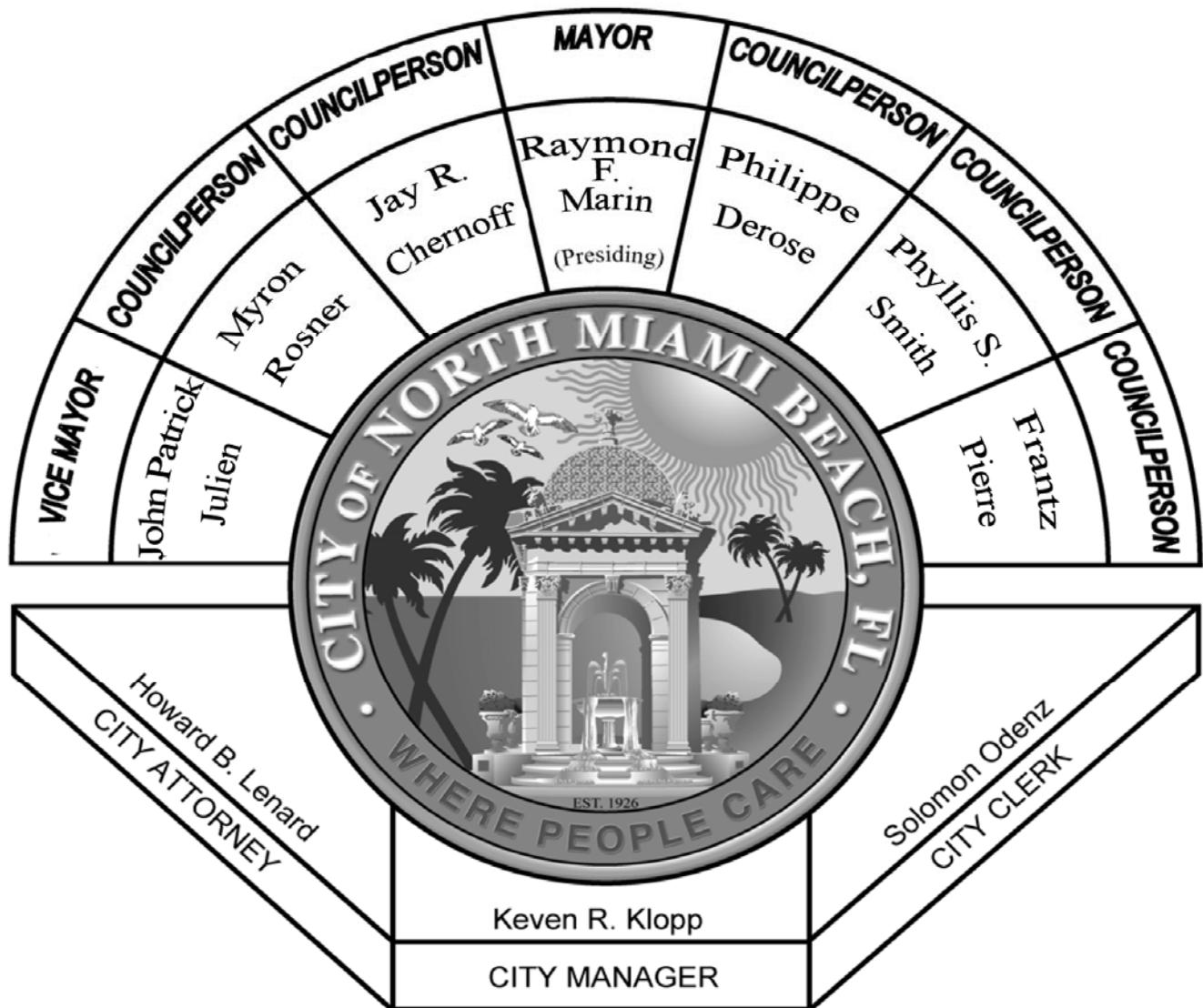


*Welcome  
To A Meeting of the  
City of North Miami Beach City Council  
Your City Officials*



**AGENDA**

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

DATE and TIME: TUESDAY, JANUARY 15, 2008, 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 5, 2008**

# AGENDA ITEMS

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1. ROLL CALL OF THE CITY OFFICIALS:

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:

5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

NONE

B. PRESENTATIONS:

1. SWEARING IN OF THE NEW CHIEF OF POLICE RAFAEL HERNANDEZ BY MAYOR RAYMOND F. MARIN.

6. APPROVAL OF MINUTES:

DECEMBER 18, 2007  
JANUARY 1, 2008 (CANCELLED)

7. CITY MANAGER'S REPORT:  
KEVEN R. KLOPP

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.

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

RE: DISTORTING FUNDAMENTAL TRUTHS.

## 10. MISCELLANEOUS ITEMS:

NONE

## 11. WAIVER OF FEE:

NONE

# AGENDA ITEMS

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

NONE

**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. R2008-3):**

**RESOLUTION NO. R2008-1**

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 3,384 SQUARE FOOT SECOND FLOOR ADDITION TO AN EXISTING 16,630 SQUARE FOOT ONE STORY OFFICE BUILDING, ON A 27,904 SQUARE FOOT 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 24-51(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ALL OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE (25) FEET, AND INSTEAD EXTEND UP TO THIRTEEN (13) FEET INTO THE CITY-OWNED PUBLIC RIGHT-OF-WAY, IN ORDER TO CONSTRUCT AN ENTRY VESTIBULE AND TO ADD AWNINGS TO PROPOSED STOREFRONT WINDOWS, WHERE EXISTING ONE-STORY BUILDING PROVIDES NO FRONT YARD SETBACK; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-51(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWENTY (20) FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE (25) FEET FOR THE SECOND FLOOR ADDITION, WHERE FRONT YARD SETBACK FOR THE SECOND FLOOR ADDITION OF FIVE (5) FEET IS PROPOSED, WHERE EXISTING ONE STORY BUILDING PROVIDES NO FRONT YARD SETBACK; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-51(D)(7) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY AN ADDITIONAL 3,384 SQUARE FEET THE MAXIMUM PERMITTED FLOOR AREA OF 4,000 SQUARE FEET, WHERE EXISTING 16,630 SQUARE FOOT BUILDING IS LEGAL NON-CONFORMING AND TOTAL BUILDING SIZE WITH THE PROPOSED ADDITION WOULD BE 20,014 SQUARE FEET; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-95(B) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ELEVEN (11) PARKING SPACES OF THE MINIMUM REQUIRED SIXTY (60) VEHICULAR PARKING SPACES, WHERE PROVISION OF FORTY-NINE (49) PARKING SPACES IS PROPOSED, EXCLUDING THE ADJACENT THIRTY-FIVE (35) SPACE PUBLIC PARKING LOT); AND

(Continued on next page)

# AGENDA ITEMS

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## **13B. LEGISLATION:**

### **RESOLUTIONS - (CONTINUED):**

#### **RESOLUTION NO. R2008-1 – (CONTINUED):**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-97 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWO (2) OF THE TWO (2) MINIMUM REQUIRED VEHICULAR LOADING SPACES, WHERE NO PROVISION OF VEHICULAR LOADING SPACES IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 1 THROUGH 5, BLOCK 5 OF A SUBDIVISION OF A PORTION OF TRACT "A", GREYNOLDS PARK GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 57 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A/K/A  
17071 West Dixie Highway  
North Miami Beach, Florida  
(P&Z Item No. 07-424 of December 10, 2007)

#### **RESOLUTION NO. R2008-2**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2008 LEGISLATIVE SESSION.

### **ORDINANCES - FIRST READING BY TITLE ONLY (SERIATIM NO. 2008-4):**

#### **ORDINANCE NO. 2008-1**

AN ORDINANCE AMENDING SECTION 17-8 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH REVISING THE FEES SCHEDULE FOR THE USE OF VICTORY PARK SWIMMING POOL; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

#### **ORDINANCE NO. 2008-2**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH'S RETIREMENT PLAN FOR GENERAL EMPLOYEES; ADDING A PROVISION PERMITTING PLAN MEMBERS TO PURCHASE CREDITED SERVICE UP TO A MAXIMUM OF FOUR ADDITIONAL YEARS WITHOUT ANY MILITARY SERVICE OR OTHER PRIOR GOVERNMENT SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

# AGENDA ITEMS

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## **13B. LEGISLATION – (CONTINUED):**

### **ORDINANCES - FIRST READING BY TITLE ONLY - (CONTINUED):**

#### **ORDINANCE NO. 2008-3**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS; AMENDING ARTICLE VI TO EXTEND THE TOTAL PERMITTED YEARS OF PARTICIPATION IN THE DEFERRED RETIREMENT OPTION PLAN (DROP) FROM FIVE (5) YEARS TO EIGHT (8) YEARS; PROVIDING FOR SEVERABILITY; 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:**

#### **ORDINANCE NO. 2007-13**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CREATING A NEW CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO BE CALLED “THE NORTH MIAMI BEACH DANGEROUS INTERSECTION SAFETY ACT;” PROVIDING FOR INTENT AND DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF UNMANNED CAMERAS/MONITORING DEVICES FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING 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, FEBRUARY 5, 2008**