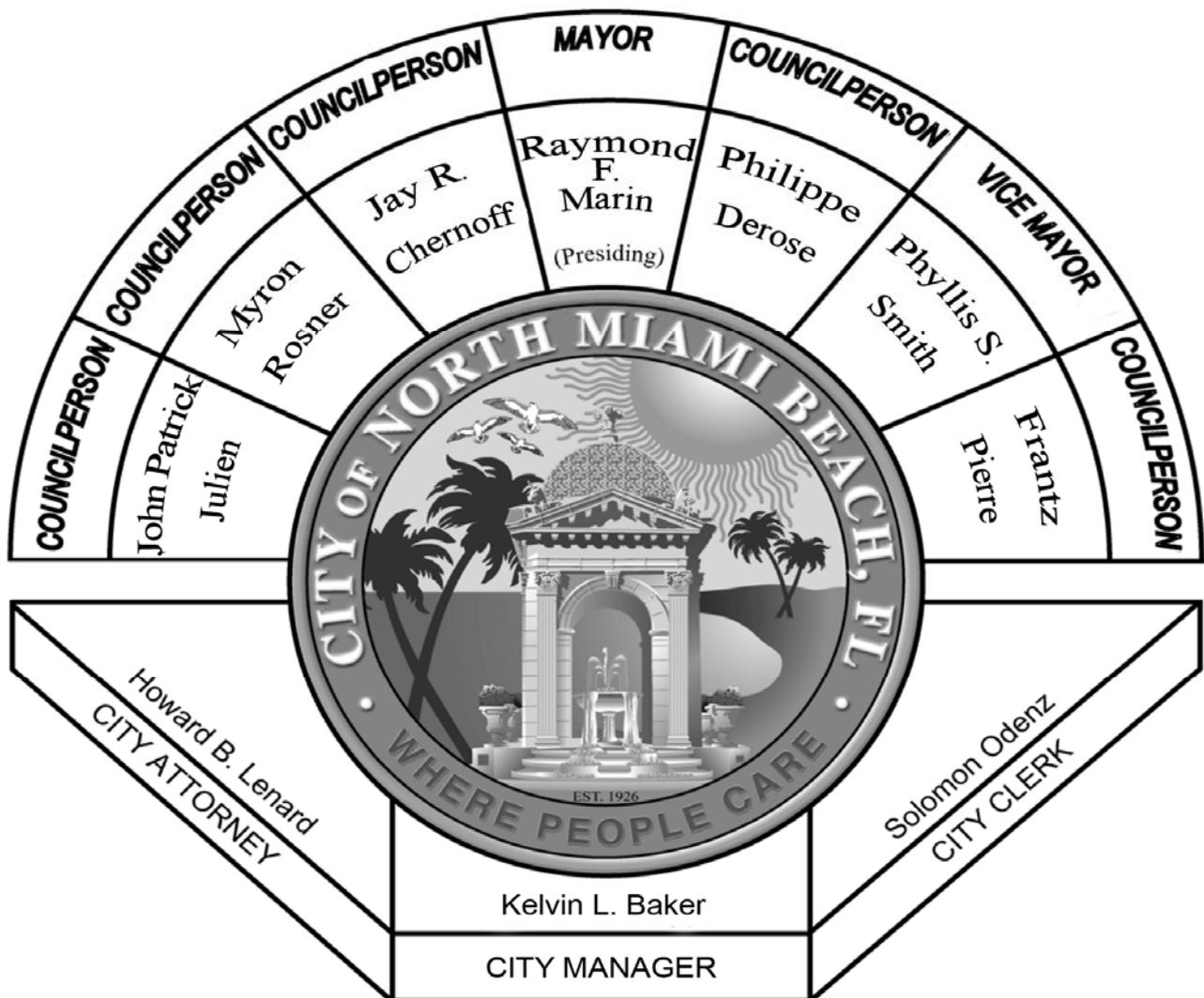


*Welcome
To A Meeting of the
City of North Miami Beach City Council
Your City Officials*



AGENDA

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

DATE and TIME: TUESDAY, OCTOBER 7, 2008, 7:30 PM

LOCATION: CITY HALL, 17011 NE 19th AVENUE
2ND FLOOR, COUNCIL CHAMBERS

NEXT CITY COUNCIL MEETING: TUESDAY, OCTOBER 21, 2008

AGENDA ITEMS

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

2. **INVOCATION:**

(TO BE ANNOUNCED)

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

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

5. **APPOINTMENTS/PRESENTATIONS:**

A. **APPOINTMENTS:**

NONE

B. **PRESENTATIONS:**

1. PRESENTATION BY MAYOR RAYMOND F. MARIN TO DETECTIVE JOSEPH ROMERO AS THE OUTSTANDING OFFICER FOR THE MONTH OF JULY 2008.
2. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN TO CHIEF RAFAEL P. HERNANDEZ PROCLAIMING OCTOBER AS CRIME PREVENTION MONTH.
3. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN TO CHIEF RAFAEL P. HERNANDEZ PROCLAIMING OCTOBER AS DOMESTIC VIOLENCE AWARENESS AND PREVENTION MONTH.

6. **APPROVAL OF MINUTES:**

SEPTEMBER 23, 2008

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

KELVIN L. BAKER

- A. REQUEST APPROVAL FOR AWARD OF RFP #2008-11 FOR MANAGEMENT OF THE ARTHUR SNYDER TENNIS CENTER TO ALBERT MORA AND DESINOR PIERRE FOR THE PERIOD OF ONE YEAR.

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

HOWARD B. LENARD

AGENDA ITEMS

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)

1. CARMEN KIENZLE
1653 N.E. 178 STREET
NORTH MIAMI BEACH, FL.

RE: DIDN'T EVEN SCRATCH THE PAINT.

2. STEPHANIE KIENZLE
1653 N.E. 178 STREET
NORTH MIAMI BEACH, FL.

RE: THE CIVILITY RESOLUTION.

AGENDA ITEMS

9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:

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

RE: A NEW YEAR!

4. CHARLES LOEB
16800 N.E. 15 AVENUE, #112
NORTH MIAMI BEACH FL.

RE: POLICE RECOVERY ACT (ORDINANCE 2007-5).

5. MUBARAK KAZAN
15564 N.E. 12 AVENUE
NORTH MIAMI BEACH FL.

RE: DEEP CONCERNS.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. BUSINESS TAX RECEIPT MATTERS: **CITY CLERK**

- A. FLORIDA ADULT VOCATIONAL CENTER INCORPORATED
995 N.E. 167 STREET, SUITE 102
NORTH MIAMI BEACH, FL.

CHRISTINE JEAN-BAPTISTE, PRESIDENT

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

- B. LITTLE HAITI EMPOWERMENT CENTER, INC.
995 N.E. 167 STREET
NORTH MIAMI BEACH, FL.

CHRISTINE JEAN-BAPTISTE, PRESIDENT

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

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. R2008-43):

RESOLUTION NO. R2008-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TRANSMITTING A PROPOSED COMPREHENSIVE PLAN AMENDMENT PACKAGE, (ITEM # 08-439), THAT AMENDS THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENT ELEMENT BY INCORPORATING THE CITY OF NORTH MIAMI BEACH 10-YEAR WATER SUPPLY FACILITIES WORK PLAN AND TO COMPLY WITH CHAPTER 163 FLORIDA STATUTES WATER SUPPLY PLANNING REQUIREMENTS; DIRECTING THE CITY CLERK TO TRANSMIT THE PROPOSED COMPREHENSIVE PLAN AMENDMENT PACKAGE, (ITEM # 08-439), AND ANY SUPPORT DOCUMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER RELEVANT AGENCIES FOR COMMENT AS REQUIRED BY SECTIONS 163.3184 OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT.

RESOLUTION NO. R2008-38

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 1,748 SQUARE FOOT ADDITION TO AN EXISTING 64,862 SQUARE FOOT SHOPPING CENTER ON A 4.57 ACRE PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-95 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ONE (1) ADDITIONAL REQUIRED PARKING SPACE (PREVIOUS VARIANCE WAIVED 39 OF THE 249 REQUIRED PARKING SPACES) WHERE TOTAL OF 256 PARKING SPACES IS REQUIRED AND PROVISION OF 216 SPACES IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(LENGTHY LEGAL, SEE ATTACHED EXHIBIT "A")

A/K/A
15901 Biscayne Boulevard
North Miami Beach, Florida
(P&Z Item No. 08-434 of September 8, 2008)

AGENDA ITEMS

13B. LEGISLATION - CONTINUED :

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-39

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 1,098,844 SQUARE FOOT MIXED-USE DEVELOPMENT ON A 2.58 ACRE PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-58.3(B) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 2.93% (3,279 SQUARE FEET) OF THE MINIMUM REQUIRED 10% PERVIOUS AREA (11,220 SQUARE FEET), WHERE PERVIOUS AREA OF 7.07% (7,941 SQUARE FEET) IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A WAIVER OF SECTION 24-58.3(I) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, PROHIBITING DIRECT VEHICULAR ACCESS FROM N.E. 164 STREET, WHERE DIRECT VEHICULAR ACCESS IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-93(D) TO WAIVE SIX INCHES (6") OF THE MINIMUM REQUIRED PARKING SPACE WIDTH OF NINE FEET (9') FOR SOME OF THE SPACES, WHERE PROVISION FOR SOME PARKING SPACES AT EIGHT FEET SIX INCHES (8'6") IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(LENGTHY DESCRIPTION, SEE ATTACHED EXHIBIT "A")

A/K/A
2145 N.E. 164 Street
North Miami Beach, Florida
(P&Z Item No. 08-421 of September 8, 2008)

RESOLUTION NO. R2008-40

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 814,580 SQUARE FOOT MIXED-USE OFFICE/RETAIL BUILDING ON A 4.23 ACRE PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A REZONING OF THE PROPERTY FROM CF, COMMUNITY FACILITY, AND RM-23, RESIDENTIAL MID-RISE MULTI-FAMILY (HIGH DENSITY), TO B-2, GENERAL BUSINESS, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A FUTURE LAND USE MAP (FLUM) AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF THE PROPERTY FROM RESIDENTIAL HIGH DENSITY TO BUSINESS, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, IN ORDER TO WAIVE UP TO FIFTEEN (15') FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF SIXTY (60') FEET, WHERE PROVISION OF FRONT YARD SETBACK OF FORTY-FIVE (45') FEET IS PROPOSED; AND

(Continued on next page)

AGENDA ITEMS

13B. LEGISLATION - CONTINUED :

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-40 – CONTINUED:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE UP TO FIFTEEN (15') FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK OF THIRTY-FIVE (35') FEET, WHERE PROVISION OF REAR YARD SETBACK OF TWENTY (20') FEET IS PROPOSED, AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO WAIVE UP TO FIFTEEN (15') FEET OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF THIRTY-FIVE (35') FEET, WHERE PROVISION OF CORNER SIDE YARD SETBACK OF TWENTY (20') FEET IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-95 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO WAIVE NINETY-FOUR (94) OF THE MINIMUM REQUIRED 1,115 VEHICULAR PARKING SPACES, WHERE PROVISION OF 1,021 PARKING SPACES IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 1, 2, 3, 4, AND 5, LEADER SUBDIVISION, PLAT BOOK 82, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A/K/A
17400 W. Dixie Highway
North Miami Beach, Florida
(P&Z Item No. 08-435 of September 8, 2008)

RESOLUTION NO. R2008-41

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. R2008-42

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND ALBERT MORA & DESINOR PIERRE FOR THE MANAGEMENT AND OPERATION OF THE JUDGE ARTHUR I. SNYDER TENNIS CENTER.

AGENDA ITEMS

13B. LEGISLATION - CONTINUED :

ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2008-21):

ORDINANCE NO. 2008-20

AN ORDINANCE IMPOSING A LIMITED AND TEMPORARY MORATORIUM AND PROPOSING CHANGES TO CHAPTER 24, ARTICLE XIII, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR TEMPORARY 6-MONTH MORATORIUM TO THE CURRENT REGULATORY GUIDELINES CONTAINED IN ARTICLE XIII, SECTION 24-147.2(C)(1)&(2) SPECIAL EVENT SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR TEMPORARY 6-MONTH REGULATIONS AS TO THE SIZE OF SPECIAL EVENT SIGNS PERMITTED AND THE DURATION TIME FOR SPECIAL EVENT SIGN PLACEMENT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

ORDINANCES - SECOND AND FINAL READING:

NONE

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, OCTOBER 21, 2008