

SUMMARY MINUTES

REGULAR COUNCIL MEETING

September 24, 2013

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, September 24, 2013, beginning at 7:09 p.m.

(Phonetic spelling of each speaker’s name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found on the website at: www.northmiamifl.gov

Flag salute led by McCory Innocent, PAL

Inspirational Message

◆ *Pastor Edith Pascal*

ROLL CALL

Vice Mayor Galvin	Here
Mayor Tondreau	Here
Councilman Bien-Aime	Here
Councilwoman Keys	Here
Councilwoman Steril	Arrived at 7:29 pm

Additions, Deletions or Withdrawals

Tab F, removed at petitioner’s request
 Tab L, removed at petitioner’s request
 Tab N, moved before Tab M
 Special Presentation regarding Biscayne Landing at Tab Q

SPECIAL PRESENTATION(s)

◆ Recognition in honor of *National Hispanic Heritage Month*

Mayor Tondreau recognized Major AnnMarie Cardona, *National Hispanic Heritage Month Committee*, giving a brief history of *National Hispanic*

Heritage Month. Mayor Tondreau presented the *National Hispanic Heritage Month Committee* with a Certificate of Recognition. Mayor Tondreau recognized sponsors, Borinquen Medical Centers, El Kiosko Latin Café, Mr. Trophy and Puerto Rican Chamber of Commerce, with a Certificate of Appreciation.

- ◆ Recognition of “*Employee of the Quarter - Summer 2013* ,” *Lola Heasley, Parks Naturalist, Parks & Recreation Department*

Mayor Tondreau recognized Jeff Geimer, Parks and Recreation Director; presenting Employee of the Quarter plaque to *Lola Heasley, Parks Naturalist, Parks & Recreation Department.*

- ◆ Biscayne Landing Environmental Update and Discussion regarding Tab Q by *Joe Celestin*

See Tab Q.

CITY EVENTS – ANNOUNCEMENT

Pam Solomon, Public Information Manager, announced upcoming events for the City of North Miami. Ms. Solomon advised all city events can be found on the website at: www.northmiamifl.gov/celebrate

HURRICANE PREPAREDNESS

Mayor Tondreau recognized Dr. Lumane Pluiose-Claude, Deputy City Manager; giving a brief report to Council.

CITIZENS’ FORUM

A variety of residents spoke on issues of interest.

CONSENT AGENDA

Councilwoman Keys requested discussion on Tab C and Tab E, seconded by Vice Mayor Galvin.

TAB A - APPROVAL OF MINUTES

- Regular Council Meeting – September 10, 2013
- 1st Budget Hearing – September 11, 2013

TAB B – AUTHORIZATION FOR EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND TO BE UTILIZED FOR TRAINING

TAB C – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPOINTING COMMISSIONER KENNETH EACH AS CHAIR AND COMMISSIONER DANA MAGLOIRE-FENELON, ESQ., AS VICE-CHAIR TO THE NORTH MIAMI HOUSING AND DEVELOPMENT AUTHORITY, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 421, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

TAB D – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SUBMITTAL OF GRANT APPLICATIONS AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE GRANT, LANDSCAPE CONSTRUCTION AND MAINTENANCE AGREEMENTS BETWEEN THE CITY OF NORTH MIAMI AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

TAB E – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE APPOINTMENT OF KATHLEEN ACHILLE, ESQ., AS SPECIAL MAGISTRATE FOR CODE ENFORCEMENT PROCEEDINGS AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER OF AGREEMENT WITH THE SPECIAL MAGISTRATE, IN SUBSTANTIALLY THE ATTACHED FORM; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mayor Tondreau moved to approve the Consent Agenda, Tab A, Tab B and Tab D, minus Tab C and Tab E, seconded by Vice Mayor Galvin; passed unanimously.

TAB C – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPOINTING COMMISSIONER KENNETH EACH AS CHAIR AND COMMISSIONER DANA MAGLOIRE-FENELON, ESQ., AS VICE-CHAIR TO THE NORTH MIAMI HOUSING AND DEVELOPMENT

AUTHORITY, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 421, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Michael Etienne, Esquire, City Clerk read the Resolution title for the record. Council discussion. Regine Monestime, City Attorney, gave a brief report to Council. Council discussion. Councilwoman Steril moved to approve the Resolution, seconded by Vice Mayor Galvin; passed unanimously, by roll call vote.

TAB E – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE APPOINTMENT OF KATHLEEN ACHILLE, ESQ., AS SPECIAL MAGISTRATE FOR CODE ENFORCEMENT PROCEEDINGS AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER OF AGREEMENT WITH THE SPECIAL MAGISTRATE, IN SUBSTANTIALLY THE ATTACHED FORM; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Council discussion. Ms. Monestime gave a brief report to Council. Council discussion. Councilwoman Steril moved to approve the Resolution, seconded by Mayor Tondreau; passed 4-1, by roll call vote. Vice Mayor Galvin denied.

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

QUASI-JUDICIAL ITEM(S)

TAB F - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE, LOCATED AT 1850 NORTHEAST 123RD STREET, FROM THE CURRENT C2BE (COMMERCIAL) ZONING DESIGNATION TO PD (PLANNED DEVELOPMENT) ZONING DESIGNATION, IN ORDER TO PROVIDE CONSISTENCY WITH THE LAND DEVELOPMENT REGULATIONS, IN ACCORDANCE WITH THE INTENT OF THE COMPREHENSIVE PLAN

OF THE CITY OF NORTH MIAMI; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Removed at petitioner's request, no action taken.

RESOLUTIONS

TAB G – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS, IN THE AMOUNT OF ONE HUNDRED TEN THOUSAND ONE HUNDRED THIRTY-SIX DOLLARS AND TWENTY-FIVE CENTS (\$110,136.25) PER YEAR, FOR A PERIOD OF FIVE (5) YEARS, TO MUSCO SPORTS LIGHTING, LLC, FOR THE LEASE-PURCHASE AND INSTALLATION OF SPORTS LIGHTING EQUIPMENT AT CAGNI PARK NORTH, PIGGYBACKING A COMPETITIVE BID AWARD ISSUED UNDER ‘RFP NO. 08/09-3 VARIOUS EQUIPMENT AND AMENITIES FOR PARKS AND PLAYGROUNDS’ BY THE BOARD OF COUNTY COMMISSIONERS, CLAY COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Councilwoman Steril moved to approve the Resolution, seconded by Mayor Tondreau; for discussion. Stephen E. Johnson, City Manager, gave a brief report to Council. No public discussion. Council voted; passed unanimously, by roll call vote.

TAB H - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOURTH OPTION TO RENEW PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND BROWN & BROWN OF FLORIDA, INC., D/B/A T.R. JONES & COMPANY, TO CONTINUE TO PROVIDE THE CITY WITH EXCESS WORKER'S COMPENSATION INSURANCE COVERAGE FOR ONE (1) ADDITIONAL YEAR, AT A COST NOT TO EXCEED ONE HUNDRED TWENTY FIVE THOUSAND SEVEN HUNDRED SEVENTY DOLLARS (\$125,770.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Vice Mayor Galvin moved to approve the Resolution, seconded by Councilwoman Steril; for discussion. No public discussion. Council voted, passed unanimously, by roll call vote.

TAB I - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH OPTION TO RENEW PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND RISK MANAGEMENT ASSOCIATES, INC., D/B/A PUBLIC RISK INSURANCE AGENCY, TO CONTINUE TO PROVIDE THE CITY WITH UNINTERRUPTED PUBLIC OFFICIAL LIABILITY INSURANCE COVERAGE FOR ONE (1) ADDITIONAL YEAR, AT A COST NOT TO EXCEED ONE HUNDRED FOUR THOUSAND THREE HUNDRED THREE DOLLARS (\$104,303.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Council discussion. Mr. Johnson gave a brief report to Council. No public discussion. Vice Mayor Galvin moved to approve the Resolution, seconded by Councilman Bien-Aime; passed unanimously, by roll call vote.

TAB J – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ESTABLISHING AND ADOPTING A RETIREMENT INCENTIVE PLAN FOR ELIGIBLE EMPLOYEES AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Councilwoman Keys moved to approve the Resolution, seconded by Councilman Galvin; for discussion. Council discussion. Mr. Johnson gave a brief report to Council. No public discussion. Council voted; failed 2-3, by roll call vote. Mayor Tondreau, Councilman Bien-Aime and Councilwoman Steril denied.

Mayor Tondreau moved to approve the Resolution, seconded by Councilman Bien-Aime; for discussion. Mr. Johnson advised the Resolution needs to be amended to include white and blue collar members of collective bargaining and open to the rule of 60 instead of 65. No public

discussion. Council discussion. Vice Mayor Galvin requested a list of eligible employees. Ms. Monestime would review the legal issue of providing an eligible list of employees and advise. Council voted, passed 3-2 as amended, by roll call vote. Vice Mayor Galvin and Councilwoman Keys denied.

TAB K – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, MEMORIALIZING CERTAIN FINANCIAL ALLOCATIONS OF REVENUE DERIVED FROM THE BISCAYNE LANDING LEASE PROCEEDS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. Ms. Monestime gave a brief report to Council. Council discussion. Councilwoman Steril moved to approve the Resolution, seconded by Mayor Tondreau; for discussion. Council discussion. No public discussion. Council voted; passed 3-2, by roll call vote. Vice Mayor Galvin and Councilwoman Keys denied.

LEGISLATIVE MATTERS

ORDINANCES – FIRST READING

TAB L - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE AND LOCATED AT 1850 NORTHEAST 123RD STREET, FROM COMMERCIAL LAND USE DESIGNATION TO MIXED USE HIGH LAND USE DESIGNATION, IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT PROPERTY SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS, REPEAL, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

Removed at petitioner's request, no action taken.

TAB N - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CITY OF NORTH MIAMI'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE MAP IN ORDER TO ASSIGN APPROPRIATE LAND USE CATEGORIES TO NEWLY ANNEXED PROPERTIES IN AN AREA BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"); FURTHER AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER REVIEW AGENCIES AS REQUIRED UNDER SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Etienne read the Ordinance title for the record. Council discussion. Councilwoman Steril moved to approve the Ordinance, seconded by Vice Mayor Galvin; for discussion. Council discussion. Mr. Johnson gave a brief report to Council. No public discussion. Council voted; passed 4-0. Mayor Tondreau away from the dais.

TAB M - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY'S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF THE NEWLY ANNEXED PROPERTIES BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"), IN ORDER TO ASSIGN APPROPRIATE ZONING CATEGORIES THAT ARE CONSISTENT WITH THE CITY'S LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Etienne read the Ordinance title for the record. Councilwoman Steril moved to approve the Ordinance, seconded by Vice Mayor Galvin; for discussion. No public discussion. Council voted; passed unanimously, by roll call vote.

TAB N - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CITY OF NORTH MIAMI'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE MAP IN ORDER TO ASSIGN APPROPRIATE LAND USE CATEGORIES TO NEWLY ANNEXED PROPERTIES IN AN AREA BORDERED ON THE WEST-SIDE BY THE BISCAVNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"); FURTHER AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER REVIEW AGENCIES AS REQUIRED UNDER SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Tab N taken out of order, see before Tab M.

TAB O - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH 'RECREATION/ENTERTAINMENT, OUTDOOR' AS A SPECIAL EXCEPTION USE IN THE M-1 ZONING DISTRICT, TO FOSTER ECONOMIC GROWTH CONSISTENT WITH THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mr. Etienne read the Ordinance title for the record. Vice Mayor Galvin moved to approve the Ordinance, seconded Councilwoman Keys; for discussion. Council discussion. Ms. Monestime gave a brief report to

Council. No public discussion. Council voted; passed unanimously, by roll call vote.

TAB P - PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 2 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES TO UPDATE, ORGANIZE, AND CLARIFY SPECIFIC SECTIONS OF THE CHAPTER, INCLUDING SUBSTANTIVE LEGAL, STYLISTIC AND ORGANIZATIONAL CHANGES, WHILE PROVIDING CONSISTENT USE OF TERMS AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Etienne read the Ordinance title for the record. Councilwoman Steril moved to approve the Ordinance, seconded Mayor Tondreau; for discussion. Council discussion. Ms. Monestime gave a brief report to Council. No public discussion. Councilwoman Keys requested a friendly amendment to strike the discretion of the Board allowing spending up to \$100,000. Councilwoman Steril did not accept the friendly amendment. Council voted; passed 3-2, by roll call vote. Vice Mayor Galvin and Councilwoman Keys denied.

CITIZENS' FORUM

Mayor Tondreau opened public discussion for Tab K. Public discussion.

REQUESTS – PETITIONS – COMMUNICATIONS

TAB Q - BISCAYNE LANDING ENVIRONMENTAL UPDATE AND DISCUSSION

Mr. Etienne read the title for the record. Mr. Johnson gave a brief report to Council. Joe Celestin, Site Manager, gave a brief presentation to Council. Wilbur Mayorga, Chief of DERM's Pollution Control Division, gave a brief report to Council. Council discussion. Herb Tillman gave a brief report to Council. Council discussion. Cliff Schulman, Weiss Serota & Helman, gave a brief report to Council. Council discussion. Public discussion. Ms. Monestime gave a brief report to Council. Mayor Tondreau moved to have an independent scientist, conduct a study and provide a report at a cost to the developer, by the next Council meeting, seconded by Vice Mayor Galvin; for discussion. Mr. Tillman advised

Oleta Partners would pay for the requested study. Council voted; passed unanimously, by roll call vote.

COUNCIL REPORTS

Various items of interest presented by Council.

CITY CLERK'S REPORT

(NONE)

CITY ATTORNEY'S REPORT

(NONE)

CITY MANAGER'S REPORT

(NONE)

ADJOURNMENT

Meeting adjourned at 11:05 p.m.