



**CITY OF NORTH MIAMI BEACH**  
City Council Minutes  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, November 15, 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 MEETING MINUTES**

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

The meeting was called to order at 7:37 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 Assistant 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**

**ADDITIONS:**

**Item 6.1** Appointment of Daniel H. Markarian and Bernardo Larralde to the Economic Development Commission.

**Item 15.1** Ordinance 2011-20 (First Reading by Title Only)

**MOTION** by Vice Mayor Smith, seconded by Councilman Pierre, to amend the agenda to add Items 6.1 and 15.1. **(Approved 7-0)**

**5. PRESENTATIONS/DISCUSSIONS - NONE**

**6. APPOINTMENTS**

**6.1** Economic Development Commission (Councilwoman Marlen Martell) **(Additions)**

Daniel H. Markarian  
Bernardo Larralde

**MOTION** by Councilwoman Martell, seconded by Councilman Pierre, to approve the appointments of Daniel H. Markarian and Bernardo Larralde to the Economic Development Commission (**Approved 7-0**)

## 7. CONSENT AGENDA

### 7.1 Resolution No. R2011-59

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND SPORTS ADVISORY CONSULTANTS, INC. FOR THE OPERATION AND MANAGEMENT OF THE "JUDGE ARTHUR I. SNYDER TENNIS CENTER".  
**(Moved to Legislation for discussion - See Item 15.2)**

### 7.2 Resolution No. R2011-60

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 ADVANCED ENVIRONMENTAL LABORATORIES, INC., AS THE PRIMARY VENDOR FOR GROUPS 1, 3, 6, 8, 10 AND 13 AND SECONDARY VENDOR FOR GROUPS 2, 4, 5, 7, 9, 11 AND 12, AND PACE ANALYTICAL SERVICES, INC., AS THE PRIMARY VENDOR FOR GROUPS 2, 4, 5, 7, 9, 11, 12 AND 14 AND SECONDARY VENDOR FOR GROUPS 1, 3, 6, 8, 10 AND 13 FOR THE LABORATORY TESTING SERVICE AGREEMENT, BID NO. 2011-11.

**MOTION** by Councilman Derose, seconded by Councilwoman Martell, to approve the Consent agenda (**Approved 7-0**).

## 8. CITY MANAGER'S REPORT

Assistant City Manager Mac Serda gave a report on the Eastern Shores Guard Gate. The City Manager will bring the contract back to Council as to clear up the issues regarding the over and under funds.

The City Manager was directed to report to council on the following four items:

1. The location of the stamped concrete (when and where it was done).
2. The inter-local agreement.
3. Update on the security cameras.
4. The vote and the enacting Ordinances for the special taxing district.

City Manager Bonner supplied council with a financial overview and budget summary report.

City Manager Bonner asked for Council approval to pick-up and store 10 pallets of donated army blankets. Vice Mayor Smith asked that this donation picked so that various city organizations could make use of the blankets.

City Manager Bonner asked Council approval of an expenditure of \$7,500 for holiday decorations at City Hall and the surrounding neighborhood.

**MOTION** by Councilwoman Spiegel, seconded by Councilwoman Kramer, to approve up to \$10,000 for a combination of holiday lights and banners on 19<sup>th</sup> Avenue. (**Approved 6-1**)

**MOTION** by Vice Mayor Smith, seconded by Councilman Pierre, to spend \$3,000 on purchasing decorations after holiday **MOTION withdrawn** by Vice Mayor Smith seconded by Councilman Pierre (**Approved 4-3**)

**MOTION** by Vice Mayor Smith, seconded by Councilman Derose, to approve \$10,000 dollars for holiday decorations with \$3,000 being allocated for the purchase of permanent holiday decorations. **(Approved 6-1).**

City Manager Bonner asked for Council approval to have a barricade removed from an alleyway on 20<sup>th</sup> Avenue. City Manager Bonner reported that while this action was initiated with a request to a past City Council it never received Council approval.

**MOTION** by Vice Mayor Smith, seconded Councilwoman Spiegel, to table the Barricade item until staff can present more information to council **(Approved 6-1)**

## **9. CITY ATTORNEY'S REPORT**

**9.1** City Attorney Siegel reported that she was seeking an Attorney General's opinion on Ordinance 2011-17(Pension Ordinance) before it is bought back for second reading. She passed out a letter to Council that stated that the Attorney General had received the request and would be rendering an opinion.

City Attorney Siegel reported that the City received a surplus check in the amount of \$33,851.16 for unpaid liens.

City Attorney Siegel reported that code enforcement fines collected since February were 149,000 dollars.

City Attorney Siegel reported that she withdrew two (2) Ordinances (2011-18 and 2011-19) at the last meeting.

City Attorney Siegel reported that she was calling an Executive Session to discuss a possible settlement on the case concerning Seay Towing. This Executive Session will be held on Tuesday, December 6, 2011 at 5:30 p.m. in the City Council Conference area.

City Attorney Siegel reported that she received a letter from the Counsel of former Mayor Myron Rosner requesting reimbursement of attorney fees associated with his defense to charges of ethics violations. City Attorney Siegel stated that she sent a response to the letter asking for the legal authority in which this request was predicated. She will report back to Council when she receives a response.

City Attorney Siegel wished the Council and their families a Happy Thanksgiving.

Vice Mayor Smith asked the City Attorney for clarification on an Adult Entertainment Establishment that had recently changed its name? She wanted to know if this action should have come before Council.

City Attorney Siegel stated that according to our Business Tax Receipt office (BTR) the establishment was under the same owner and therefore could change the name without having to come back before the council as long as the ownership remained the same, and they made the changes on all of the other pertinent licensing.

**Direction:** From Vice Mayor Smith to Interim Police Chief, Gomer, to bring back a police report on the activity at that location at the next Council meeting on December 6, 2011.

**10. MAYOR'S DISCUSSION**

Mayor Vallejo said that he wanted to continue on the theme of Speed, Speed, and Speed. It was imperative that council receive all the information on items that needed to be approved so that they did not spend a lot of time on blankets and lights. He feels that we are majoring in minor matters. He asked that we move forward in matters that deal with pension reform and operational efficiencies. Money is wasted when we don't move items along in a timely manner. Mayor Vallejo quoted General Patton, "A good plan executed immediately is far superior to a plan executed down the road in the future."

**11. PUBLIC COMMENT**

City Clerk Latimore read the rules for Public Comment into the record.

The following person(s) spoke during public comment:

1. Demoria Prudent, 463 N.E. 167<sup>th</sup> Street, North Miami Beach, FL
2. Volney Nerette, 16121 N.E. 19<sup>th</sup> Place, North Miami Beach, FL
3. Rolland Volluex, 13730 Highland Drive, North Miami Beach, FL
4. Guy Tenenbaum, 16479 N.E. 30<sup>th</sup> Avenue, North Miami Beach, FL
5. Bert Kehren, 3302 N.E. 171<sup>st</sup> Street, North Miami Beach, FL
6. Richard Caccamise, 3402 N.E. 171<sup>st</sup> Street, North Miami Beach, FL
7. Marilyn Baumoehl, 18635 N.E. 20<sup>th</sup> Court, North Miami Beach, FL
8. Muriel Kemp, 1479 N.E. 178<sup>th</sup> Street, North Miami Beach, FL
9. Garry Jean Phillipe, 1871 N.E. 167<sup>th</sup> Street, North Miami Beach, FL
10. Richard Riess, 23 N.W. 169<sup>th</sup> Street, North Miami Beach, FL

Public Comment Closed.

**12. MISCELLANEOUS ITEMS - None**

**13. WAIVER OF FEE – None**

**14. BUSINESS TAX RECEIPTS - None**

**15. LEGISLATION**

**MOTION** by Councilman Pierre, seconded by Councilwoman Kramer, to introduce Ordinance 2011-20 on First Reading by Title Only. (**Approved 7-0**) Ordinance was read into record by City Attorney Siegel.

**15.1 Ordinance 2011-20 (First Reading by Title Only) (See Item 4.-Additions)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,732,000 IN AGGREGATE PRINCIPAL AMOUNT OF OBLIGATIONS OF THE CITY TO REFINANCE CERTAIN DEBT PREVIOUSLY INCURRED FOR THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS TO THE CITY'S STORMWATER UTILITY SYSTEM AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; PROVIDING FOR A PLEDGE OF CERTAIN STORMWATER UTILITY REVENUES TO PAY THE PRINCIPAL OF, REDMPTION PREIUM, IF ANY, AND INTEREST ON THE OBLIGATIONS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING SERVERABILITY AND AN EFFECTIVE DATE.

**MOTION** by Vice Mayor Smith, seconded by Councilwoman Spiegel, to approve Ordinance 2011-20 on First Reading by Title Only.

**ROLL CALL:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor Smith – **Yes**, Mayor Vallejo – **Yes** (**Approved 7-0**)

**15.2** Resolution No. R2011-59 (**Moved from Consent Agenda – See Page 2, Item 7.1**)

**MOTION** by Vice Mayor Smith, seconded by Councilwoman Kramer, to introduce Resolution No. R2011-59. (**Approved 7-0**) Resolution was read into the record by City Attorney Siegel.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND SPORTS ADVISORY CONSULTANTS, INC. FOR THE OPERATION AND MANAGEMENT OF THE "JUDGE ARTHUR I. SNYDER TENNIS CENTER".

**MOTION** by Vice Mayor Smith, seconded by Councilman Pierre, to approve Resolution No. R2011-59. (**Approved 5-2**)

**16. CITY COUNCIL REPORTS**

**Councilman Derose** welcomed back Councilman Pierre. He wished a Happy Thanksgiving to all and reminded everyone not to drink and drive. Councilman Derose announced that he will be celebrating his birthday next Tuesday. He then reported that last Thursday the Code Enforcement Board met and were continuing to work with citizens that were complying with violation. He feels that the residents prefer the Code Enforcement Board rather than a Magistrate.

**Councilwoman Kramer** said that she was glad to have Councilman Pierre back, and her thoughts and prayers were with him and his wife. She wished Councilman Derose a Happy Birthday and all the residents a Happy Thanksgiving. Councilwoman Kramer stated that while the issues discussed this evening may seem trivial, the council meeting is the only place that the members of the council may discuss these matters because of the Sunshine Law. She announced that she is having many meetings with the City Manager and is hopeful that we will be able to turn things around. She wished all a great holiday.

**Councilwoman Martell** asked the council for support of Big Mama's Toy Drive, she asked that Council approve the drive so that residents can drop off toys to the city. Councilwoman Martell stated that she will be coordinating the drive. She received the consensus of the council to coordinate the toy drive. Councilwoman Martell wished her daughter Emily a Happy Birthday. She stated that the Veterans Ceremony was well attended. Councilwoman Martell announced that she will be participating in the following activities: Sunday at 2 pm she will be at 7900 N.W. 27<sup>th</sup> Avenue to assist Big Mama with handing out Turkey's; the Humane Society is celebrating their 75<sup>th</sup> Birthday on Sunday from 2-4 p.m. She wished all a Happy Thanksgiving.

**Councilman Pierre** thanked everyone for the prayers and condolences for his family. He wished Councilman Derose and Emily a Happy Birthday, he said Happy Birthday to his daughter who was born on the 20<sup>th</sup> of November. Councilman Pierre said that he has been observing the city and while he wants to congratulate everyone on the progress of the city he feels that we are not progressing fast enough. He wants to take one shot at the budget and deal with the big picture of pension reform, performance measures, and efficiency in our service. He thanked Mr. O'Connor for the idea of having a reverse auction. Councilman Pierre stated that he will be renewing the tradition of visiting residents and employees to say thank you. He thanked everyone and said I love you all.

**Councilwoman Spiegel** announced that the Commission on the Status of Woman (COSW) was looking for members. The COSW is looking for nominations to award women around the city who have done great things for their community. They are planning various events for the upcoming year, such as, a Financial Seminar, a Health and Wellness Fair in March, a Youth Symposium in April, and an Osteoporosis Seminar in May and she is going to be asking the Council to waive the fees for the use of the McDonald Center. Councilwoman Spiegel addressed Interim Chief Gomer regarding the Shop With A Cop and stated that she and Alice were ready to help out again. She reminded everyone that recycling is tomorrow and to get your containers out. Councilwoman Spiegel welcomed Councilman Pierre back, wished Councilman Derosé a Happy Birthday and wished Emily a Happy Birthday. She stated that this is a great country that we live, in where we just celebrated Veterans Day and now we celebrate Thanksgiving.

**Vice Mayor Smith** reported that she attended the Ribbon Cutting of CAC. She announced that the Senior Board meeting will be held tomorrow, Thursday, and they will be going to Hard Rock from 9:00 a.m.-3:30 p.m., the cost is \$5 dollars and Friday at 11:00 a.m. is the Senior Luncheon, also \$5.00 dollars. She announced that the Spanish Monastery will be holding their open house on Thursday and they are asking the support of Mayor and Council. She thanked the Veterans for their sacrifice and thanked the families of Veterans. Vice Mayor Smith wished Councilman Derosé a Happy Birthday and a Happy Birthday to Emily, and a Happy Birthday to her mother who would have been at least 100 years old. Vice Mayor Smith wished everyone a Happy Thanksgiving.

**Mayor Vallejo** welcomed Councilman Pierre back and Wished Councilman Derosé and Emily a Happy Birthday. He wished all a Happy Thanksgiving and reminded everyone to have an attitude of gratitude every day. Mayor Vallejo stated that he was grateful for family, friends, city staff, colleagues, residents and the opportunity to serve. He thanked the Veterans and stated that he was fortunate to be born in this country. He thanked the U.S. Army Golden Knights Parachute Team, Sgt. Joe Jones, and Captain Terwilliger and their entire team. Thank you to all veterans for all they have done and sacrificed. He announced that the Humane Society event will be Sunday from 2-4 p.m. and Vice Mayor Smith will be serving as the Grand Marshall.

**17. NEXT REGULAR CITY COUNCIL MEETING**

Tuesday, December 6, 2011

**18. ADJOURNMENT**

There being no further business to come before the City Council, Meeting was adjourned at 11:05 pm

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk