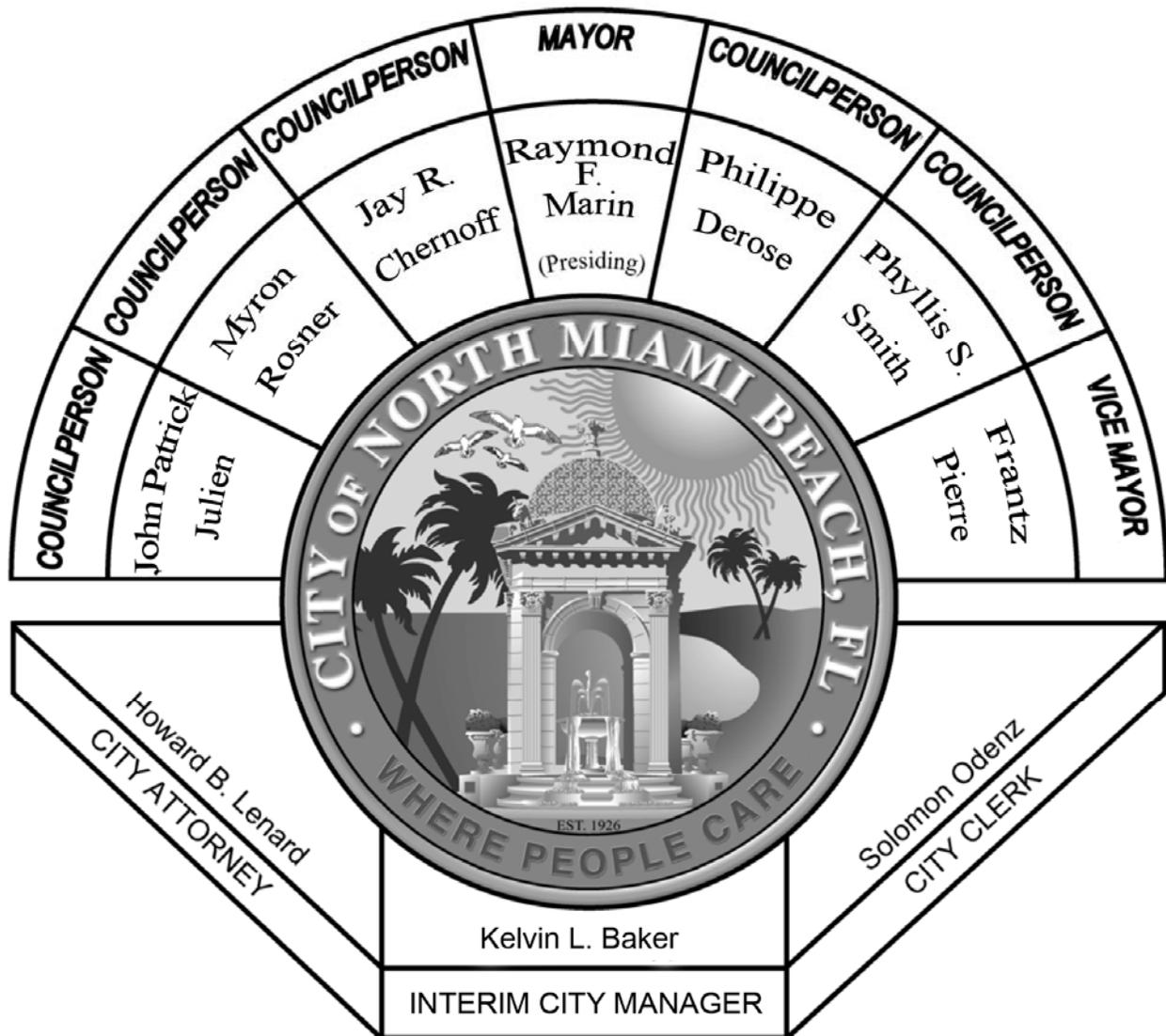


*Welcome
To A Meeting of the
City of North Miami Beach City Council
Your City Officials*



AGENDA

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

DATE and TIME: TUESDAY, JULY 22, 2008, 7:30 PM

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

NEXT CITY COUNCIL MEETING: TUESDAY, AUGUST 5, 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 OFFICER CHRIS SWEIGART AS THE OUTSTANDING OFFICER FOR THE MONTH OF MAY 2008.
2. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN PROCLAIMING JULY 2008 AS *PARKS AND RECREATION MONTH*.
3. PRESENTATION OF CERTIFICATES OF ACHIEVEMENT BY HARRIET ORR, PARKS & RECREATION DIRECTOR, AND COACH LARRY LANZILLI TO THE FOLLOWING MEMBERS OF THE CITY OF NORTH MIAMI BEACH BOXING PROGRAM WHO PARTICIPATED IN THE NATIONAL GOLDEN GLOVES COMPETITION:

AZEA AUGUSTAME, NATIONAL GOLDEN GLOVE CHAMPION & OLYMPIC TEAM QUALIFER
DALIA WEINTRAUB, FLORIDA STATE GOLDEN GLOVE CHAMPION (WOMEN'S DIVISION)
JIMMY CANTAVE, STATE GOLDEN GLOVE CHAMPION RUNNER-UP
TREVEN GRAY, STATE GOLDEN GLOVE CHAMPION RUNNER-UP
4. PRESENTATION OF PROCLAMATION BY VICE MAYOR PIERRE PROCLAIMING JULY 22, 2008 AS *NELSON VOLTAIRE DAY*.

6. **APPROVAL OF MINUTES:**

JUNE 24, 2008
JULY 8, 2008 (CANCELLED)

7. **CITY MANAGER'S REPORT:**
KELVIN L. BAKER, INTERIM

- A. REQUEST APPROVAL FOR AWARD OF BID #2008-06 TO SELDIN CONSTRUCTION COMPANY FOR THE INSTALLATION OF TWO PRE-PURCHASED GENERATORS FOR THE NORWOOD-OEFFLER WATER TREATMENT PLANT FOR A TOTAL COST OF \$695,000.00.

AGENDA ITEMS

7. CITY MANAGER'S REPORT - CONTINUED:

B. REQUEST APPROVAL FOR AWARD OF BID #2008-09 TO ELAB, GENAPURE, TESTAMERICA, AND KSA FOR LABORATORY TESTING OF RAW, PRE-TREATED AND FINISHED WATER SAMPLES FROM THE NORWOOD-OEFFLER WATER TREATMENT PLANT FOR A COST OF \$131,788.00.

**8. CITY ATTORNEY'S REPORT:
HOWARD B. LENARD**

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)

A. IRELENE ALLEN
181 NE 212 TERRACE
MIAMI GARDENS, FL.

RE: PROBLEMS IN THE CITY.

AGENDA ITEMS

9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:

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

RE: THE MALL, BRIDGE, BUSES ON 6/27/08.

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

RE: RECENT EVENTS.

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

RE: NMB.

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

RE: NMB CONCERNS.

F. SCOTT SICHEK
831 N.E. 182 TERRACE
NORTH MIAMI BEACH, FL.

RE: LAW SUIT FILED BY IMPAC AND BASF.

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

RE: BELOW THE SURFACE, PART 2.

H. DR. MARVIN DIAZ-LACAYO
18005 N.E. 19 AVENUE
NORTH MIAMI BEACH, FL.

RE: ETHICS AND THE CHARTER.

I. RICHARD RUDOW
PHILLY PRETZEL FACTORY
13531 BISCAYNE BOULEVARD
NORTH MIAMI BEACH, FL.

RE: BUSINESS FAILURES AND WHAT THE CITY CAN DO TO HELP.

AGENDA ITEMS

9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:

J. ROBERT TAYLOR
1951 N.E. 157 TERRACE
NORTH MIAMI BEACH, FL.

RE: WHAT A GREAT CITY.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

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. R2008-32):

RESOLUTION NO. R2008-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING PRESIDENT BUSH TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN.

AGENDA ITEMS

13B. LEGISLATION - CONTINUED:

RESOLUTION NO. R2008-28

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING MODIFICATION TO A PREVIOUSLY APPROVED SITE PLAN IN ORDER TO ADD TWO (2) OUTDOOR PADEL COURTS AS AN ACCESSORY USE TO A PROPOSED GYMNASIUM AT AN EXISTING 259,193 SQUARE FOOT SHOPPING MALL ON A 1,168,931 SQUARE FOOT (26.83 ACRE) PARCEL OF LAND, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LENGTHY LEGAL DESCRIPTION
SEE ATTACHED EXHIBIT "A"

A/K/A
3501 N.E. 163 Street
North Miami Beach, Florida
(P&Z Item No. 08-436 of June 30, 2008)

RESOLUTION NO. R2008-29

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE CITY OF CHICAGO'S BID TO HOST THE 2016 SUMMER OLYMPICS.

RESOLUTION NO. R2008-30

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SELDIN CONSTRUCTION COMPANY FOR THE INSTALLATION OF TWO PRE-PURCHASED GENERATORS FOR THE NORWOOD-OEFFLER WATER TREATMENT PLANT.

RESOLUTION NO. R2008-31

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH ELAB, INC., GENAPURE ANALYTICAL SERVICES, INC., TESTAMERICA LABORATORIES, INC., AND KSA ENVIRONMENTAL LAB, INC., FOR LABORATORY TESTING OF RAW, PRE-TREATED, AND FINISHED WATER SAMPLES FROM THE NORWOOD-OEFFLER WATER TREATMENT PLANT.

ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2008-13):

ORDINANCE NO. R2008-11

AN ORDINANCE AMENDING CHAPTER 24, SECTION 22, OF THE ZONING AND LAND DEVELOPMENT CODE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; AMENDING THE DEFINITION OF BUILDING HEIGHT; AMENDING THE DEFINITIONS OF DENSITY TO EXCLUDE WATER BODIES FROM CALCULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE

AGENDA ITEMS

13B. LEGISLATION - CONTINUED:

ORDINANCES - FIRST READING, BY TITLE ONLY - CONTINUED:

ORDINANCE NO. R2008-12

AN ORDINANCE AMENDING CHAPTER 24, SECTION 22, OF THE ZONING AND LAND DEVELOPMENT CODE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY ENACTING SECTION 24-33, LIMITS ON DEVELOPMENT IN RESIDENTIAL DISTRICTS; FIXING ALLOWABLE RESIDENTIAL DEVELOPMENT AT THE MOST RESTRICTIVE DENSITIES AND BUILDING HEIGHTS SET OUT IN THE CITY COMPREHENSIVE PLAN AND/OR CODE OF ORDINANCES IN EFFECT UPON PASSAGE OF THIS AMENDMENT; PROVIDING EXCEPTIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; 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, AUGUST 5, 2008