



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 4, 2012
7:30 PM

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

City Manager Roslyn Weisblum
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 7:38 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Barbara Kramer and Council Members Philippe Derose, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore. Councilwoman Marlen Martell was absent.

2. INVOCATION - The Invocation was given by Councilman Frantz Pierre.

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Withdrawal of Item 8.2 Resolution 2012-92 from the Consent Agenda for discussion by Councilwoman Spiegel.

5. PRESENTATIONS/DISCUSSIONS

5.1 Proclamation Presentation to Valente Brothers ~~WITHDRAWN~~ (to be presented at the December 18, 2012 City Council Meeting).

6. PUBLIC COMMENT

City Clerk Latimore read the rules of Public Comment into the record. The following person(s) made comments on the record:

1. Roland Veilleux 13730 Highland Drive, North Miami Beach, FL
2. Charles Loeb-16800 N.E. 15th Avenue, North Miami Beach, FL
3. Richard Riess- 23 N.W. 169th Street, North Miami Beach, FL

Public Comment Closed.

7. APPOINTMENTS

7.1 Board Appointments

Public Utilities Commission

There were no appointments to the Public Utilities Commission. Appointment openings Councilman Derose and Councilwoman Smith.

Charter Review Committee

MOTION by Councilman Derose, seconded by Councilwoman Smith, to appoint Pradel Vilme to the Charter Review Committee. **(Passed 6-0, Councilwoman Martell absent).**

Vice Mayor Kramer asked for clarification of residency requirements to serve on the Charter Review Committee. City Attorney Siegel stated that she would research the matter and render an opinion.

Councilwoman Spiegel asked that the Committee be charged with addressing the matter of the time frame for publishing and distributing the Council Meeting agenda.

8. CONSENT AGENDA

8.1 Resolution No. R2012-91

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING A \$4,954.00 FEDERAL AWARD FOR THE DOMESTIC VIOLENCE PROJECT.

8.2 Resolution No. R2012-92 (WITHDRAWN from the Consent Agenda for discussion by Councilwoman Spiegel)

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 BANK OF AMERICA MERRILL LYNCH, THE FIRST-RANKED FIRM, TO SERVE AS THE SENIOR MANAGING UNDERWRITER AND RBC CAPITAL MARKETS, LLC, RAYMOND JAMES MORGAN KEEGAN, AND MORGAN STANLEY & CO, LLC, AS THE SECOND, THE THIRD AND THE FOURTH-RANKED FIRMS RESPECTIVELY AS CO-MANAGING UNDERWRITERS FOR THE CITY OF NORTH MIAMI BEACH

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve the Consent Agenda. **(Passed 6-0, Councilwoman Martell absent)**

9. CITY MANAGER'S REPORT

9.1 BMG Money

City Manager Weisblum introduced Marion Mathis of BMG Money. Ms. Mathis gave a presentation on a Work Loan Program that may be offered to employees.

10. CITY ATTORNEY'S REPORT

City Attorney Siegel reported that the Political Sign Bond Ordinance will be on the December 18, 2012 council meeting agenda, sponsored by Vice Mayor Kramer. It will go before the Planning and Zoning Board on December 10, 2012. City Attorney Siegel also stated that the Commercial Paint Color Ordinance will also go before the Planning and Zoning Board on December 10, 2012, and if there is enough time the ordinance will come before the Council on December 18, 2012. City Attorney Siegel announced the addition of Dotie Joseph to her staff as Assistant City Attorney. Ms. Joseph is a Yale undergraduate and a graduate of Georgetown Law School. Ms. Joseph will be sworn in at the December 18, 2012.

11. MAYOR'S DISCUSSION

Mayor Vallejo announced that the meeting date of January 1, 2013 was a holiday. City Attorney Siegel stated that the Charter stated that the date of the meeting would automatically roll over to the following Wednesday, January 2, 2013. There was a consensus from Council that there would be a quorum for that meeting.

12. MISCELLANEOUS ITEMS - *None*

13. WAIVER OF FEE – *None*

14. BUSINESS TAX RECEIPTS – *None*

15. DISCUSSION – *None*

16. LEGISLATION

8.2 Resolution No. R2012-92 (Pulled from Consent Agenda, see Page 2)

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 BANK OF AMERICA MERRILL LYNCH, THE FIRST-RANKED FIRM, TO SERVE AS THE SENIOR MANAGING UNDERWRITER AND RBC CAPITAL MARKETS, LLC, RAYMOND JAMES MORGAN KEEGAN, AND MORGAN STANLEY & CO, LLC, AS

THE SECOND, THE THIRD AND THE FOURTH-RANKED FIRMS RESPECTIVELY AS CO-MANAGING UNDERWRITERS FOR THE CITY OF NORTH MIAMI BEACH.

MOTION by Councilman Derose, seconded by Vice Mayor Kramer, to adopt Resolution No. R2012-92 (**Passed 6-0**, Councilwoman Martell absent).

Brian O'Connor, Chief Procurement Officer and Ed Stall, Financial Advisor gave a brief explanation of the item.

16.1 Resolution No. R2012-88

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING CERTAIN FINDINGS; DESIGNATING PROPERTY LOCATED AT 15780 WEST DIXIE HIGHWAY, NORTH MIAMI BEACH, FLORIDA 33162 (FOLIO NOS. 07-2216-041-0010, 07-2216-041-0020, AND 07-2216-041-0030), TO BE REDEVELOPED AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(b), FLORIDA STATUTES, FOR REHABILITATION AND REDEVELOPMENT FOR THE PURPOSES OF SECTIONS 376.77 - 376.85, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

Michael Goldstein from Goldstein Environmental Law Firm, representing the property owner Antigua at NMB Development, LLC, gave a brief description of the project.

Mayor Vallejo opened the meeting up for Public Hearing on Item. 16.1

The following person(s) made comments on the record:

1. Harry Pennington - 1981 N.E. 158th Street, North Miami Beach, FL
2. Anthony Defillipo - 1458 N.E. 177th Street, North Miami Beach FL
3. Mary Hilton - 1950 N.E. 157th Terrace, North Miami Beach, FL
4. Richard Riess - 23 N.W. 169th Street, North Miami Beach FL
5. Mary Ramirez - 1860 N.E. 157th Terrace, North Miami Beach, FL
6. Maria Pereyra - 15797 N.E. 19th Place, North Miami Beach FL

Mayor Vallejo closed the Public hearing.

Mayor and Council discussed the item.

City Attorney Siegel advised that council could table the item for further discussion or direct staff to have further discussions and the applicant to find out what occurred at the location. There were assurances made at the Planning & Zoning Board meeting she attended, that the proper measures would be taken. However, as far as flat out denying the designation, City Attorney Siegel stated that statutes are very clear. If they have met the five (5) conditions, which they have, it is not something that is within the discretion of the Council to deny the designation; it is what they are entitled to. The State statutes are very clear that as long as the five (5) criteria are met there has to be a determination by the Council. After the designation occurs there are many more hearings that will have to take place before anything can be put on the property.

Councilwoman Kramer stated that she would like to see someone from staff at the location for the entire project to make sure that the job is being done correctly.

City Attorney Siegel stated that the section of the City Code pertains to noises from building or manufacturing talks about construction. If tree removal can be deemed as part of a construction project and arguably it could be then the hours between 8:00 p.m. and 7:00 a.m. there should be no work occurring during those hours, and also no work on Sundays as well, except by written permission by the City's Building Inspector. To appease the community she advises that they adhere to these restrictions. (City Code - Chapter 9 Section 9-4.7(b))

Councilwoman Smith's direction to City Manager Weisblum is that the project should be shut down until a fence is put up and until there is evidence of responsible construction and clearing taking place on the site.

MOTION by Councilman Derose, seconded by Councilman Pierre, to approve Resolution No. R2012-88 (Passed 6-0, Councilwoman Martell absent).

Direction to staff: Monitor the compliance of the developer and set up meetings with residents to hear their concerns.

16.2 Resolution No. R2012-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPLEMENTING RESOLUTION NO. R2002-34 ADOPTED ON JULY 16, 2002, AS AMENDED AND SUPPLEMENTED; AUTHORIZING THE REFUNDING OF THE CITY'S PROMISSORY NOTE SECURING A LOAN FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF NORTH MIAMI BEACH, FLORIDA WATER REVENUE REFUNDING BONDS, SERIES 2012 IN ORDER TO REFUND SUCH NOTE, MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; AUTHORIZING A NEGOTIATED SALE OF SAID BONDS; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER FOR THE AUTHORIZATION, EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT WITH RESPECT THERETO, AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT WITH RESPECT THERETO; APPROVING THE FORM OF AN ESCROW DEPOSIT AGREEMENT; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AMENDING RESOLUTION NO. R2002-34 IN CERTAIN RESPECTS; AUTHORIZING MUNICIPAL BOND INSURANCE FOR ALL OR A PORTION OF THE BONDS; AUTHORIZING A RESERVE FUND INSURANCE POLICY; AND PROVIDING AN EFFECTIVE DATE.

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Resolution No.R2012-90.

MOTION by Councilwoman Smith, seconded by Councilwoman Kramer, to table Resolution No. R2012-90 to the Special Meeting of December 10, 2012. (**Passed 6-0**, Councilwoman Martell absent).

City Attorney Siegel asked for a motion to approve the sale of Municipal Bonds.

MOTION by Councilwoman Spiegel, seconded by Councilwoman Smith, to authorize staff, the City's Financial Advisor and Underwriting team to print the post preliminary Official Statement relating to the 2012 Bonds, thereby allowing the city to market the series 2012 Bonds without delay in order to take advantage of the current historically low interest rate environment (**Passed 6-0**, Councilwoman Martell absent).

16.3 Resolution No. R2012-93

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AMENDMENT TO THE CONTRACT WITH AMERICAN TRAFFIC SOLUTIONS, INC. (ATS) FOR A TRAFFIC SAFETY PROGRAM DATED OCTOBER 30, 2008.

Mayor Vallejo opened the Public Hearing

The following person(s) made comments on the record:

1. Marilyn Baumoehl - 18635 N.E. 20th Court, North Miami Beach FL
2. Greg Parks, American Traffic Solutions - 3350 S.W. 27th Avenue, Miami FL
3. Marc Buoniconti - 10 Edgewater Drive. Coral Gables, FL
4. Charles Loeb - 16800 N.E. 15th Avenue, #112, Miami, FL

Mayor Vallejo closed the Public Hearing

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Resolution No. R2012-93 (**Adopted 5-1** – Councilman Derose-No, Councilwoman Martell absent).

Mayor Vallejo recognized the presence of Marc Buoniconti at the meeting.

A brief explanation of the item was given by City Attorney Siegel.

16.4 Ordinance No. 2012-33 – First Reading by Title Only

AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; ELIMINATION OF THE DEFERRED RETIREMENT OPTION PROGRAM (DROP); ELIMINATION OF THE BUY-BACK PROVISION; REDUCING THE MULTIPLIER; AMENDING THE COST OF LIVING ADJUSTMENT; AMENDING TERMINATION OF EMPLOYMENT AND VESTING; AMENDING THE NORMAL

RETIREMENT DATE; AMENDING THE EARLY RETIREMENT CALCULATION; AMENDING THE COMPOSITION OF THE PLAN RETIREMENT COMMITTEE; AMENDING THE SIXTY PERCENT APPROVAL REQUIREMENT TO AMEND THE PLAN; AND CHANGING THE DEFINITION OF SALARY; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OF HERewith; PROVIDING FOR THE CODIFICATION OF THE ORDINANCE.

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Ordinance No. 2012-33 on First Reading by Title Only, as amended. (**Adopted 5-1**, Councilwoman Smith-No, Councilwoman Martell absent).

A brief explanation of the item was given by City Attorney Siegel.

Public Hearing was opened and closed with no speakers.

City Attorney Siegel stated that the Ordinance as it relates to the Charter Review Committee is in conflict with the Charter.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to vacate the appointment of Vilme Pradel to the Charter Review Committee. (**Passed 6-0**, Councilwoman Martell absent).

17. CITY COUNCIL REPORTS

Councilman Derose – No report.

Vice Mayor Kramer- wished everyone a Happy Hanukkah and reminded everyone that December 7th was Pearl Harbor Day. She announced that a lot of research was going into the City's War Memorial (the Gun Mount) and once completed an RFP will be done. She thanked Councilman Derose and the rest of her colleagues for their support. Councilwoman Kramer wished her husband Larry Kramer and her friend Anthony DeFillipo a Happy Birthday.

Councilman Pierre thanked City Manager Weisblum for her efforts to bring support to the employees; he thanked the City Attorney for her assistance and working with the City Manager. He thanked the City Attorney for filling the vacancy in her office. Councilman Pierre announced that in January or February, in conjunction with Congresswoman Frederica Wilson, the City will sponsor a workshop to assist persons with foreclosure matters. Councilman Pierre expressed his gratitude to Military Veterans, he thanked Mayor Vallejo for his invite on the USS Philippine Sea, and he will be working with the City Attorney to draft a resolution to assist the Veterans of North Miami Beach when they return home. Councilman Pierre wished everyone celebrating the holidays a wonderful and safe celebration.

Councilwoman Smith asked City Manager Weisblum to place an announcement of a Toy Drive in the City of North Miami Beach. Councilwoman Smith asked residents and employees if they would like to bring an unwrapped toy for a deserving boy or girl. The toys may be placed in a bin that will be located in City Hall. Councilwoman Smith announced that on December 12, 2012, from 3:00-5:00 p.m., the participants in the Highland Village after school program will present their holiday program. The community center is located at 13621 N.E. 21st Avenue. The Highland Village community will also have a garage sale this Saturday. Tables

are \$5.00 dollars and you can call Leisure Services for an application. The sale is from 9:00 a.m.-1:00 p.m. and all proceeds will benefit the community center. Councilwoman Smith congratulated Chief Gomer, and wished everyone a Happy Hanukkah, a Merry Christmas, and a Happy Kwanzaa. She asked that all be diligent in their holiday activities.

Councilwoman Spiegel announced that on Wednesday, December 10, 2012 there will be a Planning and Zoning Board meeting at 6:00 p.m., the Commission on the Status of Women will be meeting at 7:00 p.m., and there will be a Special Council Meeting at 5:00 p.m. She stated that volunteers were still needed to serve on the Commission on the Status of Women, if anyone wanted to do so they could contact the City Clerk Pamela Latimore and/or the Council office for an application. Councilwoman Spiegel announced that recycling bins should be out on Wednesday, December 26th. She announced that Highland Village will have a garage sale; the proceeds go to help some of the neediest in the community. Councilwoman Spiegel took a moment to thank all those who volunteer and serve the community. She wished all a Happy Hanukkah and a Happy Holiday.

Councilwoman Smith announced that on Friday, December 14th at 11:00 a.m. they will be having the Senior Christmas Luncheon and on Saturday, December 15th the City will sponsor Snowfest at the Gwen Margolis Amphitheatre. She encouraged all to attend.

Mayor Vallejo recognized City of North Miami City Clerk, Michael Etienne, visiting with us.

Mayor Vallejo announced Snowfest on December 15th at 5:00 p.m. He wished everyone a Happy Hanukkah. Mayor Vallejo asked that if you go out to dinner at Duffy's on December 11th from 2:00 – 9:00 p.m. and tell them you are there to support Alonzo and Tracy Mourning High School, the restaurant will donate 20% of the bill to the school. Mayor Vallejo announced a Special Meeting on December 10, 2012 and the Regular Council Meeting on December 18, 2012.

18. NEXT REGULAR CITY COUNCIL MEETING

Monday, December 10, 2012 (Special Meeting)
Tuesday, December 18, 2012

19. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:59 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk