



## **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, December 6, 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**

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

The meeting was called to order at 8:08 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Phyllis S. Smith, and Council Members Philippe Derose, 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City Clerk Latimore requested that Item 5.2 Presentations be Withdrawn; Item 6.1 Appointments (Fortuna Smukler) and Item 6.2 Appointments (Saul Smukler) be Withdrawn; Item 15.2 Ordinance No. 2011-20 be moved to the beginning of Legislation, before Resolution No. R2011-65; Clarification of Item 5.3 that it is honor of their 75<sup>th</sup> Anniversary; Addition of brief presentation of recent Public Utilities Commission business by Chuck Cook; Addition to City Managers Report in reference to the 2<sup>nd</sup> meeting in December and rescheduling the January meetings.

#### **5. PRESENTATIONS/DISCUSSIONS**

**5.1** Beautification Committee Presentation on Gun Mount. Presented by Bruce Lamberto.

**5.2** Domestic Violence Walk Video Presentation and Recognition of Project Manager Renee Darden. **(Withdrawn)**

5.3 Presentation of Proclamation to the Humane Society of Greater Miami in honor of their 75<sup>th</sup> Anniversary. Presented by Vice Mayor Smith.

**6. APPOINTMENTS:**

**6.1. Multi-Cultural Committee (Councilwoman Kramer)**

Marianne Napolitano  
Fortuna Smukler (**Withdrawn**)

**MOTION** by Councilwoman Kramer, seconded by Councilman Pierre, to re-appoint Marianne Napolitano to the Multi-Cultural Committee. (**Approved 7-0**)

**6.2 Planning & Zoning Board (Mayor Vallejo)**

Saul Smukler (**Withdrawn**)

**7. CONSENT AGENDA**

**7.1 Resolution No. R2011-61**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS FOR THE OPERATION AND MANAGEMENT OF ULETA RESOURCE CENTER WITH MYZEEZ.

**7.2 Resolution No. R2011-62**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR ALLEN PARK RECREATION CENTER RENOVATION PROJECT PHASE II FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$172,491; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT.

**7.3 Resolution No. R2011-63**

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 WESTWIND CONTRACTING, INC., AS THE PRIMARY VENDOR, AND PROLIME CORPORATION, AS THE SECONDARY VENDOR, FOR TRANSPORTATION, OFF-SITE DISPOSAL AND REMOVAL OF LIME RESIDUAL PRODUCED AT THE NORWOOD WATER PLANT.

**7.4 Resolution No. R2011-64**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE STATE REVOLVING FUND LOAN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SECOND

PHASE OF THE FIXED NETWORK AUTOMATED METER READING PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$3,849,697.00; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION** by Councilman Derose, seconded by Councilman Pierre, to approve the Consent Agenda. **(Approved 7-0)**

Presentation made to Mayor and Council by Chuck Cook of the City of North Miami Beach Public Utilities Commission (PUC). **(Addition)**

## **8. CITY MANAGER'S REPORT**

### **1. Menu Update**

Paulette Murphy, Director of Leisure Services, presented a list of expenditures to Mayor and Council for Council approval.

**MOTION** by Councilwoman Spiegel, seconded by Councilwoman Martell, to approve funds from the legislative contingency fund in the amounts of \$950, \$380 and \$570 to provide for Portable Potties, the Knowledge Bowl, Youth Symposium, Senior Luncheons and adult trips for the month of February and March. **(Approved 7-0)**

**Direction to staff:** Councilwoman Spiegel requested that Staff contact Commissioner Monestime and Commissioner Heyman with regard to contributing \$1,500 each from their discretionary fund to help support the cost of the Mother's Day Breakfast. Also to report back to Council on the amount of funds spent and funds remaining.

**Direction to staff:** Councilwoman Kramer requested that staff send a letter to the Miami Marlins asking for support of the fields.

### **2. Blanket Distribution Project Update**

City Manager Bonner reported to Mayor and Council that there were at least 750 blankets distributed. Persons or organizations can contact the City Manager's Office if they are interested in receiving blankets. Vice Mayor Smith indicated that as of today, approximately 400 more were dispersed.

### **3. Eastern Shores Fire Rescue Station Update**

City Manager Bonner introduced Miami-Dade Fire Deputy Chief Downey to make a presentation to Mayor and Council in reference to the Eastern Shores Station.

**MOTION** by Councilwoman Spiegel, seconded by Vice Mayor Smith, to notify Miami-Dade County that the City of North Miami Beach intends to take all necessary steps to enforce the inter-local agreement between North Miami Beach and Miami-Dade County. **(Approved 7-0) (Resolution No. 2011-66)**

**Direction to Staff:** Councilwoman Spiegel requested that staff provide Council with the information that is needed to pursue communications with Miami-Dade County. (maps, call logs).

#### **4. Community Redevelopment Update**

City Manager Bonner reported that the documents that were approved on last evening are in the process of being transmitted to the county. He stated that CRA Director, Dan Wick was making the adjustments, but it would not be until February that the funding will be approved. Commissioner Sally Heyman will sponsor the item.

#### **5. Eastern Shores Guard House Update**

City Manager Bonner stated that there was nothing new to report.

#### **6. Committee Meetings (Location/Times)**

City Manager Bonner announced that meetings of the Cities Boards, Committees, and Commissions will be held in the City Council Chambers for better quality of audio and video recordings.

#### **7. Taylor Park Update**

City Manager Bonner stated that he has met with officials from Miami-Dade County DERM (Department Environment and Regulatory Management) The Manager has asked the County to make Taylor Park a priority with the funds that are provided for property cleanup. The City of North Miami Beach has contributed approximately 16 million dollars to the fund. The Manager has committed to provide the County with a plan by December 21, he is also recommending source removal and not capping for the project at an estimated cost of 5 million dollars.

#### **8. Holiday Rescheduling of Meetings**

City Manager Bonner requested that Mayor and Council consider the cancellation of the December 20<sup>th</sup> City Council Meeting and rescheduling the January meetings from the first and third Tuesday, to the second and fourth Tuesday. **(Addition)**

**MOTION** by Councilwoman Martell, seconded by Councilman Pierre, to cancel the December 20, 2011 meeting and reschedule the City Council meetings to the second and fourth Tuesday of January 2012. **(Approved 7-0)**

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

**9.1** City Attorney Siegel reported that an Attorney Client Session to discuss the Settlement of Seay Towing vs. CNMB, Case No. 09-22811-CIV-MORENO.

**MOTION** by Councilwoman Kramer, and seconded by Councilwoman Martell, to approve the settlement subject to concerns raised in the Executive Session made. **(Approved 7-0)**

**10. MAYOR'S DISCUSSION**

Mayor Vallejo announced that Commissioner Sally Heyman was allocating Community Block Grant Funds of \$200,000 for North Miami Beach to be used for the City's Library.

**11. PUBLIC COMMENT**

City Clerk Latimore stated that the reading of the rules for Public Comment will be shortened. The long version will remain on the agenda and on-line.

City Clerk Latimore read the rules for Public Comment.

The following person(s) spoke on the record:

1. Volney Nerette, 16121 N.E. 19<sup>th</sup> Place, North Miami Beach, FL
2. Rolland Villieux, 13730 Highland Drive, North Miami Beach, FL
3. Saundra Douglas, 1523 N.E. 152<sup>nd</sup> Street, North Miami Beach, FL
4. Anthony DeFillipo, 1458 N.E. 177<sup>th</sup> Street, North Miami Beach, FL
5. Bert Kehren, 3302 N.E. 171<sup>st</sup> Street, North Miami Beach, FL
6. Carmen Kienzle, 1653 N.E. 178<sup>th</sup> Street, North Miami Beach, FL
7. Richard Reiss, 23 N.W. 169<sup>th</sup> Street, North Miami Beach, FL

**12. MISCELLANEOUS ITEMS – NONE**

**13. WAIVER OF FEE – NONE**

**14. BUSINESS TAX RECEIPTS - NONE**

**15. LEGISLATION**

**MOTION** by Councilwoman Spiegel, seconded by Councilman Derose, to introduce **Ordinance No. 2011-20 on Second and Final Reading**. . Read into the record by City Attorney Siegel.

**15.2 Ordinance No. 2011-20 (Second and Final Reading)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,750,000 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, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE OBLIGATIONS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Mr. J. Dunlap of Dunlap and Associates made a presentation to Mayor and Council.

**MOTION** by Councilman Derose seconded Councilwoman Spiegel to adopt **Ordinance No. 2011-20 on Second and Final Reading. (Approved 7-0)**

**ROLL CALL: Derose Yes, Kramer Yes, Martell Yes, Pierre Yes, Spiegel Yes, Smith Yes, Vallejo Yes.**

**MOTION** by Councilman Derose seconded Councilwoman Spiegel to introduce Resolution No. R2011-65. Read into the record by City Attorney Siegel.

**15.1 Resolution No. R2011-65**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ACCEPTING THE PROPOSAL OF BRANCH BANKING AND TRUST COMPANY TO PROVIDE THE CITY WITH A LOAN IN A NOT TO EXCEED PRINCIPAL AMOUNT OF \$1,700,000 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 DEBT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT, INCLUDING A PROMISSORY NOTE ATTACHED THERETO, IN ORDER TO EVIDENCE SAID LOAN; AUTHORIZING THE REPAYMENT OF THE NOTE UNDER THE LOAN AGREEMENT FROM A PLEDGE OF CERTAIN STORMWATER UTILITY REVENUES OF THE CITY; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER AND CITY CLERK; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**MOTION** by Vice Mayor Smith, seconded by Councilwoman Spiegel, to approve **Resolution No. 2011-65. (Approved 7-0)**

**16. CITY COUNCIL REPORTS**

**Councilman Derose** expressed his condolences to former Mayor Ray Marin on the passing of his Mother-in-Law and to Board Member Mr. Kreisberg on the death of his wife. Councilman Derose wished everyone a Merry Christmas and a Happy New Year.

**Councilwoman Kramer** expressed her condolences to Ms. Carol Marin on the death of her mother and Mr. Julian Kreisberg on the death of his wife Marsha. Councilwoman Kramer announced that Snow fest will be held Saturday Evening from 6:00-11:00 p.m.; she also stated that Fulford Methodist United Church was having its annual Christmas Dinner on December 25, 2011. She asked that those who would like to volunteer to please call or email her. Councilwoman Kramer announced that the Multi-Cultural Committee was having its first Cinema Night featuring the film Cat Fish and Black Bean Sauce, the movie is at 7:00 p.m. in the YES Center, January 13<sup>th</sup> and promotes the boards Mission Statement of cultural diversity and acceptance. It is free and she urged families to come out. The Multi-Cultural Board will have its next meeting Monday, December 12, 2011. Councilwoman Kramer announced that Fulford Church was seeking donations to help with the cost of the Christmas Dinner and anyone interested in donating could contact Bert Kehren. Happy Holidays and Happy Birthday to her husband who will be celebrating his birthday on tomorrow, Pearl Harbor Day.

**Councilwoman Martell** said good evening and announced that resident Maritza Herb would be having a meet and greet for her area to form the Sunray East Crime Watch, she is asking for council support, the meeting will be Thursday at 7:00 p.m., 18425 NE 19<sup>th</sup> Avenue. Councilwoman Martell asked for a vote from her colleagues to place a box in the downstairs lobby so that residents may be able to donate toys. She stated that the last to date to make donations would be December 14<sup>th</sup>. Councilwoman Martell said that she was assisting Big Mama's toy drive this year so that she would be able to do a drive for city residents next year. (She received an affirmative consensus from Council). Councilwoman Martell informed all of a new restaurant that was open in the city called Golden Spoon Bistro, she will be making an effort to visit new establishments in the city and to promote their business. She said that she would be seeking new businesses to join the Chamber and the Economic Development Board. She announced the 75<sup>th</sup> remembrance of Pear Harbor she also announced that she will be visiting a neighborhood center once a month and the schedule of those meetings will be announced in January. The kick-off of *Let's Get Fit In NMB* will be in February. She announced the anticipated arrival of her grandchild and her upcoming visit to Detroit to visit her son and daughter in law. She wished everyone a Happy Holiday and A Happy New Year.

**Councilman Pierre** said good evening and he wanted to start by saying two simple words, thank-you. He thanked Commissioner Sally Heyman for bringing dollars to the city for the library. Councilman Pierre said thank-you to all the residents for all their assistance and all they do for the city. He said thank-you to the employees, the City Manager, the City Attorney, the City Clerk, and all in the organization. He wished all a Happy Holiday, and said that we should all work together for a better prosperous and healthy New Year, God Bless and remember I Love You.

**Councilwoman Spiegel** joined in sending her condolences to Carol Marin on the death of her mother and Julian Kreisberg on the death of his wife. Councilwoman Spiegel announced that Planning and Zoning meeting for December 12<sup>th</sup> has been cancelled, Commission on the Status of Women will meet, both boards are still in need of members; volunteers should call the Manager's Office. Councilwoman Spiegel stated that the rate of returns on the pension fund down tremendously and the city's contribution would again be increasing. She reminded the public that the Chamber is sponsoring an event at the Spanish Monastery and there would be an appearance by a Disney Star on December 26<sup>th</sup>, on December 19<sup>th</sup> the Police Department, in conjunction with the Commission on the Status of Women, they are having the shop with a cop and donations are always welcome, and to get out to Snow Fest. Councilwoman Spiegel wished everyone a Happy Holiday and Happy New Year.

**Vice Mayor Smith** expressed condolences for former Mayor Ray Marin and his wife, Gil Rosenkoff and wife Anita's whose father passed away, and dear friends the Kreisbergs. She stated that Marsha was an exceptional person and a remarkable woman and it was seen by the public. Vice Mayor Smith suggested that the City participate in the Energy Saving Program that was presented at the League of Cities Seminar. She also suggested that monthly Financial Reports be presented monthly. Vice Mayor Smith announced the Senior Luncheon will be held December 16<sup>th</sup> and the cost is \$5.00, there will be door prizes, the Senior Trip will be to the Festival Flea Market on Thursday, December 8<sup>th</sup> and the fee is \$5.00. Vice Mayor Smith suggested that the City of North Miami Beach should have some type of activity recognizing Martin Luther King Jr. Holiday. She thanked Commissioner Heyman for the additional funds and wished all a Happy Holiday.

**Mayor Vallejo** expressed his condolences to the Marin Family, ask that everyone remember Pearl Harbor Day. He stated that he would be there with Maritza Herb to help her establish her community watch. The Mayor noted that this would be the last meeting of the year and he wanted to thank his colleagues for spirited debate. He thanked the staff for all their contributions throughout the year. He wished all a Happy Chanukah, Merry Christmas, Happy Holiday and Happy New Year.

**17. NEXT REGULAR CITY COUNCIL MEETING**

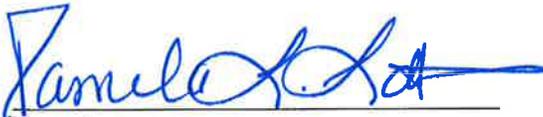
Tuesday, January 10, 2012

**18. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 11:36 p.m.

ATTEST:

(SEAL)



Pamela L. Latimore  
City Clerk