



JULY 5, 2011
REGULAR MEETING MINUTES
(CNMB-CC MINUTES TAPE #472)

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 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 was absent.

2. INVOCATION – City Manager Bonner

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

City Clerk Latimore reported that Item 7.2 Resolution No. R2011-34 (Superior Landscaping) was to be moved from the Consent Agenda to Legislation for discussion. City Manager Bonner noted that there were two (2) changes to Item 7.4 Resolution No. R2011-36 (Williams Paving Co.) and that a revised copy was placed in each Council's chair prior to the start of the meeting. City Clerk Pamela noted that this resolution would also be moved from the Consent Agenda to Legislation for discussion due to the changes.

5. PRESENTATIONS/DISCUSSIONS

5.1 Plaque Presentation to the Mayor and City Council - Presented by Det. Cora Mann

6. APPOINTMENTS - None

7. CONSENT AGENDA

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

7.1 Resolution No. R2011-33

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AN APPLICATION TO THE DEPARTMENT OF JUSTICE FOR A JUSTICE ASSISTANCE GRANT FOR FISCAL YEAR 2011, AND AUTHORIZING THE CITY MANAGER TO APPLY FOR THE GRANT.

7.3 Resolution No. R2011-35

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 THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF TURF AND LANDSCAPE OF ROADSIDE AREAS AND MEDIAN STRIPS ON THE STATE HIGHWAY SYSTEM WITHIN THE CORPORATE LIMITS OF THE CITY.

8. CITY MANAGER'S REPORT

8.1 Budget Transfer Approval (Klausner and Kaufman, Pension Attorney)

City Manager Bonner noted that the budget transfer in the amount of \$30,000 for legal services and that the Klausner and Kaufman contract was not-to-exceed \$50,000; however, costs related to the actuarial services and clerical costs that were sub-contracted were not included and that the account would be overdrawn if this budget transfer was not completed.

Councilwoman Smith questioned if anyone was reviewing invoices for accuracy, were the expenses necessary, and does the City want to continue with outside counsel. City Manager Bonner noted that he was not personally reviewing the bills; however, a purchase order was approved in the amount of \$50,000 and for the scope of services, not including actuarial services, beyond Klausner and Kaufman's services. Councilwoman Smith questioned a \$600.00 phone call and asked if someone was reviewing the bills to suggest an email or letter. City Manager Bonner noted that calls have been limited for various legal services. Councilwoman Martell noted that invoices totaled \$51,227.00. In response to Mayor Vallejo's inquiry as to whether or not Mr. Klausner would be attending future meetings, City Manager Bonner noted that since the City has exceeded his scope of services, billing would be at \$300.00 per hour.

Councilwoman Spiegel questioned the \$585.00 for miscellaneous ground transportation, and there was nothing in the contract that the City pays for ground transportation and also asked who reviewed these invoices. City Manager Bonner noted the receipts had Assistant City Manager Weisblum's signature and that Ms. Weisblum has spent time reducing Mr. Klausner's work by putting documents together and pushing him for information for the presentation.

Motion made by Vice Mayor Derose, seconded by Councilwoman Kramer, to authorize the City Manager to make the budget transfer. By consensus, all voted in the favor of the motion. (**Motion carried 6-0**).

9. CITY ATTORNEY'S REPORT

9.1 Litigation List - *No Discussion*

City Attorney Siegel read the following notice into the record:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, JULY 7, 2011, AT 5:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, THERE SHALL BE CONVENED AN ATTORNEY-CLIENT SESSION OF THE CITY OF NORTH MIAMI BEACH. THE PURPOSE OF THE SESSION SHALL BE TO MEET WITH LEGAL COUNSEL TO DISCUSS SETTLEMENT STRATEGY IN THE MATTER:

RUGGIERO-RAIMONDI v. THE CITY OF NORTH MIAMI BEACH et al
CASE NO.: 1:10-CV-21263, U.S. District Court, Southern District of Florida.

LEME v. The CITY OF NORTH MIAMI BEACH et al
CASE NO.: 10-34968 CA (22) Circuit Court of the Eleventh Judicial Circuit of Miami-Dade County, Florida

THE MEETING SHALL BE HELD IN THE COUNCIL CONFERENCE ROOM, 4th, AT CITY OF NORTH MIAMI BEACH CITY HALL, 17011 N.E. 19TH AVENUE, NORTH MIAMI BEACH, FLORIDA. IT IS ANTICIPATED THAT THE ATTORNEY-CLIENT SESSION SHALL BE THIRTY MINUTES IN LENGTH.

IN ATTENDANCE WILL BE THE FOLLOWING INDIVIDUALS: MAYOR GEORGE VALLEJO, VICE MAYOR PHILIPPE DEROSE, COUNCILWOMAN PHYLLIS S. SMITH, COUNCILWOMAN BETH E. SPIEGEL, COUNCILMAN FRANTZ PIERRE, COUNCILWOMAN BARBARA KRAMER, COUNCILWOMAN MARLEN MARTELL, CITY MANAGER LYNDON BONNER, ASSISTANT CITY MANAGER MAC SERDA, POLICE CHIEF RAFAEL HERNANDEZ AND CITY ATTORNEY DARCEE S. SIEGEL.

Councilwoman Smith requested an explanation as to why the meeting was closed to the Public. City Attorney Siegel provided a brief overview of the process and made reference to State Statute 286 requirements.

10. MAYOR'S DISCUSSION

Mayor Vallejo made reference to the discussion at the Council Conference Meeting regarding the Pension Workshop. He noted that all of the options and facts will be out on the table and explored for all of those involved.

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

City Attorney Siegel noted the following appointments:

- Advisory Committee for Disabled Individuals – Councilwoman Martell
- Beautification Committee – Vice Mayor Derose
- Civil Service Board – Councilwoman Martell
- Code Enforcement Board – Vice Mayor Derose
- Commission on Aging/Senior Citizens Advisory Board – Councilwoman Smith
- Commission on the Status of Women – Councilwoman Spiegel
- Economic Development Commission – Councilwoman Martell
- Library Board – Councilman Pierre
- Multi-Cultural Committee – Councilwoman Kramer
- Planning & Zoning Board – Councilwoman Spiegel
- Public Utilities Commission – Councilwoman Smith
- Recreation Committee – Councilman Pierre
- Redevelopment Advisory Board – Councilwoman Smith
- Retirement Board (General Employees) – Councilwoman Kramer & Councilman Pierre
- Retirement Board (Police & Fire) - Mayor Vallejo & Councilwoman Kramer
- Youth Advisory Board – Councilman Pierre

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

Marilyn Baumoehl, 18635 NE 20 Court, North Miami Beach, FL, spoke about striking the lobbyists line item in the budget. She recommended keeping in-house as much as possible and spoke about Mr.

Klausner's availability - busy, not in town or at another meeting.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke about the City being bloated and spending like drunken sailors; the City's high milage rate; and the water plant, sewer and significant contributions to the budget. He spoke about recently meeting with Councilman Derose. Mr. Kehren distributed a motivational sign, spoke about outsourcing and made references to the City of Coral Springs.

Charles R. Loeb, 16800 NE 15 Avenue #112, North Miami Beach, FL, reminded everyone that State Representative John Patrick Julien, District 104, was hosting a Town Hall Meeting on Thursday, July 21st, 7:00 p.m. to 9:00 p.m. at the McDonald Center. He spoke in favor of the 10% water increase, about credibility to debts, keeping the Library open, assisting low income people.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, wished everyone a Happy 4th of July, thanked the city manager for the "live" pre-council meeting, recommended addressing the pension at the state level, and spoke about a conflict of interest with police regarding DUIs, outsourcing and the budget.

Richard Riess, President of the NMB Civic Association, 23 NW 169 Street, North Miami Beach, FL, commended Mayor Vallejo for showing backbone at the Council Conference Meeting. He spoke about the budget; new mindsets on spending; living below your means, but with your long term needs; the promise of the budget being presented earlier than last year; and reviewing the failures over the last 10 years.

Janice Coakley, City of North Miami Beach employee, spoke against a comment directed towards employees regarding negotiations, inmates. City Manager Bonner clarified that the comment was a euphuism from "One Flew Over the Cuckoo's Nest" where the inmates turned around and were running the institution. He said he believed that no one intended to imply that the employees were inmates, said he was not offended by it and apologized for that interpretation of it. He added that it had been used in context over and over again and took it as humor. Mayor Vallejo questioned as to when that comment was said, to which City Clerk Latimore responded that it was made under Public Comment.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL, spoke about wanting a balanced budget and what was right for everyone and that the times of when employees were keeping their jobs and getting raises for their time and dedication spent on a job. She made references to the private sector and spoke about spending and putting money in the reserves.

12. MISCELLANEOUS ITEMS

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS

14.1 Rouge, Inc. d/b/a C – Lounge (3945 NE 163 Street, North Miami Beach, FL)

City Clerk Latimore provided a brief overview of the item. Tracy Hicks, business manager of Rouge, Inc., was present to answer questions.

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to approve a Business Tax Receipt for Rouge, Inc. d/b/a C – Lounge 4:00 a.m. to 6:00 a.m. Extension of Hours for a Bar & Lounge.

Councilwoman Smith questioned the need for a liquor license between 4:00 a.m. and 6:00 a.m. in the morning. Ms. Hicks responded that it was a request on the basis of their formulation of demographics of the business. She provided a brief overview of the establishment. Councilwoman Smith expressed concern for people coming from other communities to North Miami Beach when those bars close and also setting a precedent for Duffy's to possibly want the time as well. She noted that she was very uncomfortable with this and would have to say no to this request. In response to Mayor Vallejo's inquiry about the closing time, Councilwoman Smith reported that the 2:00 a.m. – 4:00 a.m. had just been signed and approved by City Manager Bonner on July 5th. Community Development Director Shari Kamali noted that Rouge, Inc. had previous approval from August of 2010 for the 2:00 a.m. – 4:00 a.m. extension of hours.

In response to Mayor Vallejo's clarification of the time frame and number of police service calls for service, Chief of Police Hernandez noted that in the last year those three (3) were the only service calls the Police Department responded to the location. He spoke about the Police Department being recognized by *Mothers Against Drunk Driving* for conducting major traffic enforcement throughout the City, specifically during the midnight shift.

Ms. Hicks explained that C-Lounge was a 3,000 square foot property with liquor and entertainment services with a DJ on Friday and Saturdays with special occasions on Thursdays. She further explained that La Rouge Restaurant was going to be a 200 seat fine dining restaurant.

City Manager Bonner reported 12 facilities were permitted for the 2:00 a.m. – 4:00 a.m. with two (2) of those facilities having 4:00 a.m. – 6:00 a.m. hours. Councilwoman Smith commented that the two (2) were located on a major highway, not in a shopping center. City Attorney Siegel noted that the two (2) were Dean's Gold and Encore d/b/a Queen of Diamonds.

Mayor Vallejo inquired as to when the Council could revisit this matter. City Manager Bonner noted that at any time. Councilwoman Smith requesting information relating to the anonymous phone calls. Chief of Police Hernandez stated that he could not release any information at this time because it might jeopardize the case. Councilwoman Smith inquired as the process regarding a name change and ownership in a business relating to a liquor license, specifically needing to come before the Council for approval. Public Services Director Kamali noted that she believed that there were additional fees, but was not aware of it needing approval by the Council. City Attorney Siegel noted that the matter would be researched.

Councilwoman Spiegel spoke about the traffic light and impact of the traffic and requested if the residents in the area were notified. Public Services Director Kamali noted that it was not a requirement; however, the meeting was advertised. City Manager Bonner provided an overview of the land use and reason for a possible change. Ms. Hicks noted that the size of the establishment was compared to a nail salon and that it had a very intimate social setting with the majority of the liquor sales not happening after 2:00 a.m.

Councilwoman Spiegel commented that she would like to defer this item and take a look at the shopping center with the restaurants and bars before a decision was made. City Attorney Siegel noted that it was at the Council's discretion. Councilman Derosé confirmed with Chief of Police Hernandez that he had no problem with the application.

Vote: In a roll call vote, Councilwoman Martell, Vice Mayor Derose and Mayor Vallejo all voted in favor of the motion, while Councilwoman Smith, Councilwoman Kramer and Councilwoman Spiegel all voted against the motion. **(Motion failed 3-3).**

15. LEGISLATION

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to introduce Resolution No. R2011-37. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

15.1 Resolution No. R2011-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A BUDGET AMENDMENT IN THE AMOUNT OF \$750,583.00 TO THE DEBT SERVICE FUND FROM THE GENERAL FUND UNRESTRICTED FUND BALANCE, ACCOUNT 010-2710102, IN ORDER TO CLOSE AND TO MEET ALL OF THE CITY'S OBLIGATIONS UNDER THE NEW SERIES 2011 BOND.

Motion made by Vice Mayor Derose, seconded by Councilwoman Smith, to approve Resolution No. R2011-37. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

Motion made by Vice Mayor Derose, seconded by Councilwoman Smith, to introduce Ordinance 2011-7 on First Reading, by Title Only. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

15.2 Ordinance 2011-7 (First Reading, by Title Only)

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE II, DEFINITIONS, ARTICLE VI, RETIREMENT BENEFITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Vice Mayor Derose, seconded by Councilwoman Kramer, to adopt Ordinance 2011-7 on First Reading, by Title Only.

City Attorney Siegel noted that this ordinance was necessary to conform to state law and needed to be put into the plan.

Pedro A. Herrera, attorney with Sugarman & Susskind, P.A., explained that the language was for compliance with the Internal Revenue Code and was not for making any changes to benefits or to plan requirements with the exception of those already federally mandated. He confirmed that this was a no cost ordinance. Councilwoman Spiegel posted numerous questions to Mr. Herrera regarding the language and requested the following changes:

- 1) Page 8 (2) I. – at the end of the paragraph: remove the word “and” and replace it with “or.”
- 2) Page 9 – remove “Defined Contribution Plan for General Employees,” since the City did not have one.

- 3) Page 15 IV (2) question re: quadro (qualified domestic relations order) in a municipal pension, if was allowed
- 4) Possible fee related to the change in a beneficiary

Mr. Herrera noted that the language was required and some of these items might be addressed with the Internal Revenue Service agent. He further noted that all of the municipalities his firm had been working with use the language. Mr. Herrera provided clarification to Councilwoman Spiegel's additional inquiries.

City Attorney Siegel noted that the ordinance could be approved on first reading as amended and that she was not sure if the language was an IRS requirement and if it did not apply to the City did it need to be in the ordinance.

Vote: In a roll call vote, Vice Mayor Derose, Councilwoman Kramer, Councilwoman Martell, Councilwoman Spiegel, and Mayor Vallejo all voted in favor of the motion with amendments, corrections and modifications presented by Councilwoman Spiegel while Councilwoman Smith voted against the motion. **(Motion carried 5-1).**

Mr. Herrera noted that he agreed with change 1), but commented that he did not believe the other changes were contradictory. Councilwoman Smith expressed concern if the Council denied the ordinance, what the alternatives would be. She then noted that if the Council had no choice, she would change her vote. Mr. Ferrara noted that the termination would have to be withdrawn and then steps would be taken to rectify the matters.

Councilwoman Smith then changed her vote in favor of the motion. (Motion carried 6-0). City Attorney Siegel stated that "let the record reflect that Councilwoman Smith has changed her vote in favor of the motion."

Motion made by Vice Mayor Derose, seconded by Councilwoman Kramer, to introduce Ordinance 2011-8 on First Reading, by Title Only. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

15.3 Ordinance 2011-8 (First Reading, By Title Only)

AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; AMENDING ARTICLE V, MEMBERSHIP; ARTICLE VI, OPTIONAL FORMS OF RETIREMENT INCOME; AMENDING ARTICLE VII, BENEFITS NOT ASSIGNABLE; AMENDING ARTICLE I, TERMINATION OF PLAN; AMENDING ARTICLE IV, ADMINISTRATION OF FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Vice Mayor Derose, seconded by Councilwoman Kramer, to adopt Ordinance 2011-8 on First Reading, by Title Only. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

Mr. Herrera provided a brief overview of the changes. Councilwoman Spiegel noted that she would

support a two (2) year term not a four (4) year term with the fifth person on the Trustee Board as a possible independent with some expertise.

Motion made by Councilwoman Spiegel for Section 2 Membership to amend the term from 4 years to 2 years, seconded by Councilwoman Smith.

Councilwoman Smith questioned if the Council could make a motion to amend that the fifth person on the Trustee Board be an independent. City Attorney Siegel suggested that it not be added at this time because it would need to be discussed amongst the trustee, there needs to be a determination if it effects a benefit or not, does it require a membership, and we need to investigate what the status is, and should be placed on the Police & Fire Pension agenda for discussion. Mr. Herrera explained that per state law, the fifth person can be anyone and elected from the Board of Trustees. Councilwoman Spiegel explained that she would like that fifth member to be neither a Council Member nor a police officer nor a pension beneficiary, independent perhaps to look at the documents and investment strategies like the General Employees Board. Mayor Vallejo explained that the point was to not have someone that has an interest in the plan, not a beneficiary.

Mr. Herrera provided an explanation of the second optional amendment relating to the deductions to be made for any insurance carrier and any related costs could be passed on to the member.

Public Comment

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke against a 4 year term, the Trustee Board balance of members and current vacancies, and current a Trustee Member who is an ex-police chief who ripped off the City.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, defended the ex-police chief who did not rip off the City for working two (2) jobs, requested the Mayor to provide a better explanation of the ordinances during the meeting for the benefit of the Public and urged the addressing of the pension.

Councilman Derose agreed with Mr. Kazan's comments about Ex-Police Chief Linda Loizzo based on his personal experience and expressed that he did not feel comfortable because she was not present to defend herself. Councilwoman Spiegel noted that her request for an independent person was not personal to Ex-Police Chief Linda Loizzo.

Note: By consensus, all voted in favor of the amendment to Ordinance 2011-8.

Councilwoman Smith also noted that the change to the Board was not personal.

Motion made by Councilwoman Spiegel, seconded by Councilwoman Martell, to adopt Ordinance 2011-8 on (First Reading, By Title Only) as amended. In a roll call vote, all voted in favor of the motion as amended. **(Motion carried 6-0).**

Motion made by Vice Mayor Derose, seconded by Councilwoman Kramer, to approve Resolution No. R2011-34. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

7.2 Resolution No. R2011-34 (Pulled from Consent Agenda for Discussion)

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 SUPERIOR LANDSCAPING & LAWN SERVICE, INC., AS THE PRIMARY VENDOR, AND COUNTRY BILL'S LAWN MAINTENANCE, INC., AS BACK-UP AND THE SECONDARY VENDOR, FOR THE CITYWIDE LANDSCAPE MAINTENANCE SERVICES BID NO. 2011-01.

Motion made by Vice Mayor Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2011-34. City Manager Bonner noted that a challenge had been received and a letter was distributed.

Councilwoman Smith explained that she had asked this item to be pulled because of the following: 1) She received a phone call about the company who won the bid that completed 9 of the 10 pages. 2) She received another phone call about the company who won the bid did not disclose litigation with another municipality on the application. She was told that company had a settlement with a municipality, possibly Doral. 3) She would like to address one an issue in the resolution itself.

Procurement Manager Brian O'Connor noted that the City of North Miami Beach did not request vendors to disclose litigation on the contract. He further noted that there was an addendum #4 and Superior had not submitted that addendum; however, the bid paperwork contained a clause that the City could waive the addendum requirement submission if it was in its best interest. He explained that it did not substantially change the bid causing no unfair advantage and made reference to another clause relating to the responsibility of the bid documents. At the conclusion of Procurement Manager Brian responses, City Manager Bonner noted that he stood by his recommendation.

John Allred, Country Bill's Lawn Maintenance Inc., 13363 NE 16 Avenue, North Miami, FL, 33161 noted his company had been maintaining the City's landscaping for 18 years with the current contract for 14 years. Mayor Vallejo confirmed that Mr. Allred's email had been received. He spoke about bid paperwork discrepancies, Superior Landscaping history's of inaccurate pricing, area municipalities' experiences, and his research on Superior Landscaping as an overall business.

City Manager Bonner noted that the City had a performance bond and that it was a significant savings. Mr. Allred noted that he agreed that it was a significant saving; however, he believed that the work could not be done at the quality level this City had been expecting and that there was such a disparity between the numbers. He added that it did not make sense.

Procurement Manager O'Connor explained that the process was not a quick process with five (5) review committee meetings plus site visits to make sure the quality and level of services was adequate. Mayor Vallejo questioned if this agreement was for the entire City and inquired about Mr. Allred's comment about the five (5) City employees performing landscape work mentioned during Public Comment. Mr. Allred explained that the City was currently paying \$375,000 in addition to paying five (5) City employees for landscaping services for the entire City. Mayor Vallejo asked if in times when the City was talking about tight budgets and potential layoffs, why did the City outsource for something like this. Councilwoman Kramer asked Mayor Vallejo's inquiry to be addressed. City Manager Bonner noted that the contract specifically augments all work necessary to maintain the City's turf, landscaping and if the City was to do away with the contract, obviously those five (5) employees could not maintain the level of services.

Councilwoman Kramer noted that, a while ago, the Council presented to the former City Manager to

look into the CRA to pay for the landscaping within the CRA and that she never heard anything about it. CRA Manager Dan Wick confirmed that the CRA was putting funds towards the contract.

Councilwoman Spiegel inquired as to the procedure. City Attorney Siegel explained that the appeal had been heard, and the Council could move accordingly and that the review committee clearly did their due diligence. She added that it was an appropriate time and place to bring up this bid protest.

Councilwoman Smith questioned how the Council would know if there was a change order making this bid a totally different bid or on any of the other low bidders on the change orders. City Manager Bonner explained that a change order would occur if the City asked for services beyond the scope and pay at the rates already established with the current vendor. In speaking about possibly employee cuts, Vice Mayor Derose questioned why the City was not looking in-house first for employees that can do the job before putting the service out for bid. City Manager Bonner noted that the contract was less money than the previous with a contribution of savings.

Vote: By consensus, all voted in favor of the motion with the exception of Vice Mayor Derose who voted against the motion. **(Motion carried 5-1).**

Motion made by Vice Mayor Derose, seconded by Councilwoman Kramer, to introduce Resolution No. R2011-36. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

7.4 Resolution No. R2011-36 (Pulled from Consent Agenda due to minor changes.)

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 WILLIAMS PAVING CO., INC. FOR ROADWAY IMPROVEMENTS ON N.E. 173rd STREET LOCATED BETWEEN N.E. 23rd AVENUE AND WEST DIXIE HIGHWAY.

Motion made by Vice Mayor Derose, seconded by Councilwoman Smith, to adopt Resolution No. R2011-36. City Manager Bonner provided an overview of the two (2) corrections.

Mayor Vallejo questioned if while in the process of redoing this road, were there any pending sewer lines, septic eliminations, or anything else that needs to be done then later on, 8 months from now, where someone will need to cut up the road to put in a sewer line. Public Services Director Shari Kamali responded that the area was all residential, all septic.

In speaking with City Manager Bonner, Councilwoman Martell noted that \$200,000 would be from Miami-Dade County's Community Development Block Grant (CDBG) Funds and the other \$67,928.95 would be coming out of the Special Tax Fuel Fund.

Vote: By consensus, all voted in favor of the motion as amended. **(Motion carried 6-0).**

16. CITY COUNCIL REPORTS

Vice Mayor Derose expressed hope that everyone had a very nice of 4th of July. He noted that he and Councilwoman Smith had participated in a meeting organized at Skylake presented by Chief Hernandez and Director of Police Services Tom Carney regarding citizen protection and not to be a victim of a crime. Vice Mayor Derose noted that there was a low attendance and recommended better advertising and to call citizens personally.

Councilwoman Martell thanked the public for attending the meeting and their participation. She encouraged residents to take advantage of the City's services, facilities and programs.

Councilwoman Spiegel noted that volunteers were needed to serve the City for the various boards and advisory boards. She explained that she was looking for a volunteer to be on the Redevelopment Advisory Board. Councilwoman Spiegel announced that the Planning & Zoning Board Meeting for July 11th had been cancelled. She requested Staff to report back on an issue that came up at the CRA meeting about the FEC lease. She also requested Council to work on an ordinance change, so that the 5th Trustee of the Police & Fire Pension Board was neither a beneficiary nor a City Council member. Councilwoman Spiegel noted that she was very excited, along with other Council Members, to be at the Duffy's ribbon cutting.

Councilwoman Kramer spoke about embarrassing her 17 year old when she belted out the song "God Bless America" after the fireworks show the previous night and started thinking that our children did not know the songs we grew up learning in elementary school. She thanked the Mayor and City Council for giving her the opportunity to be the liaison for the Multi-Cultural Advisory Committee. She spoke about making the Committee more dynamic and enriching and creating a better foundation and mentioned that there were 10 openings due to the fact that terms have ended in June and about sending out renewal letters. Councilwoman Kramer explained that she planned on amending a little of the application to seek out people that were dedicated members of our community to be a part of this committee. She announced that on Thursday, July 7th Miami-Dade County Commissioner Sally Heyman invited everyone to the "Golden Passport Easy Card Renewal" event for mass transit free to eligible members: 65 years and older or social security beneficiary and a permanent resident of Miami-Dade County. 9:30 a.m. – 3:00 p.m. at the McDonald Center.

Councilwoman Smith noted that "Golden Passport Easy Card Renewal" event included free for passports, a slight fee for renewal of driver's license, assisted with first-time home buying, homestead exemption, shower heads. She directed Staff to distribute any paperwork relating to the meetings the minute the Council Members walk in. Councilwoman Smith also directed the City Manager to get the information to City Council as soon as possible and asked him to specify who from his management team was going to review bills received from outsourcing. She also asked the City Manager to look at contracts over the last year that were awarded and, out of those contracts, which contracts needed change orders and to give a report. Councilwoman Smith also congratulated Carlos A. Gimenez, the new mayor of Miami-Dade County. She explained that she would be contacting him regarding a \$5 million dollar problem regarding the West Dixie Highway (Taylor Park) property given to the City by Miami-Dade County with soil that cannot be built on. Councilwoman Smith mentioned attending the meeting by Chief Hernandez and reading right along the accomplishments achieved in the last two (2) weeks by the North Miami Beach Police Force. She announced that the Public Utilities Commission Meeting on July 13th had been cancelled. She spoke about her experience with traveling to St. Augustine with the Haitian Community and for everyone to bring their backgrounds forward to make North Miami Beach a better city.

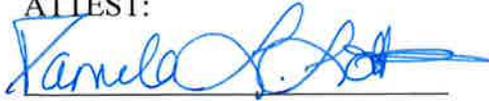
Mayor Vallejo congratulated Piman Bouk for 25 years on the radio serving the Haitian Community in the North Miami Beach area. He spoke about the Duffy's ribbon cutting and seeing more businesses opening. Mayor Vallejo requested Staff to get him those numbers regarding the Pension discussion in the interest of full disclosure, so we can finalize it.

17. NEXT REGULAR CITY COUNCIL MEETING – Tuesday, July 19, 2011

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:39 p.m. on a motion made by Vice Mayor Derosé and seconded by Councilwoman Kramer. By consensus, all voted in favor. (**Motion carried 6-0**).

ATTEST:



Pamela L. Latimore
City Clerk

(S E A L)