



CITY OF NORTH MIAMI BEACH
City Council Meeting Minutes
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, October 4, 2011
7:30 PM

Mayor George Vallejo
Vice Mayor Phyllis S. Smith
Councilman Philippe Derose
Councilwoman Barbara Kramer
Councilman Marlen Martell
Councilman Frantz Pierre
Councilwoman Beth E. Spiegel

City Manager Lyndon L. Bonner
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

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 Phyllis S. Smith, and Council Members Philippe Derose, Marlen Martell, Frantz Pierre, and Beth E. Spiegel. Also present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore. Councilwoman Barbara Kramer was absent.

2. INVOCATION – Reverend Jonas Georges, All Nations Presbyterian Church

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA - *None*

Mayor Vallejo wished Councilwoman Martell Happy Birthday.

5. PRESENTATIONS/DISCUSSIONS

5.1 Dr. Martin Karp, Miami-Dade County School Board, Presents changes and new initiatives for schools in the North Miami Beach area. ***Presented***

5.2 Plaque presentation to Audrea Hinds, Assistant Human Resources Director – Presented by City Manager Lyndon L. Bonner. ***Presented***

6. APPOINTMENTS - *None*

7. CONSENT AGENDA

MOTION by Councilman Derose, seconded by Vice Mayor Smith, to approve the Consent Agenda. **Approved 6-0 (Councilwoman Kramer absent).**

7.1 Resolution No. R2011-54

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 PROTECTIVE SYSTEMS, INC., TO PROVIDE A FIRE AND BURGLAR ALARM MONITORING AND MAINTENANCE PROGRAM AT VARIOUS LOCATIONS WITHIN CITY BUILDINGS.

8. CITY MANAGER'S REPORT

- 8.1** Outside lighting (OL/Florida Power Light billing charge) – City Manager Bonner reported that staff researched and uncovered that the City is paying Florida Power and Light in the amount of \$60,000 for account billing that cannot be identified.

Brian O'Connor, Chief Procurement Officer, and Mr. Lynn Garvin, President of the American Association of Utility Auditors, appeared before Council to explain the 3 step process for clearing up this matter.

Mr. Garvin stated that there were 7 accounts with approximately \$4,200 a month, but there is no record of an address that this billing is linked to. His recommendation would be that the city send Florida Power Light a letter to have the billing stopped and for Florida Power Light to locate the addresses for the billing. He stated that the letter was sent last week. Once Florida Power Light locates the addresses they should find out if the resident wants to continue the use it or not.

Mr. Garvin stated the second phase of this process included about 400 street lights bordering outside City limits, Miami-Dade County, State roads, or a bordering city. His recommendation would be to have inter-local agreements with the other agencies to take responsibility for the illumination of these areas.

The third phase of this process was the identification of 26 outside lights with specific addresses. The lights have been physically identified; they are shining on a building that is not the cities, it's a light that is not necessary, or a light that is not physically on. Florida Power Light should identify those charges or determine if they should be dropped.

The cities letter has requested from Florida Power Light initiating documents that gave them the authority to open these accounts. The city may request reimbursement for 5 years back.

City Manager Bonner stated that he would keep Council updated on this Item.

- 8.2** Taylor Park (Environmental Update)

City Manager Bonner gave a detailed report on the environmental concerns at Taylor Park. The clean-up was estimated to cost 2.8 million dollars and one hundred thousand dollars for upkeep.

The City Manager asked Council to give him some direction on how to proceed with the clean-up of the park.

Direction to City Manager from Mayor and Council: The City Council requested that the City Manager come back with all of the options that council will need to consider. The Mayor also requested that Council receive a report with the history, relevant facts, and the pros and cons of the project.

NA.1 Mayor and Council Proclamation Process - The City Manager reported to Council that a process for getting Proclamations signed was needed. The Council stated the process should remain the same, an email or phone call should be made to Council to come in and sign the proclamation.

NA.2 The City Manager reported his October travel schedule to the Council.

NA.3 The City Manager reported that usually the city would harvest palm fronds for use during the holidays. This year the city will not be doing so due to the lack of supply.

NA.4 The Mayor stated that he mentioned to the City Manager the need to have signage at the entrance of certain points in the City so that persons will know that they are entering North Miami Beach.

The City Manager presented Council will several samples of possible signage. The Council gave the City Manger the direction to proceed with placing the signage.

NA.5 Council Menu-The City Manager reported that he received a call from Alonzo Tracy Mourning Senior High requesting assistance with providing baseball fields. Space was previously provided by Pepper Park. The team would need the space from 3-6 p.m. Paulette Murphy, Director of Leisure Services stated they were quoted a price of \$4,000 from a usual price of \$11,000. The rate based on \$25.00 per usage.

Councilwoman Spiegel suggested that the School Board's budget be checked to see what funds were set aside for field use.

The Mayor suggested that the team agree to assist with the maintenance of the field as a method of payback.

9. CITY ATTORNEY'S REPORT

9.1 The City Attorney gave a brief overview of the legislation being presented tonight.

There is an Ordinance reducing the fee structure to attract more development or redevelopment in the city. Staff felt that the fees were too costly and did not reflect actual cost associated with staff review.

The second Ordinance references Sec.2-61.2 of the City Code of Ordinances, City Police and Fire Pension Board. Membership of the board is governed by State Statute which allows for 5 members on the board. The Statute does not identify who the 5th person can be or the criteria for that 5th member. The statute also does not give criteria for the background of that member.

10. MAYOR'S DISCUSSION

Mayor Vallejo stated that there had been some negative publicity this week concerning one of the City's Police Officers. The Mayor thanked the Police Chief for his swift investigation and the releasing of the offending Officer. The Mayor stated that malfeasance will not be tolerated by anyone in any department.

The Mayor then commented that there is a goal to bring a culture of excellence to the City. While the budget process was a difficult one, the budget work was not over, but only beginning. He thanked the staff for all their long hours and for presenting Council with a balanced budget. The Mayor stated the importance of continuing on the road to reform. His goal is 10 million dollars in efficiency savings that could possibly be passed on to lower property taxes in the city and fill our municipal borders.

11. PUBLIC COMMENT

City Clerk Latimore read the rules for public comment into the record.

1. Marilyn Baumohl, 18635 NE 20th Court, North Miami Beach, FL, **made comments on the record.**
2. Bert Kehren, 3302 NE 171st Street, North Miami Beach, FL, **made comments on the record.**
3. Mubarak Kazan, 15564 NE 12th Avenue, North Miami Beach FL, **made comments on the record.**
4. Margie Love, 1579 NE 169th Street, North Miami Beach FL, **made comments on the record.**

12. MISCELLANEOUS ITEMS – *None*

13. WAIVER OF FEE – *None*

14. BUSINESS TAX RECEIPTS - *None*

15. LEGISLATION

The Mayor requested to take up Item 15.3 Resolution No. R2011-53

MOTION by Councilman Derose, seconded by Councilwoman Martell, to introduce Resolution No. R2011-53.

The City Clerk polled the Council on disclosure of applicant contact. The Mayor spoke with the applicant in the hallway about moving item to top of legislation on the agenda.

There were no other disclosures by Council. The item was read into the record by City Attorney Spiegel.

15.3 Resolution No. R2011-53

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A TWO-STORY SINGLE-FAMILY HOUSE TOTALING 6,009 SQUARE FEET ON A 10,012 SQUARE FOOT (0.23 ACRE) PARCEL OF LAND, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWENTY (20) FEET OF THE MINIMUM REQUIRED REAR YEARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE REAR YARD SETBACK OF FIVE (5) FEET IS PROPOSED FOR THE CONSTRUCTION OF A GAZEBO WITH SUMMER KITCHEN; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ONE THOUSAND FIVE HUNDRED FORTY-FOUR (1,544) SQUARE FEET OF THE MINIMUM REQUIRED FRONT YARD PERVIOUS AREA OF TWO THOUSAND EIGHT HUNDRED AND FOUR (2,804) SQUARE FEET (SEVENTY (70) PERCENT), WHERE YARD PERVIOUS AREA OF ONE THOUSAND TWO HUNDRED AND SIXTY (1,260) SQUARE FEET (THIRTY-SIX (36) PERCENT) IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH GRANTING A VARIANCE FROM SECTION 24-85(A) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWO (2) FEET SIX (6) INCHES OF THE MINIMUM REQUIRED SEVEN (7) FEET SIX (6) INCHES REAR YARD SETBACK FOR A SWIMMING POOL, WHERE REAR YARD SETBACK OF FIVE (5) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-41(D)(5) OF THE CODE OF ORDINANCE OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY THREE (3) FEET THREE (3) INCHES OF THE MAXIMUM BUILDING HEIGHT OF THIRTY (30) FEET, WHERE BUILDING HEIGHT OF THIRTY-THREE (33) FEET AND THREE (3) INCHES IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-81(A)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY THREE (3) FEET SIX (6) INCHES THE MAXIMUM ALLOWED REAR YARD SETBACK ENCROACHMENT OF THREE (3) FEET FOR A ROOF, WHERE

REAR YARD SETBACK ENCROACHMENT OF SIX (6) FEET SIX (6) INCHES IS PROPOSED FOR ROOF OVERHANG, ON PROPERTY LEGALLY DESCRIBED AS:

Lot 14, Block 11, of "Eastern Shores 1st addition" according to the Plat Thereof as Recorded in Plat Book 65 at Page 39 of the Public Records of Miami-Dade County, Florida
A/K/A
3281 N.E. 170 Street
North Miami Beach, Florida
(P&Z Item No. 11-505 of August 22, 2011).

Public Hearing open. Public Hearing Closed.

MOTION by Councilman Derose, seconded by Councilwoman Spiegel, to adopt Resolution No. R2011-53. **Approved 6-0 with 9 conditions (Councilwoman Kramer absent).**

MOTION by Councilman Derose, seconded by Vice Mayor Smith, to introduce Ordinance No. 2011-16 on First Reading by Title Only.

15.1 Ordinance No. 2011-16 (First Reading By Title Only)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER 24 APPENDIX A OF THE CITY'S CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT FEE SCHEDULE"; CHANGING FEES ASSOCIATED WITH PROCESSING LAND DEVELOPMENT APPLICATIONS TO ENCOURAGE REDEVELOPMENT IN THE CITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Councilman Derose, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2011-16 on First Reading by Title Only.

Public Hearing Opened

1. Robert Taylor, 1951 N.E. 157th Terrace, North Miami Beach FL, **made comments against the lowering of fees.**
2. Bert Kehren, 3302 N.E. 171st Street, North Miami Beach FL., **made comments in favor of lowering of fees.**

Public Hearing Closed.

Vice Mayor Smith made comments on the record in favor of the Ordinance.

ROLL CALL: Derose Yes, Martell Yes, Pierre Yes, Spiegel Yes, Smith Yes, Vallejo Yes. Adopted 6-0. (Councilwoman Kramer absent).

MOTION by Councilman Derose, seconded by Councilwoman Spiegel, to introduce Ordinance No. 2011-17 on First Reading by Title Only.

15.2 Ordinance No. 2011-17 (First Reading By Title Only)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING SECTION 2-61 OF THE CODE OF ORDINANCES ENTITLED "POLICE AND FIRE PENSION BOARD" BY CREATING CRITERIA FOR THE FIFTH MEMBER OF THE

BOARD OF TRUSTEES ON THE POLICE AND FIRE PENSION BOARD AND FURTHER CLARIFYING WHICH THREE (3) MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR PURPOSES OF A MEETING; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing Open. Public Hearing Closed.
The item was discussed by Council.

MOTION by Councilman Derose, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2011-17 on **First Reading by Title Only. Adopted 5-1 (Councilwoman Kramer absent).**

ROLL CALL: Derose No, Martell Yes, Pierre Yes, Spiegel Yes, Smith Yes, Vallejo Yes. Adopted 5-1 (Councilwoman Kramer absent).

16. CITY COUNCIL REPORTS

Councilman Derose- wished Councilwoman Martell a Happy Birthday and wished all his Jewish friends a Happy New Year. Councilman Derose sent his sympathies to Councilwoman Kramer on the death of her father-in-law. He asked that the citizens pray for the family and that all is well with the family.

Councilwoman Martell- sent her condolences to Councilwoman Kramer. She stated that now that the budget was over the committee meetings were starting up again. There would be a meeting of the Disability Advisory Board on Tuesday at 5:30 p.m. Councilwoman Martell reported on the behalf of Councilwoman Kramer that the Multi-Cultural Committee meeting was being cancelled. She also announced that the Economic Development Commission would be meeting on Wednesday, October 19th. She stated that since there were less officers patrolling with our units that the neighbors should get involved by walking their neighborhoods and meeting there neighbors, becoming active in the neighborhood. She stated that we all need to help the Police. She wished her friends in the Jewish community a Happy New Year.

Councilman Pierre expressed his sympathy for the Kramer family. He wished a Happy New Year to his Jewish friends. Councilman Pierre wished to remind everyone that the library was open and that students, teachers, residents, and council members should stop by and pick up a card. He stated that the city is moving forward and his love is unconditional.

Councilwoman Spiegel wished to congratulate the Police Department and all the people who worked so hard on the Domestic Violence Walk on Saturday. The event was well attended. Councilwoman Spiegel congratulated Fortuna Smukler on winning a Crime Watch award, she reminded everyone that tomorrow is recycling day. She wished Councilwoman Martell Happy Birthday, and sent her condolences to Larry and Barbara Kramer and the Kramer family. She wished her friends of the Jewish faith an easy fast and may they be inscribed in the book of life for a good year.

Vice Mayor Smith sent her condolences to the Kramer and Golden Family. The Vice Mayor announced a job fair that was being held at Miami-Dade College Kendall Campus on October 15th from 9 a.m. to 2 p.m., this fair is for those who may be looking for a job or needing help writing resumes. Vice Mayor Smith announced that the Redevelopment Advisory Board was meeting on the 4th floor on Thursday night and stated that she would not be attendance due to a previous obligation to attend the Miami-Dade League of Cities meeting. She also attended the Domestic Violence Walk and asked for continued support of that cause. Vice Mayor Smith announced that this was National Breast Cancer Awareness Month and that Aventura Hospital would be looking for a survivor from each city to possibly tell their story and be recognized at a program to be held at the end of the month. Vice Mayor Smith informed everyone that there is a 311 center located at the North Dade Justice Center and a kiosk is available to retrieve information on County services. She also stated that she handed out a flier from the newly organized West Dixie Highway Business Association. The first meeting

will be held on November 2, 2011 at the Spanish Monastery from 5:30 p.m. to 7 p.m. She asked that the residents look out for a change in the way their water bill would be billed, the city was going from a tri-monthly billing to monthly billing and she would like staff to expedite that change as soon as possible. Vice Mayor Smith announced that she may be absent from the next meeting due to the anticipated arrival of her grandson. She wished her Jewish friends and neighbors an easy fast and a Happy New Year.

Mayor Vallejo sent his condolences to the Kramer family; he wished his Jewish friends Happy New Year and again wished Councilwoman Martell Happy Birthday. He wore the pink tie in support of Breast Cancer Awareness. The Mayor thanked the staff, management, and his colleagues for all their good work. Mayor Vallejo recognized staff for new innovative ideas, the presentation of the care initiative with the savings on the electric bill shows we are moving in the right direction. Mayor Vallejo stated that we are taking steps in the right direction for a culture of excellence. He thanked everybody and said goodnight.

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, October 18, 2011

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:53 pm.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk