



JUNE 21, 2011
REGULAR MEETING MINUTES
(CNMB-CC MINUTES TAPE #471)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:44 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Philippe Derosé and Council Members 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. Councilman Frantz Pierre during the Invocation.

2. INVOCATION – Reverend Dr. Gregory Mansfield, St. Bernard de Clairvaux

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

City Manager Bonner requested that Item 15.1 Resolution R2011-29 (Financial Urgency for Fiscal Year 2011) and Item 15.2 Resolution R2011-30 (Financial Urgency for Fiscal Year 2012) be tabled at this time. **Motion** made by Councilwoman Spiegel to table Resolution R2011-29 and Resolution R2011-30, seconded by Councilwoman Kramer. By consensus, all voted in favor of the motion (**Motion carried 6-0**).

5. PRESENTATIONS/DISCUSSIONS

5.1 Plaque Presentation to Robert Taylor, Former North Miami Beach Councilman - Councilwoman Spiegel

6. APPOINTMENTS - *None*

7. CONSENT AGENDA

Motion made by Vice Mayor Derosé, seconded by Councilwoman Kramer, to approve the Consent Agenda. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

7.1 May 24, 2011 Special Meeting Minutes

7.2 June 7, 2011 Regular Meeting Minutes

7.3 Resolution No. R2011-31

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER REQUEST FOR RECREATIONAL DESIGN & CONSTRUCTION, INC. UNDER THE ULETA RECREATION CENTER RENOVATION PROJECT.

7.4 Resolution No. R2011-32

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE REQUEST FOR A TIME EXTENSION TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE FISCAL YEAR 2010 FUNDING OF THE CONSTRUCTION OF THE 173rd STREET ROADWAY IMPROVEMENT PROJECT.

8. CITY MANAGER'S REPORT

City Manager Bonner announced that the Town Hall meetings start tomorrow night. He spoke positively about the recent North Miami Beach Chamber of Commerce meeting he attended. City Manager Bonner explained that consideration was being given to moving the Council Conference Meetings to the 2nd floor for efficiency and recording purposes. He spoke of the Council's future consideration for discretionary funds that, in the past, were earmarked for different programs. City Manager Bonner also spoke in detail of a \$750,000 budget transfer relating to the payment of the bond issued a couple of weeks ago, which would be coming before the Council at the next meeting. He noted that the Information and Subscription Page on the website was in the process of being implemented. IT Manager Patrick Rosiak provided a detailed overview and demonstration of the program, which provided the Public with email notification of events, meetings, and general information. He also answered questions posed by the Council.

9. CITY ATTORNEY'S REPORT

9.1 Litigation List - *No Discussion*

City Attorney Siegel reported on the following:

Marty King - The City received an additional \$257,698.20 from the sale of Mr. King's residence. The total collected to date was \$1,050,506.60. Mr. King was entered into the prison system on June 1st and will be there until 2023. Another \$700,000 would come to the City within the next few years.

Roundtable of Ethics - The Greater Miami Chapter of National Institute of Governmental Purchasing presents a Roundtable of Ethics on Thursday, June 30, 2011 from 9:00 a.m. to 1:30 p.m. at the Littman Theater, 17011 NE 19th Avenue in North Miami Beach. \$10 per person with lunch included. She announced the panel of speakers and noted that she would be a part of the panel.

Red Light Camera Lawsuit Settlement - A proposal had been received about this settlement and that an executive session would be planned soon. She noted that the funds were sitting in escrow and believed that the City would make money overall from the entire program.

Lawsuit from a Police Shooting Case - Mediation was set for Friday regarding this lawsuit and an executive session may be needed.

10. MAYOR'S DISCUSSION

Mayor Vallejo spoke of a recent fire occurring in an Eastern Shores condo from a resident leaving something on the stove. He recognized the professional response from Miami-Dade Fire Rescue and the North Miami Beach Police Department. Speaking about bureaucracy, Mayor Vallejo explained that the Miami-Dade County Animal Services refused to dispose of the family pets. He recognized Sergeant Christie Coffey for contacting the Hollywood Animal Hospital that agreed to take the animals. Mayor Vallejo noted that this example was the essence of service, and the reason why the residents pay their taxes. He said he was personally willing to pay for the benefit of having our own people and staff in these departments. Mayor Vallejo then asked everyone involved in the Budget process to work with the Council by reviewing antiquated work rules, to see if the City was really serving the purpose of what was needed, and to look for long-term solutions.

Councilman Pierre inquired as to the procedure for repealing Resolution R2010-19. City Attorney Siegel explained that he needed to direct her to draft a resolution repealing it. She confirmed that he directed her to do so and that the item would be on the next agenda. Councilman Pierre corrected himself by stating it was an ordinance not a resolution. City Attorney Siegel recommended that the ordinance be placed on the Council Conference Agenda for consideration prior to drafting.

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

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke about a bloated budget and recommended a reduction in force. He presented a budget analysis of North Miami Beach versus Coral Springs and Delta and provided a comparison list of area municipalities with employees per population. He answered questions posed by the Council.

Sergeant Mohammed Asim, North Miami Beach Police Department, spoke about incorrect information being noted at the last Council Meeting regarding the cost of police vehicles and the gas per gallon. He also spoke about police contributions to the pension plan and cost savings for entering the 8 (eight) year drop plan.

Charles R. Loeb, 16800 NE 15 Avenue #112, North Miami Beach, FL, spoke about John Miller, the Musical *Hair*, funds building lives, lost lives listed in the *New York Times*, why Vietnam wanted the U.S. back, and war protests.

Stephanie Kienzle, 1653 NE 178 Street, North Miami Beach, FL, spoke about one of Mayor Vallejo's goals to get more police officers on the street. She also spoke about the police union flying an airplane regarding the tabled resolutions; she wanted the unions to understand that everyone had a stake in the City and that the Residents appreciate the Police Department. Ms. Kienzle thanked the Council for running and the Residents for elected them.

Joseph Paglino, 1270 NE 162 Street, North Miami Beach, FL, spoke about the red light camera law suit settlement. He provided an overview of the history adding firemen entering into the State Pension Plan and recommended the City to research entering into the State Pension Fund.

Marilyn Baumohl, 18635 NE 20 Court, North Miami Beach, FL, spoke about the upcoming Miami-Dade County Mayor election and encouraged residents to get to the polls and vote.

Gilda Sanchez, 2717 NE 165 Street, North Miami Beach, FL, spoke about the pension plans and about

the campaign promises of not borrowing money to pay down debt. She also thanked Public Services Director Shari Kamali, Assistant City Manager Mac Serda and Customer Service Manager Ben Supraski for assisting in regarding to various problems in her association.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL, spoke positively about the City's checkbook online and encouraged the Public to look at the expenditures. He made reference to specific expenditures and the expense of consultants.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke about a January 2010 \$250,000 check signed electronically, which did not come before the Council. He requested that the audit investigative report regarding Marty King be placed on the web for all to see. Mr. Kazan also spoke about the underfunded Pension Plan and budget expenditures. He requested more transparency and accountability, specifically a link to the purchase/invoice to each check. Mr. Kazan also requested more of an explanation of ordinances and resolutions.

Richard Riess, President of the NMB Civic Association, 23 NW 169 Street, North Miami Beach, FL, complimented the new city manager for bringing attention to the current financial situation. He spoke about the progress with the budget and made reference to a Mark Twain quote.

12. MISCELLANEOUS ITEMS

12.1 Commission on the Status of Women Attendance to the National Commission on Women Conference & Business Meeting

Councilwoman Spiegel provided an overview of the commission's role and the annual conference's purpose. She explained that, in the past, the City had sent the chair and vice chair to the conference with the funds budgeted, but this year, the funds were placed in Human Resources and were allocated for other purposes. Councilwoman Spiegel further explained that when she met with the city manager, it was unsure that the money was allocated for this year. She noted that the request was for just the chair to attend and provided a brief overview of the benefits of having representation at the conference.

Motion made by Vice Mayor Derosé to allow for the expenditure for the chair to attend the National Commission on Women Conference and Business Meeting, seconded by Councilwoman Kramer.

Councilwoman Smith expressed supporting Councilwoman Spiegel and women; however, she noted that there was a low turnout to the events and that she had concern for possibly not having funds for the Highland Village Afterschool Program. City Manager Bonner reported that he was unsure of what services and programs were priorities and what was proposed for cuts in the Leisure Services Department budget. In response to Councilwoman Kramer's inquiries, Councilwoman Spiegel noted the expenditure was \$1,205.00, someone from the Commission on the Status of Women had attended for years, and that the conference was scheduled for July 22nd - July 25th.

Councilwoman Kramer explained that she supported all of her colleagues' committees and spoke about making a determination for necessity during this financial crisis. City Manager Bonner spoke about the support for education and the return back to the community. He encouraged the Council to determine the value of educational opportunities as an investment and a way advance the City of North Miami Beach. Councilwoman Spiegel inquired if there were funds in the budget for educational expenses that would cover the Commission on the Status of Women. City Manager

Bonner responded in the affirmative and noted it could come from the city manager's former contingency fund. He explained that he had imposed spending restraints on staff in preparation for the October 1st budget. Mayor Vallejo requested an explanation of how the contingency fund was applied. City Manager Bonner noted that the city manager was allowed to spend up to \$50,000 for each transaction without Council approval. He explained that having that kind of latitude could put a councilperson and the administration at risk, so he asked the former finance director to move the funds. Mayor Vallejo explained that the City needed to be smart in spending its money. City Manager Bonner noted that the policy was legal and maybe fine in the past, but in today's world, he would rather have that transaction out in the public.

Councilwoman Kramer suggested that each councilmember present, in some fashion, what they did, where they went and what was the contribution of the conference. Councilwoman Smith spoke about residents expressing concern during election campaigning about losing the City's disability program. She asked Councilwoman Spiegel, if the committee could rely on the information gained from the past for this year, until we see what was going to happen to Highland Village and until we see what was going to happen to the employees, before we take this step. Councilwoman Spiegel explained that she was not the person attending the conference, that it was the chair attending and that she was liaison for the commission. She noted that this was a test case for the city manager not wanting to sign off on these items, that the chair was under the impression that the request had been denied and suggested that a policy be set.

Councilwoman Kramer noted that this was a very difficult conversation, expressed respect for Councilwoman Spiegel, and explained that if it was important and would make her committee better, then she would support her. Councilwoman Martell asked if the person who attends the conference could come forth and let the Council know what their findings were. Councilwoman Spiegel explained that she did not know how the chair would feel about that and that sometimes the things you learn were not the sort of things you can report on. She provided an example of the florescent light bulbs pilot project and asked, respectfully, for the Council to withdraw the motion or take a vote. Mayor Vallejo suggested moving forward on the vote and discussing the creation of a policy at a Council Conference Meeting. He added that he wanted to un-clutter the Council's meetings.

Vote: All voted in favor of the motion, with the exception of Councilwoman Smith who voted in the negative. **(Motion carried 6-1).**

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS

14.1 Holiday Charities & Promotions, Inc. (13885 Biscayne Boulevard)

Raul Caminero, 1495 West 81 Street, Hialeah, was present to answer questions for both locations.

Motion made by Vice Mayor Derose, seconded by Councilwoman Smith, to approve a Business Tax Receipt for Holiday Charities & Promotions, Inc. (13885 Biscayne Boulevard). By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

14.2 Holiday Charities & Promotions, Inc. (199 NE 167 Street)

Motion made by Vice Mayor Derosé, seconded by Councilwoman Kramer, to approve a Business Tax Receipt for Holiday Charities & Promotions, Inc. (199 NE 167 Street). By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

15. LEGISLATION (*Items tabled. See item #4.*)

15.1 **Resolution No. R2011-29**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING THE EXISTENCE OF A STATE OF FINANCIAL URGENCY WITH REGARD TO THE CURRENT FISCAL YEAR 2011.

15.2 **Resolution No. R2011-30**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING THE EXISTENCE OF A STATE OF FINANCIAL URGENCY WITH REGARD TO THE FISCAL YEAR 2012.

16. CITY COUNCIL REPORTS

Vice Mayor Derosé expressed hope that everyone had a very nice Father's Day, noted that the next Council Meeting was going to be on July 5th and wished everyone a Happy 4th of July.

Councilwoman Martell thanked Police Officers Christian Lystad and Jorge Valazquez- Bello and recognized several members of the Miami-Dade Fire Rescue Ladder #22 for assisting a constituent who fell in the water behind the Houston's restaurant. She spoke about her attendance at the North Miami Beach Police Annual Flag Football Banquet. As the liaison for the Advisory Board for Disabled Individuals and the Economic Development Commission, she noted several positions available and encouraged getting involved. Councilwoman Martell spoke about the condition of the budget, budget cuts, and the mistakes. She encouraged working together and moving ahead.

Councilwoman Spiegel spoke about July 4th, freedom of speech and individual rights. She also encouraged everyone to vote in the upcoming election for Miami-Dade County Mayor.

Councilwoman Kramer noted that she would like to discuss the issue of North Miami and North Miami Beach sharing boundaries at the next Council Conference Meeting. She announced the Grand Re-Opening of Aromas of Savannah, a cigar bar, on Friday, June 24th at 6:00 p.m. at the Biscayne Commons Shopping Center and that Duffy's Sportsbar was opening on Friday, June 24th at the Intracoastal Mall; she encouraged patronization of North Miami Beach's businesses. Councilwoman Kramer also encouraged everyone to get out and vote for Miami-Dade County Mayor.

Councilwoman Smith spoke positively about the Spanish Monastery and recognized Mr. Taylor for his work. She directed the city manager to make the Residents the #1 priority, when speaking of the budget. She commended Vice Mayor Derosé for stepping up to the plate and thanked the Mayor for a meeting of setting and making policy. Councilwoman Smith wished everyone a safe 4th of July and reminded everyone to vote.

Councilman Pierre encouraged safety first with family and friends for the summer and reminded

everyone that the Library was open. He spoke about North Miami Beach businesses being one of his priorities and about the restaurants La Carreta and Versailles. Councilman Pierre encouraged everyone to vote and wished everyone a Happy 4th of July.

Mayor Vallejo encouraged everyone to drag their neighbors out to vote, and Happy Birthday to America!

17. NEXT REGULAR CITY COUNCIL MEETING – Tuesday, July 5, 2011

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:44 p.m. on a motion made by Vice Mayor Derosé and seconded by Councilwoman Kramer. By consensus, all voted in favor. (**Motion carried 7-0**).

ATTEST:



Pamela L. Latimore
City Clerk

(S E A L)