



CITY OF NORTH MIAMI BEACH

City Council Meeting Minutes
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, October 16, 2012
7:30 PM

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

City Manager Roslyn Weisblum
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 7:36 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Barbara Kramer and Council Members Philippe Derosé, Marlen Martell, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION - The Invocation was delivered by Reverend Dr. Gregory Mansfield, St. Bernard DeClairvaux.

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

4.1 Request to **Withdraw** Item 8.4 Resolution No. R2012-79 by the City Manager's Office.

5. PRESENTATIONS/DISCUSSIONS

5.1 Recognition of National Hispanic Heritage Month (Mayor George Vallejo) – This item was presented by Councilwoman Martell.

5.2 Recognition of Citizens Appreciation Day (Vice Mayor Kramer) - This item was presented by Vice Mayor Kramer.

5.3 Recognition of the North Miami Beach Police Department and the Volunteers and Coordinators of the Domestic Violence Awareness Walk (Councilwoman Beth E. Spiegel) This item was presented by Councilwoman Spiegel with members of the NMB Police Department in attendance.

- 5.4 Recognition of Miami Dade County Crime Watcher of the Year - Janet Masumian of Eastern Shores Crime Watch (Councilwoman Phyllis S. Smith) - This item was presented by Councilwoman Smith and accepted by Janet Masumian.
- 5.5 Proclamation Presentation for Childhood Cancer Awareness Month (Mayor George Vallejo)
- 5.6 Proclamation Presentation to Dr. Steve and Silvia Vanni - Salvatore Antonio Vanni Day (Mayor George Vallejo)
6. **PUBLIC COMMENT** – City Clerk Latimore read the statement for Public Comment

To All Citizens Appearing Under Public Comment

The Council has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

Speaking Before the City Council

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

Pledge of Civility

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution No. R2007-57, 11/06/07 and R2011-22, 4/26/11)

The following person(s) made comments on the record:

1. Charles R. Loeb - 16800 N.E. 15th Avenue, North Miami Beach, FL
2. Volney Nerette - 16121 N.E. 19th Place, North Miami Beach, FL
3. Ronald Veulleux - 13730 Highland Dr. North Miami Beach, FL
4. Richard Riess – 23 N.W. 169th Street, North Miami Beach, FL
5. Mubarak Kazan – 15564 N.E. 12th Avenue, North Miami Beach, FL

Public Comment Closed.

7. **APPOINTMENTS – NONE**

8. **CONSENT AGENDA**

8.1 Meeting Minutes of May 15, 2012 (City Clerk Pamela L. Latimore)

8.2 Resolution No. R2012-77

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 WELLS FARGO INSURANCE SERVICES, USA, INC., TO SERVE AS THE BROKER OF RECORD FOR THE CITY OF NORTH MIAMI BEACH.

8.3 Resolution No. R2012-78

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 CHALMERS & KUBECK SOUTH FOR REPLACEMENT OF EXISTING LIME CONTROL VALVE ACTUATORS.

8.4 Resolution No. R2012-79 *Withdrawn*

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 CONTROL COMMUNICATIONS, INC. FOR THE TWO-WAY RADIO SYSTEM NARROWBANDING AND UPGRADE.

8.5 Resolution No. R2012-85

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, OPPOSING AND PROTESTING THE EFFORTS OF MIAMI-DADE COUNTY TO DENY THE CITY'S WATER & SEWER UTILITY THE SAME RATE-SETTING AUTHORITY GRANTED TO ALL MUNICIPALITIES IN THE STATE OF FLORIDA THAT OPERATE WATER OR SEWER UTILITIES OUTSIDE THEIR MUNICIPAL BOUNDARIES.

MOTION by Councilman Pierre, seconded by Councilwoman Martell, to approve the **Consent Agenda**. (Passed 7-0). The items were read into the record by City Attorney Siegel.

Point of Privilege by Councilwoman Spiegel: Thanked the City Clerk Latimore for having corrections on minutes completed. Requested as to what can be done to get minutes bought up to date.

City Clerk Latimore stated that she was training staff on how to properly capture the important items for the minutes. She stated that her staff was working on a plan to get the minutes caught up.

City Clerk Latimore was directed to get the backlog of minutes caught up.

9. **CITY MANAGER'S REPORT**

City Manager Weisblum thanked everyone for their contribution; she recognized and thanked the citizens since we are observing Citizens Appreciation Month. She recognized Mayor and

Council in observance of Bosses Day. City Manager Weisblum reported to Council that there will be five Resolutions coming forth on this evening's agenda that are budget amendments for the fiscal year 2012. They are necessary to close out the 2012 fiscal year.

City Manager Weisblum announced that on November 20th a Resolution referencing a uniform method of collecting non-ad valorem taxes will be presented. She advised them that in order to do this an advertisement has to run in the newspaper for four weeks and the advertisement will start to run on October 25th 2012. This method will allow for Solid Waste Fees and Storm Water Fees to be billed on Property Tax Bills beginning October 31, 2013.

10. CITY ATTORNEY'S REPORT

City Attorney Siegel reported that an appeal has been filed on the Braha Dixie project. The Appeal was filed on October 9th 2012. She stated that her office was also working on the Rosner-Zabel appeal. City Attorney Siegel gave an update on the foreclosed property on N.W. 157th Street. She reported that the Bank will get a crew out to the property to clean it up. City Attorney Siegel wished her son Andrew a Happy Birthday.

10.1 Litigation List (As of 10/2/12)

11. MAYOR'S DISCUSSION

Councilman Derose asked the Mayor for a consideration to change the November 6th meeting since that was Election Night. Mayor Vallejo requested an opinion on changing the date for the Regular Meeting of November 6th, 2012 from the City Attorney or City Clerk. City Attorney Siegel stated that the meeting could be changed if there was a lack of quorum.

After further discussion City Clerk Latimore asked if Council wanted to make a motion.

MOTION by Councilman Derose, seconded by Councilwoman Martell, to change the **November 6th 2012 Regular Meeting to November 7th 2012. (Passed 7-0)** Councilwoman Spiegel stated that she would need to check her availability for that date.

12. MISCELLANEOUS ITEMS - NONE

13. WAIVER OF FEE – NONE

14. BUSINESS TAX RECEIPTS - NONE

15. DISCUSSION

16. LEGISLATION

16.1 Resolution No. R2012-80

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO INCREASE BOTH THE REVENUES AND EXPENDITURES FOR THE GENERAL FUND IN THE AMOUNT OF \$193,601.00 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 TO INCREASE AMOUNTS AVAILABLE FOR EXPENDITURES RELATED TO THE ARTHUR SNYDER TENNIS CENTER PROJECT.

Mayor Vallejo opened Public Hearing. The following Person(s) made comments on the record:

1. Mubarak Kazan – 15564 N.E. 12th Avenue, North Miami Beach, FL
2. Richard Riess – 23 N.W. 169th Street, North Miami Beach, FL

Public Hearing closed.

The item was returned to Mayor and Council for discussion.

MOTION by Councilman Derosé, seconded by Vice Mayor Kramer, to adopt **Resolution No R2012-80. (Adopted 7-0)**. Finance Director Janette Smith gave brief summary of this item.

16.2 Resolution No. R2012-81

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO INCREASE BOTH THE REVENUES AND EXPENDITURES FOR THE TRANSIT SURTAX FUND IN THE AMOUNT OF \$87,595.00 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 TO INCREASE AMOUNTS AVAILABLE FOR NE 19TH AVENUE PROJECT.

Mayor Vallejo Opened the Public Hearing. The following person(s) made comments on the record:

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

MOTION by Councilman Derosé, seconded by Councilwoman Smith, to adopt **Resolution No. R2012-81. (Adopted 7-0)** Finance Director Janette Smith gave a brief summary of this item.

16.3 Resolution No. R2012-82

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO INCREASE BOTH THE REVENUES AND EXPENDITURES FOR THE WORKERS' COMPENSATION FUND IN THE AMOUNT OF \$75,000.00 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 TO INCREASE AMOUNTS AVAILABLE FOR UNEXPECTED WORKERS' COMPENSATION CLAIMS EXPENDITURES.

Mayor Vallejo opened the Public Hearing, seeing none the Public Hearing was closed. The item was returned to Mayor and Council for discussion.

MOTION by Councilman Derosé, seconded by Councilwoman Martell, to adopt **Resolution No. R2012-82. (Adopted 7-0)** Finance Director Janette Smith gave a brief summary of the item.

16.4 Resolution No. R2012-83

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 \$125,112.00 FROM THE GENERAL FUND; \$52,080.00 FROM THE WATER FUND; \$19,703.00 FROM THE BUILDING FUND AND \$3,064.00 FROM THE SOLID WASTE FUND INTO THE MANAGEMENT PENSION PLAN FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011.

Mayor Vallejo opened the Public Hearing. The following person(s) made comments on the record:

1. Mubarak Kazan- North Miami Beach Fl.

MOTION by Councilman Derose, seconded by Vice Mayor Kramer, to adopt **Resolution No. R2012-83. (Adopted 7-0)**. Finance Director Janette Smith gave a brief summary of the item.

16.5 Resolution No. R2012-84

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO DECREASE BOTH THE REVENUES AND EXPENDITURES FOR THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FUND 104 IN THE AMOUNT OF \$66,690.00 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 AS A RESULT OF CORRECTIONS TO THE TAX INCREMENT FINANCING (TIF) CALCULATIONS.

Mayor Vallejo opened the Public Hearing, Seeing none the Public Hearing was closed. The item was returned to Mayor and Council for discussion.

MOTION by Councilman Derose, seconded by Vice Mayor Kramer, to adopt **Resolution No. R2012-84. (Adopted 7-0)**. Finance Director Janette Smith gave a brief summary of the item.

16.6 Ordinance No. 2012-27 – Second and Final Reading

AN ORDINANCE AMENDING CHAPTER XIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "BUILDING AND HOUSING" AND AMENDING SECTION 14-8.13 ENTITLED "CODE ENFORCEMENT BOARD; ORGANIZATION; SPECIAL MAGISTRATES" BY ESTABLISHING A NEW CODE ENFORCEMENT BOARD; BY PROVIDING FOR EACH COUNCIL MEMBER TO APPOINT A MEMBER TO THE BOARD; BY PROVIDING FINANCIAL DISCLOSURE OF ITS MEMBERS; 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.

Mayor Vallejo Opened the Public Hearing. The following person(s) made comments on the record:

1. Charles Loeb - 16800 N.E. 15th Avenue, Miami, FL

The item returned to Mayor and Council for discussion. Vice Mayor Kramer Closed the Public Hearing.

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt, as amended, by adding the language to Pg. 3 Subsection (c) The Board at its December meeting will elect a Chair person, Vice Chair, and Secretary who shall be an appointed voting member of the board. **Ordinance No. 2012-27. (Adopted 7-0)**. **MOTION** by Councilman Derose, seconded by Councilman Pierre, to adopt **Ordinance No. 2012-27** as amended. **(Passed 7-0)**

ROLL CALL VOTE: Derose Yes, Kramer Yes, Martell Yes, Pierre Yes, Smith Yes, Spiegel Yes, Vallejo Yes.

Vice Mayor Kramer Point of Privilege: Vice Mayor Kramer asked City Clerk Latimore if the voting order had changed. City Clerk Latimore stated that yes, the new rotation had begun.

16.7 Ordinance No. 2012-28 – Second and Final Reading

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT" AND AMENDING SECTION 2-67 ENTITLED "PLANNING AND ZONING BOARD", BY ESTABLISHING A NEW PLANNING AND ZONING BOARD; BY CREATING QUALIFICATIONS OF MEMBERS; REQUIRING FINANCIAL DISCLOSURE OF BOARD MEMBERS; BY PROVIDING FOR EACH COUNCILMEMBER TO APPOINT A MEMBER TO THE BOARD; BY DELETING THE COMPENSATION PROVISION; BY CHANGING THE TIME AND FREQUENCY OF THE BOARD MEETINGS; BY PROVIDING FOR POSTING OF NOTICE OF MEETINGS ON THE CITY'S WEBSITE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE. An explanation of the Ordinance was given by City Attorney Siegel.

Mayor Vallejo Opened the Public Hearing. The following person(s) made comments on the record:

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

The item returned to Mayor and Council for discussion.

MOTION by Councilman Pierre, seconded by Councilman Derose, to adopt as amended by adding the language to pg. 3 subsection (3) that each member of the Council will nominate a person to the board to be approved by Mayor and Council. **Ordinance No. 2012-28. (Passed 7-0).** **MOTION** by Councilman Pierre, seconded by Councilman Derose, to adopt **Ordinance No. 2012-28. (Passed 7-0).**

ROLL CALL VOTE: Kramer Yes, Martell Yes, Pierre Yes, Smith Yes, Spiegel Yes, Derose Yes, Vallejo Yes.

Councilwoman Martell asked for a clarification on the voting Order.

16.8 Ordinance No. 2012-29 Second and Final Reading

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF GOVERNMENT" AND AMENDING SECTION 2-55 ENTITLED "PUBLIC UTILITIES COMMISSION" BY ESTABLISHING A NEW PUBLIC UTILITIES COMMISSION; BY PROVIDING FOR EACH COUNCIL MEMBER TO APPOINT A MEMBER TO THE COMMISSION; BY REQUIRING FINANCIAL DISCLOSURE OF COMMISSION MEMBERS; BY DEFINING A QUORUM OF THE COMMISSION; BY DESIGNATING THE CLERK OR HIS/HER DESIGNEE AS THE COMMISSION'S SECRETARY; AND BY CREATING A NEW SUB-SECTION ENTITLED "QUALIFICATION OF MEMBERS"; 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.

Mayor Vallejo Opened the Public Hearing, seeing none the Public Hearing was closed. The item returned to Mayor and Council for discussion.

MOTION by Councilman Pierre, seconded by Councilman Derose, to adopt **Ordinance No. 2012-29. (Passed 7-0).**

ROLL CALL VOTE: Kramer Yes, Martell Yes, Pierre Yes, Smith Yes, Spiegel Yes, Derose Yes, Vallejo Yes.

17. CITY COUNCIL REPORTS

Councilman Derose thanked the staff and the Police Department for a well organized event, the Walk against Domestic Violence was well prepared and he is looking forward to next year.

Vice Mayor Kramer announced that Cultural Cinema Night has begun again on the 2nd Friday of the month. The next movie is *A League of their own*. She announced that students can get community service hours for attending. There is a discussion and information given out after the movie. Vice Mayor Kramer thanked Barry Long a commercial Property owner for all the interesting articles he shared with her on the City's history. Vice Mayor Kramer encouraged anyone with articles, pictures, information concerning the History of North Miami Beach to share it with the City so that it may be placed in the archives. Vice Mayor Kramer announced that in conjunction with the Miami-Dade Homeless Trust and Carrfour Supportive Housing, she will be collecting socks for the homeless. The program is called "Socks on a String" and the socks will be displayed in City Hall. She is working to get area schools involved, and after the collection, she will deliver the socks to Carrfour Housing.

Councilwoman Martell encouraged everyone to attend the Halloween Monster Bash. She stated it is a fun and safe way to enjoy the Halloween. The event will take place at the Gwen Margolis Amphitheater from 6:00 p.m. until 10:00 p.m. Councilwoman Martell reminded everyone that on October 21, 2012, in honor of her aunt who passed away from Breast Cancer; her business Three Chicks Pizza in Coral Springs will be donating 20 percent of sales to Breast Cancer Research.

Councilman Pierre announced that the Library has new extended hours and the public should visit. He then announced his appreciation to Vice Mayor Kramer and his other colleagues for their recognition of Citizens Appreciation Day. Councilman Pierre stated that we appreciate our Citizens and encouraged Citizens to participate on Boards and Committees. He asked that anyone interested in serving on the Code Enforcement, Planning and Zoning, Public Utilities, and Charter Review Board should pick up an application from the City Clerk's Office for appointment consideration. Councilman Pierre reminded everyone to get out and Vote on November 6th.

Councilwoman Smith thanked the three (3) Charter Employees for the chocolates for boss's day. Councilwoman Smith said that she appreciated her bosses (the residents) and wanted them to know that their input was important and needed. She recognized Dr. and Mrs. Vanni and reminded everyone that when you wear your pink ribbon in remembrance of Breast Cancer Month remember to wear your Gold ribbons for child cancer month which she wishes could be eradicated soon as well. Councilwoman Smith stated that she made a visit to a school in Broward County where there

was a big sign that said the school was a “No Bully Zone” She said stopping the violence begins by teaching the young to keep their hands to themselves. Councilwoman Smith announced that the seniors will have a meeting at 9:00 a.m.; the Halloween Monster Bash is a safe event with lots of fun. She then wished her husband a Happy 46th Wedding Anniversary, welcomed her new grandnephew, and wished her grandson a Happy 1st Birthday. Councilwoman Smith encouraged everyone to go out and Vote.

Councilwoman Spiegel suggested that everyone request a sample ballot for the upcoming November election. She encouraged everyone to get a copy, read it, and to be prepared when they go to the polls to vote. Councilwoman Spiegel recognized North Miami Beach Police Officers for their contribution in bringing down an identity theft ring. She also joined Councilman Derosé in his praises for the organizers of the Walk against Domestic Violence; she encouraged everyone to get checked for Breast Cancer. Councilwoman Spiegel announced that the November 19, 2012 Planning and Zoning Board Meeting was cancelled, she wished her Mom a early Happy Birthday, announced that tomorrow is recycling day and residents should get their bins out.

Mayor Vallejo stated that he would like to thank everyone who was previously thanked. The Mayor announced that the USS Philippine Sea will come into the Port of Miami for Liberty November 16-20th.

18. **NEXT REGULAR CITY COUNCIL MEETING** – Mayor Vallejo announced the date of the Next Council Meeting.

Wednesday, November 7, 2012

19. **ADJOURNMENT**

There being no further business before Council the Meeting was adjourned at 9:35 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk