



**CITY OF NORTH MIAMI BEACH**  
Council Chambers, 2<sup>nd</sup> Floor  
City Hall, 17011 NE 19<sup>th</sup> Avenue  
City of North Miami Beach, FL 33162

**AUGUST 16, 2011**  
**REGULAR MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE #475)*

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

The meeting was called to order at 7:34 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Philippe Derose and Council Members Barbara Kramer, Marlen Martell, 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 – Reverend Dr. Marta Burke, Fulford United Methodist Church**

**3. PLEDGE OF ALLEGIANCE**

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

City Clerk Latimore requested that Item 14.1 SMG Entertainment, Inc. D/B/A Queen of Diamonds Gentlemen's Club (17450 Biscayne Boulevard, North Miami Beach, FL) 4:00 a.m. – 6:00 a.m. follow the Consent Agenda. **(See Page 2)**

**5. PRESENTATIONS/DISCUSSIONS**

**5.1** Proclamation for Nunzio D. Capizzi Day - Presented by Mayor Vallejo

**5.2** Award Presentation to the North Miami Beach Police Department for Wolfpack - Presented by the City of North Miami Police Department

**6. APPOINTMENTS - None**

**7. CONSENT AGENDA**

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

**7.1 Resolution No. R2011-42**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REPEALING ANY RESOLUTIONS THAT REGULATE FIREARMS AND AMMUNITION WITHIN THE CITY OF NORTH MIAMI BEACH.

## **7.2 Resolution No. R2011-43**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR RENOVATIONS TO MISHCON PARK BALL FIELD FOR AN AMOUNT NOT TO EXCEED \$500,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND FUTURE AMENDMENTS AS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.

## **7.3 Resolution No. R2011-45**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT IN THE AMOUNT OF \$150,000 FOR THE WORKERS COMP SELF INSURANCE FUND 050 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2010 FOR THE PAYMENT OF POTENTIAL WORKERS COMPENSATION MEDICAL CLAIMS.

## **14. BUSINESS TAX RECEIPTS *(Item taken out of order. See Page 1, Item #4.)***

### **14.1 SMG Entertainment, Inc. D/B/A Queen of Diamonds Gentlemen's Club (17450 Biscayne Boulevard, North Miami Beach, FL) 4:00 a.m. – 6:00 a.m. Extension of Hours License**

City Attorney Spiegel reported that the SMG bankruptcy had been terminated and confirmed that it was the same SMG. Leonard Moore, SMG Entertainment, Inc., D/B/A Queen of Diamonds Gentlemen's Club, 17450 Biscayne Boulevard, North Miami Beach, FL, was present to answer questions.

Councilwoman Martell explained, that due Councilwoman Smith's comments during the Council Conference discussion, she did not think it was the right time to go ahead and make a motion on the extension of hours request.

**MOTION** by Councilwoman Martell, seconded by Vice Mayor Derose, to table this item until a decision was made regarding a possible change to the ordinance regarding the 4:00 a.m. – 6:00 a.m. extension of hours.

Vice Mayor Derose explained that Councilwoman Smith had proposed to eliminate the 4:00 a.m. – 6:00 a.m. extension of hours and that he asked her to compromise making it 2:00 a.m. to 5:00 a.m. He expressed agreement for the postponement.

**Vote:** In a roll call vote, all voted in favor of the motion with the exception of Councilwoman Spiegel and Mayor Vallejo who voted against the motion. **(Motion carried 5-2).**

Mr. Moore noted that it was the second time that he had come before the City Council, he had to lay off 25% of his work force and police detail, and was awaiting some kind of response. Councilwoman Smith noted that another business' extension of hours was going to expire in six (6) weeks and expressed concern for the possible changes taking longer. Councilwoman Spiegel suggested that the item be placed on the September 20, 2011 Council Agenda, so the two (2) licenses could be considered at the same time.

## 8. CITY MANAGER'S REPORT

### 8.1 Budget Transfer Approval

A budget transfer was being requested in the amount of \$10,000 to the City Manager's Travel and Auto account. It was to cover the negative balance of \$8,515 and the additional charges that would incur for the remaining Fiscal Year 2011.

**MOTION** by Councilwoman Spiegel, seconded by Councilwoman Smith, to approve the budget transfer. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

City Manager Bonner announced that a Budget Workshop is scheduled for Wednesday, August 17<sup>th</sup> at 5:00 p.m., the 2<sup>nd</sup> presentation for the Police Department and Code Enforcement.

## 9. CITY ATTORNEY'S REPORT

### 9.1 Litigation List - *No Discussion*

City Attorney Siegel noted that she had just received a phone call from a bank wanting to donate a property that had Code Enforcement liens and fines. She said she would report back on the details.

## 10. MAYOR'S DISCUSSION

Mayor Vallejo thanked everyone for coming to the meeting. He noted that City Clerk Latimore would be reading additional instructions regarding Public Comment and how the meeting was going to be conducted. He said he wanted everyone to maintain decorum.

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

**Charles R. Loeb**, 16800 N.E. 15<sup>th</sup> Avenue, #112, North Miami Beach, FL - encouraged talking with each other rather than at each other; suggested a July 20<sup>th</sup> meeting at Duffy's for an informal talk, and spoke about his slogan "my way or the highway is the wrong way." He hoped for no layoffs or as few as possible, and spoke about the ammunition and explosives ordinances.

**William Miranda**, 171 N.E. 170<sup>th</sup> Street, North Miami Beach, FL - spoke about keeping the residents safe and against layoffs. He expressed concern for the City supporting the police and that the City's priorities were to be in order.

**Ronald Gotlind**, 1120 N.E. 165<sup>th</sup> Terrace, North Miami Beach, FL - spoke about the 14 out of 50 homes in his neighborhood that have had break-ins and the arrests of the criminals. He expressed concern for public safety, and spoke about the suggestion of a one-time \$100 assessment per resident to close the deficit in the police budget.

**Margie Love**, Residents and Police Presence, 1579 N.E. 169<sup>th</sup> Street, North Miami Beach, FL - spoke about being an advocate of victims, the police presence in the City, the police layoffs and an online petition.

**Peter Roland**, 13674 N.E. 20<sup>th</sup> Court, North Miami Beach, FL - spoke about the firing of officers, grants, working together, and offering assistance from Highland Village Residents.

**Connie Blavo**, 1861 North Glades Drive, North Miami Beach, FL - spoke positively about the City's police officers and against layoffs. She also spoke about safety in her neighborhood and at her job and that the police were her family.

**Amanda Hernandez**, 16701 N.E. 14<sup>th</sup> Avenue, North Miami Beach, FL - spoke positively about the police officers and about them being family. She also spoke about safety in her neighborhood and at her job and spoke against layoffs.

**Terry Nestor**, General Manager of Hiro's Japanese Restaurant, 3007 N.E. 163<sup>rd</sup> Street, North Miami Beach, FL - spoke for the owner of 28 years, spoke positively about their experience with and response by the police department and urged no cuts.

**Bert Kehren**, 3302 N.E. 171<sup>st</sup> Street, North Miami Beach, FL - spoke about the finance director being attacked by residents and people on the dais and then leaving, a bloated City due to past management, "kicking the can" against outsourcing and the budget problems.

**Bruce Mitchley**, 5680 S.E. 87<sup>th</sup> Avenue, North Miami Beach, FL - spoke against police layoffs and his experience with police agencies in Miami-Dade County. He commended the Police Department as being one of the best in the County.

**Michael Pons**, North Miami Beach Police Officers' Association, P.O. Box 124, North Miami Beach, FL - spoke about a budget shortfall as being a 10 million dollar transfer from City's General Fund to outside City accounts by the City Manager. He said the association would work with the City, but needed to know everything.

**Nelson Reyes**, North Miami Beach Police Officer - asked the City Council to go out and speak with the residents and spoke about the Florida Municipal Insurance Trust through the Florida League of Cities and police layoffs.

**Paris Brazil**, Miami Prime Grill, 16395 Biscayne Blvd., North Miami Beach, FL - spoke on behalf of the owner, spoke about safety concerns and against the police layoffs.

**Rabbi David Nathan Young**, Temple Sinai of North Dade & Chaplain of the North Miami Beach Police Department, 18801 N.E. 22<sup>nd</sup> Avenue - made a biblical reference and spoke positively of the police officers and against layoffs.

**Joseph Paglino**, 1270 N.E. 162<sup>nd</sup> Street, North Miami Beach - recommended hiring a forensic accountant and spoke about the \$200,000 slush fund, pay scales of the Assistant City Managers and Legal Department in comparison to the Secretary of Defense of the U.S., and the city being sued by people in pension funds that were not fully funded. He recommended reaching outside the community for advice, and again, contacting the State of Florida.

**Janice Coakley**, President of the General Employees Union, P.O. Box 60951, North Miami Beach, FL - spoke about the injustice and politics, the movement of people and budget deductions and urged the City Council to thoroughly review the budget. She also spoke against layoffs relating to the maintenance departments.

**Carmen Kienzle**, 1653 N.E. 178<sup>th</sup> Street, North Miami Beach, FL - spoke about the budget unfolding, being tired of the circus and being embarrassed. He expressed his negative experience with the former Chief of Police. Mr. Kienzle also spoke about the personal attacks against him.

**Juan Ruiz**, North Miami Beach Police Department - spoke against layoffs and risking his life by protecting the City.

**Rabbi Kaplan**, 17350 N.E. 7<sup>th</sup> Avenue, North Miami Beach, FL - spoke about the recent armed holdups in his community, and the pursuit by the Police Department, which resulted in an arrest last Friday Night. Rabbi Kaplan also spoke against police layoffs and for the protection of children and everyone else in the community.

**Richard Reiss**, President of the NMB Civic Association, 23 N.W. 169<sup>th</sup> Street, North Miami Beach, FL - thanked everyone for the discussions on the budget. He spoke positively about the transparency and read an inspiring quote.

**Jose Marin**, North Miami Beach Police Department - spoke about finding out the numbers, safety for the residents, being shot at, the importance of taking an oath, and the stress on families.

**Mubarak Kazan**, 15564 N.E. 12<sup>th</sup> Avenue, North Miami Beach, FL - thanked everyone who had been involved in the budget process and attended the meetings and commended City Manager Bonner in "taking the bull by its horns." Mr. Kazan also spoke about the budget being fixed, not just balanced, and the broken promises given by past councils.

**Allison Robie**, 2131 N.E. 179<sup>th</sup> Street, North Miami Beach, FL - thanked the Mayor & City Council and the City Staff of Parks & Recreation for allowing the members of IMPAC to facilitate the "Meet the Candidate" for the Miami-Dade County mayor. She recommended taking a better look at the cutting of upper management salaries versus cutting crews. Ms. Robie said she supported the City Council and the City Manager to "get back on the road." She spoke about seniority not being the best route to save a department when it came to budget cuts and that the City Council needed to look at performance and the well-being of the City.

**12. MISCELLANEOUS ITEMS**

**13. WAIVER OF FEE – None**

**14. BUSINESS TAX RECEIPTS** (*Item was taken out of order - See Page 2*)

**15. LEGISLATION**

**MOTION** by Vice Mayor Derose, seconded by Councilwoman Smith, to introduce Ordinance 2011-11 on First Reading, By Title Only.

**15.1 Ordinance No. 2011-11 (First Reading, By Title Only)**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REPEALING IN ITS ENTIRETY CHAPTER IX SECTION 9-14.1 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS; AMMUNITION AND EXPLOSIVES; ARMOR-PIERCING BULLETS PROHIBITED; EXCEPTIONS"; 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** by Vice Mayor Derose, seconded by Councilwoman Smith, to adopt Ordinance 2011-11 on First Reading, By Title Only.

## **Public Comment**

**Bert Kehren**, 3302 N.E. 171<sup>st</sup> Street, North Miami Beach, FL - spoke about gun and ammunition insurance and clarification regarding background checks. He noted that he concurred with Councilwoman Spiegel's concerns.

**VOTE:** In a roll call vote, all voted in favor of the motion with the exception of Councilwoman Martell and Councilwoman Spiegel who voted against the motion. **(Motion carried 5-2).**

**MOTION** by Vice Mayor Derose, seconded by Councilwoman Smith, to introduce Ordinance 2011-12 on First Reading, By Title Only.

### **15.2 Ordinance No. 2011-12 (First Reading, By Title Only)**

AN ORDINANCE AMENDING CHAPTER XII SECTION 12-14.15 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS; LIMITATIONS ON AGENCY VEHICLE, EQUIPMENT, ETC."; 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** by Vice Mayor Derose, seconded by Councilwoman Smith, to adopt Ordinance 2011-12 on First Reading, By Title Only.

In response to Councilwoman Smith's questions, City Attorney Siegel gave a brief overview of the ordinances.

**VOTE:** In a roll call vote, all voted in favor of the motion. **(Motion carried 7-0).**

## **16. CITY COUNCIL REPORTS**

**Councilwoman Kramer** wished everyone a good evening. She reminded everyone that school was starting on Monday, to drive slow and mind the speed limits and hoped that everyone gets their kids off to a great start.

**Councilwoman Martell** thanked the residents, police officers and staff during this difficult budget process and for attending the meeting. She asked for everyone's support and patience.

**Councilman Pierre** thanked all the residents and the employees who came to the meeting and have expressed their concerns. He said the City belonged to all of us. He reminded everyone that school started on Monday and wished the parents, teachers and students a wonderful school year. Councilman Pierre expressed hope that every student in the North Miami Beach would hold a library card. He encouraged all Council Members to get a library card and noted that the Library was open on Sundays.

**Councilwoman Smith** thanked everyone that came to the meeting and those who were watching the meeting from home. She especially thanked the speakers and hoped that the City would move forward as one. Councilwoman Smith encouraged parents to have patience and stressed the importance of education and respect. She spoke of her positive experience at the Florida

League of Cities 5<sup>th</sup> Annual Conference and about the importance of ethics and being ethical to the residents and to each other. She also spoke about meeting an engineer who builds water and waste plants throughout the country and someone who brought much economic development into their city and that the city was now flourishing. Both had been invited to tour the City. Councilwoman Smith noted that this knowledge was invaluable and was willing to share it with anyone that would come to her office.

**Councilwoman Spiegel** thanked everyone who was sending emails and all of the residents that have been involved in the budget process. She said the City Council was going to figure out “what we ought to do”. She spoke about the Commission on the Status of Women vacancies and volunteer opportunities. Councilwoman Spiegel reported that she was a member of the North Miami Beach Senior PTSA and inquired as to what the City Council could do as an advocate, as an extension of what they could do for the students. She reminded everyone about the budget meeting on August 17<sup>th</sup> at 5:00 p.m.

**Vice Mayor Derosé** reported his positive experience at the Florida League of Cities 5<sup>th</sup> Annual Conference. He said he learned about how to improve the water department, the detection of water leaks, how to improve pension reform and how to get maximum resources to better serve our constituents. He spoke about the City Manager’s challenges in balancing the budget, the cuts, the Police Department layoffs and the tension between the police department and City Hall. Vice Mayor Derosé expressed belief that both would work well together and expressed hope for the City Hall to continue to have a good relationship with the police department.

**Mayor Vallejo** noted that the City Council was listening and that its doors were always open. He thanked everyone for their decorum. He spoke about his positive experience at the Florida League of Cities 5<sup>th</sup> Annual Conference and noted that in speaking with other municipalities, the concept of pension reform was swallowing up everyone’s budgets and causing the City pain. He said everyone has to work together to resolve this issue and that the City Council appreciated the service from all of the employees, including the Police Department. Mayor Vallejo praised City Manager Bonner for making tough choices in order to make the City sustainable in the long run and thanked him for bringing everything to the City Council’s attention. He noted that the cuts were not an easy decision and urged everyone to let the process happen with the bargaining unit and management team to come up with some sensible alternatives.

**17. NEXT REGULAR CITY COUNCIL MEETING – Tuesday, September 6, 2011**

**18. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 9:42 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk



# INTERNATIONAL UNION OF POLICE ASSOCIATIONS AFL-CIO

*The Only Union for Law Enforcement  
Officers*

**SAM A. CABRAL**  
*International President*

**DENNIS J. SLOCUMB**  
*International Executive Vice President  
Legislative Affairs*

**TIMOTHY A. SCOTT**  
*International Secretary-Treasurer*

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## MEMORANDUM

Date: August 16, 2011  
From: International Union of Police Associations, AFL-CIO  
To: North Miami Beach Police Officers Association, IUPA Local 6005  
Re: North Miami Beach FY 2011 – 2012 Budget Overview

The following is a brief overview of the budget proposal for the City of North Miami Beach dated August 11, 2011 and provided to the I.U.P.A. August 15, 2011. Further information will be provided as the budget is analyzed in greater depth.

The City Manager has claimed that the City is facing a serious budget shortfall. However, the claimed budget “shortfall” is a shell game. The Manager alleges there is a decrease in revenue and that other City departments have cut their budgets. However, the claimed loss in revenue is primarily the result of the City Manager’s proposal to transfer \$10 million dollars from the City General Fund Account to outside City accounts. The claimed cuts in other City Departments are almost solely the result of moving the \$10 million dollars in expenses related to these transferred revenues from the Departments’ expenses to the outside City accounts. Thus, while the City Manager has claimed that revenue has decreased and expenses have been cut, the City Manager has simply moved these figures to outside City accounts. Further, the City Manager has proposed a reduction of almost \$2 million dollars in the contributions to the City General Fund from outside City Operations. The total amount deleted from the City General Fund and moved to outside accounts totals over 95% of the claimed reduction in City revenue. As a result **there should be virtually no decrease in the amount of revenue available for the general operations of the City and there should be no need for any substantial cuts in the budget of the Police Department.**

Virtually the entire claimed decrease in revenues consists of revenues transferred from one set of City books to another: namely the Manager proposed transferring approximately \$10 million dollars in revenue from the City General Fund into separate funds controlled by the City and has proposed reducing the contributions received from the Operational Funds run by the City. In particular, sanitation fees of \$8.8 million dollars were diverted from the General Fund to a newly created “Sanitation Fund.” (See Proposed Revenue Budget, 08/11/2011, Page 3.) Meter Reading fees of over \$1.2 million dollars were diverted from the General Fund to an outside “Water Operational Fund” account. (See *supra* Page 3, Meter Reading Services reduced by

\$1,288,629.) And the City has proposed decreasing by almost \$2.0 million dollars the contributions from the enterprise services operations (such as the water plant and the sewer fund) even though these operations now take a substantially greater part of the City's total budget. (See *supra* Page 6, Contributions from Enterprise Operations Totals reduced by \$1,875,100.) The revenues diverted to outside accounts totals \$11,963,729 out of the total reduction in revenue of \$12,201,729. Therefore, **if not for the diversion of the revenues to outside accounts, there would only be a \$237,619 reduction in revenue for the City for the 2012 fiscal year.**

The City also seeks to take credit for decreasing expenses that are simply transferred to the outside accounts. In particular, the City has transferred expenses associated with the diverted revenues to the outside accounts. Therefore, even with no significant change in actual expenses, the City General Fund expenses will be reduced by approximately \$10 million dollars due to the transfer of these expenses to outside City accounts. A significant portion of the expenses transferred to outside accounts came from a number of City Departments such as the Financial Services and Human Resources Departments. No significant Police Department expenses were transferred to these outside accounts. This gives the appearance that many City Departments have substantially cut their budgets when in fact the expenses have simply been moved from one account to another.

The City Manager's assertion that there is a shortfall of \$7.5 million dollars is another shell game. The "shortfall" is not based on the actual revenues or expenditures. Instead, the alleged shortfall is based on the total of each Department's initial proposed budget for the 2012 fiscal year compared to the City's proposed revenues for the 2012 fiscal year, after the transfers to the outside accounts. The difference between the Department's initial proposed budgets and the City's proposed revenues was considered a "shortfall" of approximately \$7.5 million dollars. This is a suspect method for determining an actual shortfall as it does not rely on actual expenditures (such as the current expenditures) and it allows Departments to unnecessarily inflate budget proposals. Nonetheless, the City used this process to determine its alleged shortfall. The City then demanded that the Departments cut their proposed budgets, and not their current budgets, to make up this shortfall. This rewarded Departments that inflated their proposed budgets, allowing them to substantially increase their actual budgets while the City claims that their budgets were cut.