

AGENDA
North Miami City Council
776 N.E. 125th Street, 2nd Floor, Council Chambers
North Miami, FL 33161

REGULAR MEETING

TUESDAY, FEBRUARY 28, 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 the *City Attorney Selection Committee*
- ◆ Presentation from *Florida Water & Pollution Control* recognizing the *City of North Miami* with the “Utility of the Year” award
- ◆ Youth Opportunity Board Awards by *Heather Holliday, YOB Chairperson*

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 I 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 I BE ADOPTED...”

[TAB A]

APPROVAL OF MINUTES – Regular Council Meeting – February 14, 2012
Sponsored by: Michael A. Etienne, City Clerk

[TAB B]

PROPOSED RESOLUTION ADOPTING THE CITY’S FIVE-YEAR CAPITAL IMPROVEMENT PLAN COMMENCING IN FISCAL YEAR 2011-12 AND ENDING IN FISCAL YEAR 2015-16 BASED UPON THE RECOMMENDATIONS OF THE PLANNING COMMISSION
Sponsored by: City Administration
Responsible Staff Person: Kay Grant, Budget Manager

[TAB C]

PROPOSED RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 ADOPTED REVENUE AND EXPENSE BUDGETS FOR THE RE-APPROPRIATION OF PRIOR YEARS SURPLUS BALANCES TO THE CURRENT FISCAL YEAR, TO INCLUDE AN INCREASE OF FORTY-EIGHT THOUSAND FIVE

HUNDRED SEVENTY-FIVE DOLLARS AND NO CENTS (\$48,575.00) TO THE JUSTICE ASSISTANCE GRANT FUND (JAG), AND AN INCREASE OF FOURTEEN THOUSAND TWO HUNDRED TWO DOLLARS AND NO CENTS (\$14,202.00) TO THE STATE HOUSING INITIATIVE PROGRAM FUND (SHIP)

Sponsored by: City Administration

Responsible Staff Person: Kay Grant, Budget Manager

[TAB D]

PROPOSED RESOLUTION RATIFYING THE AMENDMENT TO FISCAL YEAR 2011-2012 ADOPTED REVENUE AND EXPENSE BUDGETS TO INCLUDE THE RECEIPT AND APPROPRIATION OF PROCEEDS FROM UNANTICIPATED DONATIONS RECEIVED IN THE AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS AND NO CENTS (\$14,525.00)

Sponsored by: City Administration

Responsible Staff Person: Kay Grant, Budget Manager

[TAB E]

PROPOSED RESOLUTION RATIFYING THE AMENDMENT TO FISCAL YEAR 2011-2012 ADOPTED REVENUE AND EXPENSE BUDGETS TO INCLUDE THE RECEIPT AND APPROPRIATION OF GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, IN THE AMOUNT OF FIFTY-SEVEN THOUSAND TWO HUNDRED TWENTY DOLLARS AND NO CENTS (\$57,220.00)

Sponsored by: City Administration

Responsible Staff Person: Kay Grant, Budget Manager

[TAB F]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT CONVEYANCE OF A RIGHT-OF-WAY DEED, IN SUBSTANTIALLY THE ATTACHED FORM, FOR THE DEDICATION OF A TWENTY-FOOT (20) WIDE ALLEWAY SOUTH OF N.E. 123 STREET FOR PUBLIC ACCESS, AND AUTHORIZING THE RECORDATION OF SAID DEED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB G]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A RENEWAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND TYLER TECHNOLOGIES, INC., TO CONTINUE TO PROVIDE THE CITY WITH SERVICES TO THE ENTERPRISE WIDE SOFTWARE SYSTEM

Sponsored by: City Administration

Responsible Staff Person: Ruby C. Johnson, Purchasing Director

[TAB H]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND YOUTH EDUCATION THROUGH SPORTS, INC., TO FACILITATE COMMUNITY SERVICE INITIATIVES FOR THE BENEFIT OF ALL SENIOR CITIZENS AND RESIDENTS OF THE CITY OF NORTH MIAMI

Sponsored by: City Administration

Responsible Staff Person: Jeff Geimer, Parks & Recreation Director

[TAB I]

RECOMMENDATION TO NAME ARTURO ALVAREZ, ESQ. TO NORTH MIAMI CITIZENS' HALL OF FAME

Sponsored by: Mayor Andre D. Pierre

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 -- NONE

7.B.2. ORDINANCES – FIRST READING -- NONE

7.B.3. RESOLUTIONS

[TAB J]

PROPOSED RESOLUTION APPROVING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH THE CITY ATTORNEY, IN SUBSTANTIALLY THE ATTACHED FORM; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THE AGREEMENT

Sponsored by: Mayor and City Council

[TAB K]

PROPOSED RESOLUTION APPROVING THE EXECUTION OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER

Sponsored by: Stephen E. Johnson, City Manager

[TAB L]

PROPOSED RESOLUTION AUTHORIZING THE APPOINTMENT OF PATRICIA SAINTVIL-JOSEPH AS SPECIAL MAGISTRATE FOR CODE ENFORCEMENT PROCEEDINGS AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER OF AGREEMENT WITH THE SPECIAL MAGISTRATE, IN SUBSTANTIALLY THE ATTACHED FORM

Sponsored by: City Administration

Responsible Staff Person: Marc Elias, Jr, Chief of Police

[TAB M]

PROPOSED RESOLUTION APPROVING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI, AS LANDLORD AND OLETA PARTNERS, LLC, AS TENANT, FOR THE PREMISES KNOWN AS “BISCAYNE LANDING”; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THE LEASE AGREEMENT

Sponsored by: City Administration

Responsible Staff Person: Ruby C. Johnson, Purchasing Director

8. REQUESTS – PETITIONS – COMMUNICATIONS

[TAB N]

DISCUSSION REGARDING THE CITY’S POLICY AS IT RELATES TO INJUNCTIVE RELIEF IN BLUE TARP ROOF ISSUES AND OTHER SIMILAR CODE MATTERS

Sponsored by: Councilman Scott Galvin

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. 125TH 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 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. 125TH STREET, NORTH MIAMI, FL 33161-0850, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.

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