNE BOULEVARD  
NORTH MIAMI BEACH, FL.

ORLANDO RODRIGUEZ, PRESIDENT

RE: REQUEST APPROVAL OF A BUSINESS TAX RECEIPT FOR A PRIVATE SCHOOL (TRANSFER OF OWNERSHIP).

**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: [01:48:55]**

**RESOLUTIONS (SERIATIM NO. R2009-10):**

**RESOLUTION NO. R2009-6**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A GRANT EXTENSION AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE AND AN EXTENSION AGREEMENT WITH W.A.V. WEED AND SEED, INC., TO ENABLE THE EXPENDITURE OF REMAINING GRANT FUNDS AND CONTINUE THE WEED & SEED PROJECT.

**RESOLUTION NO. R2009-7**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PANZOU PROJECT, INC. AND TO EXPEND REMAINING FEDERAL GRANT FUNDS TO CONTINUE THE "GANG REDUCTION PROJECT" THROUGH SEPTEMBER 30, 2009.

# AGENDA ITEMS

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

### **RESOLUTIONS – CONTINUED:**

#### **RESOLUTION NO. R2009-8**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO RENAME THE “OPA-LOCKA EXECUTIVE AIRPORT” THE “OPA-LOCKA-BARACK OBAMA EXECUTIVE AIRPORT” AND FURTHER DIRECTING THE CITY CLERK TO FORWARD THIS RESOLUTION TO THE CITY COMMISSION OF OPA-LOCKA AND TO EACH MUNICIPALITY WITHIN MIAMI-DADE COUNTY REQUESTING THE ADOPTION OF A SIMILAR RESOLUTION AND ENCOURAGING SUPPORT.

#### **RESOLUTION NO. R2009-9**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, COMMENDING AND SALUTING CAPTAIN CHESLEY B. (“SULLY”) SULLENBERGER III, OF U.S. AIRWAYS FLIGHT 1549, ITS CO-PILOT, AIRLINE ATTENDANTS AND CREW, PASSENGERS, AND ALL FIRST RESPONDERS, WHOSE COORDINATED PROFESSIONALISM AND ACTIONS AVERTED AN AIR TRAGEDY AND SAVED ALL LIVES.

### **ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2009-4):**

#### **ORDINANCE NO. 2009-3**

AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING SECTION 6.01(c) TO PROVIDE FOR THE USE OF PREMIUM TAX INCOME UNDER CHAPTER 175, FLORIDA STATUTES, TO FUND A SUPPLEMENTAL BENEFIT TO FIREFIGHTER MEMBERS OF THE RETIREMENT PLAN IN LIEU OF THE CONTINGENT COST OF LIVING BENEFITS PREVIOUSLY PROVIDED; 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.

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

#### **ORDINANCE NO. 2009-1**

AN ORDINANCE AMENDING SECTION 14-12, RESIDENTIAL PERMITS AND INSPECTIONS, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO EXEMPT AND ELIMINATE SINGLE FAMILY AND DUPLEX UNITS FROM THE REQUIREMENTS OF THE PROGRAM.

## **14. UNSCHEDULED CITIZENS APPEARANCES:**

**[02:13:42]**

# AGENDA ITEMS

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15. CITY COUNCIL COMMITTEE REPORTS: [02:32:27]
16. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)
17. ADJOURNMENT: [02:50:38]
18. NEXT CITY COUNCIL MEETING: [02:50:31]  
TUESDAY, FEBRUARY 17, 2009