

**AGENDA**  
**North Miami City Council**  
776 N.E. 125<sup>th</sup> Street, 2<sup>nd</sup> Floor, Council Chambers  
North Miami, FL 33161

REGULAR MEETING

TUESDAY, JANUARY 24, 2012  
7:00 P.M.

**1. CALL TO ORDER / ROLL CALL OF MEMBERS**

**2. PLEDGE OF ALLEGIANCE / INVOCATION**

**3. ORDER OF BUSINESS** (Additions/Deletions/Amendments/Deferrals)

**4. SPECIAL PRESENTATION(s)**

- ◆ Recognition of “Employee of the Quarter” *William Miranda, MOCA Maintenance Mechanic* for Fall 2011

**5. CITY EVENTS – ANNOUNCEMENT**

**6. CONSENT AGENDA**

*UNLESS A MEMBER OF THE CITY COUNCIL WISHES TO REMOVE A SPECIFIC ITEM FROM THIS PORTION OF THE AGENDA, TABS A THROUGH F CONSTITUTE THE CONSENT AGENDA. THESE RESOLUTIONS AND ITEMS ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE ADDITIONAL REVIEW OR DISCUSSION. EACH ITEM WILL BE RECORDED AS INDIVIDUALLY NUMBERED RESOLUTIONS, ADOPTED UNANIMOUSLY BY THE FOLLOWING MOTION:*

*“...THAT THE CONSENT AGENDA COMPRISED OF TABS A THROUGH F BE ADOPTED...”*

**[TAB A]**

APPROVAL OF MINUTES – Regular Council Meeting – January 10, 2012  
*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB B]**

ST. JAMES CATHOLIC CHURCH ANNUAL CARNIVAL TO BE HELD FEBRUARY 16-19, 2012  
– SPECIAL PERMIT REQUIRED  
*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB C]**

PROPOSED RESOLUTION AUTHORIZING THE AWARD OF A CITY-ISSUED FIREARM TO RETIRED POLICE MAJOR STEVEN P. MILLER IN RECOGNITION OF OVER TWENTY-EIGHT (28) YEARS OF SERVICE TO THE CITY OF NORTH MIAMI AND THE NORTH MIAMI POLICE DEPARTMENT  
*Sponsored by: City Administration*  
*Responsible Staff Person: Marc Elias, Jr., Chief of Police*

**[TAB D]**

PROPOSED RESOLUTION AUTHORIZING A PROGRAM FEE REDUCTION POLICY FOR THE PARKS AND RECREATION DEPARTMENT TO REDUCE ATHLETIC PROGRAM FEES FOR QUALIFYING HOUSEHOLDS

*Sponsored by: City Administration*

*Responsible Staff Person: Jeff Geimer, Parks & Recreation Director*

**[TAB E]**

PROPOSED RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S 2010 ACTION PLAN AS AMENDED, TO INCORPORATE AN ADDITIONAL TARGET AREA FOR THE NEIGHBORHOOD STABILIZATION PROGRAM THREE (NSP3) FUNDED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) UNDER THE DODD-FRANK ACT OF 2010

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

**[TAB F]**

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO NEGOTIATE AND EXECUTE A THIRD AMENDMENT TO THE HOMEOWNER DEVELOPMENT ASSISTANCE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND 125 DEVELOPERS, LLC, TO EXTEND THE LOAN TERM OF THE AGREEMENT AND TO AUTHORIZE A CONDITIONAL ASSIGNMENT AND ASSUMPTION OF SAME TO NOMI LIQUIDATION, LLC, AND OTHER BENEFICIARIES, PROVIDING FOR THE CONVERSION OF THE AGREEMENT TO A MULTIFAMILY RENTAL REHABILITATION AGREEMENT UPON THE SATISFACTION OF ALL CONDITIONS

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

**7. PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.**

**7.A. QUASI-JUDICIAL ITEMS -- [NONE]**

***NOTE: Quasi-Judicial items will usually be Approve/Deny/Approve with Conditions.***

**QUASI-JUDICIAL PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. IF YOU WISH TO COMMENT UPON ANY OF THESE ITEMS, PLEASE INDICATE THE TAB NUMBER YOU WOULD LIKE TO ADDRESS WHEN THE ANNOUNCEMENT REGARDING THE QUASI-JUDICIAL ITEM IS MADE. AN OPPORTUNITY FOR PERSONS TO SPEAK ON EACH ITEM WILL BE MADE AVAILABLE AFTER THE APPLICANT AND STAFF HAS MADE THEIR PRESENTATIONS ON EACH ITEM.**

**SWEARING IN: ALL TESTIMONY, INCLUDING PUBLIC TESTIMONY AND EVIDENCE, WILL BE MADE UNDER OATH OR AFFIRMATION. ADDITIONALLY, EACH PERSON WHO GIVES TESTIMONY MAY BE SUBJECT TO CROSS-EXAMINATION. IF YOU DO NOT WISH TO BE EITHER CROSS-EXAMINED OR SWORN, YOUR TESTIMONY WILL BE GIVEN ITS DUE WEIGHT. THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO ASK QUESTIONS OF STAFF OR WITNESSES ON THEIR BEHALF. THE FULL AGENDA PACKET ON EACH ITEM IS HEREBY ENTERED INTO THE RECORD. PERSONS REPRESENTING ORGANIZATIONS MUST PRESENT EVIDENCE OF THEIR AUTHORITY TO SPEAK FOR THE ORGANIZATION. FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED FROM THE CLERK. (IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER BEFORE ADDRESSING THE COUNCIL ON ANY OF THE FOLLOWING ITEMS). AT THIS TIME COUNCILMEMBERS MUST DISCLOSE ANY EX-PARTE COMMUNICATIONS CONCERNING ANY ITEMS ON THE AGENDA. AT THIS TIME THE CLERK WILL SWEAR IN ANY PERSON WHO WISHES TO TESTIFY ON ANY QUASI-JUDICIAL ITEM.**

## **7.B. LEGISLATIVE MATTERS**

### **7.B.1. ORDINANCES – SECOND READING AND PUBLIC HEARING**

#### **[TAB G]**

PROPOSED ORDINANCE (*SECOND READING*) AMENDING ARTICLES I, II, III AND IV OF CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED “GARBAGE AND TRASH,” TO INCREASE THE PARTICIPATION OF PRIVATE WASTE COLLECTORS IN THE COLLECTION AND REMOVAL OF GARBAGE, TRASH AND SOLID WASTE, INCLUDING RECYCLABLE MATERIALS

*Sponsored by: Councilman Jean R. Marcellus*

### **7.B.2. ORDINANCES – FIRST READING**

#### **[TAB H]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 4 ENTITLED “ZONING DISTRICTS”, SPECIFICALLY AT SECTION 4-101 ENTITLED “ESTABLISHMENT OF ZONING DISTRICTS”, TO REFERENCE THE REGIONAL ACTIVITY CENTER (RAC) AS AN OVERLAY AND SPECIAL PURPOSE DISTRICT, AND TO FURTHER AMEND DIVISION 4, ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS”, TO CREATE A NEW SECTION 4-406 ENTITLED “REGIONAL ACTIVITY CENTER”, IN ORDER TO LIST THE USES PERMITTED IN THE RAC CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

#### **[TAB I]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 4, DIVISION 4 ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS,” AT SECTION 4-402 ENTITLED “PLANNED DEVELOPMENT DISTRICT”, SPECIFICALLY AT SUBSECTION B ENTITLED “DEVELOPMENT STANDARDS,” TO EXPAND THE LIST OF PERMITTED USES, AND TO FURTHER AMEND SUBSECTION B2.F AND SUBSECTION B2H.V, TO REVISE THE DEVELOPMENT STANDARDS AND PROVIDE FOR A WAIVER AS CONTAINED THEREIN, CONSISTENT WITH THE COMPREHENSIVE PLAN

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

### **7.B.3. RESOLUTIONS**

#### **[TAB J]**

PROPOSED RESOLUTION AUTHORIZING AND APPROVING AN AMENDMENT TO THE BUILDING FEE SCHEDULE TO ADJUST RE-OCCUPANCY FEES FOR THE CITY DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

#### **[TAB K]**

PROPOSED RESOLUTION OF THE CITY MANAGER AND CITY ATTORNEY TO SUBMIT AN APPLICATION FOR PROJECT FINANCING UNDER THE STATE REVOLVING FUND PROGRAM AND TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES OF COMPLIANCE WITH PROGRAM REQUIREMENTS

*Sponsored by: City Administration*

*Responsible Staff Person: Aleem Ghany, Public Works Director*

## **8. REQUESTS – PETITIONS – COMMUNICATIONS**

**[TABLE]**

DISCUSSION REGARDING MAINTENANCE SERVICES FOR BISCAZYNE LANDING

*Sponsored by: Stephen E. Johnson, City Manager*

## **9. CITIZENS' FORUM**

## **10. COUNCIL REPORTS**

Mayor Andre D. Pierre, Esq.

Vice-Mayor Jean R. Marcellus

Councilman Michael R. Blynn, Esq.

Councilman Scott Galvin

Councilwoman Erlande Steril

## **11. CITY CLERK'S REPORT**

## **12. CITY ATTORNEY'S REPORT**

## **13. CITY MANAGER'S REPORT**

## **14. ADJOURNMENT**

• THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE CITY CLERK, (305) 893-6511, Ext. 12142, NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED MAY CONTACT THE TDD LINE AT (305) 893-7936.

• IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF NORTH MIAMI CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

• AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE CITY CLERK, CITY OF NORTH MIAMI, 776 N.E. 125<sup>TH</sup> STREET, NORTH MIAMI, FL 33161. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE CITY CLERK AT (305) 893-6511.

• IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER WITH THE CITY CLERK'S

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OFFICE BEFORE ADDRESSING THE COUNCIL ON ANY OF THE ABOVE ITEMS.

- TWO OR MORE MEMBERS OF THE CITY COUNCIL AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS MEETING.
- THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY A TELEPHONE CONFERENCE CALL. THE LOCATION, 776 N.E. 125<sup>TH</sup> STREET, NORTH MIAMI, FL 33161-0850, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.

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**ALCOHOLIC BEVERAGE SYMBOLS**

- 1-COP Beer only, Consumption on Premises
- 2-COP Beer and Wine, Consumption on Premises
- 4-COP Beer, Wine and Alcohol, Consumption on Premises
- 1-APS Beer, Package Sales Only
- 2-APS Beer and Wine, Package Sales Only
- 3-APS Beer, Wine and Alcohol, Package Sales Only

**ZONING SYMBOLS**

- R-1 Residential Estate District
- R-2 Single-Family District
- R-4 Multi-Family District
- R-5 Multi-Family District
- R-6 Multi-Family District
- RO Residential Office District

**ZONING SYMBOLS (continue)**

- C-1 Commercial District
- C-3 Commercial District
- C-2BE Commercial District
- C-2BW Commercial District
- M-1 Industrial District
- PU Public Use District
- PD Planned Development District
- AOD Arts, Culture and Design Overlay District
- NRO Neighborhood Redevelopment District