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MARCH 12, 2013

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SUMMARY MINUTES

REGULAR COUNCIL MEETING

March 12, 2013

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, March 12, 2013, beginning at 7:02 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 at: www.northmiamifl.gov

Flag salute led by Officer Steven Royster, Officer of the Month

Inspirational Message

- ◆ Chief Marc Elias, Jr.

ROLL CALL

Vice Mayor Steril	Here
Councilman Galvin	Here
Mayor Pierre	Here
Councilman Marcellus	Here
Councilman Blynn	Here

Additions, Deletions or Withdrawals

Tab R, moved after the Consent Agenda
Tab V, moved to City Projects

SPECIAL PRESENTATION(s)

- ◆ Sickle Cell Foundation Donation Presentation

Mayor Pierre recognized Ruby Johnson, Purchasing Director; presenting a check for \$1,700, to Marilyn Sanders, proceeds from Black History Month fundraiser for the Sickle Cell Foundation.

◆ Proclamation in honor of *Women's History Month*

Mayor Pierre recognized Vice Mayor Steril, *Women's History Month Chair*, presenting a Proclamation. Whereas Mayor Pierre proclaimed March, 2013, to be *Women's History Month*, in the City of North Miami.

◆ Recognition to "Officer of the Month," Officer Steven Royster for February 2013

Mayor Pierre recognized Chief Marc Elias, Jr, and Assistant Chief Lenard Burgess, recognizing Officer Steven Royster "Officer of the Month," for February, 2013. Mayor Pierre presented a Proclamation. Whereas Mayor Pierre proclaimed February, 2013, to be *Steven Royster Month*, in the City of North Miami.

◆ Recognition to "Frantz Jean Claude," for saving a life

Mayor Pierre recognized Chief Marc Elias, Jr, giving a brief report to Council regarding events taking place after an accident when Mr. Claude saved a critically injured child. Chief Elias presented the Distinguished Service Award to Mr. Claude. Mayor Pierre presented a Proclamation. Whereas Mayor Pierre proclaimed March 12, 2013, to be *Frantz Jean Claude Day*, in the City of North Miami.

REQUESTS – PETITIONS – COMMUNICATIONS

TAB R – PROPOSAL TO GIVE \$1 MILLION TO POLICE ATHLETIC LEAGUE (PAL) FUND

Michael Etienne, Esquire, City Clerk, read the request for the record. Stephen E. Johnson, City Manager, gave a brief report to Council. Chief Elias recognized Assistant Chief Burgess, Major Franzia Brea-Burden, Officer James Stuart and Officer Michael Chery. Officer Stuart and Major Brea-Burden gave a brief report to Council regarding the history of PAL. Public discussion. Mayor Joe Celestin advised his firm would complete construction for the building at cost, materials and insurance, donating labor. Council discussion. Vice Mayor Steril moved to approve the proposal, seconded by Councilman Blynn; for discussion. Council discussion. Council voted; passed unanimously.

RESOLUTIONS

TAB Q – PROPOSED RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND MAJ INVESTMENT GROUP, LLC., FOR THE PURPOSES OF CREATING THE 1ST ANNUAL CITY OF NORTH MIAMI MARDI GRAS

Mr. Etienne read the Resolution title for the record. Ringo Cayard, petitioner, present. Mr. Johnson gave a brief report to Council. Public discussion. Council discussion. Councilman Marcellus moved to approve the agreement, seconded by Councilman Galvin; passed unanimously. Mayor Pierre moved to provide \$50,000 start up costs out of the \$84,000. Mr. Cayard gave a brief report to Council regarding \$50,000 up front and \$7,000 each month for 10 months. Council discussion. Councilman Marcellus moved to approve \$50,000 up front and \$7,000 per month for 10 months, seconded by Mayor Pierre; for discussion. Council discussion. Councilman Galvin requested a friendly amendment to approve \$50,000 up front and \$50,000 spread out over 10 months. Council discussion. Councilman Galvin withdrew his friendly amendment. Council voted; passed unanimously.

◆ H.E.R.O. Healthy Florida, LLC Presentation by *Twig Tolley*

Mayor Pierre recognized Daniel, representing HERO giving a brief report to Council regarding diabetes.

CITY EVENTS – ANNOUNCEMENT

Pam Solomon, Public Information Manager, announced upcoming events for the City of North Miami.

CITY PROJECTS UPDATE

TAB V - BISCAYNE LANDING UPDATE

Mr. Herb Tillman, Manager, gave a brief report to Council, updating activities taking place at Biscayne Landing: filling lakes to develop property, mass grade the site and design, permit and construct a spine road. The master plan will be finalized in April and a workshop will take place at the Biscayne Landing Sales Center on Tuesday, March 19th, at 6 pm. Interviewing and occupational training of approximately 80 candidates will take place. Council discussion.

CONSENT AGENDA

Councilman Galvin moved to remove Tab H, Tab K and Tab L off of the Consent Agenda for public discussion. No public discussion on Tab K and Tab L. Council discussion on Tab K and Tab L. Mr. Johnson gave a brief report to Council. Tab K and Tab L placed back in the Consent Agenda for approval. Tab H removed for public discussion.

TAB A - APPROVAL OF MINUTES

– Regular Council Meeting – February 26, 2013

TAB B – AUTHORIZATION FOR EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND

TAB C – PROPOSED RESOLUTION SUPPORTING FLORIDA SENATE BILL 888 NAMED THE DESILINE’S FREE AND FAIR DEMOCRACY ACT

TAB D – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS TO FIVE (5) VEHICLE VENDORS FOR A TOTAL AMOUNT NOT TO EXCEED EIGHT HUNDRED NINETY THOUSAND SIX HUNDRED SIXTY-SIX DOLLARS AND FIFTY-FIVE CENTS (\$890,666.55), TO PIGGYBACK A COMPETITIVE BID AWARD BY THE SHERIFFS’ OFFICES AND LOCAL GOVERNMENTAL AGENCIES OF THE STATE OF FLORIDA COOPERATIVE BID FOR PURSUIT, ADMINISTRATIVE, UTILITY VEHICLES, TRUCKS AND VANS - BID NUMBER 12-20-905, FOR THE PURCHASE OF THIRTY SIX (36) NEW VEHICLES TO BE PLACED IN SERVICE BY THE NORTH MIAMI POLICE DEPARTMENT, PARKS AND RECREATION DEPARTMENT AND THE DEPARTMENT OF PUBLIC WORKS

TAB E – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-FOUR THOUSAND FOUR HUNDRED FORTY-FIVE DOLLARS AND TWENTY-FIVE CENTS (\$134,445.25), TO PIGGYBACK A CONTRACT AWARD WITH THE CITY OF MIAMI, FLORIDA, FOR THE PURCHASE OF EMERGENCY POLICE VEHICLE EQUIPMENT FROM SIGNAL TECHNOLOGY ENTERPRISES, INC., IN ACCORDANCE WITH THE CITY OF MIAMI INVITATION FOR BID NUMBER 270252

TAB F - PROPOSED RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION AND AUTHORIZING THE CITY

MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE FLORIDA DEPARTMENT OF STATE DIVISION OF LIBRARY AND INFORMATION SERVICES, TO SECURE A PUBLIC LIBRARY CONSTRUCTION GRANT

TAB G – PROPOSED RESOLUTION APPROVING THE CITY OF NORTH MIAMI NW 7TH AVENUE COMMERCIAL FACADE PROGRAM APPLICATION AND GUIDELINES

TAB H – PROPOSED RESOLUTION APPROVING THE EXECUTION OF A LEASE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI, AS LANDLORD AND THE POLICE ATHLETIC LEAGUE OF NORTH MIAMI, INC. (PAL), AS TENANT, FOR PORTIONS OF THE PREMISES KNOWN AS “CAGNI PARK” FOR A NINETY NINE (99) YEAR TERM

Mr. Etienne read the Resolution title for the record. Public discussion. Council discussion. Councilman Blynn moved to approve the Resolution, seconded by Vice Mayor Steril; passed unanimously.

TAB I - PROPOSED RESOLUTION RATIFYING THE BUDGET AMENDMENT TO THE FISCAL YEAR 2012-2013 REVENUE AND EXPENSE BUDGET, TO INCLUDE THE RECEIPT AND APPROPRIATION OF FUNDS FROM THE GENERAL OBLIGATION BOND (GOB) INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND MIAMI-DADE COUNTY IN THE AMOUNT OF FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000.00), TO BE USED FOR THE CONSTRUCTION OF A RECREATIONAL FACILITY AT RUCKS PARK, IN THE CITY OF NORTH MIAMI

TAB J - PROPOSED RESOLUTION RATIFYING THE BUDGET AMENDMENT TO THE FISCAL YEAR 2012-2013 REVENUE AND EXPENSE BUDGET, TO INCLUDE THE RECEIPT AND APPROPRIATION OF FUNDS FROM THE NORTH MIAMI COMMUNITY REDEVELOPMENT AGENCY (CRA) IN THE AMOUNT OF TWO HUNDRED FIFTY-SIX THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$256,550.00), FOR THE CONTINUATION OF THE CITY OF NORTH MIAMI WAYFINDING SIGNAGE PROJECT

TAB K - PROPOSED RESOLUTION PROVIDING FOR RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO, LOCAL 6008, FOR THE BARGAINING UNIT CONSISTING OF THE CITY'S , NON-PROFESSIONAL WHITE COLLAR EMPLOYEES; AUTHORIZING THE CITY MANAGER TO EXECUTE AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT

TAB L – PROPOSED RESOLUTION PROVIDING FOR RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO, LOCAL 6009, FOR THE BARGAINING UNIT CONSISTING OF THE CITY'S BLUE COLLAR EMPLOYEES; AUTHORIZING THE CITY MANAGER TO EXECUTE AND TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT

Vice Mayor Steril moved to approve the Consent Agenda, Tabs A through L, minus Tab H seconded by Councilman Galvin; passed unanimously.

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

LEGISLATIVE MATTERS

ORDINANCES – FIRST READING

TAB M - PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 2 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, FOLLOWING THE CHARTER REVIEW PROCESS, TO UPDATE, ORGANIZE AND CLARIFY CHAPTERS OF THE CITY CODE, INCLUDING SUBSTANTIVE LEGAL, STYLISTIC AND ORGANIZATIONAL CHANGES, UPDATING STATUTORY REFERENCES, PROVIDING FOR THE CONSISTENT USE OF TERMS AND REFERENCES, INCLUSION OF GENDER DIVERSITY, CORRECTIONS OF SCRIVENER'S ERRORS, AND LIMITING THE USE OF REDUNDANT LANGUAGE

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

TAB N – PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 11, ARTICLE X, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “TOWING OF MOTOR VEHICLES”, SPECIFICALLY AT SECTION 11-211, ENTITLED “DEFINITIONS”, AT SECTION 11-229, ENTITLED “REQUIREMENTS FOR NON-CONSENSUAL IMMOBILIZATION OF VEHICLES”, AND EXHIBIT “2”, ENTITLED “CATEGORIES AND MAXIMUM RATES FOR NON-CONSENSUAL TOWING SERVICES”, TO ESTABLISH A MAXIMUM NON-CONSENSUAL IMMOBILIZATION RATE AND ACCEPTABLE METHODS OF PAYMENT, TO REQUIRE IMMOBILIZATION OPERATORS TO OBTAIN AN IMMOBILIZATION PERMIT AND LOCAL BUSINESS TAX RECEIPT, AND TO FURTHER IMPOSE ADDITIONAL NOTICE REQUIREMENTS

Mr. Etienne read the Ordinance title for the record. No public discussion. Council discussion. Regine Monestime, City Attorney, gave a brief report to Council regarding the Ordinance. Mr. Johnson gave a brief report to Council regarding on street parking. Councilman Galvin moved to approve the Ordinance, seconded by Councilman Marcellus; passed unanimously, by roll call vote.

TAB O - PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 6 OF THE CITY CODE OF ORDINANCES, ENTITLED “ELECTIONS”, SPECIFICALLY AT ARTICLE IV, ENTITLED “ELECTIONS ADMINISTRATION”, AND SECTION 6-78, ENTITLED “ELECTION OF CITY COUNCIL MEMBERS”, TO AMEND THE CRITERIA FOR PROOF OF RESIDENCY TO QUALIFY FOR PUBLIC OFFICE

Mr. Etienne read the Ordinance title for the record. Council discussion regarding various identification that can be produced to prove residency. Councilman Galvin moved to approve the Ordinance. Councilman Marcellus requested a friendly amendment to change driver’s license or voter’s registration card to driver’s license and voter’s registration card. Council discussion. Councilman Galvin clarified that he would like identification produced to be a current, federal or state government issued identification such as a valid driver’s license and voters registration card with an additional document, such as a utility bill or lease agreement showing residency for one year prior to qualifying. Public discussion. Mr. Etienne gave a brief report to Council. Ms. Monestime cautioned that the proposed changes during this time period may be legally dangerous. Councilman Galvin moved to approve the Ordinance, as amended,

seconded by Councilman Blynn; passed 4-1, by roll call vote. Mayor Pierre denied.

RESOLUTIONS

TAB P – PROPOSED RESOLUTION URGING PRESIDENT BARACK OBAMA AND THE 113TH CONGRESS OF THE UNITED STATES TO ENACT COMPREHENSIVE IMMIGRATION REFORM IN ACCORDANCE WITH THE FIVE PRINCIPLES EMBRACED BY THE PARTNERSHIP FOR A NEW AMERICAN ECONOMY

Mr. Etienne read the Resolution title for the record. No public discussion. Councilman Blynn moved to approve the Resolution, seconded by Councilman Marcellus; passed unanimously.

TAB Q – PROPOSED RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND MAJ INVESTMENT GROUP, LLC., FOR THE PURPOSES OF CREATING THE 1ST ANNUAL CITY OF NORTH MIAMI MARDI GRAS

Taken out of order, see under Special Presentations and Tab R.

REQUESTS – PETITIONS – COMMUNICATIONS

TAB R – PROPOSAL TO GIVE \$1 MILLION TO POLICE ATHLETIC LEAGUE (PAL) FUND

Taken out of order, see under Special Presentations.

TAB S – APPOINTMENT OF INITIAL BOARD OF THE 501(c)(3) NORTH MIAMI EDUCATIONAL FOUNDATION, INC. (CONTINUED FROM FEBRUARY 26, 2013 COUNCIL MEETING)

Mr. Etienne read the title for the record. Mr. Johnson gave a brief report to Council. No public discussion. Councilman Blynn moved to approve the initial board as submitted by the City Manager, seconded by Mayor Pierre; passed unanimously.

TAB T – DISCUSSION REGARDING SECOND (IRRIGATION) METERS

Mr. Etienne read the title for the record. Mr. Johnson gave a brief presentation to Council including a comparison of cities regarding second irrigation meters. Council discussion.

TAB U – DISCUSSION REGRADING CHARTER HIGH SCHOOL ON THE CLAUDE PEPPER PARK PROPERTY

Mr. Etienne read the title for the record. Council discussion. Mr. Johnson gave a brief report to Council. Vice Mayor Steril moved to approve the Charter School, seconded by Mayor Pierre; passed 4-1. Councilman Blynn denied.

TAB V - BISCAYNE LANDING UPDATE

Taken out of order, see under City Projects Update.

TAB W – DISCUSSION AND APPROVAL FOR SIDEWALKS ON CANAL DRIVE

Councilman Blynn requested approval of sidewalks on Canal Drive. Mr. Johnson gave a brief report to Council advising approximately \$50,000 for the sidewalks would come from the \$3.4 million placed in reserves from the Biscayne Landing proceeds. Councilman Blynn moved to approve the request, seconded by Mayor Pierre; passed 3-1. Councilman Galvin denied; Vice Mayor Steril away from the dais.

CITIZENS' FORUM

A variety of residents spoke on issues of interest.

COUNCIL REPORTS

Various items of interest presented by Council.

Mayor Pierre moved a recommendation to name Clark Reynolds to the Citizens' Hall of Fame, seconded by Councilman Blynn; passed unanimously.

Mayor Pierre moved to be a Gold Sponsor for \$10,000, to Sant La annual fundraiser reception event. Motion failed for lack of second. Vice Mayor Steril amended the motion to Bronze Sponsorship for \$2,500, seconded by Councilman Marcellus; passed 3-2. Councilman Blynn and Councilman Galvin denied.

Vice Mayor Steril moved to donate \$1,000 to KOZE-FANM, seconded by Mayor Pierre; for discussion. Councilman Galvin advised the organization is a for profit entity. Council voted; failed 2-2. Councilman Blynn and Councilman Galvin denied; Councilman Marcellus away from the dais.

Mayor Pierre was recognized and honored by Haitian Women of America, receiving a Leadership Award.

CITY MANAGER'S REPORT

Mr. Johnson reported on:

- Update regarding Building Department outsourcing.

CITY ATTORNEY'S REPORT

(NONE)

CITY CLERK'S REPORT

(NONE)

ADJOURNMENT

Meeting adjourned at 12:27 a.m.