



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162

**Tuesday, July 21st, 2015
7:30 PM**

Mayor George Vallejo
Vice Mayor Anthony F. DeFillipo
Councilwoman Marlen Martell
Councilwoman Barbara Kramer
Councilman Frantz Pierre
Councilwoman Phyllis S. Smith
Councilwoman Beth E. Spiegel

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:46 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Anthony F. DeFillipo, Council Members Barbara Kramer, Marlen Martell, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Ana M. Garcia, City Attorney Jose Smith, and City Clerk Pamela L. Latimore.

INVOCATION by City Clerk Pamela L. Latimore

PLEDGE OF ALLEGIANCE was led by Mayor and Council.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Resolution 2015-51 was pulled for discussion by Councilwoman Spiegel and Ordinance 2015-13 and Ordinance 2015-14. Will be moved to the beginning of the Legislation Agenda per Mayor Vallejo with a consensus of Council.

PRESENTATIONS/DISCUSSIONS

Mayor Vallejo announced a proclamation recognizing July as Park and Recreation Month.

City Manager Garcia introduced the representative from Atkins Consulting Group who presented the Council with a presentation on the Parks and Recreation Master Plan.

Kristin Caborn a representative from Atkins gave the presentation and answered question from the council afterwards.

Mayor Vallejo asked a moment of silence to remember the victims of the tragedy that occurred in Tennessee.

Mayor Vallejo opened the meeting for **PUBLIC COMMENT**.

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

1. Livins Jean - 280 East Drive, North Miami Beach, FL
2. Muriel Kemp - 1479 NE 178th Street, North Miami Beach, FL
3. Rolland Veilleux - 13730 Highland Drive, North Miami Beach, FL
4. Richard Reiss – 23 NW 169th Street North Miami Beach, FL
5. Robert Taylor - 1951 NE 157th Terrace, FL
6. Mubarak Kazan - 15564 NE 12th Avenue, North Miami Beach, FL

Mayor Vallejo closed the meeting for **PUBLIC COMMENT**.

APPOINTMENTS

Appointing Frances Ricca to Beautification Committee (Councilwoman Kramer)

Motion to approve the appointment of Frances Ricca made by Councilwoman Kramer, seconded by Vice Mayor DeFillipo. **MOTION PASSED 7-0**

CONSENT AGENDA

Resolution No. R2015-63 (Brian O'Connor, Chief Procurement Officer)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH UNITED HEALTHCARE PURSUANT TO REQUEST FOR PROPOSALS NO. 2015-06, SINGLE SOURCE FULLY INSURED GROUP HEALTH, WELFARE AND AN EMPLOYEE ASSISTANCE PROGRAM PLAN.

Resolution No. R2015-64 (Brian O'Connor, Chief Procurement Officer)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH ASHBRIIT, INC., AS THE PRIMARY VENDOR, AND BERGERON EMERGENCY SERVICES, INC., AS THE SECONDARY VENDOR, TO PROVIDE DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES PURSUANT TO REQUEST FOR PROPOSALS NO. 2015-08.

Motion to approve the Consent Agenda made by Councilwoman Smith, seconded by Councilman Pierre. **MOTION PASSED 7-0**

CITY MANAGER'S REPORT

City Manager Garcia proposed making the next Council Meeting strictly a budget work session. Chief of Police J. Scott Dennis updated Council on communications practices with regards to the police department.

Councilwoman Spiegel asked Direction from the City Attorney as to how the Charter speaks concerning the proposed moving of September meetings from the First and Third Tuesday.

CITY ATTORNEY'S REPORT

City Attorney Smith updated Council on the litigation list.

Litigation List

As of July 21, 2015

MAYOR'S DISCUSSION: There was no discussion.

BUSINESS TAX RECEIPTS: There were none.

DISCUSSION ITEMS: There were none.

MISCELLANEOUS ITEMS: There were none.

LEGISLATION:

Ordinance No. 2015-13 (First Reading by Title Only) (Richard Lorber, Asst. City Manager)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

1. Richard Reiss – 23 NW 169th Street North Miami Beach, FL
2. Fortuna Smukler-3207 NE 168th Street North Miami Beach, FL
3. Maribel Alonza-2841 NE 163rd Street North Miami Beach, FL
4. Richard Paez-16570 NE 26th Avenue North Miami Beach, FL
5. Robert Taylor-1951 NE 157th Terrace North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

Motion to approve Ordinance 2015-13 was made by Vice Mayor DeFillipo, seconded by Councilwoman Martell.

ROLL CALL VOTE: DeFillipo - Yes, Kramer - Yes, Martell - Yes, Pierre –Yes, Smith - Yes, Spiegel-Yes, Vallejo – Yes. **MOTION PASSED 7-0**

Ordinance No. 2015-14 First Reading by Title Only (Richard Lorber, Asst. City Manager)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV “NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE” ARTICLE V “ZONING USE DISTRICTS” TO ADD SECTION 24-59 “CONSERVATION ZONING DISTRICT” CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Motion to approve Ordinance 2015-14 was made by Councilwoman Spiegel, seconded by Vice Mayor DeFillipo.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

1. Richard Reiss – 23 NW 169th Street North Miami Beach, FL
2. Mubarak Kazan - 15564 NE 12th Avenue, North Miami Beach, FL
3. Eric Isicoff- 3206 NE 168th Street North Miami Beach, FL
4. Tammy Isicoff- 3206 NE 168th Street North Miami Beach, FL
5. Fortuna Smukler-3207 NE 168th Street North Miami Beach, FL
6. Robert Taylor-1951 NE 157th Terrace North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

ROLL CALL VOTE: DeFillipo - Yes, Kramer - Yes, Martell - Yes, Pierre –Yes, Smith - Yes, Spiegel-No, Vallejo – Yes. **MOTION PASSED 6-1**

Resolution No. 2015-51 (Jose Smith, City Attorney)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUN-SETTING THE CHARTER REVIEW COMMITTEE CREATED BY RESOLUTION R2008-10; CREATING A NEW AD HOC CHARTER REVIEW COMMITTEE; PRESCRIBING ITS DUTIES, AND PROVIDING FOR APPOINTMENTS AND THE TERMS OF OFFICE FOR THE MEMBERS OF THE NEW AD HOC CHARTER REVIEW COMMITTEE.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

1. Muriel Kemp- 1479 NE 178th Street, North Miami Beach, FL
2. Richard Reiss – 23 NW 169th Street North Miami Beach, FL
3. Mubarak Kazan - 15564 NE 12th Avenue, North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

Vice Mayor DeFillipo exits dais at 9:58 p.m. and quorum is lost, Mayor Vallejo called for a recess
Quorum was restored and the meeting resumed at 10:12 p.m.

Motion to amend Resolution 2015-51 by eliminating the sixth whereas clause made by Councilwoman Spiegel, seconded by Councilwoman Kramer. **MOTION PASSED 7-0**

Motion to amend Resolution 2015-51 by adding a provision to create alternate members for the committee made by Councilwoman Spiegel, seconded by Councilwoman Martell. **MOTION FAILED 7-0**

Motion to amend Resolution 2015-51 by adding a provision to replace members who have two or more consecutive unexcused absences made by Councilwoman Martell, seconded by Vice Mayor DeFillipo. **MOTION PASSED 7-0**

Motion to approve Resolution 2015-51 as amended made by Councilwoman Martell, seconded by Vice Mayor DeFillipo. **MOTION PASSED 7-0**

Resolution No. R2015-59 (Esmond Scott, Director of Public Works, Brian K. O'Connor, Chief Procurement Officer)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH WASTE MANAGEMENT INC. OF FLORIDA, THE FIRST-RANKED FIRM, AND IF SAID NEGOTIATIONS ARE UNSUCCESSFUL, WITH WASTE PRO OF FLORIDA, INC., THE SECONDRANKED FIRM, FOR SOLID WASTE COLLECTION AND RECYCLING SERVICES FOR THE CITY OF NORTH MIAMI BEACH.

Public Works Director Esmond Scott delivered a presentation giving Council background on the solid waste issue. Finance Director Barbara Trinka presented Council with a financial analysis of current operations and the proposals submitted. City Manager Garcia spoke in support of the resolution and City Attorney Smith read details of the proposed contract into the record.

The item was brought back to Council for discussion.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

1. Richard Reiss – 23 NW 169th Street North Miami Beach, FL
2. Fidelis Lawrenson- Hallandale Beach FL.
3. James Wicket 13501 SW 3rd Court Davie, FL
4. Muriel Kemp - 1479 NE 178th Street, North Miami Beach, FL

5. Levingston Richie - 5901 NW 19th Street. Lauderdale, FL
6. Mubarak Kazan - 15564 NE 12th Avenue, North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

Motion to approve Resolution 2015-59 as amended made by Vice Mayor DeFillipo, seconded by Councilwoman Martell. **MOTION PASSED** 5-2 with Councilwoman Smith and Councilman Pierre dissenting.

Amendments added to the Resolution.

Motion to approve extending the meeting past 12:00 a.m. made by Councilwoman Kramer, seconded by Vice Mayor DeFillipo Councilman Pierre.

Ordinance No. 2015-12, Second and Final Reading (Esmond Scott, Director of Public Works and Brian O'Connor, Chief Procurement Officer)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER XVIII, CODE OF ORDINANCES ENTITLED "SOLID WASTE MANAGEMENT" BY AMENDING SECTION 18-1 "DEFINITIONS" TO CLARIFY THE DEFINITION OF GARBAGE; CREATING SECTION 18-18 "CITY AS THE EXCLUSIVE PROVIDER OF SOLID WASTE COLLECTION; PENALTIES"; AND AMENDING SECTION 18-19 "PRIVATE CONSTRUCTION AND DEMOLITION DEBRIS CONTAINER SERVICE HAULING, COMMERCIAL WASTE CONTRACTORS TRASH AND/OR GARBAGE COLLECTION, AUTHORIZED; LIMITATIONS, BUSINESS TAX RECEIPT REQUIRED; SUPERVISORY CONTROL; SUSPENSION, REVOCATION, FEE" TO REMOVE REFERENCES TO COMMERCIAL TRASH AND GARBAGE COLLECTION AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

Motion to approve Ordinance 2015-12 made by Vice Mayor DeFillipo, seconded by Councilman Pierre.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

1. Mubarak Kazan - 15564 NE 12th Avenue, North Miami Beach, FL
2. Richard Reiss – 23 NW 169th Street North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

The item was bought back to Council for discussion.

ROLL CALL VOTE: DeFillipo - Yes, Kramer - Yes, Martell - Yes, Pierre –Yes, Smith - Yes, Spiegel-Yes, Vallejo – Yes. **MOTION PASSED** 7-0

Resolution No. R2015-65 (Richard Lorber, Asst City Manager)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS:

Lots 9 through 20, both included, in block 12 of Oleta Terrace, according to the plat Thereof, as recorded in plat book 8, at page 117, of the public records of Miami-Dade County, Florida, A/K/A 152 NW 168 Street, North Miami Beach, Florida.

JENNINGS DISCLOSURE: DeFillipo – **No Contact**, Kramer – **No Contact**, Martell- **No Contact**, Spiegel – **No Contact**, Pierre – **No Contact**, Smith – **Contact**, Vallejo – **No Contact**
Councilwoman Smith spoke with residents, Richard Reiss, and Mubarak Kazan about the item.

City Clerk Latimore swore in the speakers.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

1. Jennifer Crystal-2121 Harbor Way Aventura, FL
2. Richard Reiss – 23 NW 169th Street North Miami Beach, FL
3. Muriel Kemp- 1479 NE 178th Street, North Miami Beach, FL
4. Mubarak Kazan - 15564 NE 12th Avenue, North Miami Beach, FL
5. Roland Faith (applicant) 16401 NE 32nd Avenue North Miami Beach, FL
6. Adam Adler (Owner of Business)- 419 Poinciana Drive Hallandale Beach, FL
7. Gary Nesbitt (Attorney for applicant)- 858 Harrison Street Hollywood, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

Motion to **approve** Resolution 2015-65 as amended made by Vice Mayor DeFillipo, seconded by Councilwoman Martell.

All amendments and additional contract additions are incorporated in the Resolution and Executed contract.

ROLL CALL VOTE: DeFillipo - **Yes**, Kramer - **Yes**, Martell - **Yes**, Pierre –**Yes**, Smith - **Yes**, Spiegel-**Yes**, Vallejo – **Yes**. **MOTION PASSED 6-1** with Councilman Pierre dissenting

Resolution No. R2015-66 (Barbara Trinko, Finance Director)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2015-16, THE CALCULATED "ROLLED-BACK" RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CITY CLERK AND CITY MANAGER TO FILE THIS RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS

OF SECTION 200.065, FLORIDA STATUTES, AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

1. Mubarak Kazan - 15564 NE 12th Avenue, North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

Motion to approve Resolution 2015-66 made by Councilman Pierre, seconded by Councilwoman Kramer.
MOTION PASSED 7-0

CITY COUNCIL REPORTS

Vice Mayor DeFillipo assured residents Council was working very hard for the City. He said that actions and initiatives taken by the City today would pay off in the coming years.

Councilwoman Kramer wished residents a good night

Councilwoman Martell thanked all of the persons who have been appointed to the Education Committee and encouraged residents to apply for membership to the Planning and Zoning committee.

Councilman Pierre expressed his enthusiasm for the Parks Master Plan. He expressed confidence in the manager and staff to negotiate with Waste Management. He encouraged residents to visit the library. He urged safety and precaution in summer recreation activities.

Councilwoman Smith expressed satisfaction in not having to raise millage rates despite economic challenges faced in other cities. She informed residents about the health awareness events taking place at Jackson North hospital during the summer.

Councilwoman Spiegel reminded residents about recycle pick up. She thanked the outgoing Assistant Director of Parks and Recreation Glenn Finney for his service and wished him well.

Mayor Vallejo took the motion to adjourn

Next Council Meeting Date: August 4, 2015

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 1:25 a.m.

ATTEST:

(SEAL)


Pamela L. Latimore, CMC