



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

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

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 7:35 p.m. Present at the meeting were Mayor George Vallejo and Council Members Philippe Derose, Marlen Martell, Phyllis S. Smith, and Beth E. Spiegel. Also, present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore. Vice Mayor Frantz Pierre and Councilwoman Barbara Kramer were not present at the meeting.

2. INVOCATION – Reverend A.D. Lenoir, Westview Baptist Church

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Addition of Item 5.5 Presentations/Discussions - Certificate of Recognition to the North Miami Beach High School JROTC Unit.

Withdrawal of Item 5.3 Presentations/Discussions - Proclamation Presentation to North Miami Beach Senior High School Principal Raymond L. Fontana.

Withdrawal of Legislation Item 16.3 - Ordinance No. 2012-9

5. PRESENTATIONS/DISCUSSIONS

5.1 Honoring North Miami Beach Senior High School 5000 Role Models of Excellence Award Recipients (Mayor George Vallejo)

5.2 Recognition of graduating seniors enlisting in the United States Army (Mayor George Vallejo)

5.3 Presentation to North Miami Beach Senior High School Principal Raymond L. Fontana (Councilwoman Phyllis S. Smith) **WITHDRAWN**

5.4 Presentation by Heather Rohan, Chief Executive Officer, Aventura Hospital

Mayor Vallejo acknowledged some distinguished guests in the audience: former Mayor Myron Rosner, and former council members Kenneth DeFillipo, John Kurzman, and Robert Taylor. Also present was County Court Judge Andrea Wolfson.

5.5 Certificate of Recognition to the North Miami Beach High School JROTC Unit (Mayor George Vallejo) TABLED

6. PUBLIC COMMENT

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

1. Stanley Price, Law Firm Bilzin Sumberg, 1450 Brickell Avenue, Miami, FL
2. Muriel Kemp, 1479 N.E. 178th Street, North Miami Beach, FL
3. Rolland Veilleux, 13730 Highland Drive, North Miami Beach, FL
4. Marilyn Baumohl, 18635 N.E. 20th Court, North Miami Beach, FL
5. Bert Kehren, 3302 N.E. 171st Street, North Miami Beach, FL

Councilwomen Martell responded to Mr. Kehren's statement. I do have a different perspective than my colleagues up here. And the reason why I have a different perspective is because I hold a both a Master's and Bachelor's in Public Administration, which means that I took a statistics class, an economics class, a finance class, and a budget class. Currently I'm teaching at F.I.U. and what I'm teaching is public sector budgeting. When you go ahead and look at the enterprise fund, which is what we are talking about for Sanitation, the budget is composed completely different. Now, if you look at what Public Services Director Ms. Kamali did, she did do her job properly. If you look at what our City Manager did, he did do his job properly. It's all based on perspective. But what you are not looking at is that the enterprise fund is based on revenue, it's not based on expenses. You don't first take the expenses and determine the revenue. Instead you take the revenue to determine the expenses, which means that everything in there has to come out to the same amount. This is the first year that we have changed over Sanitation from the General Fund to and Enterprise Fund. That is the reason why I believe that we can yield the same savings by going ahead and making cuts within the City, within Pension Reform, and within our Contracting. That is the way I feel that we can make a difference because I believe that this contract is the short term effect, it's not a long term effect. This is why you've elected seven different individuals with seven different backgrounds to provide you with their expertise and the way they see it. If I were a finance person I would tell you that and if you were to ask Finance Director, Janette Smith, she would tell you an enterprise fund, like I told you, is based first on revenue turning it around to where the expenses should be. If you look at a City Manager, he is looking at it from the perspective of a five year budget that he can count on. So it all depends on the perspective of how you are looking at it. I'm looking at from the perspective on my residents, and what I'm actually going to offer them with ten years. It is for that reason I prefer to continue with our Sanitation Department, but as I mentioned that is my decision based on information that I have. What you have to look at is that from the first step, which is at the beginning of the budget, the numbers will all come out the same.

Public Comment Continued:

6. Charles Loeb, 16800 N.E. 51st Avenue, North Miami Beach, FL
7. Margie Love, 1579 N.E. 169th Street, North Miami Beach, FL
8. Amy Werba, 2374 N.E. 183rd Terrace, North Miami Beach, FL
9. Judge Andrea Wolfson, 351 N.W. 12th Street, Miami, FL
10. Actions for Better Future, Inc., North Miami Beach, FL

11. John Kurzman, 15499 West Dixie Highway, North Miami Beach, FL
12. Daniel Pierre, 15240 N.E. 10th Court, North Miami Beach, FL
13. Shawnee Chasse, 13490 West Dixie Highway, North Miami Beach, FL
14. Myron Rosner, 1121 N.E. 178th Street, North Miami Beach, FL
15. Bruce Lamberto, 3420 N.E. 165th Street, North Miami Beach, FL

7. **APPOINTMENTS - None**

8. **CONSENT AGENDA**

8.1 Resolution No. R2012-51

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 MARKETING, POSSESSION, TRAFFICKING AND FURNISHING OF "BATH SALTS" CONTAINING DANGEROUS SYNTHETIC DRUGS.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve the Consent Agenda. **(Approved 5-0)**

9. **CITY MANAGER'S REPORT**

9.1 Forfeiture (LETF) Appropriation Request

Councilwoman Spiegel directed staff that in the future they need to make the information provided simple and clear to understand.

MOTION by Councilman Derose, seconded by Councilwoman Martell, to approve the Appropriation of \$1,219,728.00 from the LETF. **(Approved 5-0)**

Updates:

City Manager Bonner gave Council a handout with the proposed scheduled dates for the Budget Workshops. Due to conflicts with schedules he needs to get some concrete dates, especially for July and August. He stated that he will contact Council by Friday to get the dates that they are available to attend the workshops. We are back on track to delivering the budget which is set to be printed on Friday. As of today, we are coming up short in regards to the budget. We have made some adjustment on the budget in the General Fund side, we are just under a million dollars short right now on the General Fund. On the Enterprise Fund side we are about four million dollars short. In short we have a lot of work to do and we may have to use everything that is at our disposal. We are going to have to look at some additional cuts, furloughs, layoffs, and do whatever we have to do to get a balanced Budget for you to review.

Earlier they talked about the Council Agenda Review meeting, he is asking council to commit to some dates for the next meeting in July. Due to scheduling difficulties for the holiday, and people being out of town, he would like them to commit to at least one Council meeting in July. He asked council for a list of their priorities and he will be finished with that on Friday. As best as we can, we have accounted for the Council's priorities both short term, your strategic, and long range plans. He asked the seven of them, they will do a wait and rate, those things that are duplicated will go to the top. He will give them what the collective voice wants to look at then he will bring them for council to review. Council will then be able to prioritize the list as they see fit. He has to account for everything in the upcoming budget and the only

way to do that is to get that list from Council. They are putting together a road map for the next five years for Council to see where the money is going and the priorities can be adjusted as times change. A one year budget isn't going to do it. He would like there to be a road map laid out for any new staff or council that comes in after him. We need a longer term vision for our financial outlook.

City Manager Bonner stated that a full cycle with the Special Magistrate process for Code Enforcement has been completed and it is working very efficiently, better than we expected. The turnaround time on cases are moving quickly. He is very pleased with the efficiency of the whole process.

Last week the Public Service Director, Shari Kamali, the City Planner, Chris Heid, and the City Manager met with Mr. Fernandez at the County regarding annexations. We are prepared and will be coming forward with the legislation as it is required from the County, to complete the annexation of the large enclave. We will need to start working this into our budget. With that being said, because the process was initiated before this can possibly all occur before Christmas. Mr. Fernandez, from Dade County, is looking into anything in the process at the County that will be prohibitive from a scheduling stand point. When the moratorium went in we already had some work going forward. There is a lot of analysis that needs to go into place now. He suggested that the Mayor hold some Town Hall meetings in the enclaves and Council needs to get out there in the community. They are a unique community and he believes the responses will be more favorable to this annexation than we have had in the past. Mayor Vallejo asked when the City Manager would like to have those meetings scheduled. The City Manager expressed urgency in scheduling the Town Hall Meetings as soon as possible. There have been some advocates that have come in and the votes are in our favor. The area is primed and ready and we need to do our homework because it's a mail-in ballot, at our cost, if the response is in our favor the annexation is done. Mr. Fernandez is working on smoothing out the time line for the County and getting that back to the City Manager. There are three very important pieces of legislation that we need to get through with the County, the Charter Review Committee is also looking over things. Right now with the annex we do not get the franchise fees, the telecommunication fees, or the sanitation portion with the County. Those three ordinances were given to Council previously. We need to start working with our County Commissioners on those issues. We need all the revenue that comes from that property for providing all those services.

City Manager Bonner stated that he needs to make some estimates to include the annexation to the budget because it will affect our next budget cycle. We need to get Mr. Fernandez's storyline from the County, Mr. Heid is working on the maps, and there are other details that need to be worked out. Things are moving along and Council needs to get in there at the front end to engage the community support.

Councilwoman Spiegel asked how we can start talking about annexation when we haven't resolved getting the fees from the County. City Manager Bonner stated that we are going to be looking at the financial impact. Commercial properties generally pay the bulk of your tax root. The property value from the enclave suggests that we will be okay, but it's going to be close. With the lifting of the moratorium this is the perfect opportunity to annex a lot of these communities and show them the benefits of coming over to the City. The City Manager's goal is to annex as many areas as we can afford to do. He is looking for a 50 year vision and he wants it to be sustainable for the future of the City.

City Manager Bonner, in his last item to update, stated that he has met with North Miami Beach Senior High School Principal Mr. Fontana and the football Coaches to come up with an inter-local agreement. The first tenant that we worked out was the field use for our football league. Leisure Services Director Paulette Murphy did an incredible job today. She had all the details worked out and there are some specific rules that we are all going to abide by in this agreement. Principal Fontana is committed to working this all out before he retires in August.

Councilwoman Smith referred to a meeting she heard about in Melbourne, where other municipalities attended, to get funds for water front or Intracoastal Waterways projects. She directed the City Manager to look into getting information on that source of funds that could be useful to the City.

Councilwoman Spiegel asked that when the City Manager is submitting proposed dates for meeting to also include proposed time; that way Council can plan their schedules.

City Manager Bonner informed council that the apparent selectee for the Sanitation RFP has agreed to extend their prices for another 90 days.

Council agreed to keep the Council Meeting on July 3rd and 17th as schedule and also agreed to the dates for the budget workshops at 5:30 p.m. City Manager Bonner let Council know that he will need everyone to be here for the Adoption Dates on September 4th and 20th.

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

City Attorney Siegel informed Council that three (3) new cases were added to the litigation list since the last Council Meeting.

- Employment Discrimination – involves a former employee
- Class Action Lawsuit – involving water deposits, in regards to moneys that were paid to the City, where a new tenant had to pay the former tenant's bill
- Appeal of Code Enforcement Board Order – issued in May 2012 involving former Mayor Rosner

11. MAYOR'S DISCUSSION – None

12. MISCELLANEOUS ITEMS – None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS

14.1 Holiday Charities & Promotions, Inc.

13885 Biscayne Boulevard, North Miami Beach, FL 33181
Sale of Approved Sparklers and Fireworks

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve the business tax receipt for Holiday Charities & Promotions, Inc. **(Approved 5-0)**

14.2 Holiday Charities & Promotions, Inc.

199 N.E. 167th Street, North Miami Beach, FL 33162
Sale of Approved Sparklers and Fireworks

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve the business tax receipt for Holiday Charities & Promotions, Inc. **(Approved 5-0)**

15. DISCUSSION ITEMS – None

16. LEGISLATION

16.1 Resolution No. 2012-44

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

Public Comment: *None*

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Resolution No. 2012-44. **(Adopted 5-0)**

16.2 Resolution No. 2012-50

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING A ONE-YEAR EXTENSION OF THE MATURITY OF THE TAXABLE AD VALOREM REVENUE NOTE SERIES 2011 OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment: *None*

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Resolution No. 2012-50. **(Adopted 5-0)**

16.3 Ordinance No. 2012-9 – Second and Final Reading WITHDRAWN

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 17400 WEST DIXIE HIGHWAY FROM A CLASSIFICATION OF RM-23, RESIDENTIAL MID-RISE MULTIFAMILY (HIGH DENSITY) DISTRICT AND CF, COMMUNITY FACILITY DISTRICT, TO A CLASSIFICATION OF B-2, GENERAL BUSINESS DISTRICT, AND DIRECTING THE DIRECTOR OF THE PUBLIC SERVICES DEPARTMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; 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.

17. CITY COUNCIL REPORTS

Councilman Derose stated that he was unable to attend the event, but he wishes the City of Sunny Isles Beach a Happy 15th Anniversary. He thanked Councilwoman Smith for attending and representing our City. To the Residents he wishes a happy and safe summer.

Councilwoman Martell stated that on Saturday, June 23, 2012 the youth group in Highland Village will be having a fundraiser and asks everyone to come out and support their efforts.

Councilwoman Smith wished the City of Sunny Isles Beach a Happy 15th Anniversary. They will be building a park. She thanked the City Manager and his staff for the work they are doing.

Councilwoman Spiegel stated that there are no committee reports. Don't forget next Wednesday is recycling pick-up.

Mayor Vallejo – *None*

18. NEXT REGULAR CITY COUNCIL MEETING

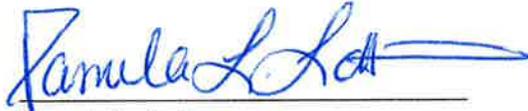
Tuesday, July 3, 2012

19. ADJOURNMENT

There being no further business to come before the City Council, Meeting was adjourned at 9:38 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk