



**JUNE 7, 2011**  
**REGULAR MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE #470)*

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

The meeting was called to order at 7:37 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Barbara Kramer and Council Members Philippe Derose, Frantz Pierre, Marlen Martell, and Phyllis S. Smith. Also present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore. Councilwoman Beth E. Spiegel was absent.

**2. INVOCATION** – Dr. Jonas Georges, All Nations Presbyterian Church

**3. PLEDGE OF ALLEGIANCE**

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

City Clerk Latimore reported the following addition: 5.4 Presentation by Kevin Cayard. She also noted a request to have these items follow the Consent Agenda: 15.1 Ordinance No. 2011-6 (Second and Final Reading) and 15.3 Resolution No. R2011-27.

**5. PRESENTATIONS/DISCUSSIONS**

**5.1** Session Review Update – Presented by State Representative John Patrick Julien, District 104

State Representative Julien provided an update on the following issues: 1) Senate Bill 234 and House Bill 517 Concealed Weapons – allowed individuals to openly carry concealed weapons in elementary schools and on college campuses. 2) House Bill 45 Gun Control – If you, as a local elected official, pass an ordinance controlling fire arms and weapons, you would be held personally liable and would have to defend yourself with personal funds, and if found guilty on a non-criminal offense, you can be removed from office. 3) Senate Bill 818 and House Bill 7098 Pill Mills – establishing stiff penalties for dispensing illicit drugs. 4) House Bill 7207 (Rewrite of Senate Bill 360 – vetoed last year) – 1985 Growth Management Act – takes the authority of regulation and review away from the State and brings it back to local government. 5) HJR 381 – negative fiscal impact on local government (if passes) - additional tax break for first time homebuyers, businesses and second homeowners (to be on the ballot in next year's election). 6) Taxpayers' Bill of Rights (TABOR) – passed - negative fiscal impact on local government. 7) Senate Bill 1128 and House Bill 7241 Pension Reform – local government employees face new limits for sick leave and overtime under a compromised plan for pension determination purposes. 8) House Bill 311 Local Business Taxes – exempt certain businesses from local business tax requirements. 9) House Bill 43 Severance Pay – prohibits severance pay for public officers and

employees. 10) House Bill 883 Vacation Rentals – regulation of transient and vacation rentals. He also spoke about the road improvements in North Miami Beach by the Florida Department of Transportation.

- 5.2 Plaque Presentation to Mr. George Gabriel, Former Operations Manager, Solid Waste
- 5.3 Presentation to Mr. John Howland Miller - Presented by Mayor Vallejo
- 5.4 Presentation by Kevin Cayard – Request for Waiver of Fee of the July 10<sup>th</sup> Piman Bouk Event

City Manager Bonner noted that this request would be placed on the June 21<sup>st</sup> meeting provided that the requestor complete of the waiver fee application.

## 6. APPOINTMENTS

### 6.1 Appointment of the Vice Mayor

**Motion** made by Councilman Pierre, seconded by Councilwoman Smith, to appoint Councilman Philippe Derose as Vice Mayor. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

## 7. CONSENT AGENDA

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Kramer, to approve the Consent Agenda. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

7.1 April 5, 2011 Regular Meeting Minutes

7.2 April 26, 2011 Regular Meeting Minutes

## 15. LEGISLATION *(These items were pulled to follow the Consent Agenda.)*

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Smith, to introduce Ordinance No. 2011-6 on Second and Final Reading. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

### 15.1 Ordinance No. 2011-6 (Second and Final Reading)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$15,280,000 IN AGGREGATE PRINCIPAL AMOUNT OF OBLIGATIONS OF THE CITY TO REFINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; PROVIDING FOR A PLEDGE OF AD VALOREM TAXATION WITHOUT LIMIT ON ALL TAXABLE PROPERTY IN THE CITY TO PAY THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE OBLIGATIONS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Kramer, to adopt Ordinance No. 2011-6 on Second and Final Reading. Mayor Vallejo noted that there were no comments from the Public or the Council.

**Note:** In a roll call vote, all voted in favor of the motion. **(Motion carried 6-0).**

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2011-27.

### **15.3      Resolution No. R2011-27**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ACCEPTING THE PROPOSAL OF JPMORGAN CHASE BANK, N.A. TO PROVIDE THE CITY WITH A LOAN IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$15,280,000, IN ORDER TO REFINANCE THE COSTS OF ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH DEBT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTEREST RATE LOCK AGREEMENT WITH JPMORGAN CHASE BANK, N.A.; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT, INCLUDING A PROMISSORY NOTE ATTACHED THERETO, IN ORDER TO EVIDENCE SAID LOAN; AUTHORIZING THE REPAYMENT OF THE NOTE UNDER THE LOAN AGREEMENT FROM A PLEDGE OF AD VALOREM TAXATION WITHOUT LIMIT ON ALL TAXABLE PROPERTY WITHIN THE CITY LIMITS; AUTHORIZING THE ESTABLISHMENT OF AN ESCROW ACCOUNT; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER AND CITY CLERK; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2011-27. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

## **8.      CITY MANAGER'S REPORT**

City Manager Bonner announced that the transfer to the new generator will take place on Thursday at 9:00 p.m. He recognized Finance Director Andrew Fierman for his contributions to the City and that he had resigned his position. City Manager Bonner noted that an ad would be placed, but would not pursue any selections until September or October. He added that interviews would take place for the Human Resources Director on June 22 and 23 and noted that pension alternatives were being researched. Assistant City Manager Mac Serda provided a detailed overview of the process to close the three (3) pension plans and creating a new one and noted a meeting the next day with ICMA.

### Budget Presentation

City Manager Bonner gave a presentation on initial assumptions, a comparative expenditure budgets summary, adjusted assumptions, net change in fund balance and reserve analysis of the General Fund, preliminary budget – initial assumptions, ad valorem taxes – last 10 fiscal years and moving forward. A copy of this presentation is attached to these minutes.

In response to Vice Mayor Derose question regarding the \$50,000 Contingency Fund threshold of needing the Council's approval, City Manager Bonner replied that the amount was not unrealistic, and since the Residents wanted transparency, he wanted transactions to be clear, responsible and

sustainable. Vice Mayor Derose wanted to make sure funds would be available for emergency purposes. City Manager Bonner noted that he would ask the Council for ratification under the circumstance.

Vice Mayor Derose requested the City Manager to present a balance budget, to keep all employees and no services cut. City Manager Bonner explained that he and the staff were going to do their best. He said he would meet his commitment and that he would be declaring a local state of emergency with a resolution for consideration at the June 21<sup>st</sup> Council Meeting.

Councilwoman Smith asked how City Manager Bonner was going to meet the communities. He responded that he would contact one person who would pull together residents in a town hall meeting format. Councilwoman Smith encouraged residents to contact the City Manager to find out when he would be in their neighborhood.

Councilwoman Kramer expressed concern for advertising and making sure residents were aware. City Clerk Latimore noted that if two (2) or more Council Members were attending, then the meeting would have to be advertised. City Manager Bonner requested that the Council Members not attend any of the meetings, so that he can get the residents' input and that if they were there, it would be a different kind of meeting. He added that he would report back to the Council. Councilwoman Kramer received a positive feedback from the audience with this approach and noted that she supported his decision. City Attorney Siegel suggested the meetings still be advertised. City Clerk Latimore noted that it was a sunshine meeting and minutes were not required.

Councilwoman Martell requested that layoffs be the last action to consider and first remove anything we can cut back. City Manager Bonner noted that the issue was a multiple year problem and that he was going to save every job he possibly could, but did not want to misrepresent that the City was not going to lose some. He added that he wanted to present a responsible budget. City Manager Bonner spoke of the audit and a possible negative report. He said this was a serious issue. Mayor Vallejo said it was about time that we get serious, get to work, and do the right thing.

Councilman Pierre noted that this was a time to get serious, that the City was in the red, we can no longer accept the duplications of services, that there was no need for multi-level management and we need to look at what we need, structure. He added that the Council needed to deal with this now.

City Manager Bonner recognized the Staff involved in the budget process.

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

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

City Attorney Siegel reported an update on the following cases:

The City vs. Barrio - An appeal and an order awarding fees regarding a forfeiture in the amount of \$13,500.00 and the cost for an expert witness in the amount of \$1,200.00. It was appealed with the 3<sup>rd</sup> District Court of Appeals, which reversed the order to vacate the order awarding attorneys fees and costs.

Marty King - On May 11<sup>th</sup> a memo was distributed to the Council noting that the City had received \$242,808.46 from Mr. King's checking accounts and annuities. In addition, the City shall receive, via wire transfer by Friday afternoon, \$257,000 from the closing on his house.

Kelvin Baker – The decision to move forward with litigation shall be made with this Council. City Attorney Siegel provided an overview of the severance agreement relating to possible wrong doing and noted that it would be expensive. She concluded that she would not know what would be recovered and was unsure of the evidence.

Political Sign Ordinance – City Attorney Siegel noted receiving several changes to the ordinance from Council Members and said that she would present a proposed ordinance in a couple of months.

Ordinance on Prohibition of Campaign Donations to Candidates from Vendors and Lobbyists - City Attorney Siegel reported that an ordinance would be presented based on what other municipalities were using and that she was working to close up the loopholes for the City's use.

City Attorney Siegel expressed that she looked forward to working with the new City Council in the coming years and congratulated those re-elected and elected.

**10. MAYOR'S DISCUSSION - Go Heat!**

**11. PUBLIC COMMENT - City Clerk Latimore read the rules for Public Comment.**

Magdalena Ammirati, 3665 NE 167 Street, #506, North Miami Beach, FL, announced "Meet Your Miami-Dade County Mayor Candidate Carlos Gimenez" on Thursday, June 16<sup>th</sup> at 7:00 p.m. at the McDonald Center.

Charles R. Loeb, 16800 NE 15 Avenue #112, North Miami Beach, FL, spoke about water bills, the library, thoughts about Memorial Day, funds owed due to the war, references to a Dwight Eisenhower speech and gas prices compared to overseas.

Saundra Douglas, 1523 NE 152 Street, North Miami Beach, FL, extended congratulations to the City Council. She spoke about working together, gave reference from the charter about the role of the Council and noted that she was available to volunteer whenever she can and the opportunity arises.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke about the budget, code enforcement, pension committee, police pension board, involving competent residents, liability insurance, lifetime health insurance, sign issue, encourage more input from residents at public meetings, and suggested council members and city manager meet residents once a week at a place in the community.

Marilyn Baumoehl, 18635 NE 20 Court, North Miami Beach, FL, extended congratulations to the City Council. She spoke about the apathy of the city and getting out and speaking to more of the people.

Volney Nerette, 16121 NE 19 Place, North Miami Beach, FL, extended congratulations and a welcome to the City Council. He spoke about a problem needing to be addressed, but did not specify.

Marie L Colon, 16050 Miami Drive, North Miami Beach, FL, gave recognition to Councilwoman Smith, Councilman Pierre, Councilman Derosé and Chief Rafael Hernandez for their work and support.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL, gave recognition to the City Manager for his comments about city's financial situation, pension reform, police department budget, car

allowance, and reduction in tax assessments.

Michael Nozelle, 1528 NE 152 Terrace, North Miami Beach, FL, spoke about needing funds to support the "Weed and See" program at the Hazel Crawford Neighborhood Resource Center.

Gary Jean Philippe, WRSF 1580 AM, 2100 NE 164th St, North Miami Beach, FL, spoke about the economic times and utilizing the City's resources for Haiti to generate revenue.

**12. MISCELLANEOUS ITEMS – None**

**13. WAIVER OF FEE – None**

**14. BUSINESS TAX RECEIPTS**

**14.1** Prestige Health & Beauty Sciences Academy, Inc. - 3845 NE 163 Street, North Miami Beach, FL

City Clerk Latimore provided a brief overview. Edward Goykhman, manager, 1081 Harbor Court, Hollywood, FL, 33019, was present to answer questions.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to approve a Business Tax Receipt for Prestige Health & Beauty Sciences Academy, Inc. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

**15. LEGISLATION**

**15.2** **Resolution No. R2011-26**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 4,285 SQUARE FOOT ONE-STORY BANK WITH DRIVE-THROUGH ON A 41,297 SQUARE FOOT (0.95 ACRE) PARCEL OF LAND, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Tract "A" of Gala Development Tract, Plat Book 157, Page 74 of the Public Records of Miami-Dade County, Florida. A/K/A 14590 Biscayne Boulevard, North Miami Beach, Florida (P&Z Item No. 11-502 of April 11, 2011)

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Smith, to adopt Resolution No. R2011-26.

Councilwoman Martell noted that the applicant had checked off a variance on the application. City Planner Chris Heid confirmed that this application was for a Site Plan Review only.

**Vote:** In a roll call vote, all voted in favor of the motion. **(Motion carried 6-0).**

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Smith, to introduce Resolution No R2011 - 28. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

**15.4** **Resolution No. R2011-28**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING BUDGET TRANSFERS FROM THE GENERAL FUND CITY MANAGER CONTINGENCY BUDGET ACCOUNT, THE WATER FUND BUDGET ACCOUNT,

AND THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FUND CONTINGENCY ACCOUNT TO FUND MANAGEMENT PENSION CONTRIBUTIONS IN THE AMOUNT OF \$830,876 TO MEET THE CITY'S OBLIGATION TO THE MANAGEMENT PENSION PLAN.

**Motion** made by Vice Mayor Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2011-28. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

## 16. CITY COUNCIL REPORTS

**Councilwoman Kramer** wished everyone a Happy Shavuot and congratulated Mayor Vallejo on his first Council Meeting. She reminded everyone that school ended Thursday and asked residents to be a look out for kids. Councilwoman Kramer said she was very happy to be back. Go Heat!

**Councilwoman Smith** reported that Economic Development was scheduled for Wednesday June 15<sup>th</sup> at 5:30 p.m. 4<sup>th</sup> Floor. She noted that while on vacation out of the country, she visited many clean cities and believed that a lot could be accomplished in our City in working together. She encouraged residents to give their input to the Council.

**Councilwoman Martell** expressed that she was glad and honored to be elected. She reported that she was appointed as liaisons for the Advisory Committee for Disabled Individuals, for the Civil Service Board and for the Economic Development Commission.

**Vice Mayor Derose** recognized Mayor Vallejo for a job well done for his first meeting. He announced that the next Beautification Committee Meeting was taking place on Tuesday, June 15<sup>th</sup> at 5:30 p.m., Room 400 and that everyone was invited.

**Councilman Pierre** recognized the voters of North Miami Beach for electing Mayor Vallejo and Councilwoman Martell and noted that he was very happy to serve with them. He reminded everyone that the Library was open during the summertime. It's family time, it's summertime and be safe and remember.... I love you.

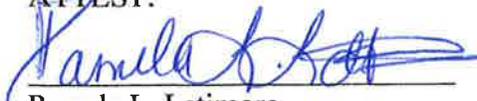
**Mayor Vallejo** thanked all of the residents and to those watching the meeting. He said "we" were ready to get to work by doing the right thing and moving our City forward. Mayor Vallejo thanked the City Staff for being so helpful and welcoming. Mayor Vallejo announced the Planning and Zoning Meeting for June was cancelled and that the Public Utilities Meeting in June was cancelled as well.

17. **NEXT REGULAR CITY COUNCIL MEETING** – Tuesday, June 21, 2011

18. **ADJOURNMENT** - There being no further business to come before the City Council, the meeting was adjourned at 10:03 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk