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CITY COUNCIL MEETING

OCTOBER 22, 2013

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Proposed Ordinance (First Reading) Adopting a Small Scale Land Use Plan Amendment to the Future Land Use Map for a Property Consisting of Approximately 4.24 Acres in Size and Located at 1850 NE 123rd Street from Commercial Land Use Designation, in Order to Allow for the Proposed Redevelopment Of the Vacant Property Site; 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 (Tab G) 5

Proposed Ordinance (First Reading) Amending Chapter 29 "Land Development Regulations", Amending the 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 NE 123rd Street, From the Current C2BE (Commercial) Zoning Designation to PD (Planned Development) Zoning Designation (Tab D) 3-4

Proposed Resolution Approving the Renewal of Health Insurance Coverage for Plan Year 2014 with United Healthcare, as the Health Care Insurance Coverage Provider for Employees; and Further Authorizing the City Manager to Execute All Necessary Documents to Effectuate Said Coverage (Tab E) 4

Proposed Resolution Authorizing the City Manager to Execute A Memorandum of Understanding, with Buzzy Kids, Inc., to Facilitate a Parent-LED Educational Program at the Enchanted Forest Community Center Focusing on the Arts, Community Organization and Leadership, for Children Between Two Through Six Years of Age (Tab C) 3

Proposed Resolution Commemorating the 50th Anniversary of The Vietnam War (Tab B) 3

Proposed Resolution Designating NE 121st Street Between North bayshore Drive and 122nd Road to be Known as "Rabbi Jory Lang Way," or "Rabbi Jory Lang Street"; in Accordance with Miami-Dade County Street Designation Rules; Authorizing the City Manager to Allocate and Expend the Necessary Costs for Signage (Tab F) 4

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SUMMARY MINUTES

REGULAR COUNCIL MEETING

October 22, 2013

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, October 22, 2013, beginning at 7:06 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

- ***Elianis Nieves, Florida International University, Freshman***

Inspirational Message

- ***Pastor Ude Ogali, Redeemed Christian Church of God-Victory Paris Miami***

ROLL CALL

Vice Mayor Galvin	Here
Mayor Tondreau	Here
Councilman Bien-Aime	Here
Councilwoman Keys	Here
Councilwoman Steril	Here

Additions, Deletions or Withdrawals

Tab D, removed at petitioner's request
Tab G, removed at petitioner's request

Vice Mayor Galvin moved to continue Tab D and Tab G, until the next Council meeting, seconded by Councilwoman Keys; passed 3-2, by roll call vote. Mayor Tondreau and Councilman Bien-Aime denied.

SPECIAL PRESENTATION(s)

- Oleta Partners' Local Preference Initiatives presentation
  by Herb Tillman, Executive Vice President, Swerdlow Group

Mayor Tondreau recognized Herb Tillman, Executive Vice President, Swerdlow Group, giving a brief presentation to Council. Stephanie Hall, Turner Tech, gave a brief report to Council. Council discussion.

- Mardi Gras 2014 presentation *by Ringo Cayard*

Mayor Tondreau recognized Kevin and Ringo Cayard, giving a brief presentation to Council. Council discussion. Vice Mayor Galvin moved to require an update from Mr. Cayard at the next Council meeting with substantive details for re-evaluation by Council and if no progress was made with the project, termination of the contract, after 30 days, seconded by Councilwoman Steril; passed unanimously. Stephen E. Johnson, City Manager, advised he would comply with the contract in regards to the City Manager assisting with Mr. Cayard to gain sponsorships.

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 Pluviose-Claude, Deputy City Manager; giving a brief report to Council advising the city is prepared in the event of a hurricane and no report of any activity with five weeks left of hurricane season.

Recess: 8:44 pm
Resumed: 8:59 pm

CITIZENS' FORUM

A variety of residents spoke on issues of interest.

CONSENT AGENDA

Councilwoman Keys requested for Tab C that staff vet all personnel coming in contact with children. Mr. Johnson confirmed staff has vetted all personnel.

TAB A - APPROVAL OF MINUTES

– Regular Council Meeting – October 8, 2013

TAB B – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI COMMERATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

TAB C – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND BUZZY KIDS, INC., TO FACILITATE A PARENT-LED EDUCATIONAL PROGRAM AT THE ENCHANTED FOREST COMMUNITY CENTER FOCUSING ON THE ARTS, COMMUNITY ORGANIZATION AND LEADERSHIP, FOR CHILDREN BETWEEN TWO (2) THROUGH SIX (6) YEARS OF AGE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Councilwoman Steril moved to approve the Consent Agenda, Tab A through Tab C, seconded by Vice Mayor Galvin; passed unanimously.

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

QUASI-JUDICIAL ITEM(S)

TAB D – 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 CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *(ITEM CONTINUED FROM THE SEPTEMBER 24, 2013 COUNCIL MEETING)*

Removed at petitioner's request, no action taken.

RESOLUTIONS

TAB E – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE RENEWAL OF HEALTH INSURANCE COVERAGE FOR PLAN YEAR 2014 WITH UNITED HEALTHCARE, AS THE HEALTH CARE INSURANCE COVERAGE PROVIDER FOR CITY OF NORTH MIAMI EMPLOYEES; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE SAID COVERAGE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Michael Etienne, Esquire, City Clerk read the Resolution title for the record. No public discussion. Vice Mayor Galvin moved to approve the Resolution, seconded by Councilwoman Steril; for discussion. Council discussion. Mr. Johnson gave a brief report to Council. Andrew Goodman, Agent of Record, Sapoznic Insurance; gave a brief report to Council. Council voted; passed 4-0. Councilwoman Steril away from the dais.

TAB F – PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DESIGNATING NE 121ST STREET BETWEEN NORTH BAYSHORE DRIVE AND 122ND ROAD TO BE KNOWN AS "RABBI JORY LANG WAY", OR "RABBI JORY LANG STREET"; IN ACCORDANCE WITH MIAMI-DADE COUNTY STREET DESIGNATION RULES; AUTHORIZING THE CITY MANAGER TO ALLOCATE AND EXPEND THE NECESSARY FUNDS TO COVER THE COSTS FOR SIGNAGE, AND DO ALL THINGS NECESSARY TO EFFECTUATE THE DESIGNATION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Mr. Etienne read the Resolution title for the record. No public discussion. Councilwoman Keys moved to approve the Resolution, seconded by Mayor Tondreau; for discussion. No Council discussion. Council voted; passed 4-0. Councilwoman Steril away from the dais.

LEGISLATIVE MATTERS

ORDINANCES – FIRST READING

TAB G – 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, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE *(ITEM CONTINUED FROM THE SEPTEMBER 24, 2013 COUNCIL MEETING)*

Removed at petitioner's request, no action taken.

TAB H – 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 CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Etienne read the Ordinance title for the record. Councilman Bien-Aime moved to approve the Ordinance, seconded by Mayor Tondreau; for discussion. No public discussion. Council discussion. Regine Monestime, City Attorney, gave a brief report to Council. Council voted; passed 4-1, by roll call vote. Vice Mayor Galvin denied.

TAB I – PROPOSED ORDINANCE *(FIRST READING)* OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 15 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY CREATING ARTICLE I ENTITLED "DEPARTMENT OF PERSONNEL" IN ACCORDANCE WITH AND FOLLOWING AMENDMENTS TO THE CITY CHARTER, AND CREATING SECTION 15-100 "RETIREMENT INCENTIVE PROGRAM" IN ARTICLE III ENTITLED "CLAIR T. SINGERMAN EMPLOYEES RETIREMENT SYSTEM; ORDINANCE NO. 691", TO ESTABLISH A RETIREMENT INCENTIVE PROGRAM FOR CERTAIN ELIGIBLE MEMBERS OF THE RETIREMENT SYSTEM; PROVIDING FOR 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 Mayor Tondreau; for discussion. No public discussion. Council discussion. Mr. Johnson gave a brief report to Council. Jeffrey Amrose, Actuary, gave a brief report to Council. Council voted; passed 3-2, by roll call vote. Vice Mayor Galvin and Councilwoman Keys denied.

REQUESTS – PETITIONS – COMMUNICATIONS

TAB J - DISCUSSION REGARDING INDEPENDENT REVIEW OF THE SOIL REUSE PLAN AT BISCAYNE LANDING

Mr. Etienne read the title for the record. Mr. Johnson gave a brief report to Council. Brenda J. Westhorp, P.E., President of Westhorp & Associates, gave a brief presentation to Council. Council discussion. Public discussion. Aleem Ghany, Public Works Director, gave a brief report to Council. Council discussion. Public discussion. Councilwoman Steril moved to charge the developer $2 million. Council discussion. Mr. Johnson gave a brief report to Council advising he would come back to the next Council meeting with a proposal of a settlement, arrangement or resolution with the developer. Mayor Tondreau moved to direct the city manager and city attorney to come back to the next Council meeting with a resolution with the developer, seconded by Councilwoman Steril; for discussion. Council discussion. Regine Monestime, City Attorney gave a brief report to Council advising a variance does not change the nature of the violation or action but allows the violation to continue and the violation is considered a default on the lease. Council voted; passed 4-1. Vice Mayor Galvin denied. Council discussion.

TAB K - DISCUSSION REGARDING BACKFLOW PREVENTION PROGRAM

Mr. Etienne read the title for the record. Council discussion. Mr. Johnson gave a brief report to Council. Council discussion.

COUNCIL REPORTS

Various items of interest presented by Council.

Councilman Bien-Aime moved to renew Mr. Joe Celestin's Biscayne Landing maintenance contract for an additional 3 years, seconded by Councilwoman Steril; for discussion. Council discussion.

Councilman Bien-Aime moved to cancel the bid opening for the Biscayne Landing maintenance contract, seconded by Councilwoman Steril; passed 3-2. Vice Mayor Galvin and Councilwoman Keys denied.

Councilwoman Steril moved to bring back the Biscayne Landing maintenance contract for discussion and approval to Mr. Celestin, at the next Council meeting, seconded by Councilman Bien-Aime; passed 3-2. Vice Mayor Galvin and Councilwoman Keys denied.

CITY CLERK'S REPORT

(NONE)

CITY ATTORNEY'S REPORT

(NONE)

CITY MANAGER'S REPORT

Mr. Johnson expressed disappointment on terms supposedly discussed with Council and the developer and would be looking into the Oaks issue.

ADJOURNMENT

Meeting adjourned at 12:04 a.m.