



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162

Tuesday, March 6, 2012
7:30 PM

Mayor George Vallejo
Vice Mayor Beth E. Spiegel
Councilman Philippe Derose
Councilwoman Barbara Kramer
Councilwoman 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

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:34 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel and Council Members Philippe Derose, Barbara Kramer, Marlen Martell, Frantz Pierre, and Phyllis S. Smith. Also, present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION – City Manager Lyndon L. Bonner

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Addition of Item 5.2 Presentations, **Withdrawal** of Items 8.1, 8.2 & 8.3 Minutes, and Item 15.6 - Ordinance No. 2012-2

5. PRESENTATIONS/DISCUSSIONS

5.1 Proclamation Presentation to Judith Rogoff of Greynolds Park Elementary School, winner of the Race to the Top Program Award. (Councilman Frantz Pierre)

5.2 Presentation to thank Karl Thompson, Assistant Director of Public Services, for his 17 years of service to the City. (Shari Kamali, Public Services Director) **Addition**

6. PUBLIC COMMENT

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

1. Charles R. Loeb, 16800 N.E. 15th Avenue, North Miami Beach, FL
2. Rolland Veilleux, 13730 Highland Drive, North Miami Beach, FL
3. Actions For Better Future, Inc., 1733 N.E. 162nd Street, North Miami Beach, FL
4. Ketley Joachim, 210 N.E. 170th Street, North Miami Beach, FL
5. Richard Riess, 23 N.W. 169th Street, North Miami Beach, FL
6. Bruce Lamberto, 3420 N.E. 165th Street, North Miami Beach, FL
7. Mubarak Kazan, 15564 N.E. 12th Avenue, North Miami Beach, FL
8. Carmen Kienzle, 1653 N.E. 178th Street, North Miami Beach, FL

7. APPOINTMENTS

7.1 Economic Development Commission (Councilwoman Marlen Martell)

Larry Thompson

MOTION by Councilwoman Martell, seconded by Councilman Pierre, to approve the appointment of Larry Thompson to the Economic Development Commission. **(Approved 7-0)**

8. CONSENT AGENDA

8.1 September 6, 2011 Budget #1 Meeting Minutes (Withdrawn)

8.2 September 6, 2011 Regular Meeting Minutes (Withdrawn)

8.3 September 20, 2011 Budget #2 Meeting Minutes (Withdrawn)

8.4 Resolution No. R2012-22 (City Attorney Darcee S. Siegel)

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 ACRE ENGINEERING AND CONSTRUCTION, INC. FOR THE NE 2ND AVENUE WASTEWATER METER INSTALLATION.

8.5 Resolution No. R2012-23 (City Attorney Darcee S. Siegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH FIRSTSOUTHWEST COMPANY, THE FIRST RANKED FIRM, FOR FINANCIAL ADVISORY SERVICES FOR THE CITY OF NORTH MIAMI BEACH, AND IF UNABLE TO REACH AN AGREEMENT, THEN PROCEED TO NEGOTIATE WITH THE SECOND RANKED FIRM, THE PFM GROUP.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve the Consent Agenda. **(Approved 7-0)**

9. CITY MANAGER'S REPORT

9.1 Forfeiture (LETF) Appropriation Request (Interim Chief of Police Larry Gomer)

MOTION by Vice Mayor Spiegel, seconded by Councilwoman Smith, to approve \$2,000.00 for the North Miami Beach Little League. **(Approved 6-0 Councilwoman Kramer absent)**

Councilwoman Smith made a request for Chief of Police Gomer to evaluate if LETF has extra funds to help the pool at Washington Park stay open one night a week and to re-instate the Midnight Basketball program. Chief of Police Gomer stated that he would look into whether the programs meet the criteria for funds to be used from LETF.

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

City Attorney Siegel waived her report.

11. MAYOR'S DISCUSSION

Mayor Vallejo directed his comment to the Council's three (3) employees, primarily to the City Manager and City Attorney, on the issue of speed. The Council can't waste any time moving things forward to another meeting with the upcoming budget season, labor negotiations, pension reform, and the sanitation RFP. We need to move quickly on these issues, get the facts or numbers to move these things forward. He doesn't want anything put off unnecessarily.

12. MISCELLANEOUS ITEMS

None

13. WAIVER OF FEE

None

14. BUSINESS TAX RECEIPTS

None

15. LEGISLATION

15.1 Resolution No. R2012-21

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE STATE REVOLVING FUND LOAN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SECOND PHASE OF THE FIXED NETWORK AUTOMATED METER READING PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$4,253,990; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment open and comments were made by the following:

1. Mubarak Kazan, 15564 N.E. 12th Avenue, North Miami Beach, FL
2. Charles Loeb, 16800 N.E. 15th Avenue, North Miami Beach, FL
3. Richard Reis, 23 N.E. 169th Street, North Miami Beach, FL

Vice Mayor Spiegel requested a report from the City Manager with the estimated saving on fuel, vehicle maintenance, and vehicle insurance.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve Resolution No. R2012-21. **(Approved 7-0)**

15.2 Resolution No. R2012-24

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE EXECUTION AND DELIVERY OF A FORWARD RATE LOCK IN CONNECTION WITH THE ISSUANCE OF A GENERAL OBLIGATION REFUNDING BOND, SERIES 2012 OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,000,000 FOR THE PRIMARY PURPOSE OF REFINANCING THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS FOR INTEREST COST SAVINGS; AND PROVIDING AN EFFECTIVE DATE.

Public Comment open and comments were made by the following:

1. Mubarak Kazan, 15564 N.E. 12th Avenue, North Miami Beach, FL

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve Resolution No. R2012-24. **(Approved 7-0)**

15.3 Ordinance No. R2012-4 (First Reading by Title Only)

AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; AMENDING ARTICLE VI, OPTIONAL FORMS OF RETIREMENT INCOME; 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.

Public Comment: None

MOTION by Councilman Derose, seconded by Councilman Pierre, to approve Resolution No. R2012-4. After discussion Councilman Pierre withdrew his motion to approve Resolution No. R2012-4. **(Motion Withdrawn)**

MOTION by Councilwoman Smith, seconded by Councilman Pierre, to withdraw Ordinance No. 2012-4 to amend the wording of the ordinance. **(Approved 7-0)**

15.4 Ordinance No. 2012-6 (First Reading by Title Only)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 2, PARAGRAPH 9, OF ORDINANCE 2006-6 LOWERING

THE INTEREST RATE ON EACH MEMBER'S DROP ACCOUNT FROM 6.5% COMPOUNDED MONTHLY TO 3% COMPOUNDED MONTHLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment open and comments were made by the following:

1. Terry Campbell, 17050 N.E. 19th Avenue, North Miami Beach, FL – **Against**
2. Marsha Alexander, 17050 N.E. 19th Avenue, North Miami Beach, FL – **Against**
3. Susan Ritter, 17011 N.E. 19th Avenue, North Miami Beach, FL – **Against**
4. Carlos Ramirez, 16901 N.E. 19th Avenue, North Miami Beach, FL – **Against**
5. Mubarak Kazan, 15564 N.E. 12th Avenue, North Miami Beach, FL – **For**

ROLL CALL: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **No**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Approved 6-1**)

15.5 Ordinance No. 2012-7 (First Reading by Title Only)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER XIV SECTION 14-8.22(C) OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "ENFORCEMENT OF MUNICIPAL CODES OR ORDINANCES" BY PROVIDING FOR AN APPEAL HEARING PROCESS AND BY PROVIDING A SCHEDULE OF CIVIL PENALTIES FOR CODE ENFORCEMENT CITATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment open and comments were made by the following:

1. Marilyn Baumoehl, 18635 N.E. 20th Court, North Miami Beach, FL – **Against**
2. Richard Riess, 23 N.W. 169th Street, North Miami Beach, FL – **Against**
3. Mubarak Kazan, 15564 N.E. 12th Avenue, North Miami Beach, FL – **Against**

MOTION by Councilwoman Smith, seconded by Councilwoman Kramer, to table Ordinance No. 2012-7 to amend the wording. (**Approved 7-0**)

15.6 Ordinance No. 2012-2 (Previously Ordinance No. 2011-17) Second and Final Reading (Withdrawn)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING SECTION 2-61 OF THE CODE OF ORDINANCES ENTITLED "POLICE AND FIRE PENSION BOARD" BY SUGGESTING THAT THE FOUR BOARD OF TRUSTEES MEMBERS ON THE POLICE AND FIRE PENSION BOARD CONSIDER THE FIFTH CANDIDATE'S QUALIFICATIONS PRIOR TO SELECTING THE FIFTH MEMBER OF THE BOARD AND FURTHER CLARIFYING WHICH THREE (3) MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR PURPOSES OF A MEETING; PROVIDING FOR THE REPEAL OF ALL

ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

16. CITY COUNCIL REPORTS

Councilman Derose took a moment to thank Karl Thompson for 17 years of exemplary service to the City of North Miami Beach. He will be missed and wishes him the best on this new endeavor. He directed his comments to Assistant City Manager Weisblum in the absence of City Manager Bonner in regards to lack of progress at the Gun Mount. He referred to the frustration expressed by Bruce Lamberto and something needs to be done to find a way to move the project along.

Councilwoman Kramer thanked Karl Thompson for his dedication to the City of North Miami Beach and wishes him the best of luck at his new position. She also sends her condolences to Chris Heid on the passing of his mother. She wanted to remind everyone about the Cultural Cinema Night on Friday, March 9, 2012 at 7:00 p.m. in the Silver Auditorium; the movie is "The Great Debaters". Also, the Multi-Cultural Committee will be meeting on Monday, March 12, 2012 at 7:00 p.m. The Greater North Miami Beach Chamber of Commerce will be having its monthly Luncheon at Duffy's on March 20, 2012 at 12:00 p.m. She wishes the Jewish community a Happy Purim and everyone a Happy St. Patrick's Day. In closing, she reminded everyone about Jazzapalooza here at the City of North Miami Beach on April 21, 2012, tickets will be available for free on Thursday.

Councilwoman Martell was fortunate enough to have worked with Karl Thompson and wishes him well on his future endeavors. On Saturday, March 10, 2012 at 1:00 p.m. she will be at the Uleta Community Center and invites the residents to stop in for a casual one on one with her. Get Fit NMB, we are walking on Monday's and Thursday's at 7:00 p.m. for an hour, come and join us.

Councilman Pierre sends his condolences to Chris Heid on the passing of his mother. He thanked Karl Thompson for his years of service to the City. He will be conducting the annual Teen Spring Clean Up this year concentrating on Highland Village and the 10th Avenue area.

Councilwoman Smith also extends her condolences to Chris Heid and his family during this difficult time. She commended Karl Thompson for his exemplary work with the City and wishes him the best, he will be missed. For Black History Month she had the pleasure to attend events at the Community Centers in Washington Park and Highland Village and was proud of children participating in the events. She thanked the City Manager for his assistance with the Special Olympics. She would like to remind everyone there is a Senior Trip planned for Duck Tours on Thursday. There are some openings left, its \$28.00 per person, call Leisure Services at 305-947-7581 to make reservations. Public Utilities Commission meeting will be Wednesday, March 14, 2012 at 6:00 p.m. She made a request to have Mayor Vallejo and Councilwoman Martell give a report on their community meetings at the next Council Conference.

Vice Mayor Spiegel again acknowledged the exemplary work done by the Explorers at the Special Olympics. Commission on the Status of Women (COSW) will be meeting on Monday, March 12, 2012 at 7:00 p.m. COSW is preparing for the upcoming Health Fair on March 31, 2012

at 9:00 a.m. The 3rd Annual Wheelchair Tennis Classic is March 24th – 25th, held at the Judge Arthur Snyder Tennis Center, for more information call 305-919-0839 or 305-948-2957. On Saturday, April 14, 2012 from 9:00 a.m. – 1:00 p.m. NMB Leisure Services Dept. in conjunction with COSW, is having the 2012 Youth Symposium, call 305-948-2957 to RSVP. The Planning and Zoning meeting on March 12, 2012 has been canceled.

Mayor Vallejo announced that the City will be hosting about 250 U.S. soldiers participating in a training program at the McDonald Center. He will be at the Civic Association Meeting on Thursday, March 15, 2012 at 7:30 p.m. to do a Q & A session to get feedback from the residents on community issues. He thanked the pension board for making the difficult decision to change the interest rate on the Drop Program. He went over a few of the residents' concerns from the two "Coffee with the Mayor" meetings: the cell towers in Washington Park and Uleta areas, the sanitation privatization bid and the impact on the employees, the collaboration with NMB High School, Sun Devil Football Team, and the City for the use of City facility security cameras at City facilities monitoring the parking areas, Pension Reform, and cost saving measures for the City.

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, March 20, 2012

18. ADJOURNMENT

There being no further business to come before the City Council, Meeting was adjourned at 11:00 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk