

**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, MAY 28, 2013  
7:00 P.M.

**1. PLEDGE OF ALLEGIANCE / INVOCATION**

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

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

**4. SPECIAL PRESENTATION(s)**

- ◆ Recognition to *Mario Castricone*, North Miami resident and World War II Veteran, for his 100<sup>th</sup> Birthday on May 17, 2013
- ◆ Presentation of a Book to *Mayor Wilson Jeudy, Delmas, Haiti*
- ◆ VITA Program Volunteers recognition by *Dr. Lumane Pluviose-Claude, Deputy City Manager*
- ◆ Proclamation in honor of “Officer of the Month,” April 2013, *Officer Kevin Crespo*
- ◆ Recognition to “Employee of the Quarter,” *Felicia Bellamy*
- ◆ Joe Celestin Center – LEED Gold Certification presentation by *Lisa King, Kaufman Lynn Construction*
- ◆ Universidad Autonoma Del Caribe (UAC-Miami) presentation by *Olivia Cantu and Orietta Bustamante*
- ◆ Proclamation in honor of *Haitian Heritage Month*
- ◆ Proclamation in honor of *Jewish American Month*

**5. CITY EVENTS – ANNOUNCEMENT**

**6. PROGRESS 2013 UPDATE**

**7. CONSENT AGENDA**

UNLESS A MEMBER OF THE CITY COUNCIL WISHES TO REMOVE A SPECIFIC ITEM FROM THIS PORTION OF THE AGENDA, TABS A THROUGH K 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 K BE ADOPTED...”

[TAB A]

*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB B]**

PROPOSED RESOLUTION CANVASSING THE RETURNS AND CERTIFYING THE RESULTS OF AN ELECTION FOR MAYOR OF THE CITY OF NORTH MIAMI, HELD ON MAY 14, 2013

*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB C]**

PROPOSED RESOLUTION CANVASSING THE RETURNS AND CERTIFYING THE RESULTS OF AN ELECTION FOR COUNCILPERSON FOR DISTRICT NO. 2 IN THE CITY OF NORTH MIAMI, HELD ON MAY 14, 2013

*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB D]**

PROPOSED RESOLUTION CANVASSING THE RETURNS AND CERTIFYING THE RESULTS OF AN ELECTION FOR COUNCILPERSON FOR DISTRICT NO. 3 IN THE CITY OF NORTH MIAMI, HELD ON MAY 14, 2013

*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB E]**

PROPOSED RESOLUTION CERTIFYING THE RESULTS OF AN ELECTION OF THE CITY OF NORTH MIAMI, HELD ON MAY 14, 2013

*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB F]**

AUTHORIZATION FOR EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND FOR STUDENT TEEN EMPLOYMENT PROGRAM (STEP)

*Sponsored by: City Administration*

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

**[TAB G]**

PROPOSED RESOLUTION APPROVING THE SELECTION OF EBSARY FOUNDATION CO., AS THE GENERAL CONTRACTOR FOR THE REPLACEMENT AND CONSTRUCTION OF TWO (2) PEDESTRIAN BRIDGES ALONG THE ARCH CREEK BICYCLE/SHARED USE PATH, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN THE INVITATION FOR BID NO. 15-12-13 (RE-BID) ARCH CREEK BIKE PATH AND PEDESTRIAN BRIDGE REPLACEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, IN THE AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY-TWO THOUSAND NINE HUNDRED FIFTY DOLLARS AND SIXTY-SIX CENTS (\$432,950.66), AND WITH A PROJECT COMPLETION TERM OF ONE HUNDRED EIGHTY (180) CONSECUTIVE CALENDAR DAYS FROM THE CITY'S NOTICE TO PROCEED

*Sponsored by: City Administration*

*Responsible Staff Person: Ruby C. Johnson, Purchasing Director*

**[TAB H]**

PROPOSED RESOLUTION APPROVING A FIRST AMENDMENT TO THE CITY OF NORTH MIAMI MARDI GRAS CONSULTATION AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND MAJ INVESTMENT GROUP, LLC

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

**[TAB I]**

PROPOSED RESOLUTION ADOPTING THE CITY OF NORTH MIAMI DOWNTOWN MASTER DEVELOPMENT AND MAJOR CORRIDOR PLAN TO SERVE AS A DESIGN GUIDE FOR FUTURE DEVELOPMENT AND REDEVELOPMENT

*Sponsored by: City Administration*

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

**[TAB J]**

PROPOSED RESOLUTION CHANGING THE NAME OF THE NORTH MIAMI HOUSING AUTHORITY TO THE “NORTH MIAMI HOUSING AND DEVELOPMENT AUTHORITY”, AND FURTHER REVIEWING THE PROPOSED BYLAWS OF THE “NORTH MIAMI HOUSING AND DEVELOPMENT AUTHORITY” PRIOR TO SUBMISSION AND FILING WITH THE STATE OF FLORIDA, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 421, PART I, FLORIDA STATUTES

*Sponsored by: City Administration*

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

**[TAB K]**

PROPOSED RESOLUTION APPROVING THE PROPOSED UPDATED COMMUNITY PLANNING & DEVELOPMENT COST RECOVERY SCHEDULE OF FEES, PURSUANT TO ARTICLE 3, SECTION 3-202 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS

*Sponsored by: City Administration*

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

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

**8.A. QUASI-JUDICIAL ITEM(S)**

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

**QUASI-JUDICIAL PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE ABOVE ITEM(S) 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 PERSON(S) 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.**

## **8.B. RESOLUTIONS**

## **8.C. LEGISLATIVE MATTERS**

### **8.C.1. ORDINANCES – SECOND READING AND PUBLIC HEARING**

#### **[TAB L]**

PROPOSED ORDINANCE (*SECOND READING*) AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ENTITLED “PENSIONS AND RETIREMENT”, BY AMENDING ARTICLE III, ENTITLED “CLAIR T. SINGERMAN EMPLOYEES RETIREMENT SYSTEM,” DIVISION 1, ENTITLED “GENERALLY”, AT SECTION 15-61, ENTITLED “DEFINITIONS” TO ALLOW EMPLOYEES TO PURCHASE CREDITED SERVICE IN THE PLAN BASED UPON THE EMPLOYEE’S PRIOR GOVERNMENTAL SERVICE AND UPON MEETING CERTAIN CONDITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

*Sponsored by: Pension Board*

### **8.C.2. ORDINANCES – FIRST READING**

#### **[TAB M]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI ENTITLED “ADMINISTRATION”, SPECIFICALLY AT ARTICLE III, DIVISION 2, ENTITLED “BOARD OF TRUSTEES OF THE NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA)”, BY AMENDING SECTION 2-61, ENTITLED “ORGANIZATION; TERM OF OFFICE”, TO ALLOW THE MOCA BOARD OF TRUSTEES TO DETERMINE THE MAXIMUM NUMBER OF MEMBERS SERVING ON THE BOARD, IN LIEU OF THE CURRENT MAXIMUM OF THIRTY (30) BOARD MEMBERS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

*Sponsored by: City Administration*

*Responsible Staff Person: Bonnie Clearwater, MOCA Director*

#### **[TAB N]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 19 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “UTILITIES”, SPECIFICALLY AT ARTICLE III, DIVISION 3, ENTITLED “BACKFLOW PREVENTION”, BY AMENDING SECTION 19-80, ENTITLED “INSTALLATION OF BACKFLOW PREVENTION DEVICES; PERMIT, PROCEDURE”, SECTION 19-81, ENTITLED “INSPECTIONS”, AND THE INCLUSION OF A NEW SECTION 19-83, ENTITLED “ENFORCEMENT”, TO ALLOW CITY OF NORTH MIAMI APPROVED AND LICENSED CONTRACTORS TO PERFORM INSTALLATIONS, INSPECTIONS AND CERTIFICATIONS OF BACKFLOW PREVENTION DEVICES REQUIRED IN THE CROSS CONNECTION CONTROL PROGRAM, IN ACCORDANCE WITH LOCAL GOVERNMENT PERMITTING REQUIREMENTS, THE U.S. SAFE DRINKING WATER ACT OF 1974, AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR CONFLICTS, REPEAL, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

*Sponsored by: City Administration*

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

## **9. REQUESTS – PETITIONS – COMMUNICATIONS**

## 10. CITIZENS' FORUM

## 11. COUNCIL REPORTS

Mayor Andre D. Pierre, Esq.  
Vice-Mayor Marie Erlande Steril  
Councilman Michael R. Blynn, Esq.  
Councilman Scott Galvin  
Councilman Jean R. Marcellus

## 12. CITY CLERK'S REPORT

## 13. CITY ATTORNEY'S REPORT

## 14. CITY MANAGER'S REPORT

## 15. 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 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