

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

JANUARY 19, 2010



PREPARED BY:
SUSAN A. OWENS, CMC,
CITY CLERK

JANUARY 19, 2010 MEETING MINUTES
(CNMB-CC MINUTES TAPE #433)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:35 P.M. Present at the meeting were Mayor Myron Rosner, Vice Mayor Phyllis S. Smith, and Council Members Beth E. Spiegel, Philippe Derose, Barbara Kramer, and Frantz Pierre. Councilman John Patrick Julien was excused with cause. Also present were City Manager Kelvin L. Baker, City Attorney Darcee S. Siegel, and City Clerk Susan A. Owens.

2. INVOCATION

The invocation was given by Rev. Cannon Ronald Fox of St. Bernard de Clairvaux.

3. PLEDGE OF ALLEGIANCE

Mayor Rosner requested a moment to grieve for the people who perished in Haiti, then proceeded to lead the City Council in the Pledge of Allegiance.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

The City Clerk announced that Item #16.2 will be moved to the beginning of the agenda, on Item #5.2, Dr. Jeff An will be accepting on Mr. Cotton's behalf, and added to Item #6.1 is an appointment by Councilman Derose of Allison Robie as a 2nd Alternate to the Redevelopment Advisory Board.

Motion made by Vice Mayor Smith, seconded by Councilman Derose, to introduce Ordinance No. 2010-2 for First Reading, by Title Only. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1).**

16.2 Ordinance No. 2010-2 (First Reading, by Title Only)

AN ORDINANCE AMENDING CHAPTER IX OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY THE ADOPTION AND ADDITION OF SECTION 9-30 RIGHT-OF-WAY VENDORS, PEDDLERS AND SOLICITORS; AND SECTION 9-31 AGGRESSIVE OR OBSTRUCTIVE PANHANDLING PROHIBITED; LIMITING RIGHT-OF-WAY VENDORS AND SOLICITORS ON CERTAIN CITY ROADWAYS AND INTERSECTIONS; PROHIBITING AGGRESSIVE PANHANDLING CITYWIDE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

Ron Book, Chairman of the Miami-Dade County Homeless Trust, made a presentation advocating placing Homeless Meters at high traffic areas around North Miami Beach. The proceeds from these meters would be used to help fund projects with the goals of lowering the homeless rate and keeping individuals from sleeping on the streets, as well as keeping people from panhandling at traffic lights. He advised these meters are aesthetically pleasing and they have been effective at raising funds. Mr. Book indicated that each meter costs \$1,000.00. This amount allows the City

to acquire and retrofit the meter and pay for its installation.

The following individual(s) appeared before the City Council to express their opinions and concerns:

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL

Motion made by Councilwoman Spiegel, seconded by Vice Mayor Smith, to purchase an End Homelessness Meter to place in high traffic areas in North Miami Beach, funding to be provided by the Council Members personally, paid pro-rata by all those who chose to participate. In a roll call vote, with Councilman Julien absent, all voted in favor. (**Motion carried 6-0-1**)

Mayor Rosner requested the Homeless Meter to be brought to City Hall sometime in January for an installation event.

Motion made by Councilman Derose, seconded by Vice Mayor Smith, to adopt Ordinance No. 2010-2 on First Reading, by Title Only. In a roll call vote, with Vice Mayor Smith and Councilwoman Spiegel dissenting and Councilman Julien absent, the item passed. (**Motion carried 4-2-1**)

Motion made by Councilman Derose, seconded by Councilman Pierre, to return to the Regular Order of Business. In a voice vote, with Councilman Julien absent, all voted in favor. (**Motion carried 6-0-1**)

5. PRESENTATIONS

5.1 Swearing in of Police Sergeant Richard Rand by Mayor Myron Rosner.
Swearing in was performed by Mayor Rosner.

5.2 Presentation of November 2009 C.A.R.E. Suggestion Award, by Vice Mayor Phyllis S. Smith and City Manager Kelvin L. Baker, to Dr. Jeff An, accepting on behalf of Operations Manager Jimmy Cotton for his suggestion to consider charging a \$50.00 vendor's administration service fee for bid packages issued by the City to offset the cost of issuing and processing the increasing amount of submitted bids.

Presentation was made by Vice Mayor Smith and the City Manager.

5.3 Presentation of the December Employee of the Month Award, by Councilman Pierre and City Manager Kelvin L. Baker, to Eddy Georges.

Presentation was made by Councilman Pierre and the City Manager.

5.4 Presentation of the 2009 Employee of the Year Award, by Councilman Pierre and City Manager Kelvin L. Baker, to Maria Bonnier-Perez.

Presentation was made by Councilman Pierre and the City Manager.

5.5 Presentation by Police Chief Rafael P. Hernandez and Director of Police Services Tom Carney, to Leonard Sperrazza for his 30 years of volunteer service.

Presentation was made by Chief Hernandez and Director Tom Carney.

6. APPOINTMENTS

6.1 Redevelopment Advisory Board

Mark A. Antonio (Mayor Rosner)

Motion made by Councilman Derose, seconded by Vice Mayor Smith, to appoint Mark A. Antonio to

the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

Robert V. Kriebs (Councilman Derose)

Motion made by Councilman Derose, seconded by Councilwoman Kramer, to appoint Robert V. Kriebs to the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

Linda Epperson (Vice Mayor Smith)

Motion made by Councilman Derose, seconded by Councilman Pierre, to appoint Linda Epperson to the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

George E. Vallejo (Councilwoman Spiegel)

Motion made by Councilman Derose, seconded by Vice Mayor Smith, to appoint George E. Vallejo to the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

Pradel Vilme (Councilman Pierre)

Motion made by Councilman Derose, seconded by Councilman Pierre, to appoint Pradel Vilme to the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

Bruce Lamberto (Councilwoman Kramer)

Motion made by Councilman Derose, seconded by Councilman Pierre, to appoint Bruce Lamberto to the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

McKenzie Fleurimond (Councilman Julien)

Motion made by Councilman Derose, seconded by Councilman Pierre, to appoint McKenzie Fleurimond to the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

Deborah A. Scott – *as 1st Alternate* (Mayor Rosner)

Motion made by Councilman Derose, seconded by Councilman Pierre, to appoint Deborah A. Scott as 1st Alternate to the Redevelopment Advisory Board. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

Allison Robie – *as 2nd Alternate* (Councilman Derose)

Motion made by Councilman Derose, seconded by Councilwoman Kramer, to appoint Allison Robie as 2nd Alternate to the Redevelopment Advisory Board. In a voice vote, with Mayor Rosner dissenting and Councilman Julien absent, the item passed. **(Motion carried 5-1-1).**

7. CONSENT AGENDA

7.1 December 15, 2009 Meeting Minutes

7.2 January 5, 2010 Meeting Minutes (*Deferred*)

7.3 Resolution No. R2010-3

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING THE 2009 AMENDED CRA PLAN, WHICH WAS APPROVED BY THE CRA AT A PUBLIC MEETING AND PREPARED IN COMPLIANCE WITH CHAPTER 163, PART III, FLORIDA STATUTES, AND WITH THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; FINDING THAT THE 2009 AMENDED CRA PLAN SUPERSEDES AND REPLACES ANY PRIOR CRA PLAN; AND DIRECTING THE CRA COORDINATOR TO FORWARD THE AMENDED PLAN TO THE MIAMI-DADE COUNTY GOVERNMENT PURSUANT TO THE PROVISIONS OF THE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI BEACH, FLORIDA.

7.4 Resolution No. R2010-5

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 PBS&J FOR PROFESSIONAL ENGINEERING SERVICES, FOR THE ARTHUR SNYDER TENNIS CENTER EXPANSION PROJECT.

7.5 Resolution No. R2010-6

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A REVISED INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR DISTRIBUTION, USE AND REPORTING OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS.

Motion made by Councilman Derose, seconded by Councilman Pierre, to approve the Consent Agenda as amended. In a roll call vote, with Councilwoman Spiegel dissenting and Councilman Julien absent, the motion passed. (**Motion carried 5-1-1**)

8. CITY MANAGER'S REPORT – Kelvin L. Baker

City Manager Kelvin L. Baker introduced the new Community Development/Planning Director, Ms. Shari Kamali, and invited her to address the City Council. Ms. Kamali thanked the Council for this opportunity and spoke regarding her background and related experience.

Mr. Baker then thanked the residents and community leaders of North Miami Beach for their generosity towards those in Haiti and mentioned several efforts the City has undertaken to help Haiti. The City has set up several satellite centers where residents can continue to participate and make donations, as well as a website, <http://www.nmb.com>, where they may make cash donations. The day after the earthquake we were successful at getting five pallets of bottled water shipped over to Haiti. We've made provisions for our employees that may be going over there to have some additional time off. We have made contacts with those doing business with the City and have asked them to participate. K-Mart, Target, Costco, and Wal-Mart have agreed to participate. Our warehouse at 2101 NE 159 ST is our designated location for large donations. We are open from 8:00 A.M. to roughly 6:00 P.M.; but, if you need to stop by later, call our office to make arrangements. We are putting together a plan along with the State of Florida where they are assembling a group of teens to go to Haiti and help in the recovery efforts. We have been advertising these efforts on several radio stations. We have formed a partnership with Food for the Poor. Our employees have agreed to make a large cash contribution. We are planning to do more. The City is planning on holding a benefit concert in our theater.

Mr. Baker announced that North Miami Beach has been chosen by the International City Manager's Association University to host an international conference for their C.A.R.E. initiatives on January

28th. We will be honored to share some of our success not just nationally, but internationally as well.

8.1. Census Update

Mr. Baker asked Assistant City Manager Mr. Bernard McGriff to update the City Council on the City's efforts in regard to the Census. Mr. McGriff said they have established a Complete Count Committee with the goal of achieving a census count of at least 60,000 persons in order to become a Federally Certified Entitlement City, which requires a population of at least 50,000, people. The latest statistics that we have show a population of 42,300; but, we believe we have at least 60,000 persons. The Complete Count Committee established six sub-committees: Community Based, Faith Based, Education, Media, Business, and Multi-Cultural. Each committee develops partners in their area and holds bi-weekly status meetings. Mr. Bernard reported that Census marketing was held during several of the City's recent events and is on the City's website and on Channel 77. A part-time office was created to assist with Census efforts. Flyers have been distributed; many of these publications have been prepared in three or more languages. City publications, utilities bills, and water bottle labels all have the Census message on them. Space in the McDonald Center has been donated to Census Bureau staff for various needs. Census information has been added to City vehicles, selected North Miami Beach bus benches, and Superbowl advertisements. Census information will also be provided at upcoming events, such as Superbowl activities, the 5k walk/run, and Cityfest. Census interviews with the Mayor, City Manager, and City Council will be broadcast on Island TV and several local radio stations. Door hangers will be placed in the hard to count communities, and educational outreach to the youth and elderly in those areas will be provided. Five City facilities have been designated as Question and Answer Centers.

Mr. Baker reported that at a recent conference, many cities including North Miami Beach, were reported to have a decrease in population. He was informed of an organization that does a Census Challenge. We went through the process and we were successful in raising our population back up to 42,000. The City is very close to the 50,000 population threshold, and this is why we are putting in so much effort and have made this a priority for the City.

Mayor Rosner asked the City Manager to provide an estimate of what the City could potentially receive if they reach 50,000. The City Manager reported that the conservative estimate is an increase of \$8 million in federal funds.

Vice Mayor Smith asked the City Manager how much the City is spending to implement the program. He indicated that the budget for the program is around \$70,000.00. Vice Mayor Smith asked the City Manager when will you know, when is the deadline for us to have the knowledge whether or not, what the number was. Mr. McGriff answered on the City Manager's behalf that the final report is delivered to the President on December 31, 2010.

Mayor Rosner brought up the issue of the President's recent decision to give Haitians Temporary Protective Status (TPS) here in America for the next eighteen months. The Mayor asked about the impact this may have on the census. He asked the City Manager how, as a City, do we help everybody to be recognized. The City Manager responded that with all of the media blitz and other initiatives we are doing, it would be very hard to not get our message. Mayor Rosner commented that before this, people did not really want to declare themselves. They were worried and maybe didn't know that this information would be protected for 72 years. The Mayor asked how we

implement that message as well into it.

Councilman Derose commented that sometimes people think that Census workers are Immigration. The Census workers will need to clearly identify that they are with the Census Bureau and that will not affect their legal status. Whatever we can do to pass this message will help. He suggested using the radio and television.

Mayor Rosner asked the Council if they would support a resolution encouraging the Federal government to waive the \$417.00 TPS application fee. Councilman Derose stated that there are many other organizations that are already prepared to lobby for this issue, and he suggested that the City could join forces with them when they begin.

[Mayor Rosner then passed the gavel to make the following motion.]

Motion made by Mayor Rosner, seconded by Councilman Derose, to encourage the Federal government and State and Federal representatives, to waive the application fee during this eighteen month Temporary Protective Status period. In a voice vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1).**

[Mayor Rosner then took the gavel back.]

Mayor Rosner asked the City Attorney to prepare a resolution to be presented before the Council at the February 2nd Council meeting. Mayor Rosner asked the City Manager if adding this initiative will affect the City's Census Committees. Mr. Baker responded that there are several ways to incorporate this into our Census initiatives. One recommendation was to have the Council discuss this issue in their individual Census interviews that will be airing shortly. The City will provide a draft script for the Council Members if they would like. Assistant City Manager Bernard McGriff added that the City will add this issue to the Scope of Services for the radio stations so that they can broadcast this message.

Councilman Pierre asked to speak about another item that will affect the Census. He reported that Catholic Charities, Department of Children and Families, and Dade County Public Schools are working on programs for orphaned Haitian children that may be coming into Florida. One estimate is that we may end up with 2,000 children in North Miami Beach. More details are forthcoming.

On the Census advertisements, Councilwoman Kramer asked the City Manager if the messages we're giving out to the public were prepared by the City or the government. Are we comparing ourselves with other cities and looking at how they're addressing these issues? The City Manager responded that we created our own program; but, all that we put out there, the Census reviews it and makes sure it is consistent and accurate.

9. CITY ATTORNEY'S REPORT – Darcee S. Siegel

City Attorney Darcee S. Siegel stated that in the past two days we have received five new foreclosure actions; things are not slowing up. She also reported that, in the past two weeks, her office has cleared \$56,637.00 in police forfeitures. In 2009, there had been a total of 29 forfeiture cases that resolved in final judgments in the favor of the City which resulted in a recovery of \$1,689,490.06, 14 vehicles, and 1 boat.

Councilwoman Spiegel asked the City Attorney if those funds go into the General Fund. The City Attorney responded that, no, those monies go into the Law Enforcement Trust Fund. There are certain items that these funds can be used for, specifically based on state and federal statutes. Councilwoman Spiegel asked if

those funds could be used for the gym programs late at night and on weekends. The City Attorney responded that they could. In regards to the vehicles we are awarded, those that are salvageable are used by the Police Department.

10. CITY CLERK'S REPORT – Susan A. Owens, CMC

10.1 Legal Advertising

City Clerk Susan Owens supplied the Council Members with copies of the recent ads and proofs placed in *The Miami Herald*. She reported that since the Council approved the budget reduction in June, the City continues to advertise its resolutions and ordinances, in accordance with all applicable statutes, in the main section of the *The Miami Herald*. The same exact location it has done so for over ten years. The only difference now is that they do not publish non-required ads, including those in the Neighbors Section of *The Miami Herald*. This change was made after staff reviewed the costs, what other government agencies were doing, and readership statistics. Staff found the following:

- The City was paying approximately \$40,000.00 in non-required advertising.
- Due to the budget crisis, a State bill was proposed in the Senate that would lift the requirement for print advertisement and allow for a digital alternative. This bill is currently a legislative priority for the Florida League of Cities, the Broward League of Cities, the Broward County Commission, and several other cities.
- Pew Research Center studies indicate print readership is falling significantly, while online readership is rising.
- Newspapers are increasing their advertising rates, even for governmental agencies, in order to subsidize lagging sales.

Ms. Owens added that as far as the Neighbors Section goes, we cannot utilize that section of the paper for these legal ads due to various publication deadlines and legal obligations. She advised the Council that, with a few exceptions, ordinances only require the second reading to be advertised. In your copies you will find a few ads for first reading and some resolutions as these are those exceptions. She stated that residents were offered to have an agenda mailed to them, but to date only one person has requested this service.

Mayor Rosner asked how much the City could save if they switched to digital media. Ms. Owens said the City would save about another \$40,000.00. Mayor Rosner asked if this is in discussion. Ms. Owens responded that the bill was actually introduced last year and did not pass. Due to the rising costs, however, this has become a legislative priority. Mayor Rosner asked if this is something the Council would like to support. Councilwoman Spiegel requested further discussion first.

Councilwoman Spiegel asked if there was any statutory requirement for print media. Ms. Owens replied that it does. Councilwoman Spiegel asked if there were any size requirements. Ms. Owens responded that some do, but the standard ordinances given to the Council do not. Councilwoman Spiegel asked if, since she became a Council Member, we have complied with the State Statutes. Ms. Owens replied that we have complied with every last one of them. Councilwoman Spiegel stated that she was not in favor of eliminating the print requirement in its entirety. Councilwoman Spiegel asked what would happen if newspapers go out of business. Ms. Owens replied that that is part of this legislation. As they go by the wayside, communities' only option would be online media.

Mayor Rosner stated that that is a big discussion these days, local papers are filing bankruptcy and consolidating. Councilwoman Spiegel stated that not everyone in the City receives the same Neighbors Section. Ms. Owens stated that the City publishes in both Neighbors sections within the City. Mayor Rosner stated that he would bring this item up with the League of Cities.

11. MAYOR'S DISCUSSION

Mayor Rosner wished to say thank you to Reverend Burke and the clergy in our City. Last Wednesday, when Reverend Burke called and asked if we could organize a prayer meeting in the City, we made a lot of phone calls to other local clergy. The resulting service on Friday was a representation of our entire City coming together. It was beautiful to see every denomination coming forward and working together to try and help a common cause.

12. PUBLIC COMMENT

The following individuals appeared before the City Council to express their opinions and concerns:

Charles Loeb, 16800 NE 15 AVE, #112, North Miami Beach, FL, spoke regarding free dental care for children, the McDonald Center, aid to Haiti, FPL charges, and conservation.

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL, spoke regarding the Haitian Relief Fund, corruption, the Census, qualifying fees, and legal advertising.

Allison Robie, 2131 NE 179 ST, North Miami Beach, FL, spoke regarding legal advertising, Council salaries, and qualifying fees.

Joseph Paglino, 1270 NE 167 ST, North Miami Beach, FL, spoke regarding police working after hours in adult clubs and Bamboo Gardens.

13. MISCELLANEOUS ITEMS – None

14. WAIVER OF FEE – None

15. BUSINESS TAX RECEIPTS – CITY CLERK

15.1 Blue Light District Entertainment, LLC
d/b/a Diamond's Gentleman's Club
337-349 NW 170 ST,
North Miami Beach, FL

Leonard J. Moore, Managing Member

RE: Applicant is requesting approval of a 4:00 a.m. to 6:00 a.m. extension of Hours Business Tax Receipt for an Adult Entertainment establishment. (*Initial six month approval*)

The following individuals appeared before the City Council to express their opinions and concerns:

Joseph Paglino, 1270 NE 167 ST, North Miami Beach, FL

Allison Robie, 2131 NE 179 ST, North Miami Beach, FL

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL

Robert Taylor, 1951 NE 157 TER, North Miami Beach, FL

Motion made by Councilman Derose, seconded by Vice Mayor Smith, to approve issuance of a conditional three-month Business Tax Receipt for an Extension of Hours Business Tax Receipt for an Adult

Entertainment establishment for Blue Light District Entertainment, LLC d/b/a Diamond's Gentleman's Club, subject to subject to final approval by the City's Building Department, Miami-Dade County Fire Department, all stipulations requested by the City's Chief of Police, and those items agreed to by Mr. Leonard J. Moore in his letter dated December 8, 2009. In a voice vote, with Councilman Pierre dissenting and Councilman Julien absent, the motion passed. (**Motion carried 5-1-1**).

16. LEGISLATION

Motion made by Councilman Derose, seconded by Vice Mayor Smith, to introduce Resolution No. R2010-4. In a voice vote, with Councilman Julien absent, all voted in favor. (**Motion carried 6-0-1**).

16.1 Resolution No. R2010-4

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING AND ENCOURAGING THE MIAMI-DADE COUNTY COMMISSION TO CONSIDER UTILIZING MODERN ROUNDABOUTS AS A SUBSTITUTE TO TRAFFIC LIGHTS AT INTERSECTIONS THROUGHOUT THE COUNTY.

Motion made by Councilman Derose, seconded by Vice Mayor Smith, to adopt Resolution No. R2010-4. In a roll call vote, with Councilman Julien absent, all voted in favor. (**Motion carried 6-0-1**).

16.2 Ordinance No. 2010-2 – Item taken out of order on the agenda. (See Page 1)

Motion made by Councilman Derose, seconded by Councilwoman Spiegel, to introduce Ordinance No. 2010-1. In a voice vote, with Councilman Julien absent, all voted in favor. (**Motion carried 6-0-1**).

16.3 Ordinance No. 2010-1 (Second and Final Reading)

AN ORDINANCE AMENDING SECTION 2-32.2 OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ALLOWING PERSONS TO SERVE ON MORE THAN ONE CITY ADVISORY BOARD, COMMISSION OR COMMITTEE SIMULTANEOUSLY; DISALLOWING PERSONS TO SERVE ON THE CODE ENFORCEMENT BOARD, THE PLANNING AND ZONING BOARD, THE CIVIL SERVICE BOARD OR THE PUBLIC UTILITIES COMMISSION AT THE SAME TIME; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

The following individuals appeared before the City Council to express their opinions and concerns:

Mubarak Kazan, 15564 NE 12 AVE, North Miami Beach, FL

Motion made by Councilman Derose, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2010-1 on Second and Final Reading. In a roll call vote, with Councilwoman Spiegel dissenting and Councilman Julien absent, the motion passed. (**Motion carried 5-1-1**).

17. CITY COUNCIL COMMITTEE REPORTS

VICE MAYOR SMITH

FREE HEARING TESTS. Costco, tomorrow, I don't know, I tried to reach them this afternoon to see if there are any appointments open. But tomorrow, Costco on Biscayne Blvd and 145 Street,

will be giving free hearing tests. You can call (305) 944-1419 to see if they have any openings left and if they do not, perhaps they will schedule something for you for another day for a free hearing test.

HEALTH & SCIENCE CAREER EXPO. There is a Health & Science Career Expo; it's free to the public. It will be Monday January 25th, from 9:00 A.M. to 4:00 P.M. at the Doubletree Miami Mart Hotel, 711 NW 72nd Avenue. I wanted you to be aware of it. There is no phone number, but this is in reference for employment opportunities for nursing, medicine, engineering, dentistry, etc., and training opportunities for students from Miami-Dade, Broward, Palm Beach, and Monroe counties. Maybe that's something that you would be interested in and that would be Monday, January 25th from 9:00 A.M. to 4:00 P.M. at the Doubletree Miami Mart Hotel. Perhaps you could call there and they would have a number if you need more information.

SEMINARS FOR PARENTS. Lastly, and most importantly, is "Navigating Tough Issues". It's workshops for parents presented by the Miami-Dade County Public Schools in reference to cyber-safety, bullying, adolescent mental health, violence prevention; and, it's going to be five different places in our community. One of the places will be North Miami Beach Senior High School, February 4th, from 6:00 P.M. to 8:00 P.M., and that's at 1247 NE 167th Street. I'll try to remember to announce it again at our next Council meeting; but, in case we have an overload or I forget, it's February 4th. It's at the Senior High. It's a free workshop for parents presented by Miami Dade County and I think that's something well worth attending. It's a funny thing, when my son was a young man there was a gentleman that spoke at the Orange Bowl. He was from a minority family that was very impoverished and he just studied hard and wanted to get out, and became a doctor. He gave a seminar to children, to inspire them. I took my son. He must have been maybe eight or nine. As some people know, I spent some time with him this past week and he recommends the doctor's book at 36 years old, to his employees – I think he just hired his third attorney in his firm – and to troubled young men that come before him, for him to represent them. He recommends that book. He has never, in all these years, mentioned the time that I took him. He has never mentioned it to me that I made him go, that he fought in the car the whole way, that he sat in that hot Orange Bowl. And all these years later I said, you know – things like this pay off. And that's the reason I want to mention it to the public tonight. I hope and I encourage you to tell your neighbors and to try to attend. Even if your child is perfect, they may know somebody that would need some help and they may pick up one hint.

UPCOMING MEETINGS. I'd also like to say that tomorrow we do have the Aging Group in the morning at 9:00-9:15 A.M. I am going to see what we can do with this cold spell to, maybe – everybody needs to donate to such harshness that has happened to a country so close to us we can almost touch them – but maybe we can see if we can get some blankets and some heaters. That cold spell just really must have hit many of our senior citizens. So, that's what I'll be working on this month with them. My focus group is tomorrow night from 7:00 to 8:00P.M., anybody from the public that would like to come. I found out today that Economic Development was, I couldn't understand why it wasn't in the elevator announced, because it has been postponed for this month. Apparently Mr. Wick has so much going on, it seems to be very exciting and he's got a lot. He wants to be fully prepared and really give a nice presentation. So, we're going to postpone the Economic Development for one month.

HELPING THE HAITIAN COMMUNITY. I had asked Reverend Dr. Burke to come tonight. She will come in two weeks to give a little presentation what the community, besides the money, besides all that, what the community can do not only to help the Haitian community and to help the

Haitian country, but also to prepare ourselves, as been mentioned on this Council of, we may have a very strong influx that we need to, in our own City, in our own backyard, really help these people, and so she will. She said she would be here and then she cancelled at the last minute and she had other commitment that was an emergency; but, she will be here in two weeks to give us that little presentation.

GOALS WORKSHOP. The Manager and I discuss, and I am excited about it, this afternoon, that listening to the Council while I was out of town, I was very, very excited for your list of what's coming up. That list of every month, to have something new introduced to the City and to the residents, and some things may be more costly, some things are with grants, some things are small, just inspired me that I have requested a workshop. He is going to ask Andrise and Rosalie to set that up with us that we can sit down as a Council and have the same schedule of what would we like on a monthly basis to accomplish as a Council. Just some, we'll interact with each other – what would you like, would you like more volunteers, would you like more community/city partnerships – and try to set a schedule that we can come before the public and say this is our goal for February, this is our goal for March. We're going to be setting that up, and hopefully within 30 days. I can have a nice list of what our goal is as a Council. So, I thank you for that. I think it would be a very exciting thing for all of us. I am looking forward to that.

GOOD WISHES. I hope 2010, that started out with such horrific news, all that will be behind us and 2010 for everybody will be a healthy, good year.

Mayor Rosner asked the City Clerk if we could add this as a Pre-Council item. Ms. Owens stated that it would have to be February 16th. Vice Mayor Smith expressed that, in that case, she would like it to be the whole meeting. Thirty minutes would not be enough time for this item. Council consensus was to add it to the February 16th Pre-Council Conference.

COUNCILWOMAN SPIEGEL

ABC BOUNDARY COMMITTEE MEETING. The ABC Boundary Committee meeting is very, very important. The ABC Boundary Committee meeting, where the committee will consider the School Board's proposal to take the Eastern Shores children out of Sunny Isles Beach Community School and put them in Ojus and then Highland Lakes Middle. That meeting is scheduled for Friday, January 29th, 2010, and as of an e-mail received late this afternoon, it is starting at 10:30 A.M. The meeting will take place at the Dade County School Board Auditorium, which is located at 1450 NE 2nd Avenue in downtown Miami. On our website, thanks to our Assistant City Manager Roz Weisblum and our wonderful IT department, is the package of proposals which went down to the School Board. Soon to be on our website, because the City Clerk's Office has told me they will get with IT and they have the list of all the ABC Board Members, will be the ABC Committee Members and their e-mail addresses. It is very, very important that the residents, that the parents of children get active, get involved. E-mail and e-mail again the ABC Committee Members. Show up on Friday, January 29, 2010 at 10:30 A.M. The School Board, by and through Connie Kostyra whose phone number is (305) 995-2687, wants to know if there are any concerned parents or residents who want to speak. I am on the list; I will be speaking. But, my understanding from former members of the ABC Committee, parents get down there, get in contact, one or two or three of you need to polish up your public speaking skills, or not; but, have enough courage to go down and speak in public. This is important; this is our children.

THANK YOUS. I want to thank the City Manager and the IT Department. I now know why my fellow Council Member, John Julien, has been so relaxed sitting up here on the dais. The notebook

is terrific. I love being able to see the agenda and everything on this screen. I even figured out how to adjust the print size so I didn't need reading glasses up here. Not only is it easy and terrific, but it will save a lot of paper, a lot of trees. Madame City Clerk, as long as Patrick gets the agenda on here for me, you don't need to print me out a paper agenda anymore. It's terrific. I encourage other City Council Members to acquire the notebook. I appreciate it. I want to send out a thank you, or a kudo, to IT, and particularly Patrick, Lori, and Maria, have all been very helpful in the last week or so in getting me onto this and running it, and they're terrific.

I also want to send out a kudo to the Planning and Zoning Board. I sat through the last meeting and it is clear to me that those members read their packages, think about it, and come prepared to question. That is public service. I thank them for it.

MARTIN LUTHER KING JR. BREAKFAST. I, along with several other Council Members sitting up here, went to the Martin Luther King 5000 Role Models of Excellence breakfast yesterday. It was wonderful. It was terrific; but, it also reminded me that it is such a privilege to serve the residents of this City. But for having been elected, I would have not been at that event. It was inspiring, educational, and I thank you for that privilege.

SYMPATHIES. Finally, I want to extend my sympathies to all of the Haitian Americans in our community who have lost loved ones, friends, lost your sense of personal history. I can't imagine what it is like for you and your family and your friends, but please know that heartfelt sympathies go out to you, to all of our residents. This is not just about the immediacy, but I think that we need to be prepared to help our Haitian American friends, relatives, neighbors and their families and relatives there in the years to come. Whether it's rebuilding the infrastructure, their buildings, or dealing with the horrific injuries that have been suffered. It's a long term process and we need to commit to it long term, and I think that the City is looking both immediate and long term. You have our sympathies; and, to echo Vice Mayor Smith, let's hope it gets better.

Motion made by Councilman Pierre, seconded by Councilman Derose, to extend the meeting past midnight. In a voice vote, with Councilman Julien absent, all voted in favor. (**Motion carried 6-0-1**).

COUNCILMAN DEROSE

SYMPATHIES. I am deeply sad by the recent disasters happening to the Republic of Haiti. I would like to seize this moment to express my sympathies, my thoughts, my prayers to all the citizen who were affected by this great disaster. Over 150,000 people lost their life and more than 500,000 left homeless, with no place to sleep and countless more are still under the rubble. It really is tragic to see a thing that man take over many years to build and just in 32 seconds, completely it is done. We must say thanks to God because an earthquake with 7.0 magnitude really can destroy the whole country. We thanks God for those who survived. I want to take this opportunity to thanks the United States government, and all the international countries who quickly responds to help the Republic of Haiti. I believe this is a long road to recovery, but I am grateful for all the help and support we see from everyone. I would like everyone to pray for the country during this difficult time.

COUNCILWOMAN KRAMER

SYMPATHIES. I too want to express my deepest sympathies to the people of Haiti. Of course, it's touched us greatly because our community, our residents, our employees of the City, and my fellow colleagues have all been touched, so it hits very close to home. We'll do what we can to hopefully

aid the country. I know that when this first happened and I immediately e-mailed the Manager, the greatest response was within seconds that said he was already on it. That's, again, where our slogan "Where People Care" really is so true and so touching. I just hope that whatever we can do, we can do it as quickly as possible, although it's going to take a very long time to get through this. Even if we do it in bits and pieces, it probably works out just the same.

HOMELESS TRUST METER. Also, this evening, I just want to say I am very excited about our Homeless Trust Meter that's coming to our City. I think that it's a great start, something very important, and something that we can contribute to the many, not just the many homeless people, but so many families especially during these economic times that are homeless. I've seen them in our parks. I believe that our business community will embrace this. I don't think we're going to have a tough time at all getting this around our City of North Miami Beach, again, "Where People Care". It's going to show when these start sprouting up, these beautiful yellow Britto designed meters to help the homeless community.

COUNCILMAN PIERRE

Before I go onto my report, I want to read a text message that I just received about 15-20 minutes ago. It's from the Superintendent of School, who is looking for a possible location to build a new school. I am invited to join his committee to look out for sites, hopefully in North Miami, North Miami Beach area. Do we have any suggestions? They are looking for a location to build a new school, for possible locations, for the kids that's coming from Haiti.

The Mayor stated that it's news to us. A few weeks ago they rescinded something that the Manager and I have been working on for several months. The Mayor asked Councilman Pierre to reply and ask where did he get the funding source.

Vice Mayor Smith stated that maybe that circumstance has changed with the devastation. She stated to Council Member Pierre that it's another avenue that I would appreciate you very much having the strongest voice on that committee, to bring into our City a way of our City; and, whatever we can do as far as land goes, please, first thing in the morning get with people and see where we have the possibility to have that happen here in our City.

Councilwoman Spiegel stated that, respectfully Mr. Mayor, there's an old expression, don't look a gift horse in the mouth. If the School Board is looking for areas in North Miami Beach, let's not worry about what changed. Let's worry about what we can find to accommodate.

Councilman Pierre clarified that it was his suggestion to look in North Miami, North Miami Beach. Vice Mayor Smith replied that she thinks North Miami Beach is a wonderful suggestion, and I don't think we should question them. Council concurred with looking for possible locations in the City.

[Beginning of Councilman Pierre's Comments]

SYMPATHIES. I too would like to express my heartfelt sympathy to the people of the Republic of Haiti. I understand that was the worst disaster they have in more than 200 years. My heart goes out to all of you, even though I do not have anyone in particular. A close friend of family that I know her name; but, we have an old saying – we are all brothers and sisters, so therefore what one effects all of them. I feel like I have my own family been buried under that rubble. To the Haitian people, I want to tell them (said in Creole) to hold on – so there are better days ahead. On a brighter note, that earthquake bring two things that we tried in the past, one is, as the Mayor mentioned earlier, is

TPS for Haitians and Operation Pierre Pan.

TEMPORARY PROTECTIVE STATUS. This is for Haitians living illegally in the Country. We know for sure that there are thousands of them in North Miami Beach. With TPS, that would give them more comfort to participate in the Census. Remember, in 2008 when I first sponsored the first TPS, it wasn't approved. I remember on April 21, 2009, our last Council meeting, our wonderful Mayor sponsored the TPS and we were put on hold. Finally we see the light at the end of the tunnel. I want to say thank you to everybody on the Council who voted unanimously for both resolutions, to make it a reality.

OPERATION PIERRE PAN. Also, as I mentioned earlier, we are going to have Operation Pierre Pan. They call it Pierre Pan after Pedro Pan they have for the Cubans in the years. The idea is to bring orphan kids from Haiti. We don't know how many, but my estimation is about 2,000 will be in North Miami Beach, or more. That's another reason why the school should be in North Miami Beach.

WORLD CUP IN 2018 OR 2022. Another brighter note, remember three or four Council meetings ago we all voted for a resolution to bring the World Cup to the United States in 2018 or 2022 and another resolution was to choose Miami as the site. I got good news for you; it has been reported that Miami indeed was chosen to be a site. So, if we get the World Cup in 2018 or 2022, there will be a soccer game. It will be Fiesta Time.

YOUTH ADVISORY BOARD. The Youth Advisory Board is up and running. Last time, in the very cold weather, I must acknowledge that, we have a full house of young children coming to participate, discuss, and debating. And, let me tell you, those kids they really, really, really intelligent, very smart. I can see bright future ahead of us.

CENSUS. Last but not least, 2010 it is Census year. Remember, every single one of you need to be counted. Illegally or not, in this country you need to be counted.

MAYOR ROSNER

SYMPATHIES. My sympathies to the people of Haiti. Several people that I know that I interact with on a daily basis, my tennis coach, the wheelchair tennis coach, who also coaches my kids, lost his uncle. The Tennis Coach here in our City has family members. I think that because of the amount of people that lost their lives, somebody is affected whether it is a distant relative, or somebody close – my sympathy to you.

MIAMI-DADE COMMUNITY COLLEGE. This morning I was proud to present a proclamation to Miami-Dade Community College for their science complex. They inaugurated something called a "Stem School" today and they are celebrating 50 years and I was very proud to represent our City there, along with other Mayors that presented this proclamations to Miami-Dade Community College.

18. **NEXT REGULAR CITY COUNCIL MEETING** – Mayor Rosner announced that the next Regular City Council meeting will be Tuesday, February 2, 2010.
19. **ADJOURNMENT** – There being no further business to come before the City Council of the City of North Miami Beach, the Regular Meeting of the City Council of the City of North Miami Beach was adjourned at 12:09 A.M. on a motion by Councilman Derosé, seconded by Vice Mayor Smith.

In a voice vote, with Councilman Julien absent, all voted in favor. (Motion carried 6-0-1)

CERTIFICATION

I, SUSAN A. OWENS, CITY CLERK OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES, PAGES ONE (1) THROUGH PAGE FOURTEEN (14) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS TAPE RECORDED AT THE REGULAR CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE 19TH DAY OF JANUARY, 2010.

(SEAL)


for SUSAN A. OWENS, CMC,
CITY CLERK
CITY OF NORTH MIAMI BEACH