

**SUMMARY MINUTES**

**REGULAR COUNCIL MEETING**

**February 14, 2012**

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, February 14, 2012, beginning at 7:00 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

Inspirational Message

◆ Pastor George

In honor of *Black History Month*, Max Jern performs:

- National Anthem
- Negro National Anthem

**ROLL CALL**

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

**Additions, Deletions or Withdrawals**

Tab N, moved after Consent Agenda  
Tab O, moved after Consent Agenda and Tab N

**SPECIAL PRESENTATION(s)**

◆ Proclamation in honor of *Black History Month*

Mayor Pierre recognized *Black History Month*, Committee Chair, Felicia Bellamy, presenting Proclamations, proclaiming *February, 2012*, as *National African American History Month*, in the City of North Miami along with a Proclamation from *President Barack Obama* proclaiming *February, 2012*, as *National African American History Month*, in the United States of America.

◆ Recognition of *Toy Drive for Haiti* Volunteers and Donors

Mayor Pierre recognized Councilwoman Steril thanking and presenting plaques to Agenoria Powell, Lead Principal of the North Miami Feeder Pattern, along with all Principals and District Representatives for the 2011 *ToyDrive for Haiti* Ms. Powell recognized her daughter, Junior Orange Bowl Royal Court, Ms. Congeniality. Councilwoman Steril recognized FIU, both campuses, Vice Provost, Stephen Mole and Ashley Bonafast of the Biscayne Bay Campus, present to accept. Councilwoman Steril recognized Madam Bernadette Pierre, Director of Liaise Fare Dance Company and Glen George; Chief Elias, Officer Cherry and the North Miami Police Explorers for packing and shipping toys internationally. Councilwoman Steril recognized Sally Sherry, Managing Director Marketing and Co Chair of the FedEx LS Division Community Relation Board; Don Johnson, Manager, Global Relations for General Service; Madame Marie Brocco; Mr. Manual “Manny” Perez; Mr. Stan Eslaw Clermont; and Mr. Michele Dominique; of FedEx for shipping toys on time. Councilwoman Steril recognized Natasha Colebrook-Williams and Stephanie Thomas for help and hard work.

◆ Neighborhood Beautification Program Award

Mayor Pierre recognized Miguel Seco, Governmental Affairs Manager, Neighborhood Beautification Program Presentation recognizing commercial and residential property owners maintaining exemplary properties with quarterly awards for 2012 under the Neighborhood Beautification program through Community, Planning and Development, Maxine Calloway, Director.

Commercial and Residential recipients: Marina Park Condo; Stacy Thomas, Chen Medical Building; Russell and Betty Andrews; Robert and Shirley Mocco; Milton Goodwin; Robert and Valerie Holt; Gloria Lynch; and Charlene Cobb.

- ◆ Councilwoman Steril recognizes Marlee LaLan, Come Beat for Haiti

Marlee LaLan advised of the 2<sup>nd</sup> annual Save Haiti, community bike ride, thanking the city for support and provided letter of appreciation.

- ◆ Proclamation in honor of *American Heart Month*

## CONSENT AGENDA

### TAB A - APPROVAL OF MINUTES

– Regular Council Meeting – January 24, 2012

### TAB B – AUTHORIZATION FOR EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND TO BE UTILIZED AS DONATION TO THE POLICE ATHLETIC LEAGUE (PAL) TO COVER THEIR OPERATING EXPENSES FOR FISCAL YEAR 2012

### TAB C – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND ASPLUNDH TREE EXPERT CO., FOR TREE TRIMMING SERVICES THROUGHOUT THE CITY, AT A COST NOT TO EXCEED ONE HUNDRED NINETY-EIGHT THOUSAND DOLLARS AND NO CENTS (\$198,000.00), IN ACCORDANCE WITH IFB #18-10-11

### TAB D – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO ENVIRONMENTAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND ES CONSULTANTS, INC., TO CONTINUE ENVIRONMENTAL MONITORING SERVICES AT THE PROPERTY KNOWN AS BISCAYNE LANDING

### TAB E - PROPOSED RESOLUTION AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS TO COUNTRY BILL'S LAWN MAINTENANCE, INC., FOR LAWN MAINTENANCE SERVICES AT THE PROPERTY KNOWN AS BISCAYNE LANDING, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS OF THE PROFESSIONAL SERVICES

**AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND COUNTRY BILL'S LAWN MAINTENANCE, INC.**

**TAB F - PROPOSED RESOLUTION AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS TO BRYANT SECURITY CORPORATION FOR SECURITY SERVICES AT THE PROPERTY KNOWN AS BISCAYNE LANDING, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS OF THE SECURITY GUARD SERVICE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND BRYANT SECURITY CORPORATION**

**TAB G - PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO-YEAR CONTRACT WITH PORT CONSOLIDATED, INC., FOR THE PURCHASE AND DELIVERY OF GASOLINE AND DIESEL FUEL FOR CITY OWNED VEHICLES, IN THE AMOUNT OF ONE MILLION NINE HUNDRED FORTY THOUSAND FOUR HUNDRED DOLLARS AND NO CENTS (\$1,940,400.00), IN ACCORDANCE WITH THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP - RFP NUMBER 09-A-149, IN ORDER TO MAINTAIN THE UNINTERRUPTED SUPPLY AND DELIVERY OF MOTOR FUEL TO THE CITY**

Councilman Galvin moved to approve the Consent Agenda, Tabs A through G, seconded by Vice Mayor Marcellus; passed unanimously.

**REQUESTS – PETITIONS – COMMUNICATIONS**

**TAB N – REQUEST FROM THE QUALITY EDUCATION BOARD TO FUND INSTRUCTIONAL PROGRAM ENHANCEMENTS IN SCHOOLS INCLUDED IN NORTH MIAMI'S EDUCATIONAL COMPACT**

Michael A. Etienne, Esquire, City Clerk, read the Resolution title for the record. Mr. Seco; Chairman Bernadette Pierre; Ms. Lubby Navarro, Intergovernmental Director for Miami-Dade County Public Schools; Frank MacBride, Principal of Natural Bridge Elementary; and Ms. Powell; present and available to answer questions regarding the recommendation/request of Quality Educations Advisory Board to promote enhancements, totaling approximately \$67,000, in schools in North Miami. Council discussion. Stephen Johnson, City Manager, gave a brief report to Council regarding using unexpected revenues as a funding source. Vice

Mayor Marcellus moved to approve the Request, seconded by Councilman Blynn; passed unanimously.

### **TAB O - SELECTION OF CITY ATTORNEY CANDIDATE**

Mr. Etienne read the title for the record. Mayor Pierre recognized City Attorney Committee Chair, Hans Ottinot. Mr. Ottinot gave a brief report to Council explaining the process, leading to the recommendation for selection of a city attorney candidate. Public discussion. Councilman Blynn moved to accept the recommendation of the City Attorney Selection Committee and appoint Regine Monestime, seconded by Vice Mayor Marcellus; for discussion. Council discussion. Council voted; passed unanimously.

Mayor Pierre moved to negotiate a contract with Ms. Monestime, seconded by Councilman Blynn. Vice Mayor Marcellus requested an amendment to the motion to include negotiating a contract with the city manager. Councilman Blynn moved to approve the motion, as amended, seconded by Vice Mayor Marcellus; passed unanimously.

### **CITY EVENTS – ANNOUNCEMENT**

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

### **CITY PROJECTS UPDATE**

Jeff Geimer, Parks and Recreation Director; and Aleem Ghany, Public Works Director; gave a brief update on current city projects:

- Pepper Park
- Cagni Park
- Gymnasium Project
- Traffic Calming Circles on the west side
- NE 131<sup>st</sup> Streetscape improvements
- MOCA Design
- CRA Projects – Arch Creek Drive – Phase 1
- Project 2
- Project 3
- Pioneer Boulevard
- Sunkist Swale improvement project

### **PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND**

**USE ITEMS, ETC.**

**LEGISLATIVE MATTERS**

**ORDINANCES – SECOND READING AND PUBLIC HEARING**

**TAB H - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 4 ENTITLED “ZONING DISTRICTS”, SPECIFICALLY AT SECTION 4-101 ENTITLED “ESTABLISHMENT OF ZONING DISTRICTS”, TO REFERENCE THE REGIONAL ACTIVITY CENTER (RAC) AS AN OVERLAY AND SPECIAL PURPOSE DISTRICT, AND TO FURTHER AMEND DIVISION 4, ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS”, TO CREATE A NEW SECTION 4-406 ENTITLED “REGIONAL ACTIVITY CENTER”, IN ORDER TO LIST THE USES PERMITTED IN THE RAC CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN**

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.

**TAB I - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 4, DIVISION 4 ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS,” AT SECTION 4-402 ENTITLED “PLANNED DEVELOPMENT DISTRICT”, SPECIFICALLY AT SUBSECTION B ENTITLED “DEVELOPMENT STANDARDS,” TO EXPAND THE LIST OF PERMITTED USES, AND TO FURTHER AMEND SUBSECTION B2.F AND SUBSECTION B2H.V, TO REVISE THE DEVELOPMENT STANDARDS AND PROVIDE FOR A WAIVER AS CONTAINED THEREIN, CONSISTENT WITH THE COMPREHENSIVE PLAN**

Mr. Etienne read the Ordinance title for the record. Public discussion. Council discussion. Vice Mayor Marcellus moved to approve the Ordinance, seconded by Mayor Pierre; for discussion. No public discussion. Council voted; passed 4-1, by roll call vote. Councilman Galvin denied.

**RESOLUTIONS**

**TAB J – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND WASTE PRO OF FLORIDA, INC., TO PIGGYBACK THE CONTRACT BETWEEN THE CITY OF MIRAMAR, FLORIDA AND WASTE PRO OF FLORIDA, INC., FOR THE PROVISION OF WASTE MANAGEMENT SERVICES**

Mr. Etienne read the Resolution title for the record. Vice Mayor Marcellus moved to approve the Resolution, seconded by Mayor Pierre; for discussion.

Councilman Blynn moved to continue. Motion died for lack of second. Lengthy public discussion.

Councilman Blynn moved to continue. Motion died for lack of second. Public discussion.

Councilman Blynn moved to continue. Motion died for lack of second. Council discussion. Mr. Johnson gave a brief report to Council regarding the contract would be effective April 1<sup>st</sup>, 2012, for residential services. Mr. Johnson advised the commercial haulers would be notified and the process provided in Florida Statute 403, would be followed. Roland Galdos, Interim City Attorney gave a brief report to Council regarding piggyback to the City of Miramar's contract. Council discussion. Mr. Johnson advised of the 26 city employees; 3 left for other reasons; and 21 employees would be offered a position with Waste Pro. Mr. Johnson further advised approximately \$436,000, would be paid out of the Waste Management Enterprise Fund, account for employee benefits, for sick and vacation payout to 23 employees. Council discussion. Mr. Johnson advised Council, waste management services are the same and better services are offered for recycling efforts. Mr. Johnson further advised the process was effective and efficient. Mayor Pierre advised the other 2 employees would not lose their job and would be placed in other positions by the city manager.

Council voted; passed 3-2, by roll call vote. Councilman Blynn and Councilman Galvin denied.

**TAB K – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXPAND THE USE OF INTERPRETERS AND OTHER TRANSLATION SERVICES DURING CITY COUNCIL**

**MEETINGS, INCLUDING NON QUASI-JUDICIAL MATTERS, IN BOTH SPANISH AND CREOLE**

Mr. Etienne read the Resolution title for the record. Councilman Blynn moved to approve the Resolution, seconded by Councilman Galvin; for discussion. Public discussion. Council discussion. Council voted; failed 1-4, by roll call vote. Mayor Pierre, Vice Mayor Marcellus, Councilman Galvin and Councilwoman Steril denied.

**TAB L – PROPOSED RESOLUTION DECLARING NO OBJECTION AND SUPPORTING THE HONORARY CO-DESIGNATIONS BY THE FLORIDA LEGISLATURE DESIGNATING FLORIDA TRANSPORTATION FACILITIES (“ROADWAYS”) LOCATED WITHIN THE CITY OF NORTH MIAMI, PURSUANT TO HOUSE BILL 385 AND HOUSE BILL 9; AND FURTHER REQUESTING THAT THE CURRENT LANGUAGE ON THE STREET SIGNAGE, “NORTH MIAMI BLVD” BE REMOVED TO PRESERVE THE AESTHETIC NATURE OF THE NEW SIGN DESIGNATION**

Mr. Etienne read the Resolution title for the record. Vice Mayor Marcellus moved to approve the Resolution, seconded by Mayor Pierre; for discussion. Public discussion. Council discussion. Council voted, passed unanimously, by roll call vote.

**REQUESTS – PETITIONS – COMMUNICATIONS**

**TAB M – RECOMMENDATION THAT MAYOR AND CITY COUNCIL DIRECT STAFF TO CREATE A POLICY NAMING CURRENT AND FUTURE PARKS AND RECREATION DEPARTMENT BUILDINGS AND FACILITIES AFTER CORPORATIONS AND/OR PHILANTHROPISTS BASED ON CERTAIN LEVELS OF CONTRIBUTIONS**

Mr. Etienne read the title for the record. No public discussion. Council discussion. Vice Mayor Marcellus moved to approve the Recommendation, seconded by Councilman Galvin; for discussion. Council discussion. Mr. Galdos gave a brief report to Council. Council voted, passed unanimously.

**TAB N – REQUEST FROM THE QUALITY EDUCATION BOARD TO FUND INSTRUCTIONAL PROGRAM ENHANCEMENTS IN SCHOOLS INCLUDED IN NORTH MIAMI’S EDUCATIONAL COMPACT**

Taken out of order, see after the Consent Agenda.

**TAB O - SELECTION OF CITY ATTORNEY CANDIDATE**

Taken out of order, see after the Consent Agenda and Tab N.

**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 Mayor and Council of the procedure for appointments to the various Boards is for Mayor and Council to provide names and contact information so that potential members can be sent an application by the City Clerk's office and vetted.

Mr. Etienne advised the City Clerk's office is currently under renovations and thanked Mr. Ghany and the Public Works Department for a phenomenal job.

**CITY ATTORNEY'S REPORT**

(NONE)

**CITY MANAGER'S REPORT**

Mr. Johnson gave a brief report to Council regarding the contract, for any contradictions; whatever is best will be ensured.

Mr. Johnson advised Mayor and Council, the public comes to city staff, making demands for public records requests. Mr. Johnson advised an Administrative Regulation, providing procedure, is being revised and ensured public records requests would be provided in a reasonable time.

Mr. Johnson advised the developer for Biscayne Landing, walked out of negotiations earlier today and was sent an official letter verifying the developer's position and is awaiting a response. Mr. Johnson advised staff's recommendation is to leave the ground remediation process remain in the hands of the city.

**ADJOURNMENT**

Meeting adjourned at 10:54 p.m.