



CITY OF NORTH MIAMI BEACH

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

Tuesday, May 15, 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 7:45 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 – Reverend Dr. Marta Burke, Fulford United Methodist Church

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Withdrawal of Item 8.1 – Resolution No. R2012-39 from the Consent Agenda and added to Legislation as Item 16.9

Withdrawal of Item 16.5 - Resolution No. R2012-44

Legislation Items 16.3 - Resolution No. R2012-41, 16.4 - Resolution No. R2012-42, and 16.7 - Ordinance No. 2012-6, will be taken out of order.

5. PRESENTATIONS/DISCUSSIONS

5.1 Miami-Dade League of Cities Presentation by Luis Gonzalez, President, Miami-Dade League of Cities) and Mayor Juan Carlos Bermudez (City of Doral)

Presentation made by former President of Miami-Dade League of Cities, Mayor Juan Carlos Bermudez (City of Doral) and Miami-Dade League of Cities, Executive Director Richard Kuper.

POINT OF PRIVILEGE (Councilwoman Kramer)

- Sanitation RFP process
- Vote of Confidence for Public Services Director Shari Kamali
- AFSCME Union negotiations

6. PUBLIC COMMENT

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

1. Margie Love, 1579 N.E. 169th Street, North Miami Beach, FL
2. Robert Taylor, 1951 N.E. 157th Terrace, North Miami Beach, FL
3. Janice Coakley, PO Box 600951, North Miami Beach, FL
4. Bruce Lamberto, 3420 N.E. 165th Street, North Miami Beach, FL

7. APPOINTMENTS

7.1 Appointment of Vice Mayor (City Clerk Pamela L. Latimore)

MOTION by Councilman Derose, seconded by Councilwoman Smith, to appoint Councilman Pierre as the next Vice-Mayor. **(Approved 7-0)**

8. CONSENT AGENDA

8.1 Resolution No. R2012-39 (See Legislation Item 16.9)

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 PBS&J (NOW ATKINS NORTH AMERICA, INC.) FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PATRICIA MISHCON ATHLETIC FIELD EXPANSION PROJECT.

8.2 Resolution No. R2012-43

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 FIRST SOUTHWEST COMPANY FOR FINANCIAL ADVISORY SERVICES FOR THE CITY OF NORTH MIAMI BEACH.

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

9. CITY MANAGER'S REPORT

9.1 Budget Calendar

City Manager Bonner has provided for Council's review the budget calendar for the year. City Manager Bonner said that he has finished his first review of all the budgets and in the coming weeks he will be looking at everything to determine what the budget gap will be. He asked Council make their schedules available on the Budget workshop dates, especially for the dates in July.

9.2 Budget Transfer Request WITHDRAWN (See Item 16.5 - Resolution No. R2012-44)

I.T. Manager Patrick Rosiak spoke about the City's website conversion stating that It will be a gradual process starting on Memorial Day weekend. Anyone going to the site will be re-directed to an under construction page that will have links to some important information such as events, the directory, online payments, etc.

POINT OF PRIVILEGE (Councilman Pierre)

- What has Council accomplished in the last year?
- Why has there been no forward progress on the issues the City is facing?
- Council members need to arrange a time when they can come together and lay out their objectives for the City.
- Asked each Council person to give an assessment on the leadership style and performance of City Manager Lyndon L. Bonner.

Mayor Vallejo asked Councilman Pierre for clarification on his request.

Councilman Pierre stated that he wanted a moment of reflection from his colleagues on how they felt about the City Manager.

Councilwoman Martell stated the following:

- Asked City Manager Bonner to request from the council members a list of seven items that are important to each member.
- Sanitation RFP needs to be looked at carefully. All aspects of the department need to be taken into account.
- Asked City Manager Bonner to challenge the department heads to come up with true cost saving in their respective departments.

Councilwoman Smith stated the following:

- When will there be a workshop where the residents and employees can speak on the Sanitation Bid?

City Manager Bonner informed Council that AFSCME is scheduled to make a presentation at the next Council meeting, June 5, 2012.

A brief discussion was had by Council members relating to the Sanitation Bid and a need for a workshop to discuss the item.

Mayor Vallejo asked Council to go back to Councilman Pierre's request for an assessment of the City Manager.

Councilman Derose stated the following:

- Explained that Councilman Pierre wants to get an idea on how the council members felt about the City Manager. Councilman Derose stated that his concerns that city issues were moving too slow. He also felt that the City Manager Bonner needed to establish relationships with persons in Miami-Dade County government. Councilman Derose stated that morale among employees was low and City Manager Bonner needed to concentrate on opening up communication with staff.

Vice Mayor Spiegel stated the following:

- The City Manager has righted the financial ship of the City.
- City Manager Bonner has placed the city on a better path with a 5-year budget and giving direction for infrastructure repairs.
- She feels the City is being represented by one of the best labor lawyers.
- Vice Mayor Spiegel stated that she is very satisfied.

City Manager Bonner asked for a Vote of Confidence from Mayor and Council.

Councilwoman Kramer stated that the City Manager Bonner had a vote of confidence from her and she thought he was very effective and her familiarity with the agenda has given her less of a need to come in as often. She stated to the City Manager that she appreciated his hard work.

Vice Mayor Spiegel stated to the City Manager that he had her vote of confidence.

Mayor Vallejo stated that City Manager Bonner had his vote of confidence. He was concerned about the issues with relationships of certain council members and asked the Manager to work towards repairing them. He then asked the City Attorney if a roll call vote was needed.

Councilwoman Smith asked to be heard. She stated that City Manager Bonner worked an incredible amount of hours and was always available. Councilwoman Smith gave a direction to the City Manager that she felt he and the City Attorney needed to work closer together. She stated that she believed he has worked out the city's financial mess and given her assistance in being a better council person. Councilwoman Smith gave the City Manager her vote of confidence.

Councilwoman Martell stated that City Manager Bonner had her vote of confidence.

Councilman Pierre thanked his colleagues and stated that this was not a vote of confidence, but merely a reflection as to where the city is going and he wanted to get their assessment of City Manager Bonner.

Councilman Derosé stated that if a vote to terminate the City Manager was taken tonight he would vote to retain City Manager Bonner.

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

City Attorney Siegel announced the voluntary dismissal of Litigation by Swinging Richards/SMG Entertainment LLC.

City Attorney Siegel also congratulated her son Alex on his upcoming graduation from Wheaton College.

11. MAYOR'S DISCUSSION

Thursday will be one year since they were elected. He felt it is really important that The Herald's front page article reported about the nightmare scenario that Miami-Dade County Water and Sewer Department is facing with their infrastructure. This is something he remembers speaking about during his campaigns and he was ridiculed by some that thought it wasn't a problem. Fortunately for us, we've rebuilt our water plant recently, so we don't have that issue to worry about, but we do have miles and miles of water and sewer lines in the ground that are more than 30 years old. They can fail at any time, especially if there is a

rain storm; this is what we are addressing. Mayor Vallejo wanted to clarify for the residents that his vision is clear, that he and this Council work for the residents of this City, period, end of story. During their campaigns many of them promised and spoke of transparency, and he is committed to looking under every rock to see how we spend our money and insure that we account for every single penny. Making sure we provide the best services for the residents, for what they want and for what they need and what they pay for with their hard earned dollars. He will not waiver from that course even though it has been a year into his term. As Councilwoman Kramer mentioned, we are going places we never have before as a City, in regard to pension reform, union negotiations, etc... it is all in the best interest of the City. We will continue to move forward on these issues. There continues to be a lot of discussion on this issue of outsourcing, privatizing or a public/private partnership as it relates to the sanitation department. He wants to remind everyone the reason the City exists is to provide services to the residents. The purpose of the City is not to run a jobs program. The purpose of the City is to provide the services the residents want. He realizes that this isn't what some people want to hear, but it's better to hear the truth. There has been a lot of waiting around for the numbers to be perfect and everything to line up. We have to look at the facts that are in front of us and the best information that we have available, and move on. When it comes down to it, we were elected to make the best decision in the best interest of the residents of the City as a whole.

POINT OF PRIVILEGE (Councilwoman Spiegel)

- Public Services Director Shari Kamali has served this City well and admirably
- There is nothing wrong with a Department Head answering questions posed to them or with them having conversations
- Shari Kamali has had a long and distinguished career here in this county
- She has responded to the City Manager's challenges and has been an exemplary employee and Department Head

12. **MISCELLANEOUS ITEMS** - None

13. **WAIVER OF FEE** – None

14. **BUSINESS TAX RECEIPTS** - None

15. **DISCUSSION ITEMS** - None

16. **LEGISLATION**

16.3 Resolution No. R2012-41 (City Planner Christopher Heid)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-44(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWO FEET (2') OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF FIVE FEET (5'), WHERE INTERIOR SIDE YARD SETBACK OF THREE FEET (3') IS EXISTING ON PROPERTY LEGALLY DESCRIBED AS: LOT 13, BLOCK 9, OF FULFORD BY THE SEA SECTION "E", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 63, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

A/K/A
1687 N.E. 174 Street
North Miami Beach, Florida
(P&Z Item No. 12-518 of April 9, 2012)

JENNINGS DISCLOSURE: Councilman Derose – **No**, Councilwoman Kramer – **No**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **No**, Vice Mayor Spiegel – **No**, Mayor Vallejo – **Yes**

PUBLIC COMMENT: *None*

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2012-41. (**Adopted 7-0**)

16.7 Ordinance No. 2012-6 – First Reading by Title Only (*Item came before Council previously on the following dates: First Reading 3/6/12, Second Reading 3/20/12 - WITHDRAWN*)

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.

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Ordinance No. 2012-6 on First Reading by Title Only. (**Adopted 7-0**)

PUBLIC COMMENT:

1. Richard Sicking, 1313 Ponce De Leon Blvd, Miami , FL – **Against**

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** (**Adopted 7-0**)

16.4 Resolution No. R2012-42 (City Planner Christopher Heid)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN MODIFICATION TO A SITE PLAN PREVIOUSLY APPROVED UNDER RESOLUTION NO. R2011-20 FOR THE CONSTRUCTION OF A ONE-STORY DORMITORY BUILDING ON A 126,653 SQUARE FOOT (2.9 ACRE) PARCEL OF LAND, ON PROPERTY LEGALLY DESCRIBED AS:
(LENGTHY LEGAL - SEE ATTACHED EXHIBIT ("A"))

A/K/A
1055 Miami Gardens Drive
North Miami Beach, Florida
(P&Z Item No. 12-522 of April 9, 2012)

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Resolution No. R2012-42.

JENNINGS DISCLOSURE: Councilman Derose – **No**, Councilwoman Kramer – **No**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **No**, Vice Mayor Spiegel – **No**, Mayor Vallejo – **Yes**

PUBLIC COMMENT: *None*

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

16.1 Resolution No. R2012-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING A FUND BALANCE POLICY TO PROVIDE DEFINITIONS OF FUND BALANCE CLASSIFICATIONS; TO PROVIDE AUTHORITY FOR CHANGES IN CLASSIFICATIONS; AND TO ESTABLISH MINIMUM LEVELS OF UNASSIGNED FUND BALANCE IN THE GENERAL FUND.

PUBLIC COMMENT: *None*

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2012-37. (Adopted 7-0)

16.2 Resolution No. R2012-38

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTING AN INVESTMENT POLICY IN ACCORDANCE WITH SECTION 218.415, FLORIDA STATUTES, ESTABLISHING INVESTMENT OBJECTIVES AND PARAMETERS FOR THE MANAGEMENT OF SURPLUS PUBLIC FUNDS OF THE CITY OF NORTH MIAMI BEACH, FLORIDA.

PUBLIC COMMENT: *None*

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Resolution No. R2012-38. (Adopted 7-0)

16.5 Resolution No. R2012-44 WITHDRAWN (See Item 4 and Item 9.2 City Manager's Report)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO TRANSFER AN AMOUNT OF \$12,393 FROM THE LEGISLATIVE CONTINGENCY ACCOUNT INTO THE GENERAL FUND LEISURE SERVICES DEPARTMENT TENNIS CENTER UTILITY SERVICES ACCOUNT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011.

16.6 Ordinance No. 2012-4 – First Reading by Title Only (First Reading 3/6/12 - Tabled)

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; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to adopt Ordinance No. 2012-4 (Adopted 7-0)

PUBLIC COMMENT: *None*

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** (Adopted 7-0)

16.8 Ordinance No. 2012-10 – First Reading by Title Only (City Planner Christopher Heid)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, ARTICLE V, ENTITLED “ZONING USE DISTRICTS”, BY DELETING SUBSECTION (4) OF SECTIONS 21-41, 24-42, AND 24-43 OF THE CITY’S CODE OF ORDINANCES REGARDING EXCEPTIONS TO SETBACK REQUIREMENTS IN THE RS-1, RESIDENTIAL SINGLE-FAMILY DISTRICT, RS-2 RESIDENTIAL SINGLE-FAMILY DISTRICT, AND THE RS-3 RESIDENTIAL SINGLE-FAMILY DISTRICT; 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.

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Ordinance No. 2012-10. (Adopted 7-0)

PUBLIC COMMENT: *None*

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** (Adopted 7-0)

16.9 Resolution No. R2012-39 (*Pulled from Consent Agenda – Formerly Item 8.1*)

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 PBS&J (NOW ATKINS NORTH AMERICA, INC.) FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PATRICIA MISHCON ATHLETIC FIELD EXPANSION PROJECT.

PUBLIC COMMENT: *None*

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Resolution No. R2012-39. (Adopted 6-1)

17. CITY COUNCIL REPORTS

Councilman Derose wished all the Haitians a Happy Haitian Flag Day on Friday, May 18, 2012. Tomorrow, Wednesday, May 16, 2012, there will be a Beautification Committee Meeting. He invited everyone to the meeting at 5:30 p.m. Councilman Derose invited everyone to attend the Memorial Service tomorrow morning at 10:00 a.m. in front of the Police Department to honor Sergeant Ernesto Laurenzo.

Councilwoman Kramer stated that the Mother’s Day Breakfast was beautifully done, and commends Leisure Services for a job well done. Councilwoman Kramer extended an open invitation to the community to come out and become members of the Multi-Cultural Committee.

Councilwoman Martell wished City Clerk Pamela L. Latimore a Happy Birthday. The Economic Development Commission will be meeting tomorrow on the 4th floor. She invited businesses to come out and join them to try and make a difference in our community.

Councilman Pierre informed everyone about National Police Week from May 13 – 19, 2012 and asked that we show our support by wearing a blue ribbon.

Councilwoman Smith stated that the Public Utilities Commission (PUC) will be meeting on May 23, 2012 at 6:00 p.m. There will be a Seniors Luncheon on May 25, 2012 at 11:00 a.m. There will also be a Memorial Day Service at All Wars Memorial Park, behind the North Miami Beach Library from 10:00 a.m. – 1:00 p.m. North Miami Beach Chamber Luncheon is on May 17, 2012 at 12:00 p.m. This coming Saturday Councilwoman Smith will be hosting an energy meeting from 10:00 a.m. – 3:00 p.m. In closing she thanks all the City Employees for all their hard work and encourages everyone to show their support of National Police Week by wearing a blue ribbon.

Vice Mayor Spiegel stated that the Mother's Day breakfast was a wonderful success and thanked everyone that participated. She reminded the residents that tomorrow is recycling day and to put their recycling containers out tonight.

Mayor Vallejo wished City Clerk L. Latimore a Happy Birthday and wished his son Alex a Happy 16th Birthday.

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, June 5, 2012

18. ADJOURNMENT

There being no further business to come before the City Council, Meeting was adjourned at 10:56 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk