



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 18, 2011
7:30 PM

Mayor George Vallejo
Vice Mayor Phyllis S. Smith
Councilman Philippe Derosé
Councilwoman Barbara Kramer
Councilwoman 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 COUNCIL MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 8:03 pm. Present at the meeting were Mayor George Vallejo, Vice Mayor Phyllis Smith, and Council Members Philippe Derosé, Barbara Kramer, 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.

2. INVOCATION – City Manager Lyndon L. Bonner

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

City Clerk Latimore requested that Item 7.1 be Withdrawn from the Consent Agenda.

Mayor Vallejo recognized North Miami City Clerk Michael Etienne and Former State Representative Phillip Brutus

5. PRESENTATIONS/DISCUSSIONS

5.1 Bill Sussman, Board of Directors of the Alzheimer's Association of Southeast Florida, on Alzheimer's Association Miami-Dade Walk. **Presented**

5.2 Presentation of Proclamation to William Sussman (Alzheimer's Association of Southeast Florida) by Mayor and Council. **Presented**

5.3 Presentation of Proclamation to Fortuna Smukler by Vice Mayor Smith. **Presented**

5.4 Citizens' Appreciation Day by Councilwoman Kramer. **Presented**

6. APPOINTMENTS - None

7. **CONSENT AGENDA**

7.1 Resolution No. R2011-55

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH SPORT ADVISORY CONSULTANTS, INC., THE FIRST RANKED FIRM, FOR THE OPERATION AND MANAGEMENT OF THE JUDGE ARTHUR I. SNYDER TENNIS CENTER, AND IF UNABLE TO REACH AGREEMENT, THEN PROCEED TO NEGOTIATE WITH THE SECOND RANKED FIRM, DP TENNIS. **(Pulled for discussion)**

MOTION by Councilman Derose, seconded by Vice Mayor Smith, to approve the Consent Agenda.

7.2 Resolution No. R2011-56

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE SUBMISSION OF THE FY11/12 STATE AID APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES. **(Approved 7-0)**

8. **CITY MANAGER'S REPORT**

8.1 Mayor and Council Contingency funded Activities and Events –City Manager Bonner along with Director of Leisure Services, Paulette Murphy presented a list of items for Mayor and Council to approve.

MOTION by Vice Mayor Smith, seconded by Councilman Pierre, to approve the Snow Fest to be held at the amphitheater. **(Approved 7-0)**

MOTION by Councilwoman Spiegel, seconded by Vice Mayor Smith, to approve funds of \$7,500 for Senior Luncheon and activities. **(Approved 7-0)**

MOTION by Councilwoman Spiegel, seconded by Vice Mayor Smith, to amend previous motion to approve up to \$5,500 until they have it come back. **(Approved 7-0)**

N/A.1 Mayor Vallejo asked the Council to take official action on Tracy and Alonzo Mourning High School being given permission by the City Manager's Office to use Allen Park for baseball activities.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to approve the use of Allen Park Field by Tracy and Alonzo Mourning High School baseball team from 3-6 p.m. **(Approved 6-1** with Councilwoman Smith voting in the negative)

N/A.2 City Manager Bonner asked Mayor and Council to vote on the donation of used cellular devices to the Women in Distress organization.

MOTION by Vice Mayor Smith seconded by Councilman Derose to donate 30 cellular phones to Women in distress. **(Approved 7-0)**

City Manager Bonner requested that Mayor and Council approve the date for an Executive Session to be held on November 17, 2011 at 7:30 p.m. (Labor related matters)

City Manager Bonner reported to Mayor and Council that the break room was being made available to the public during Council meetings.

City Manager Bonner reported to Mayor and Council that a Press Release concerning the issue of disinfecting the water system has been released.

City Manager Bonner reported that the City Manager's Office would be welcoming two foreign exchange students from Germany. The students will be available to the office February thru April.

City Manager Bonner reported to Mayor and Council that a high school environmental group will be sitting in on some of the meetings concerning Taylor Park.

9. CITY ATTORNEY'S REPORT

9.1 City Attorney Spiegel reported that the city's legal department would begin on a trial basis filing foreclosure actions on code enforcement liens on commercial properties within the city. The City Attorney received a consensus from Council to proceed.

City Attorney Siegel announced that she was placing the second reading of Ordinance 2011-17 on hold until she received an opinion from the Office of the Attorney General.

City Attorney Siegel reported to Mayor and Council that a home has been donated to the city by a bank that foreclosed on the property but was not interested in keeping the property. The City Attorney stated that property was in its final stages of inspections and located in the area of Carl Byoir and Allen Park.

10. MAYOR'S DISCUSSION - *None*

11. PUBLIC COMMENT

City Clerk Latimore read the rules for public comment. The following citizens spoke:

1. Bert Kehren, 3302 N.E. 171st Street, North Miami Beach, FL.
2. Det. Craig Catlin, P.O. Box 600124, North Miami Beach, FL.
3. Volney Nerette, 16121 N.E. 19 Place, North Miami Beach, FL.
4. Maritza Erb, 2099 N.E. 182nd Street, North Miami Beach, FL.

12. MISCELLANEOUS ITEMS - *None*

13. WAIVER OF FEE - *None*

14. BUSINESS TAX RECEIPTS - *None*

15. LEGISLATION

MOTION by Councilman Derose, seconded by Councilman Pierre, to introduce Resolution No. R2011-55. Read into the record by City Attorney Siegel.

7.1 Resolution No. R2011-55

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH SPORT ADVISORY CONSULTANTS, INC., THE FIRST RANKED FIRM, FOR THE OPERATION AND MANAGEMENT OF THE JUDGE ARTHUR I. SNYDER TENNIS CENTER, AND IF UNABLE TO REACH AGREEMENT, THEN PROCEED TO NEGOTIATE WITH THE SECOND RANKED FIRM, DP TENNIS. **(Pulled from Consent Agenda - See Item 7.1)**

The following person(s) were introduced on behalf of Sport Advisory Consultants, Inc.:

1. Norman Powell, 17100 N.E. 19th Avenue, North Miami Beach, FL
2. Jay Senter, 20764 West Dixie Highway, Miami FL
3. Tom Fowkes, 20764 West Dixie Highway, Miami FL

The following person(s) were introduced on behalf of DP Tennis:

1. Dezzie Pierre, 1380 SW 171st Terrace, Pembroke Pines FL

Mayor and Council made disclosures of meetings with Lobbyist and or Representatives of Sport Advisory Consultants.

Councilman Pierre stated his concerns for pulling this item from the Consent Agenda.

Purchasing Manager, Brian O'Connor stated to Mayor and Council that proper procedures were followed and there was no Bid Protest filed. He did state that a Petition for support of the 2nd place bidder was filed.

Public Comment opened: The following citizens spoke in favor of DP Tennis:

1. Bob Perlman, 2099 N.E. 182nd Street North Miami Beach, FL.
2. Regine- 16752 N.E. 4th Court North Miami Beach, FL.
3. Terra Burette, 240 East Drive, Oleta Park, North Miami Beach, FL.
4. E. Tizzie, 3582 N.E. 167th Street, North Miami Beach, FL.
5. Victor Debario, 411 Lesley Drive, Hallandale Beach, FL.

Public Comment Closed.

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Resolution No. R2011-55 (Approved 5-2)

ROLL CALL: Derose No, Kramer Yes, Martell Yes, Pierre No, Spiegel Yes, Smith Yes, Vallejo Yes.

16. CITY COUNCIL REPORTS

Councilman Derose thanked all the citizens in the recognizing of Citizen's Appreciation Day, he also recognized that this was Breast Cancer Awareness Month and he was in support of all the survivors. Councilman Derose asked City Attorney Siegel if all the employees that were laid off were done so according to the proper policies and procedures.

City Attorney Siegel stated to Councilman Derose that she would meet with the Human Resources Department to verify that the matter was handled properly.

City Manager Bonner stated that the matter of seniority was looked at by the Labor Attorney and all the proper procedures were followed.

Councilwoman Kramer announced to the public that there will be a Seniors vs. Crime presentation on October 25, 2011 at 5:30 p.m. at 16975 NE 35th Avenue. She also announced that the Multi-Cultural Committee has had two meetings and they are moving forward in creating events that celebrate this community's diversity. She asked that those who would like to volunteer to please contact the City Clerk's office for an application. Councilwoman Kramer stated that she was enjoying her Good Government Initiative class and thanked her colleagues, residents and Commissioner Sally Heyman for the opportunity.

Councilwoman Martell sent her condolences to the families of Hattie McGee, a member of the Washington Park Voter's Council, Nancy Stanley. She sent her condolences to Bilbret Robinson on the loss of his mother and to the family of former employee David O'Brien. Councilwoman Martell announced that the Economic Development Commission meets the third Wednesday of the month and the Disabled Advisory Board meets the second Tuesday of the month and asked for volunteers for both boards. Councilwoman Martell announced that John Williams of the city's IT Department ran 3 5k runs over the weekend, October is Breast Cancer awareness month and that her aunt who passed away at age 35 was diagnosed at age 27, and urged women to get tested as early awareness was the key.

Councilman Pierre said good evening, good night, and I love you all.

Councilwoman Spiegel reminded everyone that tomorrow is recycling day and to get their recycling cans out, Monday October 31, 2012 the city was hosting Monster Mash a great and safe place to take your kids. She wished her mom a Happy Birthday and all her Jewish friends Sukkot which is one of her favorite holidays. Councilwoman Spiegel announced that the Planning and Zoning Board met and was bringing forth for approval the plans for a new house. She reported that the Police and Fire Pension Board held a special meeting to discuss issues with the pension fund. The Board also discussed a statutory change that allows for retirees of the plan to change their beneficiaries. Councilwoman Spiegel stated that there was much discussion as to who should bear the risk for the cost that this change would have on the plan. She believed that there was an RFP already in place for a new actuary. Councilwoman Spiegel then asked that the City Clerk and the City Manager give their office numbers so that the public will know how to request applications to volunteer on various city boards.

Vice Mayor Smith stated that she was looking forward to taking the course after Councilwoman Kramer, she also stated that she was off to await the arrival of her new grandson. Vice Mayor Smith recognized the need for more awareness of Breast Cancer Month.

City Clerk Latimore reported that she completed the Susan G. Koman 5K Walk for Breast Cancer Awareness in honor of her Godmother a 32 year survivor.

Mayor Vallejo announced that the city would be having an on-line auction of surplus equipment. The auction was to start at 10:00 a.m. at the Operations Center. He asked Brian O'Connor for clarification.

Purchasing Manager Brian O'Connor announced that the inspection of items would begin at 8:00 a.m. and the auction would start at 10:00 a.m.

Mayor Vallejo then stated that he had a few comments relative to the Police and Fire Pension Board Trustees. He reported that he believed the Fire and Pension Board of Trustees were looking at the replacement of the actuary because he stated that the changes in allowing the members to change their beneficiary would have a cost to the plan. He encouraged the public to get a copy of the tape or listen to the meeting on line. He encouraged the public to attend the December meeting so that they may become knowledgeable about the possible 4-15 million dollar shortfall in the plan. The Mayor encouraged the citizenry to get involved because it is their money and their tax dollars at stake.

Councilman Derosé was recognized and asked the City Attorney if it would be a conflict for Members of the Council to participate in the auction?

City Attorney Siegel stated that she believed it was a conflict for any employee or any relative of an employee to participate.

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, November 1, 2011

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:23 pm.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk