



**CITY OF NORTH MIAMI BEACH**  
City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, September 20, 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 7:45 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Frantz Pierre and Council Members Philippe Derose, Barbara Kramer, 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.

**2. INVOCATION – City Manager Lyndon L. Bonner**

**3. PLEDGE OF ALLEGIANCE**

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

**4.1** Withdrawal of Item 5.2 (Presentations) to the first Council Meeting in October

**4.2** Request to move Item 16.1 (Legislation) to before Business Tax Receipts

**4.3** Request by Councilwoman Spiegel to pull Items 8.1 and 8.2 (Consent Agenda) to be taken before Business Tax Receipts.

**4.4** Withdrawal of Item 5.1 (Presentations)

**5. PRESENTATIONS/DISCUSSIONS**

**5.1** Legislative Update by Representative Joseph A. "Joe" Gibbons – **WITHDRAWN** (see Item 4.4)

**5.2** Proclamation Recognizing September 2012 as Childhood Cancer Awareness Month (Mayor George Vallejo) – **WITHDRAWN** (see Item 4.1)

**5.3 Recognition of North Miami Beach Police Department Street Crimes Unit (Mayor George Vallejo)**

**6. PUBLIC COMMENT**

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

1. Charles Loeb – 16800 N.E. 15<sup>th</sup> Avenue, North Miami Beach, FL
2. Rolland Veilleux – 13730 Highland Drive, North Miami Beach, FL
3. Bruce Lamberto – 3420 N.E. 165<sup>th</sup> Street, North Miami Beach, FL
4. Mubarak Kazan – 15564 N.E. 12<sup>th</sup> Avenue, North Miami Beach, FL
5. Richard Reiss – 23 N.W. 169<sup>th</sup> Street, North Miami Beach, FL

**7. APPOINTMENTS**

**7.1 Appointment of Vice Mayor**

**MOTION** by Vice Mayor Pierre, seconded by Councilwoman Smith, to appoint Councilwoman Barbara Kramer to Vice Mayor effective October 1, 2012. **(Passes 7 – 0)**

**7.2 General Employee's Retirement Plan**

**MOTION** by Vice Mayor Pierre, seconded by Councilwoman Kramer, to appoint Larry Gordon (Re-appointment) to the General Employee's Retirement Plan. **(Passes 7– 0)**

**8. CONSENT AGENDA**

**8.3 Resolution No. R2012-73**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST'S EFFORTS TO RAISE COMMUNITY AWARENESS IN PROMOTING ETHICAL GOVERNMENT BY HOSTING AN "ETHICAL GOVERNANCE DAY" ON OCTOBER 12, 2012.

**MOTION** by Councilman Derose, seconded by Councilwoman Martell, to approve the Consent Agenda Item 8.3. (Approved 7 – 0)

**9. CITY MANAGER'S REPORT**

**9.1 Tropical Storm Isaac Closeout Update**

**9.2 5-Year Operation & C.I.P. Budget**

Councilwoman Kramer directed City Manager Bonner to have the 5-Year Operation & C.I.P. Budget available online.

**9.3 Transition Update**

City Manger Lyndon L. Bonner informed Council that he has worked with Assistant City Managers Weisblum and Serda and brought them up to date on the items that are pending. He gave a short farewell speech and thanked Mayor and Council for the opportunity to serve.

Councilwoman Spiegel discussed her concerns with City Manager Bonner in reference to the School Board agreement and a letter from Mr. Michael Goldstein (representing Antigua at NMB Development, LLC).

Councilwoman Smith asked that they have a discussion at a Council Conference on whether they should charge fees for the use of city facilities to the School Board.

**10. CITY ATTORNEY'S REPORT**

City Attorney Siegel reported that the City was successful in having a 1993 Civil rights False Arrest Case dismissed in Federal Court.

City Attorney Siegel also reported that the the site plan approvals for Mishcon Park and for Lorenzo's will be coming before Council as a result of the Planning and Zoning Board meeting this month.

**11. MAYOR'S DISCUSSION – None**

**12. MISCELLANEOUS ITEMS – None**

**13. WAIVER OF FEE – None**

**(Items 8.1 and 8.2 were pulled from the Consent Agenda)**

**8.1 Resolution No. R2012-71**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH WELLS FARGO INSURANCE SERVICES, USA, INC., THE FIRST-RANKED FIRM, TO SERVE AS THE BROKER OF RECORD FOR THE CITY OF NORTH MIAMI BEACH, AND IF UNABLE TO REACH AN AGREEMENT, THEN PROCEED TO NEGOTIATE WITH THE SECOND-RANKED FIRM, WILLIS OF FLORIDA.

Mayor Vallejo asked for staff to explain the term “broker of record”. A broker of record is an agent designated by the policy holder to represent and manage the policyholder's insurance policy. Assistant City Manager Serda explained that the City put out a bid seeking services to help us with our employee medical benefits and they will handle the selection and open enrollment.

**Mayor Vallejo opened the item for public comment. None**

**Public comment close.**

Mayor and Council discussed the item.

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to adopt **Resolution No. R2012-71. (Adopted 7-0)**

## 8.2 Resolution No. R2012-72

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CREATING A POLICY AND PROCESS TO FUND COMMUNITY NON-PROFIT GROUPS UTILIZING CITY MONEY.

Mayor Vallejo asked City Attorney Siegel to explain the item. City Attorney Siegel explained that this came about from concerns by some Council members, that there were no regulations or policy for City contributions to non-profit groups. The resolution puts in some safeguards to make sure that none of the City's money or that any non-profit group utilizing City funds would be abused in any way.

Mayor and Council discussed the item.

Councilwoman Spiegel suggested the resolution be amended to include that the non-profit group submit the previous year's tax return, their financial statement, and in sections three (3) where it reads "the activities must directly support goals of the City and its departments" and insert "and benefits its residents".

Mayor and Council continued to discuss the item.

Councilwoman Smith suggests that once the ordinance has been approved it be given to any non-profit seeking funding from the City before they start the application process.

Councilwoman Martell suggested that the ordinance include the entities that use the city facilities. City Attorney Siegel recommended that if Council wants to amend the ordinance that instead of it saying "utilizing City money" maybe it should say "City money/value or goods".

Mayor and Council continued to discuss the item.

**MOTION** by Councilwoman Spiegel, seconded by Councilman Derose, to amend **Resolution No. R2012-72** to include the following: Section 2, 2<sup>nd</sup> line, to read community non-profit groups to receive public funds or the benefit of public funds, they have to submit a tax return for the most recent tax year prior to receiving funds, delete the requirement for audited financial statements, and insert in section three (3) must directly support goals of the City and its departments and benefit the City residents.

**(Passed 7-0)**

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to adopt **Resolution No. R2012-72 as amended. (Passed 7-0)**

### 16.1 Ordinance No. 2012-24 – Second and Final Reading

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH AMENDING SECTION 13-52 OF THE ADULT ENTERTAINMENT CODE TO PROVIDE FOR THE ISSUANCE OF EXTENDED BUSINESS TAX RECEIPTS FROM 2:00 A.M. TO 4:00 A.M. AND FROM 4:00 A.M. TO 6:00 A.M. IN ACCORDANCE WITH SECTION 12-2.2(e) OF THE CITY'S CODE OF ORDINANCES; 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. 2012-24, on Second and Final Reading.**

**Mayor Vallejo opened item 16.1 for public comment:**

1. Charles Loeb – 16800 N.E. 15<sup>th</sup> Avenue, North Miami Beach, FL
2. Mubarak Kazan – 15564 N.E. 12<sup>th</sup> Avenue, North Miami Beach, FL

**Public comment closed.**

Mayor and Council discussed the item.

**ROLL CALL:** Councilman Derose – **No**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Vice Mayor Pierre – **Yes**, Councilwoman Smith – **No**, Councilwoman Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Passes 5 - 2, on Second and Final Reading**)

#### **14. BUSINESS TAX RECEIPTS**

**14.1 Douglas Gardens CMHC of Miami Beach, Inc., d/b/a Douglas Gardens A.C.L.F.**  
17000 - 17030 N.E. 21<sup>st</sup> Avenue  
North Miami Beach, FL

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to approve the business tax receipt for **Douglas Gardens CMHC of Miami Beach, Inc., d/b/a Douglas Gardens A.C.L.F.** (**Approved 7 – 0**)

**14.2 G5ive, LLC, d/b/a G5ive**  
337, 339, 341, 343, 345, 347, 349 N.W. 170<sup>th</sup> Street  
North Miami Beach, FL

**RECESS:** Mayor Vallejo called for a 5 minute recess at 9:24 p.m. The meeting reconvened at 9:31 p.m.

Vice Mayor Pierre asked for Chief of Police Gomer give a report on any incidents at the location in the past year. Chief Gomer reported that there were six (6) incidents at the location. There were five vehicle robberies in the area; the victims were patrons at the establishment in question. Then there was a misunderstanding with management at the location as to the time the facility should be closed and that was resolved. He stated that other than that there have been no significant incidents at this location.

**MOTION** by Councilman Derose, seconded by Councilwoman Martell, to approve the business tax receipt for **G5ive, LLC, d/b/a G5ive.** (**Approved 7–0**)

**14.3 Platinum South, Inc., d/b/a Dean's Gold**  
2355 N.E. 163<sup>rd</sup> Street  
North Miami Beach, FL

Councilwoman Kramer asked for Chief of Police Gomer give a report on any incidents at the location in the past year. Chief Gomer reported that there were only minor incidents at the location.

**MOTION** by Councilman Derose, seconded by Councilwoman Martell, to approve the business tax receipt for **Platinum South, Inc. d/b/a Dean's Gold. (Approved 7-0)**

**14.4 SMG Entertainment, Inc., d/b/a Swinging Richards**

17450 Biscayne Boulevard  
North Miami Beach, FL

Councilwoman Smith asked for Chief of Police Gomer to give a report on any incidents at the location in the past year. Chief Gomer reported that there were only minor incidents at the location.

**MOTION** by Councilman Derose, seconded by Councilwoman Kramer, to approve the business tax receipt for **SMG Entertainment, Inc., d/b/a Swinging Richards. (Approved 7-0)**

**15. DISCUSSION ITEMS**

**15.1 Review of Charter Employees' Contracts**

**City Attorney's Contract**

City Attorney Siegel reviewed the changes to her that were agreed upon at the last council meeting. She has deleted from her contract the two (2) floaters and one (1) birthday floater. She has also adjusted the severance package, while federal law allows for up to twenty (20) weeks of severance, she changed her contract to twelve (12) weeks of severance and gave the Council an additional eight (8) weeks for them to determine if that was warranted by federal law.

Mayor and Council discussed the terms of the contract.

**MOTION** by Councilman Derose, seconded by Vice Mayor Pierre, to approve the City Attorney's contract. **(Approved 7-0)**

**City Clerk's Contract**

Mayor and Council discussed giving City Clerk Latimore to \$88,000.

Councilwoman Spiegel proposes that City Clerk Latimore give up her two (2) floaters and one (1) birthday floater. Councilwoman Spiegel thinks that there should be another contract because since her current contract was signed there were changes to the management health insurance. She would like the contract to state that the City Clerk is receiving the management health plan. She suggested that the cell phone allowance be rolled into the City Clerk's salary to bring it in line with the other contracts.

City Clerk agreed to give up the two (2) floaters and one (1) birthday floater, she agrees to the health plan coming in line with management health plan.

**MOTION** by Councilwoman Kramer, seconded by Councilwoman Martell, to approve the City Clerk's contract with a raise to \$80,000, removing the two (2) floaters and one (1) birthday floater and bringing the contract in line with the terms with the other Charter employees' contracts. **(Failed 3 - 4, Yes - Kramer, Yes - Martell, Yes - Spiegel)**

**MOTION** by Vice Mayor Pierre, seconded by Councilman Derosé, to approve the City Clerk's contract with a raise to \$85,000. **(Failed 3 – 4, Yes – Derosé, Yes – Pierre, Yes – Vallejo)**

Mayor and Council discussed the premise of a raise for the City Clerk.

**MOTION** by Councilwoman Martell, seconded by Councilwoman Smith, to approve the City Clerk's contract with a raise to \$79,000, removing the two (2) floaters and one (1) birthday floater and rolling over the cell phone allowance into her salary. **(Failed 2 – 5, Yes – Kramer, Yes – Martell)**

**MOTION** by Vice Mayor Pierre, seconded by Councilman Derosé, to approve the City Clerk's contract with a raise to \$82,500 removing the two (2) floaters and one (1) birthday floater, rolling over the cell phone allowance to her salary, brining the contract in line with the other employee contract. **(Approved 6 – 1, No – Smith)**

City Attorney Siegel was directed to revise the City Clerk's contract to be in line with the other Charter employees' contract.

Mayor and Council discussed having some performance guidelines in place for the three employees as suggested by Vice Mayor Pierre.

#### **Appointment of the City Manager**

Mayor and Council discussed the appointment of Roslyn Weisblum to the City Manager position.

**MOTION** by Vice Mayor Pierre, seconded by Councilwoman Kramer, to appoint Assistant City Manager Roslyn Weisblum to the position of City Manager effective October 1, 2012. **(Approved 7 – 0)**

Mayor and Council discussed pay and benefits package for Roslyn Weisblum.

**MOTION** by Councilwoman Martell, seconded by Councilman Derosé, to table until the next council meeting on October 2, 2012 the approval of the contract for City Manager Roslyn Weisblum. **(Approved 7 – 0)**

**RECESS:** Mayor Vallejo called for a 5 minute recess at 10:46 p.m. The meeting reconvened at 10:51 p.m.

There was a consensus by Council to cut off debate. **(Passed 5 – 2, No – Pierre, No – Vallejo)**

#### **17. CITY COUNCIL REPORTS**

**Councilman Derosé** wished the Jewish community a Happy Holiday. Next Monday the Beautification Division will start tree trimming throughout the City. Two (2) weeks ago he met a gentleman from the City of Miami, he is an elevator inspector. From their conversation Councilman Derosé stated that this is something the City should look into to generate revenue. Instead of businesses going to the County for the elevator inspection it could be done here at the City. He directed staff to contact Mr. Rolland Veilleux of Highland Village to find out what his concerns are for that area.

**Councilwoman Kramer** wished the Jewish community, colleagues, and staff a Happy and Healthy New Year. She would also like to let the Jewish community know that the City Forrester and the Public Services Department have planned to prune all the palm trees just before Sukkot. Palm fronds will be available to everyone in the community with proof of residence in the City starting next Thursday and Friday on a first come first serve basis. Cultural Cinema night was a success, the featured film was

“Stand and Deliver”. She took a moment to thank Mr. Bonner for guiding them through a difficult time in the City, and for teaching them how a budget should be tackled. She has enjoyed working with him on many City events and appreciated his unique outlook, and some of his management style. She wishes him the best of luck on all his future endeavors.

**Councilwoman Martell** thanked City Manager Bonner for his dedication and professionalism and wishes him the best. She also wishes the Jewish community a Happy Holiday. The Civil Service Board meeting will be held on Monday at 5:15 p.m. She also expressed the importance of the community to volunteer for the various boards and get involved.

**Councilwoman Smith** congratulated Roslyn Weisblum on her appointment to the City Manager position and thanked Mr. Bonner for his guidance in reaching an agreement that’s good for our City and residents. She wished him and his family the best. The Commission on Aging/Senior Citizens Advisory Board had a meeting this week and planned their first two outings. She mentioned two (2) restaurants in the City, Sports Grill at 2995 N.E. 163<sup>rd</sup> Street and The Greenhouse at 3207 N.E. 163<sup>rd</sup> Street to encourage the residents to support the local restaurants and business in the City. She mentioned the importance of showing support for eliminating childhood cancer by wearing a gold ribbon. She wished the Jewish community a Happy and Safe New Year.

**Councilwoman Spiegel** informed residents that the Commission on the Status of Women will be meeting on Monday, October 1, 2012. She encouraged residents to volunteer to serve on the various boards in the City. She asked for any CPA’s or Accountants in the City to volunteer their services for a program that the Commission on the Status of Women would like to offer to the City residents. The Planning and Zoning meeting has been moved to Monday, October 15, 2012. She also reminded everyone that the Domestic Violence Walk will be on Saturday, October 6, 2012. Contact Renee Darden in the Police Department for more information and encouraged everyone to come out and support a very good cause.

**Vice Mayor Pierre** wished the Jewish community a Happy and Health New Year. His first order of business for Assistant City Manager Roslyn Weisblum, when she transitions to the City Manager position, is to get together with the City Attorney and the City Clerk to get ready for the Charter Review. He reminded the students and parents that the North Miami Beach Library is open.

**Mayor Vallejo** also encouraged the community to come out and support the Domestic Violence Walk. At the October 2, 2012 Council Meeting he will be presenting the Proclamation in Recognition of Childhood Cancer Awareness Month to Dr. and Mrs Vanni who were not able to be there tonight. He thanked City Manager Lyndon L. Bonner for everything he has done and wishes him well on his future endeavors. He wished the Jewish community a Happy New Year.

**18. NEXT REGULAR CITY COUNCIL MEETING**

Tuesday, October 2, 2012

**19. ADJOURNMENT**

There being no further business to come before the City Council, Meeting was adjourned at 11:14 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk