



CITY OF NORTH MIAMI BEACH
City Commission Meeting
City Hall, Commission Chambers, 2nd Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, December 6, 2016
7:30 PM

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

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

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City Commission Regular Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:30pm. Present at the meeting were Mayor George Vallejo, Vice Mayor Barbara Kramer, Commissioners Anthony F. DeFillipo, Marlen Martell, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. City Manager Ana M. Garcia, City Attorney Jose Smith, and City Clerk Pamela L. Latimore were also present.

INVOCATION by Pastor Nathan Adams, Fulford United Methodist Church.

PLEDGE OF ALLEGIANCE was led by Mayor and Commission.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

City Clerk Latimore stated that a presentation honoring Janasia Johnson as a representative of Ailey Camp Miami will be deferred to a future meeting and Resolution 2016-105 will be pulled from the Consent Agenda and moved to Legislation at the request of Commissioner Smith.

Mayor Vallejo announced that the meeting agenda was adopted.

PRESENTATIONS/DISCUSSIONS

Mayor Vallejo and the Commission presented a proclamation honoring recently elected Florida State Senator Daphne Campbell, who expressed her appreciation and anticipation towards the future. Mayor Vallejo announced that Senator-elect Campbell has chosen the City of North Miami Beach for her local swearing-in ceremony on December 8, 2016 in the Littman Theater.

John Thomas, Vice President of Market Development for Renovate America, delivered a presentation on PACE (Property Assessed Clean Energy) consumer protection policies and explained the HERO (Home Energy Renovation Opportunity) program.

Jeremy Hutman, Regional PACE Director of Renew Financial, delivered a presentation on the services and benefits of the Renew PACE program.

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

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

1. Alicia Rook - 1971 N.E. 188th St., North Miami Beach, FL.
2. Idalia Ajo - 1720 N.E. 160th St., North Miami Beach, FL.
3. Mubarak Kazan - 15564 N.E. 12th Ave., North Miami Beach, FL.

The meeting was closed for **PUBLIC COMMENT**.

There were no **APPOINTMENTS**.

City Clerk Latimore announced that the City Manager's Office has requested to pull Resolution 2016-102 from the Consent Agenda and bring it back at a later meeting.

Motion to pull Resolution 2016-102 from the Consent Agenda and table it until a future meeting made by Commissioner DeFillipo, seconded by Commissioner Pierre.

MOTION PASSED 7-0.

There were no **APPOINTMENTS**.

CONSENT AGENDA

Regular Meeting Minutes of November 1, 2016 (Pamela L. Latimore, CMC, City Clerk)

Regular Meeting Minutes of November 15, 2016 (Pamela L. Latimore, CMC, City Clerk)

Resolution 2016-102 (Paulette Murphy, Director of Parks and R.E.C.)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO AWARD REQUEST FOR PROPOSAL NO. 2016-06, TO REPLACE CURTAINS FOR THE JULIUS LITTMAN PERFORMING ARTS THEATER TO ROSE BRAND WIPERS, INC. AND TO EXECUTE AN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$74,024.76; AND AUTHORIZING AND APPROVING A BUDGET TRANSFER OF \$51,848.70 FROM THE IMPACT FEE, MACHINERY AND EQUIPMENT FUND ACCOUNT #060770-564840 AND \$3,295.06 FROM THE IMPACT FEE, IMPROVEMENT FUND

ACCOUNT #06077056030 TO THE JULIUS LITTMAN PERFORMING ARTS THEATER FUND ACCOUNT #010722-563830.

This item was pulled from the Consent Agenda and tabled to a future meeting.

Resolution 2016-103 (William Hernandez, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS, INC. FOR THE TRAFFIC SAFETY CAMERA PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

Resolution 2016-104 (Fernando J. Rodriguez, Director of Public Works)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND APPROVING ACCEPTANCE OF CASH AND IN-KIND SPONSORSHIPS FOR THE CITY OF NORTH MIAMI BEACH TRANSIT SERVICE EXPANSION "RIDERS' GIVE-AWAY" ITEM; AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS AND EXECUTE ANY NECESSARY AGREEMENTS TO ACCEPT SPONSORSHIPS FOR THE AFOREMENTIONED GIVE-AWAY.

Resolution 2016-105 (Esmond K. Scott, Assistant City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE DONATION AND DISTRIBUTION OF SURPLUS/OBSOLETE EQUIPMENT TO CITIES IN HAITI DEMONSTRATING A NEED RESULTING FROM THE CATASTROPHIC DAMAGED CAUSED BY HURRICANE MATTHEW AND AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO DONATE AND DISTRIBUTE THE SURPLUS/OBSOLETE EQUIPMENT.

This item was pulled from the Consent Agenda and moved to Legislation.

Resolution 2016-106 (Edenia Hernandez, Library Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SUBMISSION OF THE AMERICAN LIBRARY ASSOCIATION'S OFFICE FOR DIVERSITY, LITERACY, AND OUTREACH SERVICES AMERICAN DREAM LITERACY INITIATIVE GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS.

Motion to approve the Consent Agenda made by Commissioner DeFillipo, seconded by Vice Mayor Kramer.

MOTION PASSED 7-0.

CITY MANAGER'S REPORT

Library Manager Edenia Hernandez introduced and recognized three local children as winners of the International Book Battle Reading Contest.

City Manager Garcia thanked City staff for their participation in the NMB Gives Back Thanksgiving event and said the grand opening date for Vicky Bakery will be announced soon. City Manager Garcia discussed the ribbon cutting ceremony of the Biscayne Boulevard Median Beautification Project and Entry Feature Sign on December 10, 2016 at 4:30pm, the Snow Fest and Community Safety Day Parade on December 10, 2016 from 6:00pm-11:00pm, and the Menorah Lighting Ceremony on December 27, 2016 at 6:00pm.

Finance Director Janette Smith provided a quarterly financial analysis for the fourth quarter of fiscal year 2016 and announced that there was an overall net favorable position of \$28.8 million driven by the timing of revenues, expenditures, and transaction processing. She stated that all funds contributed to the favorable variance except the Alley Restoration Fund and the Customer Service Fund and there was a strong investment growth of more than \$13 million over the balance at the end of fiscal year 2015.

CITY ATTORNEY'S REPORT

City Attorney Smith stated that the City filed a new forfeiture case and seized \$29,000, closed two forfeiture cases involving automobiles, opened several new mortgage foreclosure cases, and one foreclosure case was dismissed.

DISCUSSION ITEMS

Discussion on adopting dates for the 2017 Regular Commission Meeting Calendar

City Clerk Latimore opened the discussion on adopting dates for the 2017 Regular Commission Meeting Calendar and stated that City staff is proposing the 3rd Tuesday of each month.

Motion to approve the proposed 2017 Regular Commission Meeting Calendar made by Vice Mayor Kramer, seconded by Commissioner Pierre.

Motion to amend the proposed 2017 Regular Commission Meeting Calendar to not schedule any meetings in the month of November made by Commissioner Smith, seconded by Commissioner Pierre.

MOTION WITHDRAWN by Commissioner Smith.

Mayor Vallejo passed the gavel to Vice Mayor Kramer.

Motion to amend the proposed 2017 Regular Commission Meeting Calendar to change the November 21, 2017 meeting to November 14, 2017 made by Mayor Vallejo, seconded by Commissioner Smith.

MOTION PASSED 7-0.

Vice Mayor Kramer passed the gavel back to Mayor Vallejo.

Voice Vote: MOTION PASSED 7-0.

Commissioner Spiegel gave direction to City staff to prepare and distribute the Commission meeting agenda no later than the Wednesday prior to the scheduled monthly meeting.

Motion to approve to adopt that the 2017 Regular Commission Meetings begin at 6:00pm made by Commissioner Martell, seconded by Commissioner Smith.

MOTION PASSED 7-0.

Discussion on Ordinance 2015-8

City Attorney Smith discussed concerns regarding the use of city logos and whether Ordinance 2015-8 should be amended to protect the logos from unauthorized use. The concerns arose when the City's 'NMB Block' and 'NMB 90th' logos appeared in a political flyer during the recent election. The logos are not currently registered under trademark and copyright laws.

The Mayor and Commission discussed the issue and the ordinance. Commissioner Smith stated that she never used the logo in an improper way. Commissioner Spiegel expressed that she did not ask for a legal opinion and did not speak with Commissioner Smith about this subject and was just concerned with the City seal and the "NMB Block" logo.

Motion to approve to authorize the City Attorney to engage an expert in intellectual property with a \$3,500 cap for any necessary filing and consultation made by Commissioner Smith, seconded by Commissioner Martell.

MOTION PASSED 7-0.

The Mayor and Commission directed City staff to review the current ordinance and implement procedures and policies to protect certain City logos and other intellectual property rights.

LEGISLATION

Resolution R2016-96 Certification of Special Election Results (Pamela L. Latimore, City Clerk)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING AND ADOPTING THE OFFICIAL CERTIFICATE OF THE MIAMI-DADE COUNTY CANVASSING BOARD FOR THE NOVEMBER 8, 2016 SPECIAL ELECTION FOR THE CITY OF NORTH MIAMI BEACH, AND DECLARING RESULTS THEREOF.

Motion to approve Resolution 2016-96 made by Commissioner Martell, seconded by Commissioner Pierre.

City Clerk Latimore provided a detailed explanation of the resolution which formally accepts and adopts the official certificate of the Miami-Dade County Canvassing Board reflecting the final results of the City's special election of November 8, 2016.

City Attorney Smith confirmed that the resolution will be revised to replace the words 'City Council' with 'City Commission'.

Voice Vote: MOTION PASSED 7-0.

Ordinance 2016-15 Second and Final Reading (Richard Lorber, Director of Community Development)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XXIV, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING ARTICLE VIII, "SUPPLEMENTAL REGULATIONS" SECTION 24-80 "FENCES, WALLS AND HEDGES", TO SPECIFY THAT HEIGHTS OF ELEVATION OF WALLS OR FENCES SHALL BE MEASURED FROM ADJACENT GRADE; 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 2016-15 made by Commissioner DeFillipo, seconded by Commissioner Martell.

Director of Community Development Richard Lorber provided an explanation of the ordinance.

Motion to amend to remove the words 'or designee' from Section 24-80(3)(a) made by Commissioner Spiegel, seconded by Commissioner Smith.

MOTION FAILED 3-4 with Mayor Vallejo, Commissioner DeFillipo, Commissioner Kramer, and Commissioner Martell opposed.

Motion to amend to replace the words "Community Development Director or designee" with 'Community Development Department' in Section 24-80(3)(a) made by Commissioner Martell, seconded by Commissioner DeFillipo.

MOTION PASSED 5-2 with Commissioner Smith and Commissioner Spiegel opposed.

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

1. Terrence Camenzuli - 17151 N.E. 17th Ave., North Miami Beach, FL.

The meeting was closed for **PUBLIC HEARING**.

Roll Call Vote

DeFillipo - **Yes**, Kramer - **Yes**, Martell - **Yes**, Pierre - **Yes**, Smith - **No**, Spiegel - **No**, Vallejo - **Yes**.

MOTION PASSED 5-2 on second and final reading with Commissioner Smith and Commissioner Spiegel opposed.

Resolution 2016-105 (Esmond K. Scott, Assistant City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE DONATION AND DISTRIBUTION OF SURPLUS/OBSOLETE EQUIPMENT TO CITIES IN HAITI DEMONSTRATING A NEED RESULTING FROM THE CATASTROPHIC DAMAGE CAUSED BY HURRICANE MATTHEW AND AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO DONATE AND DISTRIBUTE THE SURPLUS/OBSOLETE EQUIPMENT.

This item was pulled from the Consent Agenda and moved to Legislation.

Motion to approve Resolution 2016-105 made by Vice Mayor Kramer, seconded by Commissioner Martell.

Commissioner Smith explained that she pulled this item from the Consent Agenda to inquire about the taxes, condition, and transporting of the donated equipment. City Manager Garcia stated that the recipient will be paying any fees involved and the City will designate staff to supervise and ensure delivery. Commissioner DeFillipo stated that the City should also consider donating to the Bahamas, Jamaica, and other places that suffered damage. Commissioner Spiegel suggested that the resolution should refer to specific items and considered whether sending money would be more appropriate. City Manager Garcia stated that Haiti was the only country that requested assistance.

Voice Vote: MOTION PASSED 7-0.

CITY COMMISSION REPORTS

Commissioner DeFillipo thanked everyone for attending and watching the meeting and City staff for organizing the Thanksgiving basket giveaway. He invited everyone to the Snow Fest event on December 10, 2016 and reminded residents to recycle. He thanked Daphne Campbell for her dedication to the community, announced the Washington park toy drive and pig roast on December 17, 2016, and wished everyone a happy and healthy holiday season.

Vice Mayor Kramer announced the upcoming Multi-Cultural Committee meeting on December 12, 2016 and the Beautification Committee meeting on December 21, 2016. She thanked everyone involved with the Thanksgiving basket giveaway and wished a happy upcoming birthday to Commissioner DeFillipo and her husband Larry.

Commissioner Martell thanked Library Manager Edenia Hernandez for her involvement with the adult high school diploma program. She discussed the importance of graduating, wished a happy upcoming birthday to Commissioner DeFillipo, and expressed for everyone to enjoy the holiday season.

Commissioner Pierre stated that he was pleased with the City and the constant improving and moving in the right direction. He appreciated City staff for all the hard work, thanked his colleagues for passing the resolution to donate to Haiti, and wished everyone a happy holiday season.

Commissioner Smith discussed the need to continue to help devastated countries and said the Christmas tree lighting ceremony was great. She invited everyone to the Snow Fest event on December 10, 2016 and encouraged everybody to do something to make someone else's holiday special. She praised the Police Department and wished everyone a safe holiday season.

Commissioner Spiegel announced the upcoming Commission on the Status of Women meeting on December 12, 2016 and encouraged anyone interested in joining. She wished everyone a happy and healthy holiday season.

Mayor Vallejo invited everyone to attend the swearing-in ceremony of Senator-elect Daphne Campbell on December 8, 2016 and the Snow Fest event on December 10, 2016. He wished a happy upcoming birthday to Janice Greenleaf (President of the Ancient Spanish Monastery Foundation), Commissioner Kramer's husband, and Commissioner DeFillipo. He also wished his wife a happy upcoming 23rd wedding anniversary.

NEXT REGULAR CITY COMMISSION MEETING is Tuesday, December 20, 2016.

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 10:46pm.

ATTEST:

(SEAL)



Pamela L. Latimore, CMC, City Clerk