



**APRIL 5, 2011**  
**REGULAR MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE #467)*

**1. ROLL CALL OF THE CITY OFFICIALS**

The meeting was called to order at 7:50 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Barbara Kramer, and Council Members Philippe Derose, McKenzie Fleurimond, Frantz Pierre, 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 - Mayor Rosner**

**3. PLEDGE OF ALLEGIANCE - Mayor Rosner**

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

Mayor Rosner announced that Items 7.5 Resolution No. R2011-16 and 7.7 Resolution No. R2011-18 were pulled from the Consent Agenda; and Item 12.1 Cancellation of the May 3<sup>rd</sup> Regular City Council Meeting Due to the Municipal Election was withdrawn. Vice Mayor Kramer requested Item 7.4 Resolution No. R2011-15 be pulled from the Consent Agenda as well.

**5. PRESENTATIONS/DISCUSSIONS**

**5.1 Proclamation for April as Water Conservation Month - Presented by Mayor Rosner**

**5.2 Proclamation for April as Paralyzed Veterans of America Awareness Month - Presented by Mayor Rosner**

**5.3 In Recognition of Joanne M. Callahan, Asst. City Clerk - Presented by Vice Mayor Kramer**

**5.4 January 2011 Employee of the Month to Eduardo Gurgel, Graphics Design/Sign Specialist, Public Utilities Division - Presented by Councilman Pierre**

**5.5 February 2011 Employee of the Month to Eugene Jeeta, Welder II, Public Works Division - Presented by Councilman Pierre**

**5.6 In Recognition of the Copa Latina Soccer Tournament - Presented by Councilman Pierre**

**6. APPOINTMENTS - None**

**7. CONSENT AGENDA**

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to approve the Consent Agenda with noted amendments to the minutes. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**7.1** January 18, 2011 Regular Meeting Minutes

**7.2** February 15, 2011 Regular Meeting Minutes

**7.3** **Resolution No. R2011-6**

A RESOLUTION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF THE TAXABLE AD VALOREM REVENUE NOTE, SERIES 2011 OF THE CITY IN THE PRINCIPAL AMOUNT NOT TO EXCEED A REVOLVING AMOUNT OF \$2,000,000 TO FINANCE GENERAL OPERATING EXPENSES; PROVIDING THAT THE NOTE SHALL BE PAYABLE FROM AD VALOREM REVENUES AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; AUTHORIZING THE SALE OF THE NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**7.6** **Resolution No. R2011-17**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR NE 172 STREET DRAINAGE IMPROVEMENT PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$350,000.00.

**8. CITY MANAGER'S REPORT**

City Manager Bonner spoke of the following talking points: 1) His working relationship with the City Council. 2) Preparing the budget. 3) The offer of help from residents. 4) His request from City Council Members of their short-term, intermediate and strategic thoughts. 5) Communication with the City Council Members and responding to their requests. 6) Changes to the City Council agenda timelines. 7) The Human Resources Director vacancy.

In response to Councilman Pierre's inquiry as to City Manager Bonner's residency change to the area, City Manager Bonner responded that it would get done.

Councilwoman Smith recognized City Manager Bonner for attending the candidate forum the night before and then inquired about the hiring freeze relating to the Human Resources Director position. City Manager Bonner noted that it was a key position and that the department needed leadership due to the director and assistant director both retiring. Councilwoman Smith expressed concern for

the hiring salary for the director. City Manager Bonner noted that he would stay within the range and be conservative, but not dollar foolish.

On behalf of the City Council, Councilwoman Spiegel wished City Manager Bonner a very Happy Birthday and a welcome to the City.

## **9. CITY ATTORNEY'S REPORT**

### **9.1** Litigation List - *No Discussion*

City Attorney Siegel welcomed City Manager Bonner. She noted that action was needed from the Council regarding the Marty King Case. She explained that Mr. King had voluntarily agreed to forfeit his pension of \$160,000 as a part of the plea agreement. City Attorney Siegel requested the Council's direction on whether the funds should be placed back into the Sewer Fund or they should remain in the Management Pension Plan with its unfunded liability, saving the City over \$500,000 in the long run.

**Motion** made by Councilwoman Spiegel, seconded by Councilwoman Smith, to have Marty King's forfeited pension of \$160,000 remain in the Management Pension Plan. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

City Attorney Siegel reported the following for the 4/26 Council Meeting: 1) Councilwoman Smith asked her to prepare a resolution reemphasizing to maintain civility in the conduct of public business; 2) A two-story classroom located at the old Beth Torah property; 3) A new dormitory on Miami Gardens Drive; 4) A new home in Eastern Shores; and 5) Two (2) pension plan amendments to conform to the new changes in the State Law. She also reported that there would be code revisions to procurement laws for the month of June.

## **10. MAYOR'S DISCUSSION - *Waived***

## **11. PUBLIC COMMENT**

City Clerk Latimore read the rules for Public Comment.

Marilyn Baumohl, 18635 NE 20 Court, North Miami Beach, FL, spoke about a City Council candidate unable to run due to a paperwork error and that he should have been given notice immediately. She also spoke against pill mills. City Attorney Siegel explained that a letter was issued on this day to a candidate who did not qualify for a particular seat and that it did not say that he did not qualify at all. She also explained that the legislation was to prohibit pill mills in the City. Councilman Fleurimond noted that he was the sponsor of the legislation and had been working with this issue in the State Legislature prior.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke about the City Manager search, the City Manager's contract negotiation, and the Mayor's professionalism at the last meeting. He thanked Acting City Weisblum for her flexibility and accommodations.

Charles R. Loeb, 16800 NE 15 Avenue #112, North Miami Beach, FL, spoke about saving the school clinic and the re-opening of the Library on Tuesday and Thursday evenings. He suggested going back to the once a month citizen appearances (Public Comment).

Rolland Veilleux, 13730 Highland Drive, North Miami Beach, FL, welcomed City Manager Bonner

aboard. He spoke about voting and the upcoming election.

Mike Pons, North Miami Beach Police Association, PO Box 600124, North Miami Beach, FL, welcomed City Manager Bonner to our team and thanked Acting City Manager Weisblum for her professionalism and effectiveness.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL, spoke about the expense for consulting services and welcomed City Manager Bonner.

Allison Robie, president of IMPAC, a civic association, 2131 NE 179 Street, North Miami Beach, FL, spoke about the recent "Meet and Greet" candidate forum and thanked Eastern Shores as the organizer. Ms. Robie announced that a debate forum would be held on Thursday, April 14, 2011, 7:00 p.m. – 9:00 p.m. at the McDonald Center and reminded City Clerk Latimore about waiting to start the timer until her introduction was finished.

Richard A. Riess, president of the NMB Civic Association, 23 NW 169 Street, North Miami Beach, FL, welcomed City Manager Bonner and wished him the best. He questioned how the City Council was spending money that it did not have. Mr. Riess inquired about the Uleta Gym grant money and asked for transparency. He also spoke about the City Council candidate unable to run due to a paperwork error.

Darrell Thompson, 1420 NE 152 Street, Washington Park, North Miami Beach, FL, spoke about attending a meeting last year regarding the continued disrespect of African-Americans in North Miami Beach. He welcomed City Manager Bonner and expressed hope that the things that former City Manager Kelvin Baker left off with, the intentions of improving Washington Park, would continue. Mr. Thompson also spoke about the civility pledge and about the lack of representation for Washington Park.

## **12. MISCELLANEOUS ITEMS**

### **~~12.1 Cancellation of the May 3<sup>rd</sup> Regular City Council Meeting Due to the Municipal Election - Withdrawn~~**

## **13. WAIVER OF FEE – None**

## **14. BUSINESS TAX RECEIPTS**

### **14.1 The Abriendo Puertas Governing Board of East Little Havana d/b/a Abriendo Puertas - 1810 NE 158 Street, Suite #1 & 2, North Miami Beach, FL 33162**

City Clerk Latimore provided a brief overview. City Attorney Siegel noted that the Business Tax Receipt was until September 30, 2011.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to approve a Business Tax Receipt for the The Abriendo Puertas Governing Board of East Little Havana d/b/a Abriendo Puertas until September 30, 2011. By consensus, all vote in favor of the motion. (**Motion carried 7-0**).

### **14.2 Intracoastal Kids Academy Inc. d/b/a Intracoastal Kids Academy 3609-3617 NE 163 Street, North Miami Beach, FL 33160**

City Clerk Latimore provided a brief overview. Daisy Garcia, director, and Germaine Beltran, manager, 250 174 Street, #214, Miami Beach, were present to answer questions. City Attorney Siegel noted that the Business Tax Receipt was until September 30, 2011.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to approve a Business Tax Receipt for the Intracoastal Kids Academy Inc. d/b/a Intracoastal Kids Academy until September 30, 2011. By consensus, all vote in favor of the motion. **(Motion carried 7-0).**

**14.3 Zero Points Traffic School, Inc. d/b/a Zero Points Traffic School**  
1140 NE 163 Street, #6, North Miami Beach, FL 33162

City Clerk Latimore provided a brief overview.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to approve a Business Tax Receipt for Zero Points Traffic School, Inc. d/b/a Zero Points Traffic School. By consensus, all vote in favor of the motion. **(Motion carried 7-0).**

**15. LEGISLATION**

**Motion** made by Councilman Derose, seconded by Councilman Fleurimond, to introduce Ordinance No. 2011-5 on First Reading, By Title Only. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**15.1 Ordinance No. 2011-5 (First Reading, By Title Only)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING ARTICLE II, SECTION 24-22 OF THE CITY'S CODE OF ORDINANCES, ENTITLED DEFINITIONS, BY DEFINING PAIN MANAGEMENT CLINIC, AND DEFINING DRUG STORE; AMENDING ARTICLE V, SECTION 24-52 OF THE CITY'S CODE OF ORDINANCES, ENTITLED B-2 GENERAL BUSINESS DISTRICT, BY ADDING PAIN MANAGEMENT CLINIC TO THE LIST OF CONDITIONALLY PERMITTED USES; 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** made by Councilman Derose, seconded by Councilman Fleurimond, to adopt Ordinance No. 2011-5 on First Reading, By Title Only. In roll call vote, all voted in favor of the motion. **(Motion carried 6-0).** Councilman Pierre was not present for this vote.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to introduce Resolution No. R2011-15. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**7.4 Resolution No. R2011-15 - *Pulled from the Consent Agenda***

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 DESIGN COMMUNICATIONS, LTD., FOR THE PURCHASE OF A TURNKEY SOLUTION FOR ONE DIGITAL DISPLAY.

**Motion** made by Councilman Derose, seconded by Vice Mayor Kramer, to adopt Resolution No. R2011-15.

Vice Mayor Kramer expressed that she would rather have the money be put towards the fountain that was out of bid or towards beautification of the CRA area. Councilwoman Spiegel expressed concern about the City Council approving this CRA item. City Attorney Siegel explained that the contract went out for bid through the City, not the CRA, so the City Council needed to approve it because the funds were approved through the CRA at a public meeting. Councilwoman Smith agreed with Vice Mayor Kramer's comments, but added that the vast community could use information. She suggested postponing the placement of the digital display until the City Council knew what was happening with the tennis courts. Mayor Rosner noted that the building would be the next phase and that the digital display would need to stay within the CRA boundaries.

**Note:** In a roll call vote, all voted in favor of the motion with the exception of Vice Mayor Kramer and Councilwoman Smith who voted in the negative. **(Motion carried 4-2)**. Councilman Pierre was not present for this motion.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to introduce Resolution No. R2011-18. By consensus, all voted in favor of the motion. **(Motion carried 7-0)**.

**7.7 Resolution No. R2011-18 - Pulled from the Consent Agenda**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENTS BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND (BBC-GOB) FOR THE RE-ALLOCATION OF FUNDING FROM VICTORY POOL PROJECT TO THE ULETA RECREATION CENTER EXPANSION PROJECT.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to adopt Resolution No. R2011-18.

City Manager Bonner explained that the City failed to file the required quarterly reports, so the funds were disqualified and that the City's Reserves had been impacted by 1.6 million dollars. He recommended reassigning those dollars from the Victory Pool Project to the Uleta Recreation Expansion Project.

Mayor Rosner asked if there was an appeal process. City Manager Bonner expressed that he was optimistic that the County would work with the City, but the best way, the soonest way, was to reassign the dollars to Uleta. He clarified that the City would receive the funds from the County, but those funds, originally earmarked to Victory Pool, could not be applied retroactively but could be used for Uleta. Councilwoman Spiegel questioned if Phase 2 of the Uleta Project was already approved by the City Council. Karl Thompson, assistant director of Public Services, noted that it had not been presented yet and provided a brief overview of the elements.

Councilman Derose questioned if City Manager Bonner had found out who did not collect the money. City Manager Bonner noted that Staff looked at how the event occurred, not at an individual. He added that he wanted to make sure Staff understood that a procedure needed to be put into place, so that it will not happen again.

Not directly related to this item, Commissioner Pierre recommended to City Manager Bonner that any assignment with a date certain or a timetable, should have an “x” point so Staff could go back, check and assess, extend or redo. Councilwoman Smith stated that every expenditure should have a check and balance system. City Manager Bonner noted that it was required by law.

Vote: By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to introduce Resolution No. R2011-16. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**7.5     Resolution No. R2011-16 – *Pulled from the Consent Agenda***

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER REQUEST FOR RECREATIONAL DESIGN & CONSTRUCTION, INC. UNDER ULETA RECREATION CENTER RENOVATION PROJECT RFQ No. 2005-16.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to adopt Resolution No. R2011-16. By consensus, all voted in favor of the motion. **(Motion carried 6-0).** Vice Mayor Kramer was not present for this vote.

**16.   CITY COUNCIL REPORTS**

Mayor Rosner left the meeting at this time and did not return.

**Vice Mayor Kramer** reminded everyone about the Community Festival on Sunday, April 10<sup>th</sup>, specifically about the Teen Spring Cleanup from 7:00 a.m. to 12 noon at the Gwen Margolis Amphitheater. She noted that the Festival started at 1:00 p.m. with various children’s activities, food, businesses with booths, great information about conserving water and a celebration of Earth Day. Vice Mayor Kramer congratulated City Manager Bonner on his first Council Meeting and wished him a happy and healthy birthday and good luck.

**Councilwoman Spiegel** announced that the Leisure Services Department along with the Commission on the Status of Women was holding the “5<sup>th</sup> Annual Youth Symposium” on Saturday, April 16<sup>th</sup> - Registration & Breakfast from 9:00 a.m. to 9:30 a.m. with the event 9:30 a.m. to 1:00 p.m. at the Ronald A. Silver Youth Enrichment Services Center. She thanked the Leisure Services Department and the Commission on the Status of Women for putting the event together. Councilwoman Spiegel reminded everyone about recycling. She encouraged everyone to celebrate Earth Day and welcomed City Manager Bonner and said Happy Holidays.

**Councilwoman Smith** welcomed City Manager Bonner to the City and thanked him for all of his hard work and efforts put in the last week and a half. She mentioned that the Community Festival still had tables and spoke about the offerings of the festival. Councilwoman Smith acknowledged Assistant City Managers Mac Serda and Roz Weisblum for their service during the vacancy of the City Manager position and their time with the new City Manager. She encouraged everyone to meet the candidates at the upcoming forums and spoke about attending the tennis tournament and the people she had met. Councilwoman Smith wished everyone Happy Holidays and said a Happy Birthday to City Manager Bonner.

**Councilman Fleurimond** welcomed City Manager Bonner to the City. He thanked Assistant City Managers Mac Serda and Roz Weisblum for their service. Councilman Fleurimond noted that NBC 6 had recently rated NMB's Library as one of the best libraries in South Florida and spoke about a Miami Herald article regarding the Florida Housing Finance Corporation funding a 1 billion dollar program to assist over 40,000 Floridians from losing their homes to foreclosure.

**Councilman Derose** welcomed City Manager Bonner to the City, stated he was looking forward to working with him, and spoke about keeping communication open. He spoke about receiving numerous complaints about illegal activities at night in Milton Park (Uleta). Councilman Derose requested fencing around the park and asked Assistant City Manager Weisblum to follow-up. Councilwoman Smith requested that the huge, rotted, and dirty wood sign be removed.

**Councilman Pierre** welcomed aboard City Manager Bonner and reminded everyone about the Community Festival. He wished everyone Happy Holidays. Councilman Pierre spoke about the Library being recognized.

**17. NEXT REGULAR CITY COUNCIL MEETING** – Tuesday, April 26, 2011

**18. ADJOURNMENT** - There being no further business to come before the City Council, the meeting was adjourned at 10:10 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk