

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

REGULAR MEETING

TUESDAY, JUNE 26, 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)

- ◆ National Weather Service Miami, *Robert Molleda, Warning Coordinator Meteorologist* will provide information regarding Hurricane Preparedness
- ◆ Comprehensive Audit Financial Report (CAFR) presentation by *Harvey, Covington & Thomas, LLC* for Fiscal Year 2010-2011

5. CITY EVENTS – ANNOUNCEMENT

6. HURRICANE PREPAREDNESS

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 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 – June 12, 2012
Sponsored by: Michael A. Etienne, City Clerk

[TAB B]

PROPOSED RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ADOPTED AMENDED GENERAL FUND EXPENSE BUDGET, TO RECONCILE NEGATIVE YEAR-END BALANCES FOR A TOTAL AMOUNT OF SIX HUNDRED FORTY-NINE THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS (\$649,121.00) AS REQUIRED BY BUDGETARY PROCEDURES

Sponsored by: City Administration
Responsible Staff Person: Kay Grant, Budget 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 FUNDS FROM THE FLORIDA BAR IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR SUMMER LEGAL INTERNSHIP PROGRAM

Sponsored by: City Administration

Responsible Staff Person: Kay Grant, Budget Manager

[TAB D]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A NEW AGREEMENT BETWEEN THE CITY AND FLORIDA HOUSING FINANCE CORPORATION FOR THE CONTINUED PROVISION OF HARDEST HIT FUND (HHF) ADVISOR SERVICES FOR THE HARDEST HIT FUND UNEMPLOYMENT MORTGAGE ASSISTANCE PROGRAM (UMAP) AND MORTGAGE LOAN REINSTATEMENT PROGRAM (MLRP) IN ORDER TO INCORPORATE NEW PROGRAM GUIDELINES, FEE SCHEDULE AND PROCEDURE MANUAL

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB E]

PROPOSED RESOLUTION AMENDING CHAPTER 2, ARTICLE III, DIVISION 5.3, SECTION 2-110 OF THE CODE OF ORDINANCES ENTITLED, "SCHEDULE OF CIVIL PENALTIES AND FINES" IN THE ATTACHED FORM, TO UPDATE PENALTIES AND FINES FOR CITY CODE VIOLATION TICKETS

Sponsored by: City Administration

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

[TAB F]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK TO TAKE ALL NECESSARY ACTION AND TO EXECUTE ALL DOCUMENTS AFFECTING THE HEALTH, SAFETY AND WELFARE OF THE CITY DURING THE CITY COUNCIL'S RECESS FROM JULY 11, 2012 THROUGH AUGUST 27, 2012

Sponsored by: Stephen E. Johnson, City Manager

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

8.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.

8.B. LEGISLATIVE MATTERS

8.B.1. ORDINANCES – SECOND READING AND PUBLIC HEARING

[TAB G]

PROPOSED ORDINANCE (**SECOND READING**) AMENDING CHAPTER 2 OF THE CITY CODE OF ORDINANCES ENTITLED “ADMINISTRATION”, SPECIFICALLY AT ARTICLE I ENTITLED “IN GENERAL”, TO CREATE A NEW SECTION 2-2 ENTITLED “RESERVE FUND ACCOUNT”, IN ORDER TO ESTABLISH AND ADMINISTER A RESERVE FUND ACCOUNT IN ACCORDANCE WITH THE GOVERNMENT ACCOUNTING STANDARD BOARD STATEMENT NO. 54, FUND BALANCE REPORTING AND GOVERNMENT FUND TYPE DEFINITIONS (GASB 54), WITH AN INITIAL MINIMUM ALLOCATION OF FIVE MILLION DOLLARS (\$5,000,000.00) FROM THE BISCAYNE LANDING LEASE PROCEEDS

Sponsored by: City Administration

Responsible Staff Person: Vernon Paul, Jr., Finance Director

[TAB H]

PROPOSED ORDINANCE (**SECOND READING**) AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES ENTITLED, “ALCOHOLIC BEVERAGES” SPECIFICALLY AT SECTION 3-2 ENTITLED, “DEFINITIONS” TO INCLUDE A DEFINITION FOR ADULT ENTERTAINMENT BUSINESS, AT SECTION 3-3 ENTITLED, “ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES PROHIBITED” TO REMOVE THE PROHIBITION OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES, AND AT SECTION 3-11 ENTITLED, “DISTANCE REQUIREMENTS” TO ESTABLISH A DISTANCE SEPARATION REQUIREMENT FOR ADULT ENTERTAINMENT BUSINESSES, IN ACCORDANCE WITH STATE LAW

(DEFERRED ITEM FROM THE MAY 22, 2012 COUNCIL MEETING)

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB I]

PROPOSED ORDINANCE (**SECOND READING**) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED, “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 5, DIVISION 3 ENTITLED, “ADULT ENTERTAINMENT USES”, SPECIFICALLY AT SECTION 5-303 ENTITLED, “NO ADDITIONAL ZONING CONDITIONS, RESTRICTIONS, SAFEGUARD OR CONDITIONS”, IN ORDER TO REMOVE THE PROHIBITION ON THE CONSUMPTION, POSSESSION, AND SALE OF ALCOHOLIC BEVERAGES

(DEFERRED ITEM FROM THE MAY 22, 2012 COUNCIL MEETING)

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

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

8.B.3. RESOLUTIONS

[TAB J]

PROPOSED RESOLUTION SELECTING A CITY OFFICIAL TO SERVE AS THE CITY OF NORTH MIAMI MUNICIPAL VOTING DELEGATE TO THE FLORIDA LEAGUE OF CITIES' 86TH ANNUAL CONFERENCE TO BE HELD AT THE WESTIN DIPLOMAT IN HOLLYWOOD, FLORIDA, COMMENCING ON AUGUST 23 THROUGH AUGUST 25, 2012

Sponsored by: Stephen E. Johnson, City Manager

9. REQUESTS – PETITIONS – COMMUNICATIONS

10. CITIZENS' FORUM

11. COUNCIL REPORTS

Mayor Andre D. Pierre, Esq.

Vice-Mayor Jean R. Marcellus

Councilman Michael R. Blynn, Esq.

Councilman Scott Galvin

Councilwoman Marie Erlande Steril

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. 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.
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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