



CITY OF NORTH MIAMI BEACH
City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, April 17, 2012
7:30 PM

Mayor George Vallejo
Vice Mayor Beth E. Spiegel
Councilman Philippe Derosé
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 7:47 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel and Council Members Philippe Derosé, 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 – Reverend A.D. Lenoir, Westview Baptist Church

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Resolution No. R2012-33 (Item 8.5) and R2012-34 (Item 8.6) are withdrawn from the Consent Agenda and added to Legislation as Item 15.1 and 15.2.

5. PRESENTATIONS/DISCUSSIONS – None

6. PUBLIC COMMENT

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

1. Charles Loeb, 16800 N.E. 15th Avenue, North Miami Beach, FL
2. Volney Nerette, 16121 N.E. 19th Place, North Miami Beach, FL
3. Marilyn Baumohl, 18635 N.E. 20th Court, North Miami Beach, FL
4. Muriel Kemp, 1479 N.E. 178th Street, North Miami Beach, FL

5. Janice Coakley, P.O. Box 600951, North Miami Beach, FL
6. Action for Better Future, 1733 N.E. 162nd Street, North Miami Beach, FL
7. Mubarak Kazan, 15564 N.E. 12th Avenue, North Miami Beach, FL
8. Leo Marks,
9. Alice Broden, 3819 N.E. 170th Street, North Miami Beach, FL

7. **APPOINTMENTS** - None

8. **CONSENT AGENDA**

8.1 **Resolution No. R2012-29** (Public Services Director Shari Kamali)

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 PIPELINE PLUMBING SERVICES OF BROWARD, INC.

8.2 **Resolution No. R2012-30** (Vice Mayor Beth E. Spiegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENCOURAGING GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE TO REVISIT AND RE-EVALUATE THE STAND YOUR GROUND LAW IN THE AFTERMATH OF THE TRAYVON MARTIN SHOOTING.

8.3 **Resolution No. R2012-31** (Vice Mayor Beth E. Spiegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AND URGING THE PASSAGE OF THE DEVELOPMENT RELIEF AND EDUCATION FOR ALIEN MINORS (DREAM) ACT.

8.4 **Resolution No. R2012-32** (Councilwoman Phyllis S. Smith)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING AND ENCOURAGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION BANNING THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS WITHIN THE STATE OF FLORIDA.

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

9. **CITY MANAGER'S REPORT**

9.1 **Revolving Taxable Ad Valorem Note, Series 2011**

City Manger Bonner explains that this is a line of credit that the City has in the amount of \$2,000,000. The City pays \$15,000 per year in unused line fees. He believes the City no longer requires the safety net that this line of credit provides. The City has sufficient liquid assets to meet any of its obligations even during times of slow cash receipts. His recommendation is that the line of credit should not be renewed; unless Council decides otherwise.

Councilwoman Smith expressed concern that there may not be sufficient insurance coverage if there was a hurricane or something of that nature.

Vice Mayor Spiegel said that she was not comfortable with idea of City not having access to a line of credit in an emergency situation.

Council recommends that the line of credit be reduced to \$1,000,000 with the \$7,500 per year fee.

9.2 Use of City Properties for Cell Towers

City Manager Bonner inquired if Council would have any objections to the use of City parks as the site for telecommunications cellular towers. This suggestion came about when we were looking into other potential sources of revenue for the City. There were two (2) offers, the one for Uleta and other for Washington Park. As of today the offer for Uleta was withdrawn. He would like to know if he is heading in the right direction by pursuing this and would Council approve of this type of use of City property. Council will get to approve the site plan of any offer that comes through and to see what it will look like beforehand.

Mayor Vallejo gave his approval. He views this as an opportunity for free money to the City that will help the budget.

Councilwoman Martell suggests that some of the proceeds from the towers should be used in the communities where they are being placed to fund some of the services that were cut or decreased in those areas.

Vice Mayor Spiegel inquired as to the terms of the contract for a project like this. Chief Procurement Officer Brian O'Conner explained that the one they've been in contact with tentatively have twenty (20) year agreements and go in terms of five (5) years with a renewal period. Revenue starts from about \$26,000 - \$27,000 per year. The designs we are seeking are more concealed and look like flag poles rather than the lattice type towers, like the one we currently have on property.

9.3 Eden Isles Town Hall Meeting Update

City Manager Bonner deferred to Council to comment on the Eden Isles Town Hall Meeting.

9.4 Monthly Financial Update

City Manager Bonner stated that as of last Tuesday all major revenues and expenditures are right on track. This is just a brief overview to the quarterly report that will be presented by the Finance Director Janette Smith on May 1, 2012 which will be more comprehensive and in debt analysis of our finances. There were also some non-budgeted expenditures that need to be addressed this year. There are some FEMA grants that we will be able to close out this year.

10. CITY ATTORNEY'S REPORT

9.1 Litigation List

City Attorney Siegel reported to Council that she received a payment in the amount of \$75,000 as a part of the settlement between the City and Jackson Land Development LLC, formerly W Jackson & Sons, in reference to the Marty King incident. Thus far the City has received \$1,125,506.60 in payments. There is a balance of \$575,000.00 still owed to the City to be paid in installments on May 1st of each year for the next 5 years. In reference to the Redevelopment Advisory Board (RAB), those members are selected by each Council person. The Ordinance was updated a few years ago to reflect the change.

11. MAYOR'S DISCUSSION - None

12. MISCELLANEOUS ITEMS - None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS - None

15. LEGISLATION

15.1 Resolution No. R2012-33 (Public Services Director Shari Kamali)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A SIX (6)-MONTH EXTENSION OF TIME TO OBTAIN THE NECESSARY BUILDING PERMITS REQUIRED UNDER RESOLUTION 2011-19, FOR THE PROPERTY LOCATED AT 1051 NORTH MIAMI BEACH BOULEVARD, NORTH MIAMI BEACH, FLORIDA.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2012-33. **(Adopted 7-0)**

Public Comment:

1. Mubarak Kazan, 15564 NE 12 Avenue, North Miami, Beach, FL – **For**

Vote: In Favor – 7 Opposed – 0 **(Approved)**

15.2 Resolution No. R2012-34 (Public Services Director Shari Kamali)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A SIX (6)-MONTH EXTENSION OF TIME TO OBTAIN THE NECESSARY BUILDING PERMITS REQUIRED UNDER RESOLUTION 2011-20, FOR THE PROPERTY LOCATED AT 1055 MIAMI GARDENS DRIVE, NORTH MIAMI BEACH, FLORIDA.

Public Comment: None

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Resolution No. R2012-34. **(Adopted 7-0)**

Vote: In Favor – 7 Opposed – 0 **(Approved)**

15.3 Ordinance No. 2012-5 – Second and Final Reading (City Planner Christopher Heid)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, SECTION 24-147.1(G) (5) (a) & (b) OF THE CITY'S CODE OF ORDINANCES, ENTITLED "PERMANENT SIGNS ALLOWED" BY INCREASING THE ALLOWABLE AMOUNT OF COMMERCIAL WINDOW SIGNAGE FROM 10% TO 25%; 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.

Public Comment open and comments were made by the following:

1. Mubarak Kazan, 15564 NE 12 Avenue, North Miami, Beach, FL

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Ordinance No. 2012-5 on the Second and Final Reading. **(Adopted 7-0)**

ROLL CALL VOTE: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** **(Approved 7-0)**

16. CITY COUNCIL REPORTS

Councilman Derose would like to encourage the residents to come out to the Annual Arbor Day Celebration at Littman Park on April 18, 2012 at 10:00 a.m. The City will also be giving away trees at the event. Councilman Derose asked the City Manager to look into finding a way to move the Gun Mount restoration project along whether through the CRA or Capital Improvement budget.

Councilwoman Kramer reminded everyone about the upcoming Jazzpalooza concert on April 21, 2012 with the University of Miami Frost Concert Jazz Band. The event is free, the doors open at about 6:00 p.m., and there will be light refreshments. The following Saturday, April 28, 2012, will be the North Miami Beach Magical History Tour which will be leaving the City Library at 10:00 a.m. and returning at about 1:00 p.m. Make reservations with the Leisure Services Department at 305-948-2957, there are 40 seats available for the event.

Councilwoman Martell advised the residents that the Advisory Board for Disabled Individuals is looking into a public/private partnership to help us to provide some services to our residents. She would like to thank Mr. Glen Finney and Mr. Tom Carney for their assistance in researching such partnerships for the City. She asked the residents to get involved in giving back to their community by participating in the various boards at the City. Let's Get Fit NMB will be ending on April 30, 2012 and some residents have requested to keep it going. We may continue but on a different day and/or location she would keep you posted.

Councilman Pierre stated that with the support of the Library Manger Susan Sandness they have put together a series of books for interesting reading to promote cultural awareness.

Councilwoman Smith wanted to remind everyone that tomorrow, April 18, 2012 at 9:00 a.m., there will be a meeting Senior Citizens Advisory Board. On April 21, 2012, the Winn Dixie at the Intracoastal Mall will be having a "Taste of Spring" event from 4:00 p.m. - 7:00 p.m. with food samplings, prize giveaways, and music. We will be doing a Citizens Academy again in the fall, it will be in conjunction with the County at FIU.

Vice Mayor Spiegel would like to thank the Director of Leisure Service, Paulette Murphy, and the staff for their work at the Youth Symposium.

Mayor Vallejo stated that in relation to the upcoming Arbor Day Celebration, there will be information on the City website from the Tree City U.S.A. bulletin. He also wanted to remind everyone that Sunday, April 22, 2012 at 10:00 a.m., the Oleta River State Park will be hosting the "Walk for a Cure" by Mystic Force Foundation to raise funds to find a cure for childhood cancer.

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, May 1, 2012

18. ADJOURNMENT

There being no further business to come before the City Council, Meeting was adjourned at 9:32 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk