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APRIL 10, 2012

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**SUMMARY MINUTES**  
**REGULAR COUNCIL MEETING**

**April 10, 2012**

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, April 10, 2012, beginning at 7:11 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](http://www.northmiamifl.gov)

Flag salute led by Judge Cohan

Inspirational Message

- ◆ Pastor Gregory Toussaint, Tabernacle of Glory

**ROLL CALL**

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

**Additions, Deletions or Withdrawals**

Tab T moved before Tab Q

**SPECIAL PRESENTATION(s)**

- ◆ Recognition of "Employee of the Quarter" - *Bobby Watson, Recreation Specialist, Parks & Recreation*

Mayor Pierre recognized Jeff Geimer, Parks and Recreation Director; and Ernie Ramos, Recreation Superintendent; presenting Employee of the Quarter plaque to *Bobby Watson, Recreation Specialist, Parks & Recreation*.

- ◆ Recognition of “Officer of the Month” – *Dagoberto Andolo and Jean Sosa, Community Service Section, Marine Patrol Unit*

Mayor Pierre recognized Police Chief Marc Elias, Jr., with Assistant Chief Leonard Burgess and Major Franzia Brea-Burden, announcing *Officer Andolo and Officer Sosa as “Officers of the Month”*.

- ◆ Proclamation in honor of *National Autism Awareness Month*

Mayor Pierre presented a Proclamation, to *Suzanne Morantes, Dan Marino Autism Foundation*, in honor of *National Autism Awareness Month*; Whereas Mayor Pierre proclaimed April 2012, to be *National Autism Awareness Month*, in the City of North Miami. Ms. Morantes gave a brief report regarding the Dan Marino Autism Foundation.

- ◆ Proclamation in honor of *Jazz Appreciation Month*

Mayor Pierre presented a Proclamation, to *Mr. Hinds, North Miami Senior High Band Director*, in honor of *Jazz Appreciation Month*; Whereas Mayor Pierre proclaimed April 2012, to be *Jazz Appreciation Month*, in the City of North Miami. Mr. Hinds gave a brief report regarding Michael Lewis, Principal and North Miami Senior High.

- ◆ Proclamation in honor of *National Minority Health Month*

Mayor Pierre presented a Proclamation, to *Jude Metillus, Executive Director Haitian Diaspora Organization and CMS Ambassador*, in honor of *National Minority Health Month*; Whereas Mayor Pierre proclaimed April 2012, to be *National Minority Health Month*, in the City of North Miami. Mr. Metillus gave a brief report regarding the Haitian Diaspora Organization and introduced Father Rico, Chairman of the Advisory Board that oversees the CMS campaign. Father Rico gave a brief report regarding the CMS campaign.

## **CITY EVENTS – ANNOUNCEMENT**

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

## CITY PROJECTS UPDATE

Mayor and Council recognized Judge Cohan, Sintia S. Saenz, Esquire and Commissioner Jean Monestime.

Aleem Ghany, Public Works Director introduced Tom McSweeney, CH2M Hill Consultant; and Eddie Smith, VS Consultants; giving a brief presentation on the extraction well and injection well; and remedial action plan, respectively, at the Biscayne Landing site. Joe Celestin, Biscayne Landing Site Manager, gave a brief report to Council.

Aleem Ghany, Public Works Director gave a brief update on current city projects:

- Traffic Calming Circles on the west side
- NE 131<sup>st</sup> Streetscape improvements
- MOCA expansion
- Rucks Park
- Street resurfacing
- Bus shelters
- CRA Project: District 1 – landscaping and clean-up
- District 2 – Project 1 and 2
- Pioneer Boulevard
- Sunkist Swale improvement project

Jeff Geimer, Parks and Recreation Director gave a brief update on current city projects:

- Cagni Park gymnasium
- Cagni Park athletic field
- Pepper Park Community Center gymnasium

Stephen Johnson, City Manager and Maxine Calloway, Community Planning & Development Director gave a brief report to Council.

Councilwoman Steril moved to dismantle the Board that was created to develop a name for the Community Center Building at Claude Pepper Park, seconded by Vice Mayor Marcellus; for discussion. Council discussion. Council voted; passed 4-1. Councilman Galvin opposed.

Councilwoman Steril moved to name the Community Center Building at Claude Pepper Park as “Josaphat Celestin”, seconded by Mayor Pierre; passed 4-1. Councilman Galvin denied.

Mayor Pierre moved to re-open negotiations with Swerdlow Developer Group, seconded by Councilman Blynn; for discussion. Council discussion. Council voted; passed 3-2. Councilman Galvin and Vice Mayor Marcellus denied.

Councilman Blynn moved to allow 2 to 3 weeks for contract negotiations with Swerdlow Developer Group to be completed and postpone the RFP for Biscayne Landing site pending negotiations with Swerdlow Developer Group, seconded by Mayor Pierre; for discussion. Council discussion. Council approved 3-2. Councilman Galvin and Vice Mayor Marcellus denied.

## **CONSENT AGENDA**

### **TAB A - APPROVAL OF MINUTES**

– Regular Council Meeting – March 27, 2012

### **TAB B – AUTHORIZATION FOR EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND FOR CRIME SUPPRESSION TEAM PHONES**

### **TAB C – PROPOSED RESOLUTION AUTHORIZING THE APPOINTMENT OF RAFAEL SUAREZ-RIVAS, ESQ., AS BACKUP SPECIAL MAGISTRATE FOR CODE ENFORCEMENT PROCEEDINGS, AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER OF AGREEMENT WITH THE BACKUP SPECIAL MAGISTRATE, IN SUBSTANTIALLY THE ATTACHED FORM**

### **TAB D – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT IN THE PRE-LITIGATION MATTER OF HECTOR PINEDA V. CITY OF NORTH MIAMI, UPON THE EXECUTION OF A GENERAL RELEASE, DISCHARGING THE CITY OF NORTH MIAMI, ITS OFFICERS, AGENTS AND SERVANTS AGAINST ANY AND ALL CLAIMS AND DEMANDS, IN CONNECTION WITH THIS ACTION**

TAB E – PROPOSED RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 ADOPTED AMENDED REVENUE AND EXPENSE BUDGETS TO INCLUDE THE RECEIPT AND APPROPRIATION OF PROCEEDS IN THE AMOUNT OF ONE HUNDRED FIFTEEN THOUSAND FOUR HUNDRED NINE DOLLARS AND FORTY-SEVEN CENTS (\$115,409.47) DERIVED FROM THE SALE OF REAL PROPERTY LOCATED AT 385 NW 129TH STREET, UNDER THE U.S. HOUSING AND URBAN DEVELOPMENT (HUD) NEIGHBORHOOD STABILIZATION PROGRAM (NSP1)

TAB F – PROPOSED RESOLUTION APPROVING A SECOND AMENDMENT TO THE 2010 COMMUNITY HOUSING DEVELOPMENT ORGANIZATION AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND LITTLE HAITI HOUSING ASSOCIATION, INC., TO INCREASE THE ALLOCATION IN ACCORDANCE WITH THE “SET-ASIDE” REQUIREMENTS OF THE HOME INVESTMENT PARTNERSHIP PROGRAM GUIDELINES

TAB G – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2005 DISASTER RECOVERY INITIATIVE CDBG GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI TO PROVIDE FOR AN EXTENSION OF THE CONTRACT PERIOD AND FOR THE RECEIPT AND EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$3,712,500.00) FOR HOUSING REHABILITATION PROJECTS

TAB H – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2005 DISASTER RECOVERY INITIATIVE CDBG GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI TO PROVIDE FOR AN EXTENSION OF THE CONTRACT PERIOD AND FOR THE RECEIPT AND EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINETY THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS AND NO CENTS (\$2,090,264.00) FOR HOUSING REHABILITATION PROJECTS

**TAB I – PROPOSED RESOLUTION APPROVING THE SELECTION OF C.A.P. GOVERNMENT, INC., AS THE CONTRACTOR FOR THE PROVISION OF BUILDING INSPECTION AND PERMITTING SERVICES, IN ACCORDANCE WITH THE CITY OF NORTH MIAMI REQUEST FOR PROPOSAL #02-11-12, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE PROVISION OF STATED SERVICES WITH THE CONTRACTOR**

Taken out of the Consent Agenda, see after Tab V.

**TAB J - PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND ENTERPRISE LEASING COMPANY, LLC, IN ACCORDANCE WITH THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP - RFP NO. 07-C-169, TO PROVIDE THE CITY WITH POLICE UNDERCOVER VEHICLE LEASING SERVICES, IN THE AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTEEN THOUSAND FOUR HUNDRED FORTY DOLLARS AND NO CENTS (\$118,440.00)**

**TAB K – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW INVITATION FOR BID #15-09-10 PLUMBING EQUIPMENT AND SUPPLIES PREQUALIFICATION, TO PREQUALIFY VENDORS FOR FUTURE SPOT MARKET PURCHASES ON AN AS NEEDED, WHEN NEEDED BASIS, AT A COST NOT TO EXCEED ONE HUNDRED SIXTY THOUSAND DOLLARS AND NO CENTS (\$160,000.00), FOR A TERM COMMENCING APRIL 13, 2012 THROUGH APRIL 12, 2013**

**TAB L – PROPOSED RESOLUTION URGING PRESIDENT OBAMA TO IMMEDIATELY INSTRUCT THE U.S. DEPARTMENT OF HOMELAND SECURITY SECRETARY NAPOLITANO TO INITIATE A HAITIAN FAMILY REUNIFICATION PAROLE PROGRAM**

**TAB M - PROPOSED RESOLUTION PROVIDING FOR BI-ANNUAL ELECTIONS OF THE ASSISTANT MAYOR (OR AS OTHERWISE REFERRED TO AS, “VICE-MAYOR”) FROM AMONG THE COUNCIL MEMBERS IN ACCORDANCE WITH SECTION 8 OF THE CITY OF NORTH MIAMI CHARTER, IN LIEU OF THE ROTATION SYSTEM CURRENTLY IN PLACE**

**TAB N – PROPOSED RESOLUTION SUPPORTING AND URGING THE PASSAGE OF THE DEVELOPMENT RELIEF AND EDUCATION FOR ALIEN MINORS (DREAM) ACT**

**TAB O – PROPOSED RESOLUTION SUPPORTING AND URGING THE PASSAGE OF LEGISLATION AND IMMIGRATION RELIEF FOR DANIELA AND DANAYA PELAEZ AND OTHERS SIMILARLY SITUATED**

Mayor and Council pulled Tab I and Tab M, for discussion. Council discussion on Tab I. Mr. Johnson gave a brief report to Council regarding Tab I. Councilman Galvin moved to remove Tab I from the Consent Agenda and place Tab I in the regular Agenda, seconded by Councilman Blynn; passed unanimously.

Council discussion on Tab M. Michael A. Etienne, Esquire, City Clerk gave a brief report to Council regarding Tab M. Mayor Pierre placed Tab M, back into the Consent Agenda. Councilman Galvin moved to approve the Consent Agenda, Tabs A and O, minus Tab I; seconded by Vice Mayor Marcellus; passed unanimously.

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

**LEGISLATIVE MATTERS**

**ORDINANCES – SECOND READING AND PUBLIC HEARING**

**TAB P - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED, “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 3, DIVISION 9 ENTITLED, “VACATION AND ABANDONMENT OF RIGHT-OF-WAY AND EASEMENTS”, SPECIFICALLY AT SECTION 3-901 ENTITLED, “PURPOSE AND APPLICABILITY”, SECTION 3-902 ENTITLED, “APPLICATION”, AND SECTION 3-903 ENTITLED, “STANDARDS”, IN ORDER TO REVISE THE DEVELOPMENT STANDARDS CONTAINED THEREIN TO INCLUDE A PROVISION FOR APPRAISALS AND COMPENSATION FOR VACATED AND/OR ABANDONED CITY OWNED RIGHT-OF-WAYS AND EASEMENTS**

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

## RESOLUTIONS

**TAB T – PROPOSED RESOLUTION ADOPTING THE BLACK & VEATCH CORPORATION, RATE DESIGN ANALYSIS AND CONSERVATION BASED RATE STRUCTURE PLAN ENTITLED, “REVENUE REQUIREMENTS, COST OF SERVICE AND RATE DESIGN FOR WATER AND SEWER SERVICE”, FOR FISCAL YEARS 2012, 2013, 2014, 2015 AND 2016 AS PREPARED SPECIFICALLY FOR THE CITY OF NORTH MIAMI WATER AND SEWER COLLECTION AND TRANSMISSION SYSTEM, AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE STATED RATE STRUCTURE PLAN**

Mr. Etienne read the Resolution title for the record. Mr. Ghany introduced Robert Chambers, Black & Veatch; Mr. Veatch gave a brief report to Council. Mr. Johnson gave a brief report to Council. Lengthy public discussion. Council discussion. Mr. Ghany gave a brief report to Council regarding rates. Regine Monestime, City Attorney, gave a brief report to Council. Vice Mayor Marcellus moved to approve the Resolution, seconded by Mayor Pierre; passed 3-2. Councilman Blynn and Councilman Galvin denied.

Council recess, 10:12 pm.

Council meeting back in session, 10:34 pm:

## ORDINANCES – FIRST READING

**TAB Q – PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 19 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “UTILITIES,” UNDER ARTICLE VIII, ENTITLED “ANNUAL UTILITY RATE INDEX ADJUSTMENT,” SPECIFICALLY AT SECTION 19-248, ENTITLED “RATE INDEX ADJUSTMENT” TO REPLACE THE USE OF THE CONSUMER PRICE INDEX (CPI) WITH A CONSERVATION BASED RATE STRUCTURE PLAN, AS ADOPTED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL, IN COMPLIANCE WITH STATE AND LOCAL REGULATORY REQUIREMENTS**

Mr. Etienne read the Ordinance title for the record. No public discussion. Council discussion. Vice Mayor Marcellus moved to approve the Resolution, seconded by Councilwoman Steril; passed 3-2, by roll call vote. Councilman Blynn and Councilman Galvin denied.

**TAB R – PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 19 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “UTILITIES”, SPECIFICALLY AT SECTION 19-76 ENTITLED “DEFINITIONS”, SECTION 19-77 ENTITLED “BACKFLOW PREVENTION DEVICES REQUIRED”, SECTION 19-80 ENTITLED “INSTALLATION OF BACKFLOW PREVENTION”, AND SECTION 19-81 ENTITLED “INSPECTIONS”, TO ASSIGN THE RESPONSIBILITY FOR THE MAINTENANCE, REPLACEMENT AND REPAIR OF BACKFLOW PREVENTION DEVICES TO THE SERVICING PROPERTY OWNER**

Mr. Etienne read the Ordinance title for the record. No public discussion. Council discussion. Mr. Johnson and Mr. Ghany gave brief reports to Council. Vice Mayor Marcellus moved to approve the Ordinance, seconded by Mayor Pierre; passed unanimously, by roll call vote.

**TAB S – PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 29, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 3, DIVISION 2 ENTITLED “GENERAL DEVELOPMENT REVIEW PROCEDURES”, SPECIFICALLY AT SECTION 3-212 F ENTITLED “CERTIFICATE OF USE FEE”, TO ALLOW FOR THE PRORATION OF THE FEE WHEN A NEW CERTIFICATE OF USE IS OBTAINED BETWEEN THE DATES OF APRIL 1ST AND SEPTEMBER 30TH OF EACH YEAR**

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

**RESOLUTIONS**

**TAB T – PROPOSED RESOLUTION ADOPTING THE BLACK & VEATCH CORPORATION, RATE DESIGN ANALYSIS AND CONSERVATION BASED RATE STRUCTURE PLAN ENTITLED, “REVENUE REQUIREMENTS, COST OF SERVICE AND RATE DESIGN FOR WATER AND SEWER SERVICE”, FOR FISCAL**

**YEARS 2012, 2013, 2014, 2015 AND 2016 AS PREPARED SPECIFICALLY FOR THE CITY OF NORTH MIAMI WATER AND SEWER COLLECTION AND TRANSMISSION SYSTEM, AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE STATED RATE STRUCTURE PLAN**

Taken out of order, see after Tab P.

**TAB U - PROPOSED RESOLUTION REPEALING RESOLUTION NO. R-2011-110 TO ELIMINATE THE CAPITAL IMPROVEMENT ASSESSMENT FEES WITH A RESPONSIBLE BASE RATE ALLOWANCE FEE BASED ON CONSUMPTIVE WATER USAGE, AS PROPOSED BY THE "REVENUE REQUIREMENT, COST OF SERVICE, AND DESIGN FOR WATER SERVICES PLAN", ADOPTED BY THE MAYOR AND CITY COUNCIL FOR FISCAL YEARS 2012, 2013, 2014, AND 2015; AND TO SET ASIDE A PORTION OF NET REVENUE TO REPLENISH THE CAPITAL IMPROVEMENT FUNDS USED TO RETIRE SEWER DEBT; THEREBY, ELIMINATING ALL CAPITAL IMPROVEMENT FEES**

Mr. Etienne read the Resolution title for the record. Public discussion. Mr. Johnson and Vernon Paul, Finance Director, gave a brief reports to Council. Council discussion. Vice Mayor Marcellus moved to approve the Resolution, seconded by Mayor Pierre; passed 4-1. Councilman Galvin denied.

**TAB V - PROPOSED RESOLUTION AUTHORIZING AND APPROVING AN UPDATE TO THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT APPLICATION AND COST RECOVERY FEE SCHEDULE, IN SUBSTANTIALLY THE ATTACHED FORM, PURSUANT TO ARTICLE 3, SECTION 3-202 OF THE NORTH MIAMI CODE OF ORDINANCES**

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

**TAB I - PROPOSED RESOLUTION APPROVING THE SELECTION OF C.A.P. GOVERNMENT, INC., AS THE CONTRACTOR FOR THE PROVISION OF BUILDING INSPECTION AND PERMITTING SERVICES, IN ACCORDANCE WITH THE CITY OF NORTH MIAMI REQUEST FOR PROPOSAL #02-11-12, AND AUTHORIZING THE**

**CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE PROVISION OF STATED SERVICES WITH THE CONTRACTOR**

Mr. Etienne read the Resolution title for the record. Public discussion. Mr. Johnson gave a brief report to Council. Carlos Penene, President and Founder of C.A.P Government, Inc. Council discussion. Vice Mayor Marcellus moved to approve the Resolution, seconded by Councilwoman Steril; passed 3-2. Councilman Blynn and Councilman Galvin denied.

**CITIZENS' FORUM**

A variety of residents spoke on issues of interest.

**COUNCIL REPORTS**

Various items of interest presented by Council.

**CITY CLERK'S REPORT**

Mr. Etienne advised Council will have the first election for Assistant Mayor the first meeting in July when Vice Mayor Marcellus's term ends.

**CITY MANAGER'S REPORT**

Mr. Johnson gave a brief report to Council:

- Commended Deputy Manager, Directors and staff.
- CRA Budget passed and thanked Lesly Prudent, CRA Coordinator.
- First month for sanitation change over, although there are some growing pains, every week gets better. Also touched on sanitation rates.
- Budget for the City.
- Attending US Conference of Mayors along with Mr. Ghany

**CITY ATTORNEY'S REPORT**

Ms Monestime provided a biographical sketch for Dr. Larry Pierre for the record.

Ms. Monestime reviewed Section 2-17, "Procedures for Preparation of Agenda" encouraged Council to hold Agenda Review meetings.

Ms. Monestime advised in celebration of law week which begins April 29<sup>th</sup>, the City Attorney's office along with the City Manager's office will host a lunch and learn meeting regarding estate planning.

#### **NEW BUSINESS**

Mayor Pierre moved to assign \$5,000 to the Police Athletic League (PAL) for the upcoming FACT Festival so that schools in the area can participate, seconded by Councilwoman Steril; for discussion. Council discussion. Council voted; passed 4-1. Councilman Galvin denied.

#### **ADJOURNMENT**

Meeting adjourned at 12:34 a.m.