

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

REGULAR MEETING

TUESDAY, APRIL 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)

- ◆ Proclamation in honor of *Children's Day*
- ◆ Proclamation in honor of *National Financial Literacy Month*
- ◆ Proclamation in honor of *Fair Housing Month*
- ◆ Presentation to honor *FIU First Generation Scholars*
- ◆ Presentation by *Florida Department of Transportation Staff and Consultants* regarding recommended improvements to the NE 125 Street/NE 6th Avenue/West Dixie Highway Intersection – *Project Manager: Alejandro Martinez*

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 C 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 C BE ADOPTED...”

[TAB A]

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

[TAB B]

PROPOSED RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE UNITED STATES DEPARTMENT OF JUSTICE FOR GRANT FUNDS FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

Sponsored by: City Administration
Responsible Staff Person: Miguel Seco, Governmental Affairs Manager

[TAB C]

PROPOSED RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 ADOPTED AMENDED REVENUE AND EXPENSE BUDGETS TO INCLUDE THE RECEIPT AND APPROPRIATION OF GRANT FUNDING IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) FROM THE U.S. HOUSING AND URBAN DEVELOPMENT (HUD) NEIGHBORHOOD STABILIZATION PROGRAM 2 (NSP2)

Sponsored by: City Administration

Responsible Staff Person: Kay Grant, Budget Manager

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 D]

PROPOSED ORDINANCE (**SECOND READING**) AMENDING CHAPTER 19 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “UTILITIES,” UNDER ARTICLE VIII, ENTITLED “ANNUAL UTILITY RATE INDEX ADJUSTMENT,” SPECIFICALLY AT SECTION 19-248, ENTITLED “RATE INDEX ADJUSTMENT” TO REPLACE THE USE OF THE CONSUMER PRICE INDEX (CPI) WITH A CONSERVATION BASED RATE STRUCTURE PLAN, AS ADOPTED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL, IN COMPLIANCE WITH STATE AND LOCAL REGULATORY REQUIREMENTS

Sponsored by: City Administration

Responsible Staff Person: Vernon Paul, Finance Director

[TAB E]

PROPOSED ORDINANCE (*SECOND READING*) AMENDING CHAPTER 19 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “UTILITIES”, SPECIFICALLY AT SECTION 19-76 ENTITLED “DEFINITIONS”, SECTION 19-77 ENTITLED “BACKFLOW PREVENTION DEVICES REQUIRED”, SECTION 19-80 ENTITLED “INSTALLATION OF BACKFLOW PREVENTION”, AND SECTION 19-81 ENTITLED “INSPECTIONS”, TO ASSIGN THE RESPONSIBILITY FOR THE MAINTENANCE, REPLACEMENT AND REPAIR OF BACKFLOW PREVENTION DEVICES TO THE SERVICING PROPERTY OWNER

Sponsored by: City Administration

Responsible Staff Person: Aleem Ghany, Public Works Director

[TAB F]

PROPOSED ORDINANCE (*SECOND READING*) AMENDING CHAPTER 29, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 3, DIVISION 2 ENTITLED “GENERAL DEVELOPMENT REVIEW PROCEDURES”, SPECIFICALLY AT SECTION 3-212 F ENTITLED “CERTIFICATE OF USE FEE”, TO ALLOW FOR THE PRORATION OF THE FEE WHEN A NEW CERTIFICATE OF USE IS OBTAINED BETWEEN THE DATES OF APRIL 1ST AND SEPTEMBER 30TH OF EACH YEAR

Sponsored by: Councilman Scott Galvin

7.B.2. ORDINANCES – FIRST READING – [NONE]

7.B.3. RESOLUTIONS -- [NONE]

8. REQUESTS – PETITIONS – COMMUNICATIONS

[TAB G]

DISCUSSION REGARDING THE MUSEUM OF CONTEMPORARY ART (MOCA)

Sponsored by: City Administration

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