



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, March 4th, 2014
7:30 PM

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

City Manager Ana M. Garcia
Interim City Attorney Dotie Joseph
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:50 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel and Council Members Barbara Kramer, Frantz Pierre, Phyllis S. Smith, Marlen Martell and Anthony DeFillipo. Also present were City Manager Ana M. Garcia, Interim City Attorney Dotie Joseph, and City Clerk Pamela L. Latimore.

INVOCATION The invocation was delivered by Reverend Dr. Marta Burke

PLEDGE OF ALLEGIANCE was lead by Mayor and Council.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA- Added for discussion **14.1 Employment Terms for Interim City Attorney Dotie Joseph, Item 8.1 Regular Meeting Minutes of February 18th 2014**, withdrawn to be reviewed for possible corrections as per Councilwoman Smith.

PRESENTATIONS/DISCUSSIONS –

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. Chuck Cook, 1980 NE 175th St. North Miami Beach, FL
2. Rosaline Joseph, 1650 NE 11th Ave. North Miami Beach, FL
3. Richard Riess, 1123 NW 169th St, North Miami Beach, FL

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

APPOINTMENTS – There were no appointments

CONSENT AGENDA- The item was pulled per Councilwoman Smith.

CITY MANAGER'S REPORT

City Manager Ana Garcia announced the recognition of city employees for exceptional service with awards for their performance.

Assistant City Manager Mac Serda introduced Chief Engineer Karim Rossy who spoke about the performance and commitment of Employee of the Year award recipient John Pollard who also made comments accepting his award.

Information Technology Director Patrick Rosiak spoke about and introduced Maria Bonnier Perez and her many contributions to the City along with her tireless work ethic and cost savings in excess of \$100,000 with her mailroom reorganization.

City Manager Garcia and Assistant City Manager Serda spoke about and introduced Greg Williams who was presented with the Supervisor of the Year Award. Interim Public Services Director Barbara Trinkka made comments outlining the service and commitment of Mr. Williams who accepted the award and thanked the City.

Leisure Services Director Paulette Murphy made comments recognizing Manager of the Year Award Jackie Shakespeare for her commitment and dedication to the City. Jackie Shakespeare thanked the Director and everyone else for the award and their support.

City Manager Garcia introduced and made comments praising the performance of Director Paulette Murphy who was awarded the Director of the Year distinction. Director Murphy made comments accepting the award and thanking everyone for their support.

City Manager's Report

City Manager Garcia presented the following updates:

The Land Use and Zoning Workshop will occur on March 11th at 6:00 p.m. at the McDonald Center. The Police Promotion and 100 Day Rollout will commence March 13th at the Littman Theater at 7:00 p.m.

Assistant City Manager Serda requested approval for the use of the City Seal on a foldout map produced by Target Marketing that will benefit the City with free advertising and promotion.

MOTION to **approve** the conditional use of the City Seal made by Councilwoman Smith seconded by Councilwoman Martell (**Passed 7-0**)

City Manager Garcia discussed the conditions of the bus benches in the City and the revenues generated through advertising.

Assistant City Manager Serda discussed updates in the contract with the vendor, including increased revenue, upgrades, and modernization of the bus benches and stops.

City Manager Garcia spoke about the garbage bin/advertising board expansion and the details surrounding the program.

Interim Public Services Director Barbara Trinka provided an update on water/waste infrastructure with a report that provided a detailed analysis and made recommendations based on their findings.

Leisure Services Director Murphy gave a brief description on E-Reader item and introduced library personnel Susan Sandness and Edenia Hernandez to elaborate. They explained the details of the proposed program and answered questions from Council.

MOTION to adopt the E-Reader Program made by Councilwoman Smith, seconded by Councilman Pierre (Motion Passes 7-0)

The City Manager finished her report informing Council that Saturday, April 12th will be the conclusion of the strategic planning session and that Friday is Eyes On N.M.B. and for further information to contact Assistant Director of Public Works Esmond Scott at 305.919.3746

CITY ATTORNEY'S REPORT

Interim City Attorney Dotie Joseph advised Council that a number of claims have been settled in excess of \$32,000 in favor of the City.

Interim City Attorney Joseph briefed Council of the status of the demand letter filed by her predecessor Darcee Siegel.

The Mayor queried City Clerk Latimore about the status of the passport office request and she updated Council the request was denied but that she is currently investigating other options and will keep Council abreast of all developments.

Litigation List

As of March 4th, 2014

MAYOR'S DISCUSSION: There was no Mayor's discussion.

MISCELLANEOUS ITEMS: There were no miscellaneous items before Mayor and Council.

BUSINESS TAX RECEIPTS: There were no Business Tax Receipts before Mayor and Council.

LEGISLATION:

Resolution No. R2014-6 (City Planner, Carlos Rivero)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 6,255 SQUARE FOOT TWO-STORY SINGLE-FAMILY HOUSE ON A 9,761 SQUARE FOOT (0.22 ACRES) VACANT PARCEL OF LAND, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D) (9) (a) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MINIMUM ROOF PITCH REQUIREMENT OF THREE AND ONE HALF (3.5') FEET IN TWELVE (12') FEET TO PROVIDE FOR A FLAT ROOF TO BE UTILIZED AS AN OUTDOOR ELEVATED OPEN AIR LIVING SPACE, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D) (5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM BUILDING HEIGHT OF THIRTY (30') FEET TO PERMIT THE INSTALLATION OF AN ELEVATOR STRUCTURE TO A MAXIMUM HEIGHT OF THIRTY-SIX AND ONE-HALF (36.5') FEET WHICH REPRESENTS A TWO (2%) PERCENT OF THE OUTDOOR ELEVATED OPEN AIR LIVING SPACE, WHEREAS THE REMAINING PORTIONS OF THE SINGLE RESIDENCE ADHERE TO THE MAXIMUM PERMITTED BUILDING HEIGHT OF THIRTY (30') FEET, ON PROPERTY LEGALLY DESCRIBED AS: LOT 21, BLOCK 6, EASTERN SHORES ADDITION, PLAT BOOK 65, PAGE 39, PUBLIC RECORDS OF MIAMI-DADE COUNTY. A/K/A 3141 N.E. 165th Street, North Miami Beach, Florida. (P&Z Board Meeting of December 9, 2013 and January 13, 2014).

After the motion to introduce item 15.1 Resolution R2014-6 was made Councilman Pierre, stated that he had to abstain from hearing this item due to a voting conflict.

City Clerk Latimore gave Councilman Pierre **Form 8B (MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS)** 15 days to file.

Councilman Pierre left the dais.

Councilwoman Smith stated that she would abstain from hearing this item due to a voting conflict.

City Clerk Latimore gave Councilwoman Smith **Form 8B (MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS)** 15 days to file.

Councilwoman Smith left the dais.

Discussion took place regarding what constitutes conflict of interest in such transactions.

At 9:09 p.m. a brief recess occurred for the City Attorney to make further inquiry into the recusal of Council Members Pierre and Smith.

The meeting was back in session at 9:20 p.m.

Councilwoman Smith returned to the dais and stated that after conversing with Interim City Attorney Joseph she does not have an active conflict.

Jennings Disclosure – DeFillipo- No, Martell- Yes, Kramer- Yes, Spiegel-Yes, Smith-Yes, Pierre- not present, Vallejo- Yes.

City Planner Carlos Rivero gave a brief summary of the item.

After the summary by city staff, Councilwoman Smith stated that she believes she has a present and active conflict and left the dais.

Mayor Vallejo opened the **Public Hearing:**

City Clerk Latimore swore in members of the public who would be giving testimony on this item.

The following person(s) made comments during the **Public Hearing.**

1. Joe Litowich- 16750 NE 10th Ave, North Miami Beach, Fl., (on advice from the Interim City Attorney comments were not made) Member of city P&Z Board.
2. Alberto Milian- 4000 Ponce de Leon Blvd Suite 470 Coral Gables, FL. Made comments in favor of the ordinance.
3. Abraham Galsky- 17885 Collins Ave Apt 3406, Sunny Isles Beach, FL. Made comments in favor of the ordinance.

Mayor Vallejo closed **Public Hearing.**

The item returned to Council for discussion.

The item was opened for discussion by Mayor Vallejo.

The applicant Daniel Sorogon spoke about the project and conversations he had with homeowners in the immediate area. Several members of Council spoke about the variance and their concerns with it.

The applicant modified his request for the variance in the resolution. Council voted on this amended resolution.

MOTION to adopt Resolution R2014-6 as amended by removing section 3 and any conditions applying to section three (3), made by Councilwoman Martell seconded by Councilman Defillipo (Passed 3-2) (Councilwoman Kramer and Vice Mayor Spiegel dissenting)

ROLL CALL: DeFillipo-Yes, Kramer-No, Martell-Yes, Pierre-Abstained, Spiegel-No, Smith-

Abstained, **Vallejo**-Yes.

Councilwoman Smith and Councilman Pierre returned to the dais after the vote on **Resolution R2014-6**.

DIRECTION: Council directed City Clerk Latimore to request an opinion from the Miami Dade Commission on Ethics regarding voting conflicts.

DISCUSSION ITEMS: Discussion took place regarding the salary arrangements for the Interim City Attorney.

MOTION to set the annual salary of the Interim City Attorney at \$165,000 while maintaining all other terms for her compensation package was made by Councilwoman Martell, seconded by Councilman Pierre

(Passed 5-2) (Vice Mayor Spiegel and Councilwoman Kramer dissenting).

CITY COUNCIL REPORTS –

Councilman DeFillipo thanked the City staff for all of the activities and programs they operate and thanked the Vice Mayor for her leadership in directing the Heart Health Walk.

Councilwoman Kramer expressed her desire to bring back the Charter Review Board. She informed residents about the Multi Cultural Meeting on March 10, 2014 at 7:00 p.m. in the McDonald Center and that the film Bend it Like Beckham would be screened at the Cultural Cinema Night on Friday March 14th at 7:00 p.m. at the Julius Littman Performing Arts Theater. She announced that on March 19th the Beautification Committee would be meeting at 5:30 p.m. in the fourth floor conference room to select finalists for the Beautiful Property Award. She also mentioned that on Saturday, April 19th at 9:30 the NMB 3rd Annual Magical History Tour would be taking place and encouraged colleagues and residents to participate.

Councilwoman Martell reflected on the events of the previous council meeting, provided her personal contact information and urged residents to reach out to her personally to get feedback and voice their concerns. She announced the resumption of her community meetings the first of which taking place at the Uleta Community Center on Saturday March 8th from 1:00 p.m. -2:00 p.m. and that FPL would also be present at 8:00 a.m. She thanked the Vice Mayor for orchestrating a successful Heart Health Walk and said how much she looked forward to the event growing and flourishing.

Councilman Pierre congratulated the winners of the all the awards presented by the City Manager. He stressed the importance of recognizing talent and performance and thanked the City Manager for resuming the program. He informed residents about the First Time Home Buyer's event on Saturday March 22nd from 10:30 a.m. to 3:00 p.m. at the Uleta Community Center. He echoed his colleagues' sentiments about the Heart Health Walk. He reminded residents about the North Miami Beach Public Library and mentioned the newly approved E Card program.

Councilwoman Smith thanked all the recipients of the awards for all their work and the supporting staff for making it possible. She mentioned the “Smart Water” program being operated by the police department, explaining how it works and encouraging residents to participate. She thanked the IT department for the presentation given to the senior citizens about how to utilize technology to better interact with the City.

Vice Mayor Spiegel reminded residents to prepare their recycle bins for the following day. She informed residents that The Commission on the Status of Women (COSW) would be meeting on Monday, March 10th at 7:00 p.m. and that there were still membership openings to fill on both the COSW and the Public Utilities Commission. She announced a youth symposium on bullying taking place on March 21st from 8:00 a.m. to 2:00 p.m. She thanked the presenters for participating and urged residents to do so as well.

Mayor Vallejo congratulated the Vice Mayor on the Hearth Health Walk and echoed the sentiments from Councilwoman Martell about the resilience of the Council and their determination to move the City forward with focus on positive growth and prosperity. He mentioned the Code Workshop on March 11th and the Police 100 Day Action plan on the 13th being presented by the Chief to as examples of the City’s progress. He mentioned Staff Sergeant Travis Mills, his bravery, and his sacrifice having served and been critically injured but continuing to persevere despite setbacks.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:34 p.m.

ATTEST:



Pamela L. Latimore, CMC

(SEAL)