

AUGUST 17, 2010 MEETING MINUTES
(CNMB-CC MINUTES TAPE #446)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:38 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Philippe Derose, and Council Members Beth E. Spiegel, John Patrick Julien, Barbara Kramer, and Frantz Pierre. Councilwoman Smith was absent. 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 Reverend Jonas Georges, All Nations Presbyterian Church

Mayor Rosner then requested a moment of silence for the passing of Iola West-Crawford and Mr. Alan Seif.

3. PLEDGE OF ALLEGIANCE

Judge Flora Seff led the City Council in the Pledge of Allegiance.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

(Mayor Rosner passed the gavel to Vice Mayor Derose to make the following motion.)

Motion made by Mayor Rosner, seconded by Councilman Julien, to take Items #15.4, 15.5, 15.6 and 15.8, out of order to be heard at the beginning of Legislation. In a voice vote, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

(Vice Mayor Derose then passed the gavel back to Mayor Rosner.)

5. PRESENTATIONS/DISCUSSIONS – None

6. APPOINTMENTS – None

7. CONSENT AGENDA

Motion made by Vice Mayor Derose, seconded by Councilman Julien, to introduce the Consent Agenda. By consensus, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

7.1 Meeting Minutes of July 20, 2010

7.2 Motion to Reschedule the September 21, 2010 Regular City Council Meeting for September 28, 2010

7.3 Resolution No. R2010-53

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AND URGING THE PASSAGE OF LOCAL, STATE AND FEDERAL LEGISLATION TO TARGET THE USE AND POSSESSION OF ILLEGAL GUNS.

7.4 Resolution No. R2010-54

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTER-LOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO PROVIDE CURBSIDE COLLECTION OF RECYCLABLE MATERIALS FROM SINGLE-FAMILY RESIDENCES WITHIN THE CITY.

7.5 Resolution No. R2010-55

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 SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR THE INSTALLATION OF A NEW DRAINAGE SYSTEM WITH THE STORM WATER PUMPING STATION AND DEEP INJECTION WELLS FROM N.E. 172ND STREET TO N.E. 170TH STREET BETWEEN N.E. 23RD AVENUE AND WEST DIXIE HIGHWAY IN NORTH MIAMI BEACH, FLORIDA.

7.6 Resolution No. R2010-56

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO APPROVE A CHANGE ORDER REQUEST FOR ADDITIONAL WORK BY TRAN CONSTRUCTION, INC. ON N.E. 19TH AVENUE IN NORTH MIAMI BEACH, FLORIDA, UNDER ROADWAY IMPROVEMENT PROJECT BID #2009-17.

7.7 Resolution No. R2010-57

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE SALE OF CITY OWNED VACANT SURPLUS LAND LOCATED AT 13900 BISCAYNE BOULEVARD TO NK GROUP, INC., THE HIGHEST RESPONSIVE, RESPONSIBLE BIDDER.

7.8 Resolution No. R2010-58

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED AGREEMENT WITH NEW CINGULAR WIRELESS PSC, LLC TO LEASE CITY-OWNED PROPERTY BEHIND THE POLICE DEPARTMENT PARKING GARAGE TO CONSTRUCT, MAINTAIN AND OPERATE A CELLULAR COMMUNICATIONS FACILITY

7.9 Resolution No. R2010-59

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING THE EXECUTION OF A CONTRACT WITH MIAMI-DADE COUNTY REGARDING A GRANT IN THE AMOUNT OF \$11,200.00 FOR THE CITY'S SPORTS PROGRAMS.

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to approve the Consent Agenda. In a voice vote, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

8. CITY MANAGER'S REPORT

8.1 Forfeiture (LETf) Appropriation Request

Motion made by Vice Mayor Derose, seconded by Councilman Julien, to approve the Forfeiture (LETf) Appropriation Request. In a voice vote, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

Foreclosure Workshop. City Manager Baker reported that the City has been working in conjunction with County Commissioner Heyman's office to put together a Foreclosure Prevention Workshop for October 7, 2010. Further information will be forthcoming.

Jobs Fair. City Manager Baker also reported that the City has been working to put together a Jobs Fair for September 27, 2010, from 10:00 a.m. to 2:00 p.m. Further information will be forthcoming.

9. CITY ATTORNEY'S REPORT

9.1 Litigation List

Charter School. City Attorney Siegel reported that negotiations are ongoing with the Mater Academy Charter School. A progress update will be provided at the next meeting.

10. MAYOR'S DISCUSSION

Mayor Rosner discussed his concerns and goals for the next fiscal year:

- Continue to lower property taxes
- Continue the five-year plan to build up the reserves

- Maintain all of our facilities and continue to rebuild our crumbled infrastructure
- No general or management employee layoffs
- Continue to rebuild our City's aging infrastructure and to look for every available dollar
- Continue our routine maintenance and reinvestment program
- Reduce employee healthcare costs
- Invest in new computers to get our Building Department into the computer age
- Our Zoning Department needs to be fully revamped from top to bottom
- Our Finance Department's computer system needs upgrading
- Keep our trash pickup schedule as it is
- To outsource less in the Legal Department and designate our Assistant City Attorney as the in-house CRA attorney
- Our records management system needs to be more computerized and internet-friendly
- Our business tax receipts need to be relocated under the Zoning Department
- Reapportion the Police Department budget back to previous levels
- No officer layoffs
- Implement pension reform
- No increases in water rates
- Continue to reduce operating expenses

(Councilman Pierre then requested a point of privilege to make the following request.)

Councilman Pierre requested a review at this time of all three employees appointed by Council.

Motion made by Councilman Pierre, seconded by Councilman Julien, to reappoint Mr. Baker as City Manager for the upcoming year. After further discussion, **the motion and second were then withdrawn** at Councilman Julien's suggestion that this matter be placed on a pre-council conference agenda.

11. PUBLIC COMMENT

Charles Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL, spoke regarding the library hours, school hours, elections, budget workshop, lobby ATM, licensing fees, FEC transportation study, Jewish holidays, and water bill payments.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke regarding the budget.

Robert Taylor, 1951 NE 157 Terrace, North Miami Beach, FL, spoke regarding park rehabilitation, City facilities, and city services.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke regarding ethics, civility, the Police Department, and budget cuts.

Carmen Kienzle, 1653 NE 178 Street, North Miami Beach, FL, spoke regarding the police pension payments, Police and Fire Retirement Committee, and Council vacancy appointment.

Margie Love, 1579 NE 169 Street, North Miami Beach, FL, spoke regarding RAPP, curfews for minors, loitering, traffic obstruction, and area crime.

Yona Lunger, Vice President/Chamber of Commerce, spoke regarding the Commercial Security Grant program, Community Redevelopment Agency, and Coffee with a Cop Program.

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL, spoke regarding the budget.

Marlen Martell, 17374 South Glades Drive, North Miami Beach, FL, spoke regarding pensions.

Ketley Joachim, 210 NE 170 Street, North Miami Beach, spoke regarding the Police Department.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL, spoke regarding Council benefits and management compensation.

George Vallejo, 2940 NE 164 Street, North Miami Beach, FL, spoke regarding employee benefits and the budget.

12. MISCELLANEOUS ITEMS – None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS

14.1 SMG Entertainment, Inc. d/b/a Queen of Diamonds Gentlemen's Club

17450 Biscayne Boulevard North Miami Beach, FL 33160

Approval of a 4:00 a.m.-6:00 a.m. Extension of Hours Business Tax Receipt. *(Initial 6 month approval)*

Motion made by Vice Mayor Derose, seconded by Councilman Julien, to approve issuance of a 4:00 a.m.-6:00 a.m. Extension of Hours Business Tax Receipt (initial 6 month approval). In a roll call vote, with Councilwoman Smith absent, Vice Mayor Derose, Councilwoman Spiegel, Councilman Julien, and Mayor Rosner voted yes; Councilwoman Kramer and Councilman Pierre voted no. **(Motion carried 4-2-1)**

15. LEGISLATION

(Items #15.8, 15.4, 15.5, and 15.6 were taken out of order)

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to introduce Ordinance No. 2010-19 (Second and Final Reading). By consensus, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

15.8 Ordinance No. 2010-19 (Second and Final Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS; CREATING A NEW SECTION 4.02(c) PROVIDING A DIFFERENT SUPPLEMENTAL CONTRIBUTION THROUGH THE 2019 PLAN YEAR, BUT REQUIRING A 70% FUNDED RATIO FOR THE OCTOBER 1, 2020 ACTUARIAL VALUATION (TO DETERMINE THE EMPLOYER CONTRIBUTION FOR THE FISCAL YEAR STARTING OCTOBER 1, 2021); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN

CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

The following individuals came before the City Council:

Mo Asim, North Miami Beach Police Department
Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL
Robert Sugarman, 100 Miracle Mile, Coral Gables, FL, Counsel for Retirement Boards
Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL
Linda Loizzo, address exempt per Florida Statutes
Carmen Kienzle, 1653 NE 178 Street, North Miami Beach, FL
George Vallejo, 2940 NE 164 Street, North Miami Beach, FL
Richard Reiss, 23 NW 169 Street, North Miami Beach, FL
Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL
Leo Socorro, North Miami Beach Police Department
Charles Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL
Margie Love, 1579 NE 169 Street, North Miami Beach, FL

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2010-19 (Second and Final Reading).

Motion made by Councilwoman Spiegel to amend Ordinance No. 2010-19, to provide that the City must contribute a minimum of \$500,000 per year. **(Motion died for lack of second)**

Motion made by Councilwoman Spiegel, seconded by Vice Mayor Derose, to amend Ordinance No. 2010-19, to provide that the City must contribute a minimum of \$1 million per year. In a roll call vote, with Councilwoman Smith absent, Vice Mayor Derose, Councilwoman Spiegel and Councilman Julien voted yes; Councilwoman Kramer, Councilman Pierre, and Mayor Rosner voted no. **(Motion failed 3-3-1)**

Motion made by Councilwoman Kramer, seconded by Vice Mayor Derose, to adopt Ordinance No. 2010-19, as presented (Second and Final Reading). In a roll call vote, with Councilwoman Smith absent, Vice Mayor Derose, Councilwoman Spiegel, and Mayor Rosner voted yes; Councilman Julien, Councilwoman Kramer, and Councilman Pierre voted no. **(Motion failed 3-3-1)**

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to reconsider Ordinance No. 2010-19 (Second and Final Reading). In a roll call vote, with Councilwoman Smith absent, Vice Mayor Derose, Councilwoman Spiegel, and Mayor Rosner voted yes; Councilman Julien, Councilwoman Kramer, and Councilman Pierre voted no. **(Motion failed 3-3-1)**

(Mayor Rosner then passed the gavel to Vice Mayor Derose to make the following motion.)

Motion made by Mayor Rosner, seconded by Vice Mayor Derose, to reconsider Ordinance No. 2010-19, amended to provide that the City must contribute a minimum of \$350,000 per year. In a roll call vote, with Councilwoman Smith absent, Vice Mayor Derose, Councilwoman Spiegel, and Mayor Rosner voted yes; Councilman Julien, Councilwoman Kramer, and Councilman Pierre voted no. **(Motion failed 3-3-1)***

**Clerk's Note: Item died and was not brought back for reconsideration.*

(Vice Mayor Derose then passed the gavel back to Mayor Rosner.)

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-15 (Second and Final Reading). By consensus, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

(Councilman Pierre temporarily left the meeting.)

15.4 Ordinance No. 2010-15 (Second and Final Reading) - Tabled from July 20, 2010

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; AMENDING SECTION 1.05, CONCERNING AMENDMENT OF THE PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

The following individuals came before the City Council:

Charles Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL

Bonnie Jensen, 400 Executive Center Drive, #207, West Palm Beach, FL, Counsel for Retirement Boards

Janice Coakley, 19681 NW 33 Avenue, North Miami Beach, FL

Carmen Kienzle, 1653 NE 178 Street, North Miami Beach, FL

Jim Lynn, Lewis Longman & Walker, P.A., Tallahassee, FL, City's outside counsel

Jim Crosland, Labor Employment Counsel for Retirement Boards

Miriam Besinger, 1060 NE 177 Terrace, North Miami Beach, FL

Linda Loizzo, address exempt per Florida Statutes

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL

Robert Sugarman, 100 Miracle Mile, Coral Gables, FL, Counsel for Retirement Boards

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to adopt Ordinance No. 2010-15 (Second and Final Reading).

(Mayor Rosner then passed the gavel to Vice Mayor Derose to make the following motion.)

Motion made by Mayor Rosner, seconded by Vice Mayor Derose, to table Item #15.4. In a roll call vote, with Councilwoman Smith and Councilman Pierre absent, Vice Mayor Derose, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted yes; Councilwoman Spiegel voted no. **(Motion carried 4-1-2)**

(Vice Mayor Derose then passed the gavel back to Mayor Rosner.)

Motion made by Vice Mayor Derosé, seconded by Councilman Julien, to introduce Ordinance No. 2010-16 (Second and Final Reading). By consensus, with Councilwoman Smith and Councilman Pierre absent, the rest of the Council voted in favor. **(Motion carried 5-0-2)**

15.5 Ordinance No. 2010-16 (Second and Final Reading) - Tabled from July 20, 2010

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; AMENDING SECTION 6 OF ORDINANCE 2002-30, CONCERNING AMENDMENT OF THE PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Vice Mayor Derosé, seconded by Councilman Julien, to adopt Ordinance No. 2010-16 (Second and Final Reading).

(Mayor Rosner then passed the gavel to Vice Mayor Derosé to make the following motion.)

Motion made by Mayor Rosner, seconded by Councilman Julien, to table Item #15.5. In a roll call vote, with Councilwoman Smith and Councilman Pierre absent, Vice Mayor Derosé, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted yes; Councilwoman Spiegel voted no. **(Motion carried 4-1-2)**

(Vice Mayor Derosé then passed the gavel back to Mayor Rosner.)

Motion made by Vice Mayor Derosé, seconded by Councilman Julien, to introduce Ordinance No. 2010-17 (Second and Final Reading). By consensus, with Councilwoman Smith and Councilman Pierre absent, the rest of the Council voted in favor. **(Motion carried 5-0-2)**

15.6 Ordinance No. 2010-17 (Second & Final Reading) - Tabled from July 20, 2010

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE POLICE OFFICERS AND FIREFIGHTERS' RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH; AMENDING SECTION 1.05, CONCERNING AMENDMENT OF THE PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Vice Mayor Derosé, seconded by Councilman Julien, to adopt Ordinance No. 2010-16 (Second and Final Reading).

(Mayor Rosner then passed the gavel to Vice Mayor Derosé to make the following motion.)

Motion made by Mayor Rosner, seconded by Councilman Julien, to table Item #15.6. In a roll call vote, with Councilwoman Smith and Councilman Pierre absent, Vice Mayor Derose, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted yes; Councilwoman Spiegel voted no. **(Motion carried 4-1-2)**

(Vice Mayor Derose then passed the gavel back to Mayor Rosner.)

At the written request of the City Manager, **Mayor Rosner then called for a Special Meeting** regarding the budget. Mayor Rosner scheduled the meeting for Thursday, August 19, 2010 at the McDonald Center. The final time was announced later during Council Committee Reports as 7:00 p.m.

Motion made by Councilman Julien, seconded by Councilwoman Spiegel, to introduce Ordinance No. 2010-20 (First Reading By Title Only). By consensus, with Councilwoman Smith and Councilman Pierre absent, the rest of the Council voted in favor. **(Motion carried 5-0-2)**

15.1 Ordinance No. 2010-20 (First Reading, By Title Only) -Tabled from July 20, 2010

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MERGING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH INTO THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; REPEALING ORDINANCE NO. 2002-30 AND ALL SUBSEQUENT AMENDMENTS THERETO; PROVIDING FOR THE TRANSFER OF ALL ASSETS AND LIABILITIES OF THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH TO THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; DIRECTING THAT THE ADOPTION AGREEMENT WITH FLORIDA LEAGUE OF CITIES, INC. FOR ADMINISTRATION OF THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, DATED JANUARY 24, 2003, AND ALL SUBSEQUENT AMENDMENTS THERETO, BE TERMINATED; AMENDING ARTICLE II THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED "DEFINITIONS"; AMENDING SECTION 3.01 OF THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED "ELIGIBILITY; PARTICIPATION"; AMENDING SECTION 4.01 OF THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED "PARTICIPANT'S CONTRIBUTION ACCOUNT"; CREATING A NEW SECTION 6.15 OF THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED "BENEFITS OF GENERAL MANAGEMENT EMPLOYEES"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2010-20 (First Reading By Title Only).

(Mayor Rosner then passed the gavel to Vice Mayor Derosé to make the following motion.)

Motion made by Mayor Rosner, seconded by Councilman Julien, to table Item #15.1. In a roll call vote, with Councilwoman Smith and Councilman Pierre absent, Vice Mayor Derosé, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted yes; Councilwoman Spiegel voted no. **(Motion carried 4-1-2)**

(Vice Mayor Derosé then passed the gavel back to Mayor Rosner.)

Motion made by Vice Mayor Derosé, seconded by Councilman Julien, to introduce Ordinance No. 2010-21 (First Reading By Title Only). By consensus, with Councilwoman Smith and Councilman Pierre absent, the rest of the Council voted in favor. **(Motion carried 5-0-2)**

15.2 Ordinance No. 2010-21 (First Reading By Title Only)

AN ORDINANCE AMENDING CHAPTER III OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED PURCHASING AND IN PARTICULAR SECTIONS 3-3.11c. AND 3-3.11d. TO INCREASE FROM TEN YEARS TO TWENTY YEARS THE CONTRACT TERM AND PERIOD FOR PAYMENTS FOR GUARANTEED ENERGY SAVINGS CONTRACTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Vice Mayor Derosé, seconded by Councilman Julien, to adopt Ordinance No. 2010-21 (First Reading By Title Only). In a roll call vote, with Councilwoman Smith and Councilman Pierre absent, the rest of the Council voted in favor. **(Motion carried 5-0-2)**

Motion made by Vice Mayor Derosé, seconded by Councilman Julien, to introduce Ordinance No. 2010-13 (Second and Final Reading). By consensus, with Councilwoman Smith and Councilman Pierre absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

15.3 Ordinance No. 2010-13 (Second and Final Reading) - Tabled from July 20, 2010

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF AN OTHER POST-EMPLOYMENT BENEFIT TRUST FOR THE EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; AUTHORIZING THE JOINING AS A PARTY THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT AND THE PARTICIPATION OF SAID TRUST IN THE OTHER POST-EMPLOYMENT BENEFIT PLAN TRUST UNDER THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT; PROVIDING FOR PUBLICATION; 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.

(Councilman Pierre returned to the meeting.)

Motion made by Councilman Julien, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2010-13 (Second and Final Reading). In a roll call vote, with Councilwoman Smith absent, Vice Mayor Derose, Councilwoman Spiegel, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted yes; Councilman Pierre voted no. **(Motion carried 5-1-1)**

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-18 (Second and Final Reading). By consensus, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

15.7 Ordinance No. 2010-18 (Second and Final Reading)

AN ORDINANCE AMENDING CHAPTER XIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED BUILDING AND HOUSING, AND IN PARTICULAR SUBSECTION (e) OF SECTION 14-1.3, ENTITLED "BUILDING INFORMATION REQUESTED IN WRITING"; DELETING THE STANDARD SEARCH/RESEARCH FEES; ADDING A PROVISION FOR A SPECIAL SERVICE CHARGE ALSO KNOWN AS AN "EXTENSIVE USE FEE" ASSOCIATED WITH PROCESSING BUILDING PERMIT APPLICATIONS AND RELATED ACTIVITIES PURSUANT TO FLORIDA STATUTE 119.07; 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.

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to adopt Ordinance No. 2010-18 (Second and Final Reading). In a roll call vote, with Councilwoman Smith absent, the rest of the Council voted in favor. **(Motion carried 6-0-1)**

16. CITY COUNCIL COMMITTEE REPORTS

VICE MAYOR DEROSE

Vice Mayor Derose expressed his condolences to the family of Iola Crawford, and gave special thanks to the individuals who worked tirelessly to promote the City's Health Fair—it was a nice event.

COUNCILWOMAN SPIEGEL

Councilwoman Spiegel echoed the sentiments of Councilman Derose; warned the Council that the pension issues are not going away and that the City will have to make tough decisions; and wished those observing Ramadan a good holiday.

COUNCILMAN JULIEN

Councilman Julien echoed the sentiments of Councilman Derose; echoed Councilwoman Spiegel's comments on the pension and budget issues; stated that his last day on the Council would be November 1, 2010 since he had to resign his seat in order to run for State office; thanked the residents and employees for their support; and directed individuals wishing to be appointed to his seat to the City Clerk.

Mayor Rosner added a point of clarification—A Cone of Silence will be issued; applicants' cannot lobby individual Council Members to be appointed to fill the vacancy.

COUNCILWOMAN KRAMER

Councilwoman Kramer expressed her condolences to the families of both Iola Crawford and Alan Seif; congratulated the Leisure Services Department on the Summer Camp Show; wished Councilman Julien good luck in the upcoming election; stated that she was thankful that an emergency budget meeting could be held; and wished those observing Ramadan a good holiday.

COUNCILMAN PIERRE

Councilman Pierre stated that summer is winding down and that he saw many people at the library, the pool, and the summer camp this summer; reminded everyone that school starts on Monday the 23rd and wished everybody a happy school year; wished Councilman Julien good luck in the upcoming election and stated that the Council is going to miss him; and expressed his condolences to the family of Iola Crawford.

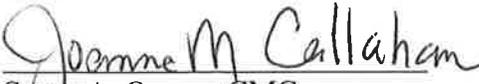
MAYOR ROSNER

Mayor Rosner also reminded everybody that school starts soon and encouraged everyone to drive carefully—things get crazy during that time; wished his kids good luck in their new school year; announced that next week the International Chiefs of Police are coming to observe the City's volunteer program, and the integral part that people with disabilities play in it, to see if they could model it across the country; and reminded everyone that the Special Council Meeting requested by the City Manager will be on Thursday, August 19th, at 7:00 p.m. in the McDonald Center.

17. **NEXT REGULAR CITY COUNCIL MEETING** - Mayor Rosner announced that the next regular City Council meeting will be Tuesday, September 7, 2010.
18. **ADJOURNMENT** - There being no further business to come before the City Council, the meeting was adjourned at 11:42 p.m. on a motion made by Vice Mayor Derosé and seconded by Councilman Pierre. By consensus, with Councilwoman Smith absent, the rest of the Council voted in favor. (**Motion carried 6-0-1**)

ATTEST:

(S E A L)

for 
Susan A. Owens, CMC
City Clerk