



**CITY OF NORTH MIAMI BEACH**  
City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, February 7, 2012**  
**7:30 PM**

Mayor George Vallejo  
Vice Mayor Beth E. Spiegel  
Councilman Philippe Derose  
Councilwoman Barbara Kramer  
Councilman Marlen Martell  
Councilman Frantz Pierre  
Councilwoman Phyllis S. Smith

City Manager Lyndon L. Bonner  
City Attorney Darcee S. Siegel  
City Clerk Pamela L. Latimore, CMC

**REGULAR MEETING MINUTES**

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

The meeting was called to order at 7:37 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel and Council Members Philippe Derose, Barbara Kramer, Marlen Martell and Phyllis S. Smith. Also present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore. Councilman Frantz Pierre was absent.

**2. INVOCATION – Rabbi Ariel Yeshurun, Skylake Synagogue**

**3. PLEDGE OF ALLEGIANCE**

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

**Addition** of Item 5.2 Diefenbach Family Presentation to the City. (Robert Taylor)

**5. PRESENTATIONS/DISCUSSIONS**

**5.1** Honoring North Miami Beach Senior High School (Mayor George Vallejo)

**5.2** Diefenbach Family Presentation to the City.

Former Council Member Robert Taylor introduced the family of Mr. Dan Diefenbach. The family presented a plaque to the city that will be installed by the family at Dan Diefenbach Park.

**6. PUBLIC COMMENT**

City Clerk Latimore read the rules of Public Comment into the record. The following person(s) spoke on the record:

1. Marilyn Baumoehl, 18635 N.E. 20<sup>th</sup> Court, North Miami Beach, FL
2. Bert Kehren, 3302 N.E. 171<sup>st</sup> Street, North Miami Beach, FL
3. Keith Henry, 1540 N.E. 161<sup>st</sup> Street, North Miami Beach, FL
4. Volney Nerette, 16121 N.E. 19<sup>th</sup> Place, North Miami Beach, FL
5. Actions For A Better Future, 1733 N.E. 162<sup>nd</sup> Street, North Miami Beach, FL
6. Dorothy Denoia, 1179 N.E. 181<sup>st</sup> Street, North Miami Beach, FL
7. Robert Taylor, 1951 N.E. 157<sup>th</sup> Terrace, North Miami Beach, FL
8. Charles R. Loeb, 16800 N.E. 15<sup>th</sup> Avenue, North Miami Beach, FL
9. George Gabriel, 1426 N.E. 154<sup>th</sup> Street, North Miami Beach, FL
10. Levingston Ritchie, 5901 N.W. 19<sup>th</sup> Street, Miami FL
11. Michael Ritchie, 15521 N.E. 15<sup>th</sup> Court, North Miami Beach, FL
12. Margie Love, 1579 N.E. 169<sup>th</sup> Street, North Miami Beach, FL
13. Carmen Kienzle, 1653 N.E. 178<sup>th</sup> Street, North Miami Beach, FL
14. Mubarak Kazan, 15564 N.E. 10<sup>th</sup> Court, North Miami Beach, FL
15. Daniel Pierre, 15240 N.E. 10<sup>th</sup> Court, North Miami Beach, FL

7. **APPOINTMENTS - None**

8. **CONSENT AGENDA**

**8.1 Resolution No. R2012-7**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE A REQUEST FOR CHANGE ORDER NUMBER 2 IN THE AMOUNT OF \$15,037.60 FOR ADDITIONAL WORK BY R&D ELECTRIC, INC., FOR THE EFFECTIVE OPERATION OF CITY HALL GENERATOR, BID NO.2009-05. **(Pulled for discussion see Item 15.1)**

**8.2 Resolution No. R2012-13**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,SUPPORTING POLICE OFFICER AND FIREFIGHTER DISABILITY PRESUMPTION REFORMS TO MAKE PENSION PLAN AND WORKERS' COMPENSATION BENEFITS SUSTAINABLE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.3 Resolution No. R2012-14**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING BUDGET AMENDMENT(S) IN INCREMENTS OF \$50,000

FROM THE LEGISLATIVE CONTINGENCY ACCOUNT INTO THE EXECUTIVE CONTINGENCY ACCOUNT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011.

**MOTION** by Councilman Derose, seconded by Vice Mayor Spiegel, to approve the Consent Agenda. (**Approved 6-0**, Councilman Pierre Absent)

**9. CITY MANAGER'S REPORT**

City Manager Bonner waived his report.

Mayor Vallejo asked City Manager Bonner to give an update on issues concerning Mavericks High School.

City Manager Bonner reported to Council that he has been in communication with the representatives of Mavericks High School and they are in favor of the proposal to increase police presence at the school at cost to the school. The language for the agreement is worked out and it will be presented to Mayor and Council as soon as it is complete.

**10. CITY ATTORNEY'S REPORT**

**10.1 Attorney General opinion regarding pension matters.**

City Attorney Siegel reported to the Council that she was in receipt of an opinion from the Attorney General's Office clarifying State Statutes 175 and 185. There are two questions: The Florida Statute is silent as to the criteria and qualifications of the fifth board member and silent as to which members may comprise a quorum. The Attorney General's Opinion states that the board may take into consideration the criteria and qualifications of the fifth member when appointing and the city may impose a criteria of which three members will be designated as a quorum of the Police and Fire Pension Board.

**11. MAYOR'S DISCUSSION**

Mayor Vallejo wanted everyone to know that he and the Council were taking notes and paying very close attention to the sanitation item. He stated that Council would study the facts and the best decision for the City and its residents would be made.

**12. MISCELLANEOUS ITEMS - None**

**13. WAIVER OF FEE – None**

**14. BUSINESS TAX RECEIPTS**

City Clerk Latimore read the item into the record. Reverend Gary Johnson appeared on behalf of Mr. Antonio Bryan , owner.

**14.1 G5ive, LLC  
d/b/a G5ive  
337-349 N.W. 170 Street  
North Miami Beach, FL.**

This request is for approval of a Business Tax Receipt for 4-6 a.m.

**MOTION** by Councilwoman Smith, seconded by Councilwoman Martell, to table the item until the next meeting. **(Failed 3-3)**

**ACTION:** Mayor Vallejo passed the gavel to Vice Mayor Spiegel.

**MOTION** by Mayor Vallejo, seconded by Councilman Derose, to approve the 4-6 a.m. license for G5ive, LLC doing business as G5ive. **(Failed 3-3)**

**ROLL CALL: Derose Yes, Kramer No, Martell No, Smith No, Spiegel Yes, Vallejo Yes (Councilman Pierre absent)**

**15. LEGISLATION**

**15.1 Resolution No. R2012-7**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE A REQUEST FOR CHANGE ORDER NUMBER 2 IN THE AMOUNT OF \$15,037.60 FOR ADDITIONAL WORK BY R&D ELECTRIC, INC., FOR THE EFFECTIVE OPERATION OF CITY HALL GENERATOR, BID NO.2009-05. **(Pulled from Consent Agenda - Item 8.1)**

**MOTION** by Councilman Derose, seconded by Vice Mayor Spiegel, to approve Resolution No. R2012-7. **(Approved 6-0 Councilman Pierre Absent)**

**16. CITY COUNCIL REPORTS**

**Councilman Derose** expressed his sympathy to Commissioner Jean Monestime for the passing of his father and Mr. Michael Snyder for the passing of his mother. He asked for prayers for both families. Councilman Derose reported that the Ribbon Cutting at Oak Grove Park was a nice event and that everyone enjoyed themselves.

**Councilwoman Kramer** expressed condolences to the Michael Snyder family who has a long history with the city. Councilwoman Kramer reminded everyone that February was Black History Month and that everyone should support the events of the city. The Multi-Cultural Committee's second cinema night is February 10, 2012 in the Ron Silver Auditorium, and the movie is The Perfect Game. She wished everyone a good night.

**Councilwoman Martell** expressed her condolences to the family of Commissioner Monestime and to Michael Snyder and his family. Councilwoman Martell announced that yesterday was the first day of "Let's Get Fit in NMB" and she wanted to thank all of the people who came out and walked. She noted there are 63 businesses in the 3 block area and they were all listed on the back of the tri-fold that was handed out. Councilwoman Martell encouraged those who walked to keep track of their progress on the tri-fold, she thanked the residents, her colleagues, and encouraged everyone to come out and support the businesses in the area. She thanked at the members of staff who put the pamphlet together. Councilwoman Martell announced that she would be at Highland Village on Saturday from 1:00-2:00 p.m. for an informal meeting with residents.

**Councilwoman Smith** expressed her condolences to Commissioner Jean Monestime and his family; she also expressed condolences to the Snyder Family and stated that the former Mayor's wife will be missed. Councilwoman Smith congratulated North Miami Beach Senior High School. She stated

that she had a conversation with the City Attorney as it relates to working as a Magistrate for another city and she is sure that a “workout” can be done. Councilwoman Smith said that all should be proud of the wonderful soccer field that we have in our own back yard and the ribbon cutting ceremony was great; we should be proud of the facilities that we have in our city. She wished everyone a Happy Valentine’s Day and encouraged everyone to go to the library and read up on Black History. Goodnight.

**Vice Mayor Spiegel** encouraged the public to go out and become active in the programs at Diefenbach Park, especially the Tennis Center where several tennis leagues are offered and the programming is amazing. Vice Mayor Spiegel announced that tomorrow was recycling day and everyone should get their containers out; she stated that if anyone needed a new container they should call 311 and they will bring you one. Vice Mayor Spiegel announced that the Planning and Zoning Board will meet on Monday, February 13<sup>th</sup> at 6:00 p.m. and the Commission on the Status of Women will meet on Monday, February 13<sup>th</sup> at 7:00 p.m., please volunteer. She reported that she has been walking with the Eastern Shores Crime Watch group who walk every Wednesday evening. Vice Mayor Spiegel expressed her condolences to the Snyder family, she wished everyone a Happy Valentine’s Day and in the absence of Councilman Pierre, she said remember “we all love you”.

**Mayor Vallejo** sent his condolences to Commissioner Monestime and also to Michael Snyder and his family. He thanked Councilwoman Martell for the Get Fit Program and he will be joining soon, and stated to residents that the Council was listening. Mayor Vallejo announced coffee with the Mayor at Washington Park on Wednesday, February 22<sup>nd</sup> from 6:30-8:30 p.m. and encouraged everyone to come out. The Mayor clarified that a discussion on Pension Reform and Mavericks would be on the February 21<sup>st</sup> Council Conference agenda. The Mayor wished everyone a Happy Valentine’s Day.

**17. NEXT REGULAR CITY COUNCIL MEETING**

Tuesday, February 21, 2012

**18. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 10:43 p.m.

ATTEST:

( S E A L )



**Pamela L. Latimore**  
City Clerk