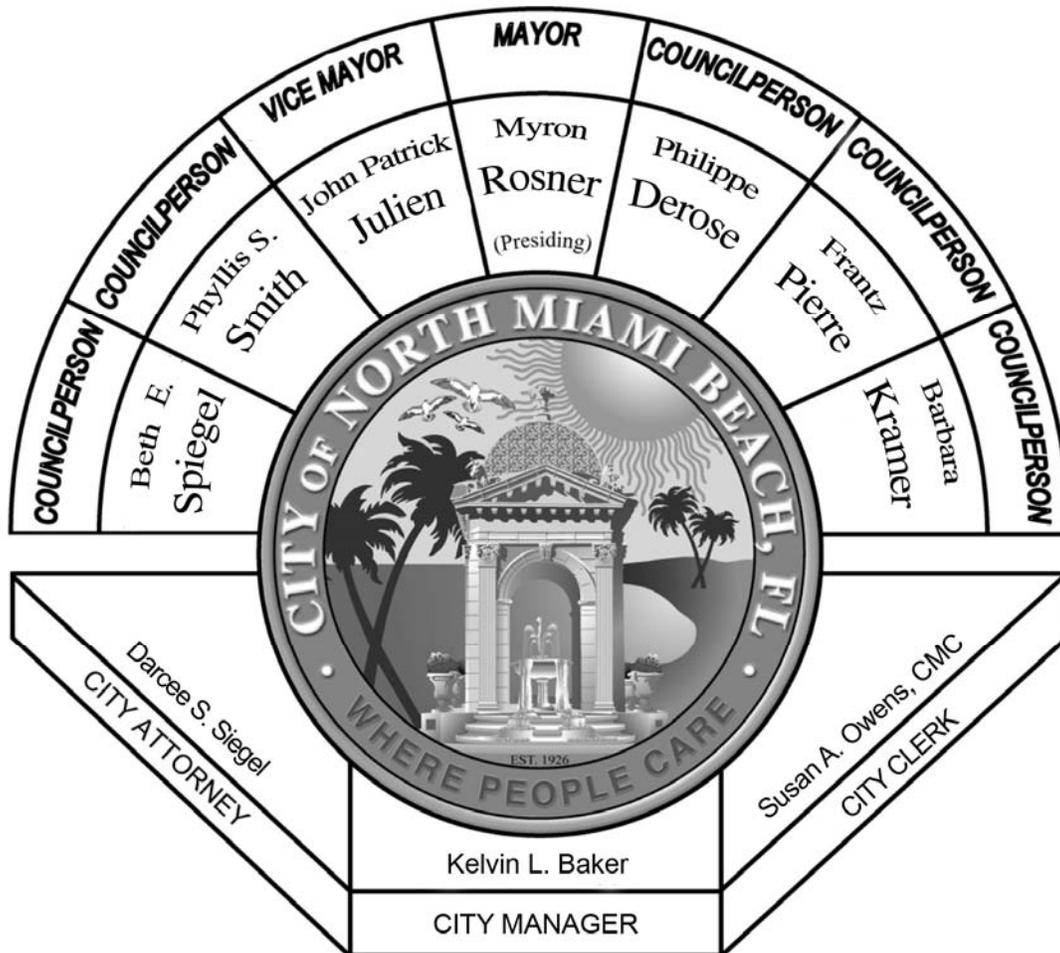


**Welcome**  
***To A Meeting of the***  
***City of North Miami Beach City Council***  
***Your City Officials***



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF NORTH MIAMI BEACH, FLORIDA**

DATE and TIME: TUESDAY, JUNE 16, 2009, 7:30 P.M.  
LOCATION: CITY HALL, 17011 NE 19<sup>th</sup> AVENUE  
2<sup>ND</sup> FLOOR, COUNCIL CHAMBERS

**NEXT CITY COUNCIL MEETING: TUESDAY, JULY 7, 2009**

# AGENDA ITEMS

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1. **ROLL CALL OF THE CITY OFFICIALS:**

2. **INVOCATION:**

REVEREND MARTA BURKE,  
FULFORD UNITED METHODIST CHURCH

3. **SALUTE TO THE AMERICAN FLAG:**

4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA:**

5. **APPOINTMENTS/PRESENTATIONS:**

A. **APPOINTMENTS:**

NONE

B. **PRESENTATIONS:**

1. RECOGNITION, BY RAFAEL P. HERNANDEZ, CHIEF OF POLICE, OF THE *EMPLOYEE OF THE MONTH* TO *PCO TONYA HOLIMON* FOR JANUARY AND APRIL 2009
2. PRESENTATION BY JANE BETHEL AND ANITA HILL ON THE CITY OF NORTH MIAMI BEACH/POLICE DEPARTMENT NEIGHBORHOOD FOOTBALL LEAGUE
3. PRESENTATION OF THE *APRIL C.A.R.E. SUGGESTION AWARD* BY COUNCILWOMAN SMITH AND KELVIN L. BAKER, CITY MANAGER, TO *BEN SUPRASKI* FOR HIS SUGGESTION TO UTILIZE CITY OFFICE AND FIELD STAFF TO ASSIST POLICE IN REPORTING SUSPICIOUS ACTIVITY

6. **APPROVAL OF MINUTES:**

APRIL 21, 2009  
MAY 26, 2009 (SPECIAL)  
JUNE 2, 2009

7. **CITY MANAGER'S REPORT:**  
**KELVIN L. BAKER**

- A. HURRICANE PREPARATION PLAN (DIRECTOR OF POLICE SERVICES TOM CARNEY)

# AGENDA ITEMS

**8. CITY ATTORNEY'S REPORT:  
DARCEE S. SIEGEL**

**9. PUBLIC COMMENT:**

**TO ALL CITIZENS APPEARING UNDER PUBLIC COMMENT:**

THE COUNCIL HAS A RULE WHICH DOES NOT ALLOW DISCUSSION ON ANY MATTER WHICH IS BROUGHT UP UNDER PUBLIC COMMENT. WE ARE, HOWEVER, VERY HAPPY TO LISTEN TO YOU. THE REASON FOR THIS IS THAT THE COUNCIL MUST HAVE STAFF INPUT AND PRIOR KNOWLEDGE AS TO FACTS AND FIGURES SO THAT THEY CAN INTELLIGENTLY DISCUSS A MATTER. THE COUNCIL MAY WISH TO ASK QUESTIONS REGARDING THIS MATTER BUT WILL NOT BE REQUIRED TO DO SO. AT THE NEXT OR SUBSEQUENT COUNCIL MEETING YOU MAY, IF YOU SO DESIRE, HAVE ONE OF THE COUNCILPERSONS INTRODUCE YOUR MATTER AS HIS OR HER RECOMMENDATION. WE WISH TO THANK YOU FOR TAKING THE TIME TO BRING THIS MATTER TO OUR ATTENTION.

\*\*\*\*\*

**SPEAKING BEFORE THE CITY COUNCIL:**

THERE IS A THREE (3) MINUTE TIME LIMIT FOR EACH SPEAKER DURING PUBLIC COMMENT AND A THREE (3) MINUTE TIME LIMIT FOR EACH SPEAKER DURING ALL PUBLIC HEARINGS. YOUR COOPERATION IS APPRECIATED IN OBSERVING THE THREE (3) MINUTE TIME LIMIT POLICY. IF YOU HAVE A MATTER YOU WOULD LIKE TO DISCUSS WHICH REQUIRES MORE THAN THREE (3) MINUTES, PLEASE FEEL FREE TO ARRANGE A MEETING OR AN APPOINTMENT WITH THE APPROPRIATE ADMINISTRATIVE OR ELECTED OFFICIAL.

**NOTE:** IN THE COUNCIL CHAMBERS, CITIZEN PARTICIPANTS ARE ASKED TO COME FORWARD TO THE PODIUM, GIVE YOUR NAME AND ADDRESS, NAME AND ADDRESS OF THE ORGANIZATION YOU ARE REPRESENTING, IF ANY, AND SPEAK ONLY ON THE SUBJECT FOR DISCUSSION. THANK YOU VERY MUCH, IN ADVANCE, FOR YOUR COOPERATION.

\*\*\*\*\*

**NOTICE TO ALL LOBBYISTS**

ANY PERSON WHO RECEIVES COMPENSATION, REMUNERATION OR EXPENSES FOR CONDUCTING LOBBYING ACTIVITIES IS REQUIRED TO REGISTER AS A LOBBYIST WITH THE CITY CLERK PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY BOARDS, COMMITTEES OR THE CITY COUNCIL. A COPY OF THE APPLICABLE ORDINANCE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK (CITY OF NORTH MIAMI BEACH CITY HALL) LOCATED AT 17011 N.E. 19<sup>TH</sup> AVENUE, GROUND FLOOR, NORTH MIAMI BEACH, FLORIDA, 33162

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# AGENDA ITEMS

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## PLEDGE OF CIVILITY

A RESOLUTION WAS ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH RECOGNIZING THE IMPORTANCE OF CIVILITY, DECENCY AND RESPECTFUL BEHAVIOR IN PROMOTING CITIZEN PARTICIPATION IN A DEMOCRATIC GOVERNMENT. THE CITY OF NORTH MIAMI BEACH CALLS UPON ALL RESIDENTS, EMPLOYEES, AND ELECTED OFFICIALS TO EXERCISE CIVILITY TOWARD EACH OTHER. (RESOLUTION NO. R2007-57, 11/06/07)

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### 10. MISCELLANEOUS ITEMS:

NONE

### 11. WAIVER OF FEE:

NONE

### 12. BUSINESS TAX RECEIPT MATTERS: CITY CLERK

- A. HOLIDAY CHARITIES & PROMOTIONS, INC.  
199 N.E. 167 STREET  
900 N.E. 167 STREET  
13885 BISCAYNE BOULEVARD  
NORTH MIAMI BEACH, FL.

ROBERT GOLER, PRESIDENT

RE: REQUEST APPROVAL OF BUSINESS TAX RECEIPTS FOR THE SALE OF FIREWORKS AT: 199 N.E. 167 STREET, 900 N.E. 167 STREET AND 13885 BISCAYNE BOULEVARD FROM JUNE 29, 2009 THROUGH JULY 4, 2009 FROM 10:00 A.M. TO 10:00 P.M. - 20% OF PROCEEDS TO STOP HUNGER, INC. (SUBJECT TO APPROVAL BY THE MIAMI-DADE COUNTY FIRE DEPT. AND PROHIBITED FROM CONDUCTING ANY SALE(S) WITHOUT PRIOR FIRE DEPT. APPROVAL AS ABOVE-DESCRIBED).

# AGENDA ITEMS

- B. EBONY & IVORY ENTERTAINMENT, LLC  
d/b/a DIAMOND'S CABARET  
337 N.W. 170 STREET  
NORTH MIAMI BEACH, FL

RE: REVOCAION OF A BUSINESS TAX RECEIPT FOR EXTENSION OF HOURS- 4:00 A.M. TO 6:00 A.M.

## **13A. ADMINISTRATION OF TESTIMONY OATH** **(CITY CLERK)**

*RECENT FLORIDA SUPREME COURT RULINGS REGARDING MUNICIPAL ZONING MATTERS REQUIRE ALL CITIZENS WHO WILL BE PRESENT BEFORE THE LEGISLATIVE BODY OR CITY COUNCIL TO FOLLOW THE RULE OF TESTIMONY OATH (CITY CLERK TO ADMINISTER OATH).*

## **13B. LEGISLATION:**

### **RESOLUTIONS (SERIATIM NO. R2009-41):**

#### **RESOLUTION NO. R2009-35**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION IN THE AMOUNT OF \$3,000,000.00, OF WHICH \$450,000.00 WILL BE REPAYABLE BY THE CITY AND \$2,550,000.00 WILL BE FORGIVEN, FOR THE VOLATILE ORGANIC CHEMICAL FACILITY; ACCEPTING THE WATER FACILITY PLAN; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

#### **RESOLUTION NO. R2009-39**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH PASTAL ENTERPRISES CORP., AS THE FIRST RANKED FIRM, AND JAY'S B CAFÉ, AS THE SECOND RANKED FIRM, FOR THE DEVELOPMENT AND OPERATIONS OF FOOD/CAFÉ AND BEVERAGE SERVICES AT THE CITY OF NORTH MIAMI BEACH CITY HALL FACILITIES, INCLUDING THE JULIUS LITTMAN PERFORMING ARTS THEATER AND THE VICTORY PARK POOLSIDE AREA.

# AGENDA ITEMS

## **RESOLUTION NO. R2009-40**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, OPPOSING THE NAMING OF THE NEW QQQ1 HIGH SCHOOL AFTER ANY PERSON, AND SUGGESTING AS AN ALTERNATIVE USING AN APPROPRIATE GEOGRAPHICAL NAME, SUCH AS THE BISCAVNE BAY HIGH SCHOOL OR THE OLETA RIVER HIGH SCHOOL; AND PROVIDING FOR AN EFFECTIVE DATE.

## **ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2009-15):**

### **ORDINANCE NO. 2009-12**

AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; DELETING IN ITS ENTIRETY SECTION 2-41 CARIBBEAN AFFAIRS COMMITTEE; DELETING IN ITS ENTIRETY SECTION 2-51 LATIN AFFAIRS COMMITTEE; AMENDING AND EXPANDING SECTION 2-48 CULTURAL COMMITTEE TO PROMOTE ALL CULTURAL GROUPS IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

### **ORDINANCE NO. 2009-13**

AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY THE DELETION IN ITS ENTIRETY OF SECTION 2-49 ECONOMIC DEVELOPMENT COMMISSION; ENCOURAGING THE NORTH MIAMI BEACH CHAMBER OF COMMERCE TO ASSUME THE ROLE AND RESPONSIBILITIES DELINEATED IN THAT SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

### **ORDINANCE NO. 2009-14**

AN ORDINANCE AMENDING CHAPTER XV FIRE PREVENTION OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY THE DELETION IN ITS ENTIRETY OF SECTION 15-3 STATIONARY ENGINEERS, OPERATORS AND FIREMEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

## **ORDINANCES - SECOND AND FINAL READING:**

NONE

# AGENDA ITEMS

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14. CITY COUNCIL COMMITTEE REPORTS:
15. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)
16. ADJOURNMENT:
17. NEXT CITY COUNCIL MEETING:  
TUESDAY, JULY 7, 2009

# Holiday Charities & Promotions, Inc



## BUSINESS TAX RECEIPT APPLICATION

CITY OF NORTH MIAMI BEACH  
 OFFICE OF THE CITY CLERK  
 17011 N.E. 19TH AVENUE  
 NORTH MIAMI BEACH, FL 33162  
 PHONE: (305) 787-6001

OFFICIAL USE

7/1/05

PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH AND ANY AMENDMENTS THERETO, I (WE) HEREBY MAKE APPLICATION FOR A BUSINESS TAX RECEIPT TO CONDUCT THE BUSINESS DESCRIBED BELOW, AND I (WE) EXPECT TO COMMENCE OPERATION, OR HAVE COMMENCED OPERATION OF SAID BUSINESS ON OR ABOUT 06/27/09 - 07/04/09

**TRANSFER:** PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, I (WE) HEREBY MAKE APPLICATION FOR TRANSFER OF:  LOCATION  OWNERSHIP

NEW:   
 TRANSFER:  
 ADDITION(S):  
 CHANGE(S):  
 OTHER:  
 DATE: 4/15/09  
 MAILED:  
 REC'D:  
 CLERK: JC

FROM:

TO:

ADDITION(S), DELETION(S), AND/OR CHANGE(S):

**PAID**

CK. NO. \_\_\_\_\_  
 DATE \_\_\_\_\_

BUSINESS ADDRESS: 13885 BISCAYNE BLVD. N.M.B., FL 33181

MAILING ADDRESS: P.O. BOX 187 DANIA BCH, FL 33004

NAME OF BUSINESS (INDIVIDUAL CORP., P.A., L.L.C., ETC.)

TRADE NAME: HOLIDAY CHARITIES & PROMOTIONS, INC.

NAMES of ALL PERSONS ASSOCIATED as Partners/Officers/Mgrs/Sales People/etc. and their TITLES and RESIDENCE ADDRESS:

ROBERT GULER (PTZES)  
3004 PORTOFINO ISLE  
COCONUT CREEK, FL 33060

STATE FULL NATURE OF BUSINESS: SALES OF SPARKLETS AT VACANT LOT FROM 06/27/09 TO 07/04/09 FROM 10:00 AM TO 10:00 PM  
20% OF THE GROSS WILL GO TO "STOP HUNGER, INC" BANANES. 3' X 8' STOP HUNGER, INC. FUNDRAISER

TELEPHONE NUMBERS	STOCK/COST VALUE \$	AMOUNT(S)	CODE
BUSINESS: <u>954-290-8954</u>	NO. SEATS/RESTAURANT:	\$121.00	
RESIDENCE: <u>954-290-8954</u>	NO. ROOMS/APARTMENTS:	25.00	
EMERGENCY: <u>954-290-8954</u>	NO. WASHER/DRYERS:	\$146.00	
CELLULAR: <u>954-290-8954</u>	NO. AMUSEMENT DEVICES:		
	NO. GASOLINE PUMPS:		

### NOTICE

A BUSINESS TAX RECEIPT IS ISSUED ONLY AFTER APPROVAL OF ZONING, BUILDING, FIRE INSPECTION(S) (WHERE APPLICABLE), PAYMENT OF INPLANT FEE (WHERE APPLICABLE), POLICE DEPT. (WHERE APPLICABLE). I CERTIFY THAT ALL INFORMATION SHOWN ABOVE TO BE TRUE AND CORRECT, AND I DO UNDERSTAND THAT THE SAID BUSINESS AND/OR PREMISE IS NON-TRANSFERABLE WITHOUT CITY APPROVAL. BUSINESS TAX RECEIPTS OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT ARE NULL AND VOID.

HOLIDAY CHARITIES & PROMOTIONS, INC. [Signature] MANAGER  
 BUSINESS NAME APPLICANT OR AUTHORIZED AGENT

### INSPECTION - ADMINISTRATIVE STATUS REPORT

(TO BE SIGNED BY AUTHORIZED PERSON - WHEN APPROVED RETURN TO OFFICE OF THE CITY CLERK).

APPROVED: [Signature] 4-27-09  
 OFFICIAL DATE

DENIED: \_\_\_\_\_  
 OFFICIAL DATE

Department	Date Sent	Date Rec'd
ZONING	4/17/09	
BUILDING	4/17/09	
CITY CLERK		
FIRE	4/17/09	
PUBLIC UTILITIES	4/17/09	

CONDITIONS &/or STIPULATIONS (Res., Ord., Administrative or Council Action):

# Holiday Charities & Promotions, Inc.



## BUSINESS TAX RECEIPT APPLICATION

CITY OF NORTH MIAMI BEACH  
OFFICE OF THE CITY CLERK  
17011 N.E. 19TH AVENUE  
NORTH MIAMI BEACH, FL 33162  
PHONE: (305) 787-6001

OFFICIAL USE

789487

PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH AND ANY AMENDMENTS THERETO, I (WE) HEREBY MAKE APPLICATION FOR A BUSINESS TAX RECEIPT TO CONDUCT THE BUSINESS DESCRIBED BELOW, AND I (WE) EXPECT TO COMMENCE OPERATION, OR HAVE COMMENCED OPERATION OF SAID BUSINESS ON OR ABOUT 06/27/09 - 07/04/09

**TRANSFER:** PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, I (WE) HEREBY MAKE APPLICATION FOR TRANSFER OF:  LOCATION  OWNERSHIP

FROM: \_\_\_\_\_  
TO: \_\_\_\_\_

ADDITION(S), DELETION(S), AND/OR CHANGE(S):

**PAID**

CK NO: \_\_\_\_\_  
DATE: \_\_\_\_\_

NEW:  
TRANSFER:  
ADDITION(S):  
CHANGE(S):  
OTHER:  
DATE: 4/15/09  
MAILED:  
REC'D:  
CLERK: [Signature]

BUSINESS ADDRESS: 900 N. LI. BEACH BLVD. N.M.B., FL 33162  
MAILING ADDRESS: P.O. BOX 187 DANIA BEACH, FL 33004

NAME OF BUSINESS (INDIVIDUAL, CORP, P.A., L.L.C., ETC.) X

TRADE NAME: X HOLIDAY CHARITIES & PROMOTIONS, INC.

NAMES of ALL PERSONS ASSOCIATED as Partners/Officers/Mgrs/Sales People/etc. and their TITLES and RESIDENCE ADDRESS:  
X ROBERT BOLER (PRESIDENT)  
3004 PORTFOLIO DR  
COCONUT CREEK, FL 33060

STATE FULL NATURE OF BUSINESS: X SALES OF SPARKLERS AT K-MART  
PARKING LOT 900 N. LI. BEACH BLVD, N.M.B. FL, 33162  
FOR THE PERIOD OF 06/27/09 TO 07/04/09 FROM 10:00 AM  
TO 10:00 PM.  
20% OF GROSS SALES WILL GO TO STOP HUNGER, INC.  
(BANANAS) 3' X 8' STOP HUNGER, INC. FUNDRAISER

TELEPHONE NUMBERS	STOCK/COST VALUE \$	AMOUNT(S)	CODE
BUSINESS: <u>X 954-290-8954</u>	NO. SEATS/RESTAURANT:	<u>\$121.00</u>	
RESIDENCE: <u>X 954-290-8954</u>	NO. ROOMS/APARTMENTS:	<u>25.00</u>	
EMERGENCY: <u>X 954-290-8954</u>	NO. WASHER/DRYERS:		
CELLULAR: <u>X 954-290-8954</u>	NO. AMUSEMENT DEVICES:	<u>\$146.00</u>	
	NO. GASOLINE PUMPS:		

### NOTICE

A BUSINESS TAX RECEIPT IS ISSUED ONLY AFTER APPROVAL OF ZONING, BUILDING, FIRE INSPECTION(S) (WHERE APPLICABLE), PAYMENT OF INPLANT FEE (WHERE APPLICABLE), POLICE DEPT. (WHERE APPLICABLE). I CERTIFY THAT ALL INFORMATION SHOWN ABOVE TO BE TRUE AND CORRECT, AND I DO UNDERSTAND THAT THE SAID BUSINESS AND/OR PREMISE IS NON-TRANSFERABLE WITHOUT CITY APPROVAL. BUSINESS TAX RECEIPTS OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT ARE NULL AND VOID.

HOLIDAY CHARITIES & PROMOTIONS, INC. BUSINESS NAME  
[Signature] APPLICANT OR AUTHORIZED AGENT

OFFICIAL USE **INSPECTION - ADMINISTRATIVE STATUS REPORT** OFFICIAL USE  
(TO BE SIGNED BY AUTHORIZED PERSON - WHEN APPROVED RETURN TO OFFICE OF THE CITY CLERK).

APPROVED: [Signature] / DATE \_\_\_\_\_  
OFFICIAL DATE  
DENIED: \_\_\_\_\_ / DATE \_\_\_\_\_  
OFFICIAL DATE

Department	Date Sent	Date Rec'd
ZONING	<u>4/17/09</u>	
BUILDING	<u>4/17/09</u>	
CITY CLERK		
FIRE	<u>4/17/09</u>	
PUBLIC UTILITIES	<u>4/17/09</u>	

CONDITIONS &/or STIPULATIONS (Res., Ord., Administrative or Council Action):

# Holiday Charities & Promotions, Inc.



## BUSINESS TAX RECEIPT APPLICATION

CITY OF NORTH MIAMI BEACH  
OFFICE OF THE CITY CLERK  
17011 N.E. 19TH AVENUE  
NORTH MIAMI BEACH, FL 33162  
PHONE: (305) 787-6001

OFFICIAL USE

790885

PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH AND ANY AMENDMENTS THERETO, I (WE) HEREBY MAKE APPLICATION FOR A BUSINESS TAX RECEIPT TO CONDUCT THE BUSINESS DESCRIBED BELOW, AND I (WE) EXPECT TO COMMENCE OPERATION, OR HAVE COMMENCED OPERATION OF SAID BUSINESS ON OR ABOUT 10/27/09 - 07/04/09

**TRANSFER:** PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, I (WE) HEREBY MAKE APPLICATION FOR TRANSFER OF:  LOCATION  OWNERSHIP

FROM: \_\_\_\_\_

TO: \_\_\_\_\_

ADDITION(S), DELETION(S), AND/OR CHANGE(S):

**PAID**

CK. NO. \_\_\_\_\_

DATE \_\_\_\_\_

NEW:

TRANSFER:

ADDITION(S):

CHANGE(S):

OTHER:

DATE: 5/15/09

MAILED:

REC'D:

CLERK: MA

BUSINESS ADDRESS: 199 NE 167 ST. N.M.B. FL 33162

MAILING ADDRESS: P.O. BOX DANIA BCH, FL 33004

NAME OF BUSINESS (INDIVIDUAL, CORP P.A., L.L.C., ETC.): X

TRADE NAME: HOLIDAY CHARITIES & PROMOTIONS, INC.

NAMES of ALL PERSONS ASSOCIATED as Partners/Officers/Mgrs/Sales People/etc. and their TITLES and RESIDENCE ADDRESS:

ROBERT GOLEK (PRESIDENT)

3004 PORTOFIND ISLE  
COCONUT CREEK, FL 33060

STATE FULL NATURE OF BUSINESS: SALES OF SPARKLES AT VACANT LOT FROM 06/27/09 TO 07/04/09. FROM 10:00 AM TO 10:00 PM 20% OF SALES ARE GOING TO "STOP HUNGER, INC." "BANKERS" ARE 3'X8' STOP HUNGER, INC. FUNDRAISER

TELEPHONE NUMBERS	STOCK/COST VALUE \$	AMOUNT(S)	CODE
BUSINESS: <u>954-290-8554</u>	NO. SEATS/RESTAURANT:	<u>25<sup>00</sup></u>	
RESIDENCE: <u>954-290-8554</u>	NO. ROOMS/APARTMENTS:		
EMERGENCY: <u>954-290-8554</u>	NO. WASHER/DRYERS:		
CELLULAR: <u>954-290-8554</u>	NO. AMUSEMENT DEVICES:		
	NO. GASOLINE PUMPS:		

### NOTICE

A BUSINESS TAX RECEIPT IS ISSUED ONLY AFTER APPROVAL OF ZONING, BUILDING, FIRE INSPECTION(S) (WHERE APPLICABLE), PAYMENT OF INPLANT FEE (WHERE APPLICABLE), POLICE DEPT. (WHERE APPLICABLE). I CERTIFY THAT ALL INFORMATION SHOWN ABOVE TO BE TRUE AND CORRECT, AND I DO UNDERSTAND THAT THE SAID BUSINESS AND/OR PREMISE IS NON-TRANSFERABLE WITHOUT CITY APPROVAL. BUSINESS TAX RECEIPTS OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT ARE NULL AND VOID.

HOLIDAY CHARITIES & PROMOTIONS, INC. MANAGER  
BUSINESS NAME APPLICANT OR AUTHORIZED AGENT

OFFICIAL USE **INSPECTION - ADMINISTRATIVE STATUS REPORT** OFFICIAL USE

(TO BE SIGNED BY AUTHORIZED PERSON - WHEN APPROVED RETURN TO OFFICE OF THE CITY CLERK).

APPROVED: [Signature] 14-27-09  
OFFICIAL DATE

DENIED: \_\_\_\_\_  
OFFICIAL DATE

CONDITIONS &/or STIPULATIONS (Res., Ord., Administrative or Council Action):

Department	Date Sent	Date Rec'd
ZONING	<u>4/17/09</u>	
BUILDING	<u>4/17/09</u>	
CITY CLERK		
FIRE	<u>4/17/09</u>	
PUBLIC UTILITIES	<u>4/17/09</u>	

**CITY OF NORTH MIAMI BEACH  
POLICE DEPARTMENT  
MEMORANDUM NO. 09-149**

---

**TO:** DR. KELVIN BAKER, CITY MANAGER

**FROM:** CHIEF RAFAEL P. HERNANDEZ, JR. 

**DATE:** JUNE 9, 2009

**SUBJECT:** DIAMOND'S CABARET LICENSE (4-6 am)

---

I respectfully request that Diamond's Cabaret 4-6 am license be rescinded for the following reasons:

- Diamond's has violated their commitment to keep an escrow of \$10,000 as a surety for payments for off-duty officers working at their location, as per letter written by their attorney, Norman Powell (dated February 24, 2009) – #10 Escrow, it states "Diamond's will deposit Ten Thousand Dollars (\$10,000.00) with the Department. The funds will be held in escrow as a surety for its payment for the off-duty officers. In the event, Diamond's off-duty account is not current for (5) business days, Diamond's 4-6 license shall be suspended and the escrow amounts shall be used to pay the delinquent amount". It should also be noted that as of today's date, they owe the amount of \$ 25,000 plus another 10,000 for a deposit
- Surveillance cameras at business are inoperable. Noted on the same letter, #6 Surveillance Cameras, it states: "Diamond's has installed security surveillance cameras that backup to a hard drive for seventy two (72) hours"
- Shooting at Diamond's on May 12, 2009 where an individual shot at patrons who were outside of the business. The individual was arrested and the weapon was confiscated. For specifics, please see attached police report, #2009-0512-05
- Employee from Diamond's Cabaret assaulted a patron with a liquor bottle on May 13, 2009. For specifics, please see attached police report #2009-0513-03

Please do not hesitate to contact me if you have any questions.

**Enc:** Letter from Norman Powell, Esq. (February 24, 2009)  
Incident Investigation Report 2009-0512-05  
Incident Investigation Report 2009-0513-03

LAW OFFICES OF  
**NORMAN POWELL**  
17100 NORTHEAST 19TH AVENUE  
NORTH MIAMI BEACH, FLORIDA 33162

2009 FEB 24 PM 1 35  
February 24, 2009

TELEPHONE (786) 279-1603  
FACSIMILE (786) 279-1607  
E-MAIL n@normanpowell.com

*PAH, JW  
02/24/09*

**HAND DELIVERED**

Rafael P. Hernandez, Jr.  
Chief of Police  
North Miami Beach Police Department  
16901 N.E. 19<sup>th</sup> Avenue  
North Miami Beach, Florida 33162

Re: Ebony & Ivory Entertainment, LLC d/b/a Diamond's Cabaret

Dear Chief Hernandez:

The purpose of this correspondence is to provide you and your Department with an update of Diamond's progress in its implementation of the recommendations that came out of our meetings with you and Majors Prescott and Gomer over the last few months.

1. **Security Consultant**

Diamond's has hired a professional security consultant to address its internal and external security. Diamond's has also fired and removed several individuals who believe may have contributed to the Club's past security issues.

2. **Off-Duty Detail**

Diamond's employs and will continue to employ four (4) off-duty officers. Two officers will be positioned by the front door and two in the parking lot.

3. **Mandatory Identification and Verification**

All patrons must present valid identification. Diamond's has also purchased a driver license scanner that verifies and capture each patron's driver license information and that information shall be reviewable when the Department requests.

4. **Pat Downs and Metal Detectors**

Each patron is patted down and scanned with a metal detector wand to detect weapons. Female patrons' pocket books are also searched.

5. **Trespassing Signage and No Drugs and Weapons Signs**

Diamond's has conspicuously posted trespass warning signs inside its premises. Diamonds will also post "No Drugs and No Weapons" signs.

6. **Surveillance Cameras** ✓

Diamond's has installed security surveillance cameras that backup to a hard drive for seventy two (72) hours. Diamond's is also in the process of further upgrading its security camera system.

7. **Golf Cart Parking Lot Patrol**

Diamond's security staff patrols the parking lot during business hours.

8. **Advance Notice of Special Events** ✓

Diamond's will provide your Department with seven (7) business days advance notice of its special events and if necessary, increase its off-duty detail.

9. **Cooperative Policing & Continued Dialogue**

Diamond's will continue to work with the Department on an on-going basis to maintain club safety, including identifying security concerns and continued inspections of the premises for improving security recommendations and cooperating in the Department's investigations should there an incident at the club's premises.

10. **Escrow** ✓

Diamond's will deposit Ten Thousand Dollars (\$10,000.00) with the Department. The funds will be held in escrow as a surety for its payment for the off-duty officers. Diamond's will further agree to keep the payment for the off-duty officer current. In the event, Diamond's off-duty account is not current for five (5) business days, Diamond's 4-6 license shall be suspended and the escrow amounts shall be used to pay the delinquent amount. ✓

We thank you for your and your staff's continued willingness to meet with us over the last few months. We believe those meetings have assisted Diamond's to achieve its goal of creating a safe environment for its patrons and the North Miami Beach community.

Rafael P. Hernandez, Jr., Ltr.  
Chief of Police

Finally, based on the foregoing, Diamond's will be requesting that the City Clerk calendar its request for a 4 a.m. to 6 a.m. license be calendared at the City Council's March 3, 2009 meeting.

Should you have any questions or comments, please do not hesitate to contact me. I can be reached at the number above or on my cellular phone at 786-355-4500.

Very truly yours,



Norman C. Powell

cc: Kelvin L. Baker, City Manager  
Darcee Siegel, City Attorney  
Bob Draper

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: June 16, 2009**

---

**RE: RESOLUTION NO. R2009-35  
LOAN APPLICATION FOR VOLATILE ORGANIC  
COMPOUND (VOC) REMOVAL PROJECT**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION IN THE AMOUNT OF \$3,000,000.00, OF WHICH \$450,000.00 WILL BE REPAYABLE BY THE CITY AND \$2,550,000.00 WILL BE FORGIVEN, FOR THE VOLATILE ORGANIC CHEMICAL FACILITY; ACCEPTING THE WATER FACILITY PLAN; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**



**CITY OF NORTH MIAMI BEACH  
MEMORANDUM**

*City Manager's Office*

**TO: Mayor and City Council**  
**FROM: Kelvin L. Baker, City Manager**  
**DATE: May 19, 2009**

**RE: Approval of Resolution for submittal of a loan application to the State Revolving Fund (SRF) for Volatile Organic Compound (VOC) Removal Project**

**BACKGROUND**

City of North Miami Beach (the City) owns and operates the Norwood Water Treatment Plant (NWTP), which receives raw water from 16 Biscayne aquifer production wells and 4 Floridan aquifer production wells. Three of the Biscayne Aquifer water supply wells of NWTP have been impacted by volatile organic compounds (VOCs), as evidenced by occurrences of vinyl chloride (VC) in the raw water of supply wells 4, 9, & 10. Finished water from the NWTP continues to meet all federal, state, and local regulations for all drinking water standards. Even so, the City has already begun the efforts to mitigate this issue, and in concert with the Florida Department of Health (FDOH) and Miami-Dade Environmental Protection and Management (DERM), we have developed a plan that includes a short term solution as well as a long term solution. The short term solution was implemented over a year ago and has proven effective. The long term solution which involves providing VOC removal for more of the wells involves a larger capital expenditure. We have been seeking funding for this project. We were recently notified that the VOC Removal Project was added to the Florida Departmental of Environmental Protection (FDEP) SRF fundable list due to the additional funds appropriated by the American Recovery and Reinvestment Act (ARRA). The amount of the loan funds approved for the City is \$3,000,000 with an 85% principal forgiveness. This means that \$2,550,000 of the \$3,000,000 is effectively a grant; with only the balance, \$450,000, being repayable via a low interest loan.

This resolution is required in order complete the application process to obtain this funding. This item was unanimously approved this item at the April 16, 2009 PUC meeting.

**RECOMMENDATION**

It is respectfully recommended that the city council approve this resolution which is a requirement of funding application process as stipulated by the SRF program. Additionally, since these are ARRA funds, which carry very stringent deadlines and short time frames, the FDEP is urging all applicants complete the process as soon as possible.

**FISCAL IMPACT**

The portion of funding that will be received as a loan will require water revenues to be pledged by the City in order to fund the debt service. While terms are not yet finalized, the expected interest rate would range between 2.2% and 2.7% with the loan period 30 years. At an interest rate of 2.5%, the annual principal and interest payment will be approximately \$21,300.

**CONTACT PERSON**

Martin King, P.E., Director of Public Services

Memorandum: Recommendation to Approve VOC SRF  
May 19, 2009, Page 2 of 2

CC: Darcee Siegel, City Attorney, Susan Owens, City Clerk, Miriam Bensinger, Assist. City Attorney



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Labadie  
H. Governor

Michael W. Sole  
Secretary

October 17, 2008

Mr. Kevin L. Baker, City Manager  
City of North Miami Beach  
17050 N.E. 19<sup>th</sup> Avenue  
North Miami Beach, Florida 33162

Re: DW1301 020 – North Miami Beach  
Treatment

Dear Mr. Baker:

Thank you for submitting the Request for Inclusion (RFI) on the priority list for Drinking Water Facilities. Your project has been placed on the planning portion of the priority list for a construction loan. To have your project elevated to the fundable or contingency portion of the priority list, the following general requirements must be completed:

- Water Facilities Plan (including the business plan and public hearing documentation).
- Environmental review.
- Biddable plans and specifications (including the Department's notice of intent to issue permit, if applicable).
- Project site certification.

Once these requirements have been met, the project may be placed on the fundable or contingency list. Please note that you may also request an Authorization to Incur Costs after successful completion of the Water Facilities Plan review (including the Environmental review). This will allow you to incur construction costs before execution of the loan agreement and have those costs remain eligible for reimbursement.

Please note the project number assigned (DW1301 020) and refer to that number on all future correspondence. Please coordinate with Gregg Caro, at (850) 245-8546, to answer questions or schedule any necessary meetings.

Sincerely,

Robert E. Holmden, P.E., Chief  
Bureau of Water Facilities Funding

RH/rgc

cc: Gerald C. Hartman, P.E., GAI Consultants, Inc.  
Jack Long, DEP, Southeast District

**Draft Fundable List Projects - Recommended for Adoption on May 13, 2009 Hearing**

Total ARRA Funding                      \$88,074,000  
 Funds Available for Projects            \$80,113,780

Sponsor	Priority score	Total Project Cost	ARRA Funding	Principal Forgiveness Amount	Principal Forgiveness Percentage
PALM BAY	859	\$5,045,600	\$3,000,000	\$2,550,000	85
MARIANNA	844	\$18,500,000	\$3,000,000	\$2,550,000	85
CASSELBERRY	727	\$3,858,628	\$3,000,000	\$2,550,000	85
CARRABELLE	726	\$7,000,000	\$3,000,000	\$2,550,000	85
SANFORD	651	\$5,000,000	\$3,000,000	\$2,550,000	85
NORTH MIAMI BEACH	638	\$6,474,401	\$3,000,000	\$2,550,000	85
TAVARES	382	\$2,500,000	\$2,500,000	\$2,125,000	85
WAUCHULA	372	\$7,250,000	\$3,000,000	\$2,550,000	85
HIGHLAND BEACH	346	\$4,195,114	\$3,000,000	-	-
LONGBOAT KEY	342	\$7,000,000	\$3,000,000	-	-
COCOA	342	\$1,712,000	\$1,712,000	\$1,455,200	85
LAKE WORTH	341	\$3,000,000	\$3,000,000	\$2,550,000	85
OLDSMAR	338	\$8,563,935	\$3,000,000	-	-
DELAND	315	\$3,200,000	\$3,000,000	\$2,550,000	85
NORTH LAUDERDALE	308	\$5,995,717	\$3,000,000	-	-
FAIRPOINT REGIONAL	300	\$2,500,000	\$2,500,000	-	-
CENTURY	300	\$1,800,000	\$1,800,000	\$1,530,000	85
DANIA BEACH	158	\$10,254,500	\$3,000,000	\$2,550,000	85
PLANTATION	148	\$3,000,000	\$3,000,000	-	-
MIAMI-DADE	138	\$2,500,000	\$2,500,000	\$2,125,000	85
VERO BEACH	126	\$17,033,316	\$3,000,000	\$2,550,000	85
HOLLYWOOD	111	\$3,794,200	\$3,000,000	\$2,550,000	85
TAMPA	100	\$23,057,580	\$3,000,000	\$2,550,000	85
<b>Totals</b>			\$65,012,000	\$40,385,200	

Balance of Funds Remaining                      \$15,101,780

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**From:** Caro, Gregg [mailto:Gregg.Caro@dep.state.fl.us]  
**Sent:** Thursday, May 28, 2009 11:56 AM  
**To:** Baker, Kelvin; g.hartman@gaiconsultants.com  
**Subject:** City of N. Miami Beach - Response to RFI's sent to DWSRF

Dear Kelvin and Gerald,

Thank you for submitting four Request for Inclusion (RFI) forms for your drinking water projects. Based on the RFI's, the projects appear to be eligible for loan through the American Recovery and Reinvestment Act of 2009 (ARRA).

In order to compete for ARRA funding from the Drinking Water State Revolving Fund (DWSRF), the following general requirements shall be complete by June 30, 2009:

1. Water facilities plan approval (including the business plan and public hearing).  
Sponsors should contact the DEP project manager to discuss required documentation.
2. Environmental review.

Additionally, the following requirements shall be complete by July 17, 2009:

1. Approval of biddable plans and specifications.
2. Construction permit(s), or the Department's notice of intent to issue permit(s), if applicable.
3. Project site certification.

A hearing will be held on August 12, 2009 to award the remaining \$15 million in ARRA funds. Projects shall compete based on priority score for the available funds. If all ARRA funds are not awarded at the August 12 hearing, we will have additional hearings in subsequent months until all the funds are obligated. Please note that sponsors awarded ARRA funds shall award construction contracts for their project by December 1, 2009.

If you have questions, please contact me at [gregg.caro@dep.state.fl.us](mailto:gregg.caro@dep.state.fl.us) or at (850) 245-8546.

Sincerely,

R. Gregg Caro, P.E.

Project Manager

Bureau of Water Facilities Funding

Drinking Water Funding Section

Florida Department of Environmental Protection

2600 Blair Stone Road, MS 3505

Tallahassee, FL 32399-2400

Office: (850) 245-8546

Suncom: 205-8546

Fax: (850) 245-8411

E-mail: [Gregg.Caro@dep.state.fl.us](mailto:Gregg.Caro@dep.state.fl.us)

**Cover Florida, developed by Governor Charlie Crist and the Florida Legislature, gives Floridians access to more affordable health insurance options. To learn more or to sign up for email updates, visit [www.CoverFloridaHealthCare.com](http://www.CoverFloridaHealthCare.com).**

**RESOLUTION NO. R2009-35**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION IN THE AMOUNT OF \$3,000,000.00, OF WHICH \$450,000.00 WILL BE REPAYABLE BY THE CITY AND \$2,550,000.00 WILL BE FORGIVEN, FOR THE VOLATILE ORGANIC CHEMICAL FACILITY; ACCEPTING THE WATER FACILITY PLAN; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

**WHEREAS,** Florida Statutes provide for loans to local government agencies to finance the construction of drinking water treatment facilities; and

**WHEREAS,** Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

**WHEREAS,** the Florida Department of Environmental Protection's State Revolving Fund loan priority list designates the Volatile Organic Chemical Facility (DW1301 020), as eligible for available state funding; and

**WHEREAS,** in order to facilitate the construction of the project, the City intends to apply for and enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing in the amount of \$3,000,000.00, of which the City will be required to pay \$450,000.00 through a low interest loan and the principal balance of \$2,550,000.00 will be forgiven; and

**RESOLUTION NO. R2009-35**

**WHEREAS**, the City recognizes that in the event funding is received from the American Recovery and Reinvestment Act there are additional requirements that must be met. Those requirements include adherence with the FDEP's standard supplemental conditions, David-Bacon wage rate provisions, and Buy American Certification; and

**WHEREAS**, the Public Utilities Commission of the City of North Miami Beach, at their public meeting held on April 16, 2009, approved the Project and the application for State Revolving Fund funding.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1. Findings.** The foregoing recitals are true and correct and represent the express findings, purpose and intent of the City Council of the City of North Miami Beach.

**Section 2. Loan Application.** The City Council of the City of North Miami Beach, Florida, hereby authorizes the submittal of an application and all supporting documentation (including the Water Facility Plan prepared by GAI Consultants, Inc.) for a State Revolving Fund loan in the amount of \$3,000,000.00, of which the City will be required to pay \$450,000.00 through a low interest loan and the principal balance of \$2,550,000.00 will be forgiven, to finance the project.

**Section 3. Designation of City Representative.** The City Manager is hereby designated as the authorized representative to (a) act as the city's representative in carrying out the city's responsibilities under the loan agreement, and (b) delegate responsibility to appropriate

city staff to carry out technical, financial, and administrative activities associated with the loan agreement.

**Section 4. Authority to Enter into and Carry Out Loan Requirements and Other Security.** The City Council hereby authorizes the City Manager to execute any loan agreement or other security on behalf of the Council in accordance with and required by law to secure the loan.

**Section 5. Pledged Revenues.** The Council hereby authorizes the use of water utility system revenues for the repayment of the State Revolving Fund loan, which pledged revenues shall consist of net water revenues remaining after payment of debt service on the city's outstanding water system utility revenue bonds, the water system utility refunding revenue bonds, and other such city water system debt instruments as may exist as of the date of this resolution.

**Section 6. Authority.** The legal authority for the City to borrow money to construct the Project is Chapter 180, Florida Statutes.

**Section 7. Conflicts.** All prior resolutions or portions thereof in conflict with any of the provisions of this Resolution are hereby repealed.

**Section 8. Severability.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**Section 9. Effective Date.** This Resolution shall become effective immediately upon its passage and adoption.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the

regular meeting assembled this \_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SUSAN OWENS  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
MYRON ROSNER  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and Council

**MEMORANDUM**

**TO:           MAYOR AND CITY COUNCIL  
              CITY CLERK  
              CITY MANAGER**

**FROM:       DARCEE S. SIEGEL  
              CITY ATTORNEY**

**DATE:       June 16, 2009**

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**RE:   RESOLUTION NO. R2009-39  
      FOOD/CAFÉ AND BEVERAGE SERVICES AT CITY HALL**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH PASTAL ENTERPRISES CORP., AS THE FIRST RANKED FIRM, AND JAY'S B CAFÉ, AS THE SECOND RANKED FIRM, FOR THE DEVELOPMENT AND OPERATIONS OF FOOD/CAFÉ AND BEVERAGE SERVICES AT THE CITY OF NORTH MIAMI BEACH CITY HALL FACILITIES, INCLUDING THE JULIUS LITTMAN PERFORMING ARTS THEATER AND THE VICTORY PARK POOLSIDE AREA.**



**CITY OF NORTH MIAMI BEACH  
MEMORANDUM**

*City Manager's Office*

**TO: Honorable Mayor & Council**

**FROM: Kelvin L. Baker, City Manager**

**DATE: June 16, 2009**

**RE: Approval of Bid # 2009-10 Development and Operations of Food/Café and Beverage Services at the City Hall Facilities including the Julius Littman Performing Arts Theater.**

**Background**

In response to a recommendation from the C.A.R.E Program Committee (Comprehensive Assessment of Revenues and Expenditures) to advertise an RFP for the development and operation of a Café at the City Hall Facility, staff released a solicitation on April 28<sup>th</sup> to seek contractors to provide these services.

The City has an abundant amount of foot traffic between the City Hall Facility, Julius Littman Performing Art Theater, McDonald Center, YES Center and Victory Pool; however there is no dining amenities in the immediate area which requires staff and visitors to travel several blocks or even miles to locate a restaurant for dining. With the development of a Café the City would be able to provide a valuable service for the employees and visitors and be able to share in the revenue as well.

**Recommendation:**

It is the Evaluation Committee's recommendation that City Council authorize the City Manager or his designee, to enter into negotiations with the top ranked firm, **Pastal Enterprise Corp.**, with regards to the above-mentioned RFP. If, for any reason, the top ranked firm is unable to meet the City's needs and requirements, negotiations will then proceed to the 2<sup>nd</sup> ranked, **Jay's B Café.**

Upon successful negotiations with the most qualified firm that is able to meet the City's requirements, the City Manger or his designee, will then submit

the agreement to the City Attorney's office for approval and will subsequently be placed on the next City Council agenda for final approval.

The information below will provide a brief overview/history of the recommended contractor for the services mentioned above.

**Proposed Vendor:** Pastel Enterprises Incorporated  
914 South West 3<sup>rd</sup> Street  
Boca Raton, Fl 33486

**References & Prior History:** (see attached)

Bid Notices were sent 287 potential vendors using Demandstar, bid solicitations are now being advertised on Channel 77, emails were sent to more than thirty (30) vendors that staff had identified as potential vendors, an advertisement was placed in the Miami Review and the Bid Document (available for download) and a brief description was posted on the City's website.

**Fiscal Impact:**

Revenue: \$500.00 per month guarantee with additional 20% of revenue share to the City.

Fund: General

Account Name: Care Initiative - City Hall Café

Account #:369602

**Contact Person:**

**Paulette Murphy, Director of Leisure Services**

**Brian O'Connor, Chief Procurement Officer**

**CC: Darcee S. Siegel, City Attorney**

**Susan Owens, City Clerk**

**Miriam Bensinger, Assistant City Attorney**

**RESOLUTION NO. R2009-39**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH PASTAL ENTERPRISES CORP., AS THE FIRST RANKED FIRM, AND JAY'S B CAFÉ, AS THE SECOND RANKED FIRM, FOR THE DEVELOPMENT AND OPERATIONS OF FOOD/CAFÉ AND BEVERAGE SERVICES AT THE CITY OF NORTH MIAMI BEACH CITY HALL FACILITIES, INCLUDING THE JULIUS LITTMAN PERFORMING ARTS THEATER AND THE VICTORY PARK POOLSIDE AREA.**

**WHEREAS**, the City of North Miami Beach issued a Request for Proposal #2009-10 for firms interested in providing services for the development and operations of a food/café and beverage services at the City of North Miami Beach City Hall Facilities, including the Julius Littman Performing Arts Theater and the Victory Park Pool area; and

**WHEREAS**, the City of North Miami Beach received two proposals by the published deadline; and

**WHEREAS**, the City's Evaluation Committee ranked the firms as follows:

1. Pastal Enterprises Corp.
2. Jay's B Cafe

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida

**Section 1.** The City Manager is hereby authorized to negotiate with Pastel Enterprises Corp. as the first ranked firm, and, if necessary, with Jay's B. Café as the second ranked firm for the development and operations of a food/café and beverage services at the City of North Miami Beach City Hall Facilities, including the Julius Littman Performing Arts Theater and the Victory Park Pool area, pursuant to Request for Proposal #2009-10 and addenda thereto.

**Section 2.** This resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_\_ **day of** \_\_\_\_\_, **2009**.

ATTEST:

\_\_\_\_\_  
SUSAN OWENS  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
MYRON ROSNER  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

**BACK-UP INFORMATION  
TO RESOLUTION R2009-39  
PROVIDED SEPARATELY**

**MEMORANDUM**

**TO:           MAYOR AND CITY COUNCIL  
              CITY CLERK  
              CITY MANAGER**

**FROM:       DARCEE S. SIEGEL  
              CITY ATTORNEY**

**DATE:       June 16, 2009**

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**RE:    RESOLUTION NO. R2009-40  
          NAMING OF STATE SCHOOL QQQ1**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
OPPOSING THE NAMING OF THE NEW QQQ1 HIGH  
SCHOOL AFTER ANY PERSON, AND SUGGESTING AS AN  
ALTERNATIVE        USING        AN        APPROPRIATE  
GEOGRAPHICAL NAME, SUCH AS THE BISCAYNE BAY  
HIGH SCHOOL OR THE OLETA RIVER HIGH SCHOOL;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

**RESOLUTION NO. R2009-40**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, OPPOSING THE NAMING OF THE NEW QQQ1 HIGH SCHOOL AFTER ANY PERSON, AND SUGGESTING AS AN ALTERNATIVE USING AN APPROPRIATE GEOGRAPHICAL NAME, SUCH AS THE BISCAYNE BAY HIGH SCHOOL OR THE OLETA RIVER HIGH SCHOOL; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Miami-Dade County School Board is in the process of naming the new QQQ1 High School located in the City of North Miami, Florida, and abutting the City of North Miami Beach; and

WHEREAS, this new high school will serve to educate many North Miami Beach high school students; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach are opposed to the naming of the new high school after any person or persons; and

WHEREAS, the Mayor & City Council of the City of North Miami Beach suggest the naming of the new high school using an appropriate geographical designation to showcase the natural beauty of the site, such as the *Biscayne Bay High School* or the *Oleta River High School*.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**RESOLUTION R2009-40**

**Section 2.** The Mayor and City Council of the City of North Miami Beach, Florida, suggest to the Miami-Dade County School Board and the Office of Superintendent of Schools for Miami-Dade County that the new state school QQQ1, to be located at 2601 N.E. 151 Street, North Miami, Florida, be named using an appropriate geographical designation, such as the *Biscayne Bay High School* or the *Oleta River High School*, and that it not be named after any person or persons.

**Section 3.** The City Clerk is hereby directed and authorized to send a copy of this resolution to the Miami-Dade County School Board and to the Superintendent of Schools for Miami-Dade County.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SUSAN OWENS  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
MYRON ROSNER  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Councilwoman Barbara Kramer  
Councilwoman Phyllis Smith  
Mayor and Council

**RESOLUTION R2009-40**

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: JUNE 16, 2009**

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**RE: ORDINANCE NO. 2009-12  
Cultural Committees**

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**AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; DELETING IN ITS ENTIRETY SECTION 2-41 CARIBBEAN AFFAIRS COMMITTEE; DELETING IN ITS ENTIRETY SECTION 2-51 LATIN AFFAIRS COMMITTEE; AMENDING AND EXPANDING SECTION 2-48 CULTURAL COMMITTEE TO PROMOTE ALL CULTURAL GROUPS IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.**



# City of North Miami Beach Interoffice Memorandum

**CITY ATTORNEY'S OFFICE**

Phone: (305) 948-2939

Fax: (305) 787-6004

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**TO:** Mayor and City Council  
**FROM:** Darcee S. Siegel, ~~City~~ City Attorney  
**DATE:** June 10, 2009

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**RE: Ordinance No. 2009-12 Cultural Committees**

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This proposed ordinance would delete sections 2-41 and 2-51 from the City's Code of Ordinances, thereby eliminating both the Caribbean Affairs Committee and the Latin Affairs Committee. The ordinance would amend and expand section 2-48 of the Code to expand the City's Cultural Committee both in size (from 7 members to 15 members) and in scope, to promote multiculturalism and diversity awareness in our City.

This ordinance also serves to eliminate unnecessary bureaucracy.

DSS/mht

**ORDINANCE NO. 2009-12**

**AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; DELETING IN ITS ENTIRETY SECTION 2-41 CARIBBEAN AFFAIRS COMMITTEE; DELETING IN ITS ENTIRETY SECTION 2-51 LATIN AFFAIRS COMMITTEE; AMENDING AND EXPANDING SECTION 2-48 CULTURAL COMMITTEE TO PROMOTE ALL CULTURAL GROUPS IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.**

**WHEREAS**, the rich diversity of the population of the City of North Miami Beach enhances the cultural background against which we live, work and play; and

**WHEREAS**, the Mayor and City Council deem it unnecessary and undesirable to single out specific cultural groups for focusing City awareness programs but would rather embrace all cultural groups represented in our City under the same mission statement; and

**WHEREAS**, the Mayor and City Council desire to delete Sections 2-41 Caribbean Affairs Committee, and 2-51 Latin Affairs Committee, of the Code of Ordinances of the City of North Miami Beach; and

**WHEREAS**, the Mayor and City Council desire to amend Section 2-48 Cultural Committee of the Code of Ordinances of the City of North Miami Beach to expand the scope of its purpose and mission to include the preservation, promotion and enhancement of opportunity and quality of life for the various multi-cultural groups that so greatly enrich the fabric of our City.

**ORDINANCE NO. 2009-12**

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Section 2-41 Caribbean Affairs Committee Created; Membership, Terms; Purpose, Duties, of the Code of Ordinances of the City of North Miami Beach, Florida, is hereby deleted in its entirety, as follows:

Chapter II Structure of City Government  
Article VII Boards, Committees and Commissions

Section 2-41 ~~Caribbean Affairs Committee Created, Membership, Terms; Purpose, Duties.~~ Reserved.

- a. ~~The Caribbean Affairs Committee of the City of North Miami Beach is hereby created and established and shall consist of nine (9) members appointed by the Mayor and City Council for terms of two (2) years, except that in 2003 five (5) members shall be appointed for two (2) year terms and four (4) members for one year terms. Thereafter, all appointments shall be for two (2) years, except appointments to fill unexpired terms, which shall be made for the remainder of the unexpired term. Terms shall commence on June 1 of the year of appointment.~~
- b. ~~The Committee shall seek to preserve and enhance the Caribbean culture within the city, and to promote greater appreciation and awareness of Caribbean culture among the population of the City. It shall seek to address issues and special needs affecting persons of Caribbean descent within the City of North Miami Beach. (Ord. No. 2003-8, §2, 9-9-2003).~~

**Section 3.** Section 2-51 Latin Affairs Committee of the Code of Ordinances of the City of North Miami Beach, Florida, is hereby deleted in its entirety, as follows:

Chapter II Structure of City Government  
Article VII Board, Committees and Commissions

Section 2-51 ~~Latin Affairs Committee.~~ Reserved.

- a. ~~Created; Members; Terms.~~ The Latin Affairs Committee of the City of North Miami Beach is hereby created and established and shall consist of nine (9) members appointed by the Mayor and City Council for terms of two (2) years, except that in 1980 five (5) members shall be appointed for two year terms and four (4) members for one year terms. Thereafter, all appointments shall be for two (2) years, except appointment to fill unexpired terms shall be made for the remainder of the unexpired term. Terms shall commence on June 1 of the year of appointment.
- b. ~~Purpose and Duties.~~ The Committee shall seek to preserve and enhance the Latin culture within the City, to promote equal and better opportunities for employment of Latin Americans within the City, and to promote greater appreciation and awareness of Latin culture among the non Latin population of the City. It shall seek to ease problems and disputes affecting Spanish speaking persons within the City. (1957 Code §2-63; Ord. No. 79-20 §3(C), 9-4-79).

**Section 4.** Section 2-48 Cultural Committee of the Code of Ordinances of the City of North Miami Beach, Florida is hereby amended as follows:

Chapter II Structure of City Government  
Article VII Board, Committees and Commissions

Section 2-48 Multi-Cultural Committee.

2-48.1 Established.

There is hereby created and established a Multi-Cultural Committee, which committee shall consist of fifteen (15) ~~seven (7)~~ members appointed by the Mayor and City Council. All terms shall commence on June 1 and all appointments shall be for two (2) years except for appointments to fill unexpired terms, which appointments shall be for the remainder of the unexpired term. Members shall be selected as nearly as practicable on the basis of their interest in any of the arts and letters contributing to the multi-cultural development of our society.

2-48.2 Purpose.

It shall be the function of the Committee to propose such programs as in its opinion will contribute to the multi-cultural development of the community and which may develop and exploit the talents of the members of the community to accomplish the greatest good for the greatest number. The committee shall seek to promote greater awareness and appreciation of the diversity of cultures represented by the City's residents and citizens.

**Section 5.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 6.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**SUSAN OWENS**  
**CITY CLERK**

**(CITY SEAL)**

\_\_\_\_\_  
**MYRON ROSNER**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

**Sponsored by: Mayor Myron Rosner**  
**City Council**

**ORDINANCE NO. 2009-12**

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: JUNE 16, 2009**

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**RE: ORDINANCE NO. 2009-13  
Economic Development Commission**

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**AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY THE DELETION IN ITS ENTIRETY OF SECTION 2-49 ECONOMIC DEVELOPMENT COMMISSION; ENCOURAGING THE NORTH MIAMI BEACH CHAMBER OF COMMERCE TO ASSUME THE ROLE AND RESPONSIBILITIES DELINEATED IN THAT SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.**



# City of North Miami Beach Interoffice Memorandum

**CITY ATTORNEY'S OFFICE**

**Phone: (305) 948-2939**

**Fax: (305) 787-6004**

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**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, ~~City~~ City Attorney**  
**DATE: June 10, 2009**

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**RE: Ordinance No. 2009-13 Economic Development Commission**

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This proposed ordinance deletes section 2-49 of the City's Code of Ordinances, thereby eliminating the Economic Development Commission. This ordinance encourages the North Miami Beach Chamber of Commerce to assume the goals and function of this committee, which, in the opinion of the City, are best promoted by the private sector.

This ordinance also serves to eliminate unnecessary bureaucracy.

DSS/mht

**ORDINANCE NO. 2009-13**

**AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY THE DELETION IN ITS ENTIRETY OF SECTION 2-49 ECONOMIC DEVELOPMENT COMMISSION; ENCOURAGING THE NORTH MIAMI BEACH CHAMBER OF COMMERCE TO ASSUME THE ROLE AND RESPONSIBILITIES DELINEATED IN THAT SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Economic Development Commission was established by the City thirty years ago; and

**WHEREAS**, it has been determined by the Mayor and City Council of the City of North Miami Beach that the duties and role of the Economic Development Commission in promoting awareness and stimulating growth of the City's economy would best be accomplished by the private sector; and

**WHEREAS**, the Mayor and City Council desire to eliminate the Economic Development Commission as a City run and sponsored program, while encouraging the North Miami Beach Chamber of Commerce to assume the mantel and undertake increased efforts to bring awareness and economic development to our City.

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Section 2-49 Economic Development Commission of the Code of Ordinances of the City of North Miami Beach, Florida is hereby deleted in its entirety, as follows:

**CHAPTER II STRUCTURE OF CITY GOVERNMENT  
ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS**

**~~2-49 ECONOMIC DEVELOPMENT COMMISSION.~~**

**~~2-49.1 Created; Membership.~~**

~~There is hereby created and established the City of North Miami Beach Economic Development Commission, which Commission shall consist of fifteen (15) members appointed by the City Council. (1957 Code § 2-62[a]; Ord. No. 79-20 § 3(B), 9-4-79)~~

**~~2-49.2 Terms.~~**

~~Members shall be appointed for terms to commence on June 1 of the year of appointment, and appointments shall be for two (2) years except for appointments to fill unexpired terms which shall be for the remainder of the unexpired term. (1957 Code § 2-62[b]; Ord. No. 79-20 § 3(B), 9-4-79)~~

**~~2-49.3 Quorum; Voting.~~**

~~A quorum shall consist of nine (9) of the duly appointed members of the Commission. The necessary vote for the passage of any motion or for the adoption of any reports by the Commission shall be a majority vote of those present and qualified to vote. (1957 Code § 2-62[e]; Ord. No. 79-20 § 3(B), 9-4-79)~~

**~~2-49.4 Compensation.~~**

~~All members shall serve without compensation, including the chairperson, vice chairperson and secretary. (1957 Code § 2-62[d]; Ord. No. 79-20 § 3(B), 9-4-79)~~

**~~2-49.5 Meetings.~~**

~~Regular meetings shall be scheduled at least once a month. (1957 Code § 2-62[e]; Ord. No. 79-20 § 3(B), 9-4-79)~~

**~~2-49.6 Ex Officio Members.~~**

~~Ex officio members of the Commission shall include the Mayor, City Councilmembers, the chairperson of the Planning and Zoning Board, the Director of Community Affairs and any other public officials that the City Council may deem appropriate. (1957 Code § 2-62[f]; Ord. No. 79-20 § 3(B), 9-4-79)~~

**~~2-49.7 Guidelines for Appointments.~~**

~~In determining who should be appointed as members of the Commission, the Council should include a fair balance and reasonable number of labor, business and other interested persons.~~

~~Notwithstanding the provisions of subsection 2-32.1, members of this Commission need not be residents or maintain residency in the City of North Miami Beach, so long as they own commercial property in the City or have and maintain an business tax receipt entitling them to conduct business in the City. (1957 Code § 2-62(g); Ord. No. 79-20 § 3(B), 9-4-79; Ord. No. 2004-8 § 3; 6-15-2004)~~

#### ~~2-49.8 Duties; Responsibilities.~~

~~The Commission shall have the following duties, functions and responsibilities:~~

- ~~a. To keep the general public informed of the various programs through news releases or other means;~~
- ~~b. If appropriate, to meet at various locations in the community for easier and wider public access;~~
- ~~c. To encourage and invite various staff members of the Florida Department of Community Affairs, as well as other State agencies, to attend meetings in order to gain advice on any problems and to become informed of available programs and services provided by various State agencies;~~
- ~~d. To determine and report to the City Council on the present condition of the local economy;~~
- ~~e. To determine and report ways to stimulate tourism in and around the City;~~
- ~~f. To determine and report a method by which poverty can be reduced or eliminated in the City;~~
- ~~g. To establish improvement of the downtown area of the City, namely, 163rd Street;~~
- ~~h. To perform such other duties as may be assigned by the City Council from time to time. (1957 Code § 2-62[h]; Ord. No. 79-20 § 3(B), 9-4-79)~~

**Section 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 4.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 5.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be

renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**SUSAN OWENS**  
**CITY CLERK**

**(CITY SEAL)**

\_\_\_\_\_  
**MYRON ROSNER**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

**Sponsored by: Mayor and City Council**

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: JUNE 16, 2009**

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**RE: ORDINANCE NO. 2009-14  
Stationary Engineers**

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**AN ORDINANCE AMENDING CHAPTER XV FIRE PREVENTION OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY THE DELETION IN ITS ENTIRETY OF SECTION 15-3 STATIONARY ENGINEERS, OPERATORS AND FIREMEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.**



# City of North Miami Beach Interoffice Memorandum

**CITY ATTORNEY'S OFFICE**

**Phone: (305) 948-2939**

**Fax: (305) 787-6004**

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**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, ~~City~~ City Attorney**  
**DATE: June 10, 2009**

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**RE: Ordinance No. 2009-14 Stationary Engineers**

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This proposed ordinance deletes section 15-3 from the City's Code of Ordinances, thereby eliminating the Board of Examiners of Stationary Engineers and its entire testing and licensing operations.

This is an obsolete program and serves no valid purpose for the City.

This ordinance also serves to eliminate unnecessary bureaucracy.

DSS/mht

**ORDINANCE NO. 2009-14**

**AN ORDINANCE AMENDING CHAPTER XV FIRE PREVENTION OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY THE DELETION IN ITS ENTIRETY OF SECTION 15-3 STATIONARY ENGINEERS, OPERATORS AND FIREMEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Mayor and City Council of the City of North Miami Beach, Florida, has determined that the provisions of Section 15-3 Stationary Engineers, Operators and Firemen of the City's Code of Ordinances is obsolete and that the City has no need or reason to retain the procedures and provisions established by that program.

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Section 15-3 Stationary Engineers, Operators and Firemen of the Code of Ordinances of the City of North Miami Beach, Florida, is hereby deleted in its entirety, as follows:

**CHAPTER XV FIRE PREVENTION**

**15-3 STATIONARY ENGINEERS, OPERATORS AND FIREMEN.**

**~~15-3.1 Board of Examiners; Created, Membership, Officers.~~**

~~a. There is hereby established and created a Board of Examiners of Stationary Engineers composed of five (5) members, all of whom shall be appointed by the City Council, which members shall serve without compensation. Preference in selection of members shall be given to City residents; however, nonresidents may be appointed if there are no qualified residents. The terms of office shall be two (2) years. Vacancies in such Board occurring otherwise than by expiration of term shall be filled by the City Council for the unexpired term. Members of the Board may be reappointed at the expiration of a term for successive terms.~~

~~b. The Board of Examiners of Stationary Engineers shall organize and choose one (1) of its members as chairman who shall thereafter preside at all meetings; provided, however, that the office of secretary and chairman shall not be combined in the same person.~~

~~—c. Of the five (5) members of the Board, three (3) shall be licensed first class engineers with not less than five (5) years' experience. Two (2) members may be second or third class engineers at the discretion of the Council.~~

~~(Ord. No. 675 §§ 1, 2, 4 9 57; 1957 Code § 9 7; Ord. No. 80 66 §§ 2, 4, 1 6 81; Ord. No. 81 10 § 2, 3 17 81; Ord. No. 81 37 § 2, 1 5 82; )~~

### ~~15 3.2 Powers and Duties.~~

~~—The Board of Examiners of Stationary Engineers shall act in an advisory capacity to the Mayor and City Council, only, and all data, information, suggestions, recommendations, matters of public reports shall be directed only to the Mayor and City Council, who shall be the sole authority to implement, promulgate or effectuate any of the recommendations of such Board if same meets with the approval of the Mayor and City Council. Subject always to the final approval and ratification of and by the Mayor and the City Council such Board of Examiners of Stationary Engineers shall:~~

~~—a. Establish guidelines and qualifications needed by applicants in order to take the examination.~~

~~—b. Examine all persons making proper application for licenses and recommend to the Mayor and City Council whether such person or persons be issued the licenses applied for.~~

~~—c. Promulgate, subject to ratification by the Mayor and City Council, uniform rules and regulations for the conduct and holding of examinations for the several grades and classes of licenses. The examination shall be in writing. The record of all examination questions, and answers, shall be kept in the office of the City Clerk. In the event of request for oral examinations, the applicant shall pay the reasonable cost of reporting and transcribing the questions and answers. In conjunction with such examinations, the Board may recommend to the Mayor and City Council, whenever it deems necessary, a practical demonstration of the ability of any applicant.~~

~~—d. Recommend to the Mayor and City Council the type of application form and its contents which an applicant must execute and submit to the Board.~~

~~—e. Establish guidelines for applicants to use in preparing for the examination, such as, recommended books to study, etc.~~

~~—f. Propound to applicants such questions as they deem proper in order to test the competency and fitness of those applying for such license or licenses.~~

~~—g. Recommend to the Mayor and City Council the granting to such applicant or applicants the license or licenses applied for.~~

~~—h. Promulgate, subject to ratification by the Mayor and City Council, uniform rules and regulations for the investigation and determination of alleged violations.~~

~~(Ord. No. 675 § 3, 4 9 57; 1957 Code § 9 8; Ord. No. 937 § 1, 10 7 58; Ord. No. 81 10 § 3, 3 17 81)~~

**~~15-3.3 Examination.~~**

~~—a. Examinations shall be held four (4) times a year at equal intervals. The exams shall be advertised one (1) time thirty (30) days prior to date of examination in a newspaper published daily and distributed locally.~~

~~—b. Applicants shall be assigned numbers to identify their examinations and no names shall appear on the examination.~~

~~—c. Examinations shall consist of multiple choice and/or true and false questions.~~

~~(1957 Code § 9-8.1; Ord. No. 937 § 6, 10-5-78; Ord. No. 80-66 § 3, 1-6-81; Ord. No. 81-10 § 4, 3-17-81; Ord. No. 82-26 § 1, 10-5-82;)~~

**~~15-3.4 Application Required; Fee.~~**

~~—Any person over the age of eighteen (18) desirous of filling a position as engineer, operator or fireman, having the required experience in a subordinate position in the care of engines, steam boilers or place where steam, electricity or internal combustion power is used, may make written application to the Examining Board. Each application for a license shall be accompanied by a deposit of twenty five (\$25.00) dollars and if license is refused such deposit shall be retained as a reasonable fee for the giving of such examination. (1957 Code § 9-9; Ord. No. 675 § 4, 4-9-57; Ord. No. 937 § 3, 10-7-58; Ord. No. 80-66 § 5, 1-6-81;)~~

**~~15-3.5 Reapplication Upon Failure to Pass; Examination for Lower Grade.~~**

~~—Any applicant failing to pass the examination as to competency and fitness, or the practical demonstration test, shall not be permitted to apply for examination for the same grade or class of license for a period of six (6) months after such failure; provided, however, that such applicant may apply for re-examination or for examination for a lower grade or class within ten (10) days after such failure; and, provided further, that in the event the applicant fails to pass the examination and test or re-examination applied for, and in the opinion of the Board of Examiners, is entitled to and qualified for a license of lower grade or class on the basis of such examination, such license of lower grade or class may be issued by the Board of Examiners, if the applicant desires such a license. (1957 Code § 9-10; Ord. No. 80-66 § 6, 1-6-81)~~

**~~15-3.6 Classifications of Licenses.~~**

~~—Licenses for engineers, operators, and firemen shall be classified as follows:~~

~~—a. *First Class Unlimited Engineers'* licenses shall qualify the holder to take charge of and operate any steam plant without limitation as to character or size, and all refrigerating or generating machinery driven by steam, Diesel engines (internal combustion) or electricity, and shall be issued to such persons as shall qualify therefor by passing the necessary examinations and who have had the following experience:~~

~~—1. Any person who has been employed as any oiler or as a general assistant under the instructions of a licensed first class engineer for a period of not less than three (3) years.~~

~~—2. Any person who has served as fireman or general assistant to the engineer on a steamboat or railway locomotive for a period of not less than three (3) years and shall have been employed for not less than one (1) year as an assistant under a licensed first class engineer.~~

- ~~—3. Any person who is a graduate mechanical engineer of a recognized school of technology, and has had not less than one (1) year's experience under a licensed first class engineer.~~
- ~~—4. Any holder of a second class engineer's license as issued by the City and who has actively performed the duties as such for a period of not less than two (2) years.~~
- ~~—5. Any person holding a first grade or first class engineer's license issued by any city in the United States having a population of one hundred thousand (100,000) or over, or holding steam engineer's license issued by the United States Government or Maritime Service.~~
- ~~—b. *First Class Steam Engineers'* licenses shall qualify the holder to take charge and operate any steam plant, without limitation as to character or size.~~
- ~~—c. *First Class Refrigeration Engineers'* licenses shall qualify the holder of such license to operate all refrigeration machinery, driven by diesel, internal combustion or electricity.~~
- ~~—d. *Second Class Steam and Refrigeration engineers'* licenses shall qualify the holder to take charge of and operate steam plants up to one hundred seventy five (175) horsepower, refrigeration and internal combustion engines and shall be issued to such persons as shall qualify therefor, pass the necessary examination and have had at least two (2) years' experience as oiler, fireman or assistant under a licensed first class engineer; or any person who is a graduate of a recognized school of technology and has had at least one (1) year's experience as an oiler, fireman, or assistant under a licensed first class engineer.~~
- ~~—e. *Second Class Steam Engineers'* licenses shall qualify the holder to take charge of and operate steam plants, up to one hundred seventy five (175) horsepower.~~
- ~~—f. *Second Class Refrigeration Engineers'* licenses shall qualify the holder of such license to operate all refrigeration machinery, driven by diesel, internal combustion or electricity up to one hundred seventy five (175) horsepower.~~
- ~~—g. *Third Class (Hoisting and Portable) Engineers'* licenses shall qualify the holder to take charge of and operate portable boilers with engines and machinery other than a boiler feed pump in operation and internal combustion engines and shall be issued to any person who has had at least six (6) months' experience in the operation of such machinery and equipment and shall pass the necessary examination therefor. The application and operator's license shall describe generally the type of machinery and equipment for which applicant desires to and is licensed to operate.~~
- ~~—h. *Fireman's High Pressure* licenses shall qualify the holder to take charge of and operate boilers of from ten (10) to fifty (50) horsepower, and shall be issued to such persons as may qualify therefor, pass the necessary examination and have had at least six (6) months' experience in the care and operation of boilers as fireman or assistant under a licensed first and second class engineer.~~
- ~~—i. *Fireman's Low Pressure* licenses shall qualify the holder to take charge of and operate boilers carrying the pressure of less than fifteen (15) pounds per square inch, and shall be issued to such persons as may qualify therefor, and pass an examination consisting of safety questions pertaining to the actual physical operation of low pressure heating boilers, safety valves and oil burning systems. No definite period of experience shall be required but the applicant shall satisfy~~

~~the examiners that he is capable of operating safely, the boiler for which he is applying for a license.~~

~~(Ord. No. 675 § 5, 4-9-57; 1957 Code § 9-11)~~

### ~~15-3.7 Issuance of Licenses; Fee.~~

~~—Each applicant for license who shall be found proficient and entitled to same shall, upon issuance of license, pay to the City the sum of forty (\$40.00) dollars for the grade of first class engineer; thirty (\$30.00) dollars for that of second class engineer; twenty (\$20.00) dollars for that of third class engineer or operator, and twenty five (\$25.00) dollars for that of fireman, high pressure, or fireman, low pressure. All such licenses shall be renewable annually, on or before the first day of October without re-examination and upon payment of renewal fees as follows: forty (\$40.00) dollars for first class engineer; thirty (\$30.00) dollars for second class engineer; twenty (\$20.00) dollars for third class engineer, and for fireman, high pressure, or fireman, low pressure. Should the holder of any license fail or neglect to renew the same at the end of any annual period plus a thirty (30) day grace period, the Board of Stationary Engineers shall, before renewing the license, require a review or re-examination of such holder. No license issued hereunder is transferable and any license or renewal thereof may be suspended or revoked as hereinafter provided. All persons currently holding licenses shall be eligible to renew the licenses without examination. (Ord. No. 675 § 6, 4-9-57; 1957 Code § 9-12; Ord. No. 937 § 2, 10-7-58; Ord. No. 80-66 § 7, 1-6-81; Ord. No. 81-10 § 5, 3-17-81; Ord. No. 90-13 § 2, 9-4-90; Ord. No. 97-3 § 2, 3-4-97)~~

### ~~15-3.8 Display; Employment of Specially Qualified Persons for Various Operations.~~

~~—All persons to whom licenses shall be issued as engineers, operators, or firemen under the provisions hereof, shall keep the same conspicuously displayed at the place where actually employed. It shall be and is hereby declared unlawful for any person or corporation within the City of North Miami Beach to employ for the purpose of operating any generating, refrigerating or operating machinery driven by steam, electricity or internal combustion power, as specified herein, any but regularly licensed engineers, operators or foremen required as hereinafter specified:~~

~~—a. The operation of all plants having a boiler capacity of one hundred seventy five (175) horsepower or more, and a steam engine or internal combustion engine or a combined boiler and engine horsepower of one hundred seventy five (175) or more, shall be under the supervision of and conducted by a licensed first class engineer.~~

~~—1. In the event the engineer on duty is required to leave the engine or boiler room in the case of an emergency, and does not have a licensed fireman on duty, he shall extinguish the fires and leave the plant in such a condition as he may render safe, regardless of whether or not the boiler is automatically or manually controlled, and that he shall leave the boiler room in this condition until such time that he returns and can restore the plant to normal operation.~~

~~—2. All refrigeration plants of over one hundred seventy five (175) tons capacity, including air conditioning in which the refrigerant used therein comes within the refrigerant classification defined as Group 1, Group 2 and Group 3 as revealed in Section 5, U.S.A. B9-1939 A.S.R.E. Standard Safety Code for Mechanical Refrigeration and subsequent revisions, shall be required to employ a first class licensed engineer. Plants from thirty (30) tons to one~~

~~hundred seventy five (175) tons capacity, including air conditioning in which the refrigerant used therein comes within the refrigerant classification defined as Group 1, Group 2 and Group 3 as revealed in Section 5, U.S.A. B9 1939 A.S.R.E. Standard Safety Code for Mechanical Refrigeration and subsequent revisions, will be required to employ a second class licensed engineer.~~

~~b. The operation of all plants having steam prime movers or boilers and internal combustion prime movers, and having less than one hundred seventy five (175) boiler horsepower; and all plants having no prime mover but having boiler horsepower of more than fifty (50) and not less than one hundred seventy five (175) shall be under the supervision of and conducted by a licensed second class engineer; provided, however, this provision shall not apply to hoisting and portable rigs.~~

~~c. The operation of all hoisting and portable rigs having a boiler or prime mover with machinery shall be under the supervision of a licensed third class (hoisting and portable) engineer.~~

~~1. "Supervision" as used in this section shall be deemed to mean such attention and direction as may be required to assure the reasonably safe operation of the machine.~~

~~d. The operation of all portable plants or rigs having internal combustion engines of forty (40) horsepower or more when such horsepower is contained in one (1) unit, shall be under the supervision of and conducted by a licensed operator; provided however, that the following shall be exempt from this requirement:~~

~~1. Machines operated under the regulations of the U.S. Government, public utilities, interstate commerce, or railroad commission.~~

~~2. Automotive vehicles used solely for traction purposes.~~

~~3. Any establishment using boilers carrying pressure of fifteen (15) pounds or less per square inch.~~

~~e. The operation of all steam plants having boiler horsepower of fifty (50) or less, carrying pressure in excess of fifteen (15) pounds per square inch, and having no steam prime mover shall be under the supervision of and conducted by a licensed fireman high pressure.~~

~~f. The operation of steam heating boilers in public buildings, carrying pressure less than fifteen (15) pounds per square inch, shall be under the supervision of and conducted by a licensed fireman low pressure; provided, however, this provision shall not apply to heating boilers where the water returns to the boiler by gravity without the use of a pump, injector or inspirator.~~

~~(Ord. No. 675 § 7, 4-9-57; 1957 Code § 9-13; Ord. No. 937 §§ 4, 5, 10-7-58; Ord. No. 80-66 § 8, 1-6-81;)~~

### **~~15-3.9 Exemption from Inspection of Public Utilities Operating Boiler Plants.~~**

~~Public utilities operating steam boiler plants in excess of two hundred (200) total horsepower and carrying boiler insurance with a member of the "National Board of Underwriters" shall be exempt from the inspection provisions of the Life Safety Code; provided they file with the City evidence of such insurance, and provide the City with copies of semiannual inspection reports made by such insurance carried. (Ord. No. 707, 7-16-57; 1957 Code § 9-15)~~

**Section 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 4.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 5.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**SUSAN OWENS**  
**CITY CLERK**

**(CITY SEAL)**

\_\_\_\_\_  
**MYRON ROSNER**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

**Sponsored by: Mayor and City Council**

**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, City Attorney**  
**DATE: June 16, 2009**

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**LITIGATION LIST**

**I. Wrongful Deaths:**

Graham Donald/Smith Sylvia vs. CNMB  
Wrongful Death

Hernandez, Estate of v. CNMB  
Wrongful Death

Kelly, Estate of v. CNMB  
Wrongful Death

**II. Civil Rights:**

Madura, Maryla vs. CNMB, Antonio Marciante and Tony Sanchez, individually  
Civil Rights Violation/False Arrest **PARTIAL SUMMARY JUDGMENT**

Nelson, Travis v. CNMB, et al  
Civil Rights Violation/False Arrest

Smith, Louis v. John Richard Renaud, NMBPD, & CNMB  
Civil Rights Violation/False Arrest

Torres, Antonio v. CNMB  
Civil Rights Violation/False Arrest

**III. Personal Injury:**

Donahue, Louise, et al v. CNMB  
Slip & Fall/Personal Injury

Gilmore, Turner and Frances v. CNMB and Christopher C. Sweigart  
Automobile Accident/Personal Injury

Jones, Zettie & Earnest v. CNMB, et al  
Slip & Fall/Personal Injury

Korakakos, Christian v. City of North Miami Beach  
Automobile Accident/Personal Injury

Martell, Erlinda v. CNMB  
Personal Injury

Neill, James Machen v. CNMB & Southeastern Engineering Contractors  
Personal Injury

Rogers, Ethel Mathis v. CNMB  
Automobile Accident/Personal Injury

Moy, Christian v. CNMB  
Automobile Accident/Personal Injury

**IV. Land Use Litigation:**

Donahue, John, et al. v. CNMB, Sol Odenz and Miami-Dade County  
Petition Protest (Height and Density)

**V. Other Litigation:**

Capital One Bank vs. Altiaga and CNMB  
Writ of Garnishment

CACV of Colorado v. Lubin and CNMB  
Writ of Garnishment

Chase Manhattan Bank v. Guiteau and CNMB  
Writ of Garnishment

Eastern Financial Florida Credit Union v. Flores and CNMB  
Writ of Garnishment

Pierre, Frantz v Kenneth De Fillipo, Lester Sola, and Solomon Odenz  
Declaratory and Injunctive Relief

**VI. Forfeitures:**

CNMB v. Abarca/Tablas/Vazquez-Casimiro/Nunes/Perez/Romero

Forfeiture

CNMB v. Bernadin

Forfeiture

CNMB v. Camejo

Forfeiture

CNMB v. Clarke

Forfeiture

CNMB v. Colon

Forfeiture

CNMB v. Diaz/Ramirez/Rodriguez

Forfeiture

CNMB v. Exposito/Leiva/Moore

Forfeiture

CNMB v. Giordano

Forfeiture

CNMB v. Goodman

Forfeiture

CNMB v. Harryton/Cunningham/Furbush

Forfeiture

CNMB v. Hurtado

Forfeiture

CNMB v. Johnson/Murat

Forfeiture

CNMB v. Lassus

Forfeiture

CNMB v. Molina/Fernadnez  
Forfeiture

CNMB v. Muhammad/Camarioca Auto  
Forfeiture

CNMB v. Mullins/Holmes/Upshaw  
Forfeiture

CNMB v. Noa/Corrales  
Forfeiture

CNMB v. Ottoni/Silva  
Forfeiture

CNMB v. Parker/Lewis/Santos  
Forfeiture

CNMB v. Parra/Martinez  
Forfeiture

CNMB v. Pecina/Portillo/Tango  
Forfeiture

CNMB v. Perrier  
Forfeiture

**CLOSED/DEFAULT ENTERED**

CNMB v. Poitier/Jean-Pierre  
Forfeiture

CNMB v. Potes  
Forfeiture

\* CNMB v. Reategui/Bianco  
Forfeiture

CNMB v. Rodriguez/Pinon  
Forfeiture

CNMB v. Rojas  
Forfeiture

CNMB v. Puentes/Romero  
Forfeiture

CNMB v. St Hilaire/Mazard/Donaldson  
Forfeiture

CNMB v. St Pierre/Remy  
Forfeiture

CNMB v. Turbides/Nicholas/Rincon/Abreu  
Forfeiture

CNMB v. Urena/Rodriguez/Mathieux  
Forfeiture

CNMB v. Vazquez  
Forfeiture

CNMB v. Virgile  
Forfeiture

**VII. Mortgage Foreclosures:**

Accredited Home Lenders, Inc. v. CNMB (Funes)  
Mortgage Foreclosure

ACT Properties, LLC v. CNMB (Robinson, et al)  
Mortgage Foreclosure

Aegis Mortgage Corp v. CNMB (Galina Pikh)  
Mortgage Foreclosure

Aegis Mortgage Corp v. CNMB (Galina Pikh, et al.)  
Mortgage Foreclosure

Allied Mortgage & Financial Corp. vs. CNMB (Sorota)  
Mortgage Foreclosure

Ameriquet Funding vs. CNMB (Caraballo)  
Mortgage Foreclosure

Argent Mortgage Company v. CNMB (Harmitt)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (George)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Gomez, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Hernandez)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Manser, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Molla, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC. v. CNMB (Rivera, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Rodriguez, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Cedeno, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Coffey, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Escalante, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Gonzalez, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Miller, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Otero, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Tamir, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Johnson, Nick, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Lima, et al)  
Mortgage Foreclosure

Baron, Marylin S., et al v. CNMB (Campbell, et al)  
Mortgage Foreclosure

Bayview Loan Servicing, LLC v. CNMB (Avin)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Espinosa)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Meisels)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Rua, et al)  
Mortgage Foreclosure

Chevy Chase Bank, F.S.B. v. CNMB (Gonzalez, et al)  
Mortgage Foreclosure **CLOSED/FINAL JUDGMENT ENTERED**

Citibank, N.A. v. CNMB (Anglade, et al)  
Mortgage Foreclosure

Ctibank, N.A. v. CNMB (Austin, et al)  
Mortgage Foreclosure

Citifinancial Equity Services, Inc. v. CNMB (Morales)  
Mortgage Foreclosure

Citimortgage v. CNMB(Anchava)  
Mortgage Foreclosure

\* Citimortgage v. CNMB (Garcia)  
Mortgage Foreclosure

Citimortgage v. CNMB (Rivaroli, et al)  
Mortgage Foreclosure

Cong Vo v. CNMB (Perroti, Miranda)  
Action to Quiet Title

Consumers Alliance Corp. v. CNMB (Haronda Realty)  
Action to Quiet Title

Countrywide Home Loans, Inc. v. CNMB (Gilles)  
Mortgage Foreclosure

Countrywide Home Loans, Inc. v. CNMB (Joseph, et al.)  
Mortgage Foreclosure

Countrywide Home Loans, Inc. v. CNMB (Monroy, et al)  
Mortgage Foreclosure

Countrywide Home Loans v. CNMB (Rodriguez, et al)  
Mortgage Foreclosure

Countrywide Home Loans v. CNMB (Schmidt, et al)  
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas)  
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Adelson)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Angelillo)  
Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Barksdale)  
Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Barksdale)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Bien-Aime, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Calix, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Gonzalez)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Horton, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Johnson)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Joseph)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Lindor, et al.)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Liebman)  
Mortgage Foreclosure

Deutsche Bank National. v. CNMB (Mejia)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Perez/Llarena)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sanchez)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sierra, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Suhag, et al  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Voltaire, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Watkins, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Whittle, et al)  
Mortgage Foreclosure

Eastern Financial v. CNMB (Diaz, et al)  
Mortgage Foreclosure

Equity Ventures v. CNMB (Dali-Bey, et al)  
Mortgage Foreclosure

EMC Mortgage Corp. v. CNMB (Gordon)  
Mortgage Foreclosure

Flagstar Bank v. CNMB (Pena)  
Mortgage Foreclosure

Fiserv ISS & Co., vs. CNMB (Estime)  
Mortgage Foreclosure

Fremont Investment & Loan v. CNMB (Rubes)  
Mortgage Foreclosure

Global Trust v. CNMB (Roth)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Alvarez)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Calix)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Melendez, et al.)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Platel, et al)  
Mortgage Foreclosure

Golden Beach (Town of) v. CNMB (Goodman, et al)  
Mortgage Foreclosure

Greenfield, Chaim v. CNMB (2101 Holdings LLC, et al)  
Mortgage Foreclosure

Greenpoint Mortgage v. CNMB (Global Properties Investment et al)  
Mortgage Foreclosure

Happy Home Lending Corp. vs. CNMB (Shon Furman)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Gomez)  
Mortgage Foreclosure

\* HSBC Bank v. CNMB (Hernandez)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Miranda)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Mora)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Pintero)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Vidal, et al)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Westgate)  
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hamami, et al)  
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Abraham)  
Mortgage Foreclosure

JP Morgan v. CNMB (Fils-Aime)  
Mortgage Foreclosure

JP Morgan v. CNMB (Garcia)  
Mortgage Foreclosure

JP Morgan v. CNMB (Lopez, et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Suarez, et al)  
Mortgage Foreclosure

\* Lago Mar Ventures v. CNMB (Oliver)  
Mortgage Foreclosure

LaSalle Bank Midwest v. CNMB (Gomez)  
Mortgage Foreclosure

LaSalle Bank, N.A. v. CNMB (Hernandez)  
Mortgage Foreclosure

LaSalle Bank, N.A. v. CNMB (Jean-Baptiste)  
Mortgage Foreclosure

LaSalle Bank National v. CNMB (Rodriguez)  
Mortgage Foreclosure

LaSalle Bank National v. CNMB (Rodriguez)  
Mortgage Foreclosure

Litton Loan Servicing LP v. CNMA (Gonzalez, et al)  
Mortgage Foreclosure

Miami-Dade County v. CNMB (Morrobel)  
Mortgage Foreclosure

Mortgage Electronic Registration System, Inc. vs. CNMB (Miller)  
Mortgage Foreclosure

Mortgage Investment Group v. CNMB (Deliford, et al)  
Mortgage Foreclosure

Nationstar Mortgage LLC f/k/a Centex Home Equity v. CNMB (Hechevarria, et al)  
Mortgage Foreclosure

Novastar Mortgage v. CNMB (Montas)  
Mortgage Foreclosure

Owen Federal Bank v. CNMB (Bain)  
Mortgage Foreclosure

Parklane Equity v. CNMB(Beaubien-Cordon)  
Mortgage Foreclosure

Private Capital Group LLC v. CNMB (Giraldo)  
Mortgage Foreclosure

RMS Residential Properties v. CNMB(Heredia)  
Mortgage Foreclosure

Sazant v. CNMB(Pluviose)  
Mortgage Foreclosure

U.S. Bank NA, et al. v. CNMB (Arocho)  
Mortgage Foreclosure

**CLOSED/DISMISSED**

U.S. Bank NA v. CNMB (Cabrera)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, J., et al.)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Island Place Apts., et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jean-Louis)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jimenez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Marin)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Martinez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Maxwell)  
Mortgage Foreclosure

**CLOSED/FINAL JUDGMENT ENTERED**

U.S. Bank NA v. CNMB (Michel)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Mora, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Oratz, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Perez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Robinson, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Suarez, et al.)  
Mortgage Foreclosure

Venice Isle, Inc. v. CNMB (Suhag)  
Claim of Lien Foreclosure

Wachovia Mortgage v. CNMB (Campos)  
Mortgage Foreclosure

Wachovia Mortgage Corp v. CNMB (Diaz)  
Mortgage Foreclosure

Wachovia Bank v. CNMB (Martinez)  
Mortgage Foreclosure

Washington Mutual Bank, F.A. v. CNMB, Sandra T. Porter, et al  
Mortgage Foreclosure

Washington Mutual Bank v. CNMB (Schmidt)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Bonilla)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Hernandez, et al  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Jackson)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mendez, et al)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mohr, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Rand)  
Mortgage Foreclosure

Wells Fargo v. CNMB (Read, et al.)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Sacco)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Torres)  
Mortgage Foreclosure

**VIII. Bankruptcies:**

- Adams, Evrol C.
- American LaFrance LLC
- American Home Mortgage Holdings
- Cimax USA, LLC
- Diversified Displays/Michael Phelan
- \* Filene's Basement, Inc.
- Florida Select Insurance
- Kim, Myung Ja
- K&S Foods LLC
- Porter, Michael and Shanda
- The New Kosher World Bakery
- SMG Entertainment
- South Pointe Family and Children Center
- Sunny Isles Unicenter
- Tweeter Intellectual Property (Sound Advice)
- Vartec Telecom, Inc.
- Verestar, Inc.
- \* Veliz, Orestes & Sury
- Villaverde, Olga
- WCI Communities, Inc.

\*New Cases