

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

REGULAR MEETING

TUESDAY, NOVEMBER 13, 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 *National Adoption Month*
 - ◆ Proclamation in honor of *National Diabetes Awareness Month*
 - ◆ Award presentation to “*Employee of the Quarter,*” *Maurice LaGuerre*, Recreation Leader II
- 5. CITY EVENTS – ANNOUNCEMENT**
- 6. CITY PROJECT UPDATE**
- 7. HURRICANE PREPAREDNESS**
- 8. CONSENT AGENDA**

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

[TAB A]

APPROVAL OF MINUTES – Regular Council Meeting – October 23, 2012
Sponsored by: Michael A. Etienne, City Clerk

[TAB B]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND THE POLICE ATHLETIC LEAGUE OF NORTH MIAMI, INC., TO PROVIDE FUNDS FOR FIRST GENERATION SCHOLARSHIPS IN THE AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00), IN ACCORDANCE WITH THE FLORIDA INTERNATIONAL UNIVERSITY SCHOLARSHIP PLEDGE AGREEMENT

Sponsored by: City Administration

Responsible Staff Person: Dr. Lumane Pluviose-Claude, Deputy City Manager

[TAB C]

PROPOSED RESOLUTION APPROVING AND ADOPTING THE CITY'S FISCAL YEAR 2012-2013 LEGISLATIVE FUNDING AND COMMUNITY BUDGET REQUESTS, WHICH ARE TO BE PRESENTED TO THE CITY'S STATE REPRESENTATIVES FOR THEIR CONSIDERATION DURING THE 2013 FLORIDA LEGISLATIVE SESSION

Sponsored by: City Administration

Responsible Staff Person: Dr. Lumane Pluviose-Claude, Deputy City Manager

[TAB D]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND TSIC, INC., IN ORDER TO CONTINUE A TAKE STOCK IN CHILDREN PARTNERSHIP BY PROVIDING SCHOLARSHIP AND OPERATIONAL FUNDING IN THE AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00), TO A DESERVING STUDENT RESIDING WITHIN THE CITY

Sponsored by: City Administration

Responsible Staff Person: Dr. Lumane Pluviose-Claude, Deputy City Manager

[TAB E]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND TETRA TECH, INC., TO INCLUDE ADDITIONAL TECHNICAL ENGINEERING SUPPORT AND OTHER RELATED SERVICES FOR THE REHABILITATION AND UPGRADE OF THE WINSON WATER TREATMENT PLANT AND INTERRELATED WATER TRANSMISSION AND DISTRIBUTION SYSTEM, AT A COST NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00)

Sponsored by: City Administration

Responsible Staff Person: Ruby C. Johnson, Purchasing Director

[TAB F]

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND LHOIST NORTH AMERICA OF ALABAMA, LLC, TO PIGGYBACK A CONTRACT WITH THE CITY OF TAMARAC, FLORIDA, FOR THE DELIVERY AND DISCHARGE OF QUICKLIME, AS REQUIRED FOR THE OPERATIONS OF THE WINSON WATER TREATMENT PLANT, IN ACCORDANCE WITH INVITATION FOR BID 11-25B - FURNISH, DELIVER & DISCHARGE OF QUICKLIME

Sponsored by: City Administration

Responsible Staff Person: Ruby C. Johnson, Purchasing Director

[TAB G]

PROPOSED RESOLUTION APPROVING THE SELECTION OF ATLANTA BUILDING MAINTENANCE, INC., A/K/A AMERICAN FACILITY SERVICES, INC., FOR THE PROVISION OF PROFESSIONAL JANITORIAL SERVICES, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN THE INVITATION FOR BID #42-11-12, AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, IN THE AMOUNT NOT TO EXCEED TWO HUNDRED FIVE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$205,760.00) PER YEAR

Sponsored by: City Administration

Responsible Staff Person: Ruby C. Johnson, Purchasing Director

[TAB H]

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

[TAB I]

PROPOSED RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S 2010 ACTION PLAN AS AMENDED TO INCORPORATE AN ADDITIONAL TARGET AREA (TARGET AREA #4) 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 J]

PROPOSED RESOLUTION RATIFYING AN AMENDMENT TO FISCAL YEAR 2012-2013 REVENUE AND EXPENSE BUDGET FOR THE APPROPRIATION AND TRANSFER OF ONE HUNDRED FIFTY-FOUR THOUSAND EIGHT HUNDRED TWO DOLLARS AND TWO CENTS (\$154,802.02) FROM THE CITY GENERAL FUND TO THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP1) FUND

Sponsored by: City Administration

Responsible Staff Person: Kay Grant, Budget Manager

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

9.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 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.

9.B. LEGISLATIVE MATTERS

9.B.1. ORDINANCES – SECOND READING AND PUBLIC HEARING - [NONE]

9.B.2. ORDINANCES – FIRST READING

[TAB K]

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 15 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “PENSIONS AND RETIREMENTS” BY AMENDING ARTICLE IV, ENTITLED “NORTH MIAMI POLICE PENSION”, DIVISION 5, ENTITLED “BENEFITS”, SPECIFICALLY AT SECTION 15-129 ENTITLED “RETIREMENT BENEFITS”, TO IMPLEMENT THE PROVISIONS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE POLICE BENEVOLENT ASSOCIATION (PBA), AND TO ALLOW MEMBERS TO REVOKE A PRIOR EARLY RETIREMENT ELECTION; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Sponsored by: City Administration

9.B.3. RESOLUTIONS

[TAB L]

PROPOSED RESOLUTION STRONGLY URGING THE FLORIDA LEGISLATURE TO AMEND THE JOE CARLUCCI UNIFORM FIREARMS ACT (FLA STAT. 790.33), BY ALLOWING LOCAL GOVERNMENTS TO CONSIDER THE ENACTMENT OF APPROPRIATE STRICTER FIREARM CONTROL MEASURES TO ENSURE THE SAFETY OF THEIR CITIZENS AT CITY PUBLIC PARKS AND CITY PLAYGROUNDS

Sponsored by: Mayor Andre D. Pierre

10. REQUESTS – PETITIONS – COMMUNICATIONS

11. CITIZENS’ FORUM

12. COUNCIL REPORTS

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

13. CITY CLERK’S REPORT

14. CITY ATTORNEY’S REPORT

15. CITY MANAGER’S REPORT

16. 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