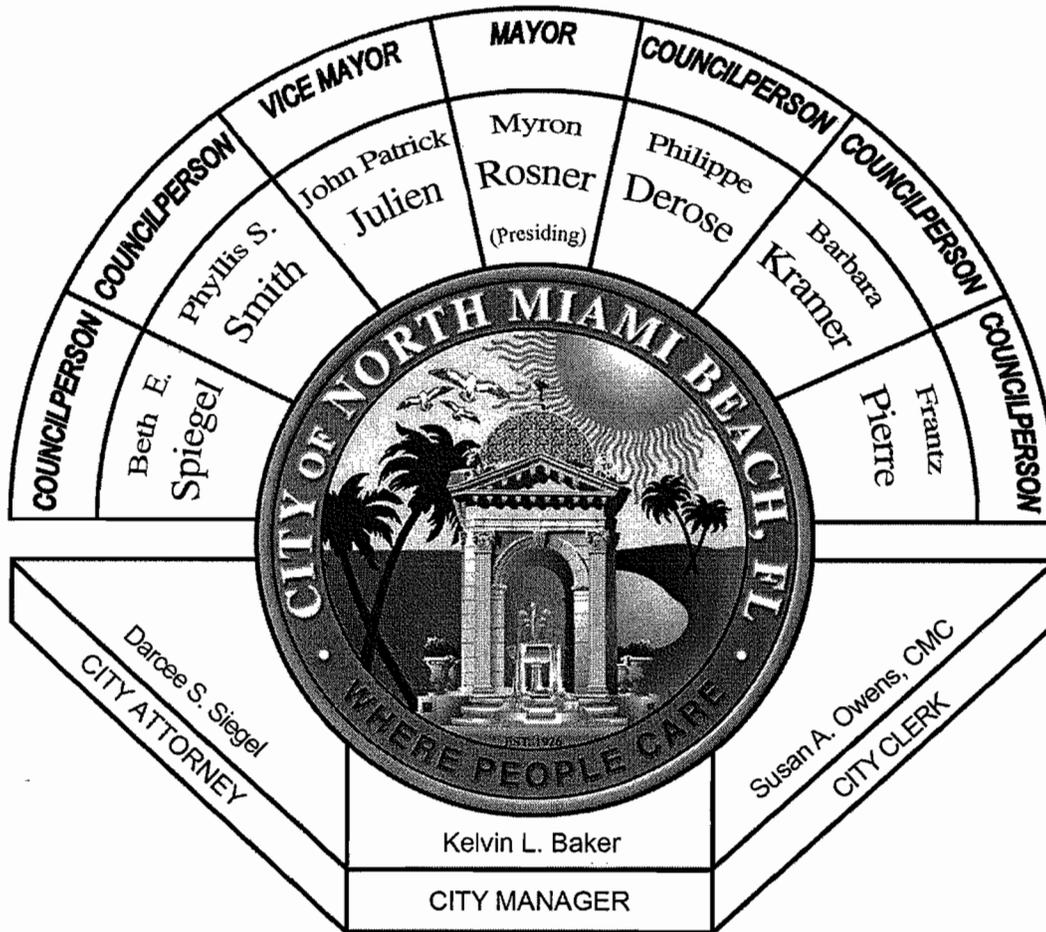


Welcome
To A Meeting of the
City of North Miami Beach City Council
Your City Officials



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

DATE and TIME: TUESDAY, JULY 21, 2009, 7:30 P.M.
LOCATION: CITY HALL, 17011 NE 19th AVENUE
 2ND FLOOR, COUNCIL CHAMBERS

NEXT CITY COUNCIL MEETING: TUESDAY, SEPTEMBER 1, 2009

AGENDA ITEMS

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

2. **INVOCATION:**

RABBI YERUCHAM BENSINGER, CONGREGATION TORAH VE'EMUNAH

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

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

5. **CONSENT AGENDA:**

A. **APPROVAL OF MINUTES:**

1. JULY 7, 2009

B. **RESOLUTIONS:**

RESOLUTION NO. R2009-35A

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 AFTER AN ADVERTISED PUBLIC UTILITY COMMISSION MEETING ACCEPTING PUBLIC COMMENT THEREON; 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. R2009-46

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPOINTING SPECIAL MASTERS TO HEAR CASES ARISING UNDER CITY OF NORTH MIAMI BEACH ORDINANCE NO. 2007-13, THE DANGEROUS INTERSECTION SAFETY ACT, AND FOR OTHER CODE RELATED PURPOSES.

RESOLUTION NO. R2009-47

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 AVMED, INC., D.B.A. AVMED HEALTH PLANS, AS THE FIRST RANKED FIRM, AND AETNA HEALTH INC., AS THE SECOND RANKED FIRM, FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO AND GROUP MEDICARE PLAN.

AGENDA ITEMS

6. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

1. NORMAN W. EDWARDS – PLANNING & ZONING BOARD
2. ALLISON ROBIE – PLANNING & ZONING BOARD
3. JULIEN KREISBERG – PLANNING & ZONING BOARD
4. MARY K. HILTON – CODE ENFORCEMENT BOARD
5. HANS MARDY – CODE ENFORCEMENT BOARD
6. KETLEY JOACHIM – CODE ENFORCEMENT BOARD
7. DR. B. BARRY SCHUGAR – CODE ENFORCEMENT BOARD
8. EDOUARD ST. HILAIRE – CODE ENFORCEMENT BOARD (RE-APPOINTMENT)
9. BILLY ANTHONY ELLIOTT – PUBLIC UTILITIES COMMISSION (RE-APPOINTMENT)

B. PRESENTATIONS:

1. PRESENTATION, BY MAYOR MYRON ROSNER, TO DETECTIVE JIMMY RANDAZZO AND DETECTIVE JASON OCHOA AS THE OUTSTANDING OFFICERS FOR THE MONTH OF JUNE 2009
2. PRESENTATION OF THE *JUNE C.A.R.E. SUGGESTION AWARD* BY COUNCILWOMAN SMITH AND KELVIN L. BAKER, CITY MANAGER, TO *MARIA GABRIELA WILSON* FOR HER SUGGESTION AND CREATION OF THE C.A.R.E. PROGRAM ACCESS DATABASE
3. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO *MARLENE GUNN* AS THE *EMPLOYEE OF THE MONTH* FOR JUNE 2009
4. PRESENTATION OF THE CITY OF NORTH MIAMI BEACH NOW MORE BEAUTIFUL AWARDS BY SHARON RAGOONAN, ASSISTANT DIRECTOR/CODE COMPLIANCE MANAGER, TO THE FOLLOWING INDIVIDUALS:

LUNIE JACQUES
MARIA G. RODRIGUEZ
RAMON & PATRICIA ROZAS
ISNAR & SIMONE OLIVEIRA
ALEJANDRO GRANADO & ROSANA DELGADO
SHIRLEY TENZEL
AMNO & JUDITH MOR
OSCAR & THELMA LONGSWORTH

LARRY E. ELLIOTT
LUIS RODRIGUEZ & GERTRUDE DIAZ
BARTLEY & PATRINA TAIT
WILLIAM & JANET EMERSON
JOHN & MARILYN MCAULIFFE
MARGARET A. LENGEL
JAMMIE L. BROWN

5. PRESENTATION OF PROCLAMATION BY MAYOR MYRON ROSNER, PROCLAIMING FULL SUPPORT OF AND PARTICIPATION IN THE OVERWHELMING SUCCESS OF THE 2010 CENSUS

AGENDA ITEMS

7. **CITY MANAGER'S REPORT:**

KELVIN L. BAKER

A. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) PRESENTATION

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. 19TH AVENUE, GROUND FLOOR, NORTH MIAMI BEACH, FLORIDA, 33162.

AGENDA ITEMS

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)

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. BUSINESS TAX RECEIPT MATTERS: CITY CLERK

A. SEAY TOWING, INC.
15699 WEST DIXIE HIGHWAY
NORTH MIAMI BEACH, FL

AL COLETTA, PRESIDENT

RE: NON-RENEWAL OF BUSINESS TAX RECEIPT

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:

ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2009-17):

ORDINANCE NO. 2009-16

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE; ALLOWING LIMITED USE OF BANNER SIGNS; CHANGING THE TIME ALLOWED FOR ADVANCE DISPLAY OF SPECIAL EVENT SIGNS FROM THIRTY DAYS TO SIXTY

AGENDA ITEMS

DAYS; CREATING PERMITTING AND STANDARD PROVISIONS FOR THE DISPLAY AND REMOVAL OF BANNER SIGNS OTHER THAN SPECIAL EVENT SIGNS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS SECTION 2-49 ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; AMENDING AND REVISING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION; 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. 2009-15

AN ORDINANCE AMENDING SECTION 24-147.2(D) POLITICAL SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; ELIMINATING POSTER SIGNAGE; LIMITING TIME SIGNS MAY BE DISPLAYED; INCREASING BOND SECURING REMOVAL OF SIGNS; REGULATING PLACEMENT OF SIGNS; MAKING THE CODE ENFORCEMENT BOARD RESPONSIBLE FOR VIOLATIONS OF THIS 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.

14. CITY COUNCIL COMMITTEE REPORTS:

15. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)

16. ADJOURNMENT:

17. NEXT CITY COUNCIL MEETING:

TUESDAY, SEPTEMBER 1, 2009

City of North Miami Beach Memorandum



City Manager's Office

TO: Mayor and City Council
FROM: Kelvin L. Baker, City Manager
DATE: July 13, 2009

A handwritten signature in black ink, appearing to be "K. Baker", written over the "FROM:" line.

RE: 2010 Census Proclamation & Authorizing the Formulation of
the City of North Miami Beach Complete Count Committee

BACKGROUND:

One of the United States primary goals of the 2010 Census is to increase the national mailback response rate in order to maximize the greatest number of people counted in the census. The Census Bureau requires the assistance of partners, individuals, groups, and organizations that can assist in building awareness about the census, why it is important, and encourage communities to participate. An effective method for accomplishing this goal is by bringing local knowledge and expertise to the process through creation of Complete Count Committees. A Complete Count Committee is a volunteer committee established to increase awareness about the census and motivate residents in the community to respond. As an important entity in the community, the City of North Miami Beach proposes to engage in this process and acknowledge support by establishing a Complete Count Committee and becoming a partner with the U.S. Census to accomplish its goals.

An accurate census count is important our community because population totals are used to award billions of dollars annually in federal funds to states and communities. Census data also guide local decision-makers in important planning efforts, including where to build new facilities such as schools and hospitals.

RECOMMENDATION:

It is respectfully recommended that the Mayor and City Council approve the attached proclamation in support of the United States Census and formulation of a Complete Count Committee for the City of North Miami Beach.

FISCAL IMPACT:

There is no fiscal impact to the City

CONTACT PERSON:

Bernard McGriff, Assistant City Manager

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

Proclamation

2010 CENSUS

WHEREAS, the next Decennial Census will be taken in the year 2010, and political representation to the United States House of Representatives, state legislatures and local governments is determined by the Decennial Census, and the City of North Miami Beach recognizes the equal importance of each resident in the 2010 Census count; and

WHEREAS, the City of North Miami Beach has agreed to be one of 39,000 government entities in partnership with the U. S. Census Bureau; and

WHEREAS, the City of North Miami Beach understands that its primary role in this partnership is to formulate a complete count committee that should include, but is not limited to the following sub-committees: Government, Education, Media, Faith-Based/Religion, Community based Organizations, Business; and

WHEREAS, the role of the Government sub-committee is to bridge all gaps between the community and the Census Bureau on geographic matters, outreach activities, and information centers; and

WHEREAS, the role of the Education sub-committee is to utilize all aspects (print and electronic) of its industry to inform, motivate, and educate the city's residents in the necessity and importance of their rapid response and 100% participation in the 2010 Census; and

WHEREAS, the role of the Faith-Based/Religion sub-committee is to form a cross denominational coalition for the dissemination of Census information, inclusion of special announcements in church bulletins and sermons, hosting of Census awareness activities, and circulation of Census job opening bulletins; and

WHEREAS, the role of the Community-based Organizations sub-committee is to make the community aware of the many ways Census data is used to obtain funding for essential services and programs; and

WHEREAS, the role of the Business sub-committee is to encourage all area businesses to advertise the Census message in sales advertisements, promotional materials and displays, and to sponsor 2010 Census community awareness activities.

NOW, THEREFORE, I, MYRON ROSNER, MAYOR OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, do hereby proclaim full support of and participation in the overwhelming success of 2010 Census through the formulation of a Complete Count Committee and urge my colleagues, administration and residents to join in this endeavor.

Mayor Myron Rosner

Vice Mayor John Patrick Julien

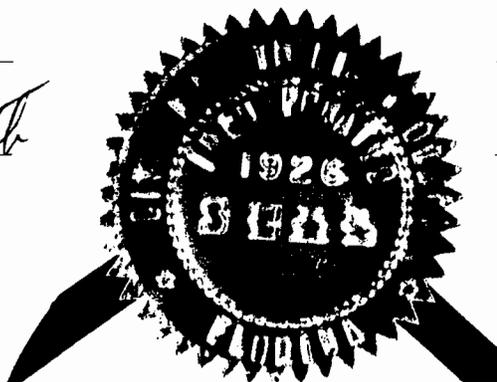
Councilwoman Barbara Kramer

Councilwoman Phyllis S. Smith

Councilman Philippe Derose

Councilman Frantz Pierre

Councilwoman Beth E. Spiegel



City of North Miami Beach Interoffice Memorandum



City Manager's Office

TO: Mayor & Council
FROM: Kelvin L. Baker, City Manager
DATE: July 14, 2009

A handwritten signature in black ink, appearing to read "Kelvin L. Baker", is written over the "FROM:" line of the memorandum.

RE: Presentation by MarcumRachlin (formerly Rachlin LLP)

BACKGROUND:

The Comprehensive Annual Financial Report (CAFR) for the City of North Miami Beach (City) is presented by MarcumRachlin a division of Marcum LLP (formerly Rachlin LLP) for the 2008 Fiscal Year.

The CAFR is issued pursuant to the following requirements:

- The City's charter requires an annual audit of the books of account, financial records and transactions of all departments of the City by independent certified public accountants;
- State law requires that within one year of the close of each fiscal year all general purpose local governments publish a complete set of financial statements presented in conformity with generally accepted accounting principles in the United States and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants; and
- In order to receive grant funding from the Federal, State and Local agencies, it is required that the grantee (City of North Miami Beach) provide the grantor agencies (Federal, State and/or Local) with audited financial statements and an independent auditor's opinion on the grantee's financial statements as of the end of their respective fiscal year each year funds are received.

The City's CAFR provides information which is used by investment companies such as Moody's Investors Services and Standard and Poor's to determine the City's fiscal integrity and set bond rates. The CAFR also includes a comprehensive presentation of the City's financial and operating activities. Additionally, the CAFR provides relevant financial information to the various Federal, State and local agencies in their consideration/approval of grants and/or awards to the City.

Within the CAFR, you will find:

- a letter addressed to our citizens and you, our Mayor and Council;
- a Report of Independent Certified Public Accountants from our auditors, MarcumRachlin; and
- a Management Discussion and Analysis which discusses financial highlights, overview of the financial statements, government-wide financial analysis, financial analysis of the City's funds, general fund budgetary highlights, capital assets and debt administration, economic factors and a statistical section which provide information as to how the City has progressed over the years.

The Finance Department, in cooperation with other City Departments and the outside auditors, prepares the CAFR. In the CAFR, the City's financial statements present two types of statements, each with a different snapshot of the City's finances. The focus is on both the City as a whole (government-wide) and the fund financial statements. The government-wide financial statements provide both short-term and long-term information about the City's overall financial status. The fund financials focus on the individual parts of City government, reporting the City's operations in more detail than the government-wide statements, which present a longer-term view.

For the past twenty years, the City has received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada, a copy of the latest Certificate of Achievement which is enclosed. The Certificate of Achievement is the highest form of recognition for excellence in state and local government financial reporting. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized comprehensive annual financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

RECOMMENDATION:

It is respectfully recommended that the Fiscal Year 2008 Comprehensive Annual Financial Report be approved.

FISCAL IMPACT:

There is no fiscal impact to the City of North Miami Beach.

CONTACT PERSON:

Department Director

CC: Darcee S. Siegel, City Attorney
Susan Owens, City Clerk

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

JULY 7, 2009



PREPARED BY:
SUSAN A. OWENS, CMC, CITY CLERK

MINUTES

1. ROLL CALL OF THE CITY OFFICIALS:

MAYOR	MYRON ROSNER, PRESIDING
VICE MAYOR	JOHN PATRICK JULIEN
COUNCILWOMAN	BETH SPIEGEL
COUNCILWOMAN	PHYLLIS S. SMITH
COUNCILMAN	PHILIPPE DEROSE
COUNCILWOMAN	BARBARA KRAMER (EXCUSED W/CAUSE)
COUNCILMAN	FRANTZ PIERRE
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	DARCEE S. SIEGEL
CITY CLERK	SUSAN A. OWENS

2. INVOCATION: RABBI DAVID LEHRFIELD, YOUNG ISRAEL OF GREATER MIAMI

3. SALUTE TO THE AMERICAN FLAG.

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

NONE

5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

1. COUNCIL LIAISON APPOINTMENTS

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE TO PULL, FOR FURTHER DISCUSSION, THE APPOINTMENT OF THE ECONOMIC DEVELOPMENT COMMISSION AND THE REDEVELOPMENT ADVISORY BOARD LIAISONS AND TO APPOINT THE FOLLOWING COUNCIL LIAISONS TO THE FOLLOWING BOARDS: MOTION CARRIED.

ADVISORY COMMITTEE FOR DISABLED INDIVIDUALS- MAYOR MYRON ROSNER
BEAUTIFICATION COMMITTEE- COUNCILMAN PHILIPPE DEROSE
CIVIL SERVICE BOARD- COUNCILWOMAN BETH E. SPIEGEL

CODE ENFORCEMENT BOARD- COUNCILWOMAN BARBARA KRAMER
COMMISSION ON AGING-SENIOR CITIZENS ADVISORY BOARD- COUNCILWOMAN PHYLLIS S. SMITH
COMMISSION ON THE STATUS OF WOMEN- VICE MAYOR JOHN PATRICK JULIEN
CULTURAL COMMITTEE- VICE MAYOR JOHN PATRICK JULIEN
LIBRARY BOARD- COUNCILMAN FRANTZ PIERRE
PUBLIC UTILITIES COMMISSION- MAYOR MYRON ROSNER
PLANNING AND ZONING BOARD- VICE MAYOR JOHN PATRICK JULIEN
RECREATION COMMITTEE- COUNCILWOMAN BARBARA KRAMER
GENERAL EMPLOYEES RETIREMENT BOARD- COUNCILMAN FRANTZ PIERRE AND COUNCILWOMAN BARBARA KRAMER
POLICE OFFICERS AND FIREFIGHTERS RETIREMENT BOARD- VICE MAYOR JOHN PATRICK JULIEN AND COUNCILWOMAN BETH E. SPIEGEL
YOUTH ADVISORY BOARD- COUNCILMAN FRANTZ PIERRE

*****CLERK'S NOTE: *COUNCILMAN PIERRE TEMPORARILY LEFT THE ROOM******

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN DEROSE TO APPOINT COUNCILWOMAN PHYLLIS S. SMITH TO THE ECONOMIC DEVELOPMENT COMMISSION. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN TO APPOINT MAYOR MYRON ROSNER TO THE REDEVELOPMENT ADVISORY BOARD. MOTION CARRIED. WITH COUNCILWOMAN SMITH VOTING IN THE NEGATIVE.

B. PRESENTATIONS:

*****CLERK'S NOTE: *COUNCILMAN PIERRE RETURNED******

1. SWEARING IN OF POLICE OFFICER ANANIAS PIERRE BY MAYOR MYRON ROSNER

SWEARING IN WAS PERFORMED BY MAYOR ROSNER.

2. SWEARING IN OF POLICE OFFICER CHRISTOPHER SMITH BY MAYOR MYRON ROSNER

SWEARING IN WAS PERFORMED BY MAYOR ROSNER.

3. PRESENTATION ON TRAFFIC INITIATIVES, STATISTICS, COMPLAINTS AND SPEED HUMP REQUIREMENTS BY SGT. HERBERT (TONY) SANCHEZ

PRESENTATION WAS MADE BY SGT. SANCHEZ.

4. PRESENTATION OF PROCLAMATION BY MAYOR MYRON ROSNER PROCLAIMING JULY 2009 AS PARKS AND RECREATION MONTH.

PRESENTATION WAS MADE BY MAYOR ROSNER.

5. PRESENTATION BY COUNCILMAN PIERRE TO MR. DABOU PASQUET PROCLAIMING JULY 7TH AS MAGNUM BAND DAY.

PRESENTATION WAS MADE BY COUNCILMAN PIERRE.

6. APPROVAL OF MINUTES:

MOTION by COUNCILWOMAN SPIEGEL, seconded by COUNCILMAN DEROSE, to APPROVE THE MINUTES OF JUNE 16, 2009.

MOTION by COUNCILWOMAN SPIEGEL, seconded by COUNCILWOMAN SMITH, to AMEND THE MINUTES OF JUNE 16, 2009 BY ADDING "MOTION CARRIED" TO THE END OF THE FOURTH ACTION LISTED ON PAGE 12 TO REFLECT THE VOTE TAKEN, AND TO APPROVE AS AMENDED THE MINUTES OF JUNE 16, 2009. MOTION CARRIED.

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

- A. REQUEST APPROVAL FOR EXPENDITURE OF \$375,000.00 FROM THE FEDERAL JUSTICE LAW ENFORCEMENT TRUST FUND AND \$113,000.00 FROM THE STATE/LOCAL LAW ENFORCEMENT TRUST FUND (POLICE CHIEF RAFAEL P. HERNANDEZ).

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to APPROVE AN EXPENDITURE OF \$375,000.00 FROM THE FEDERAL JUSTICE LAW ENFORCEMENT TRUST FUND AND \$113,000.00 FROM THE STATE/LOCAL LAW ENFORCEMENT TRUST FUND. MOTION CARRIED.

(CNMB-CC MINUTES TAPE #422)

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

- A. THE CITY ATTORNEY STATED THAT YESTERDAY THE CITY WAS SERVED WITH A FEDERAL LAWSUIT INVOLVING THE CITY'S WATER PLANT ON A BREACH OF CONTRACT. IT WILL TAKE US AWHILE TO DEAL WITH. THE CITY ATTORNEY STATED THAT SHE JUST WANTED TO BRING IT TO THE COUNCIL'S ATTENTION; IT'S NOT ON THE LITIGATION LIST AS OF YET. WE'VE BEEN WORKING ON THIS FOR A LONG TIME. THERE ARE SMALL AMOUNTS OF MONIES THAT ARE DUE. WE HAVE A LOT OF DEFENSES. THEY ARE CLAIMING WE BREACHED THE CONTRACT. IN FACT IT IS THE CITY'S OPINION THAT THEY IN FACT BREACHED IT FOR VARIOUS REASONS. THE CITY ATTORNEY STATED THAT SHE JUST WANTED TO BRING IT TO THE COUNCIL'S ATTENTION THAT THE CITY IS GOING TO BE FIGHTING THAT PARTICULAR LAWSUIT, AND THAT SHE WILL BRING THE COUNCIL UP TO DATE AS TIME GOES ON AS TO WHERE WE ARE WITH IT.

MAYOR ROSNER ASKED HOW MUCH MONEY WE ARE TALKING ABOUT. THE CITY ATTORNEY STATED THAT THE CONTRACT WAS FOR \$37 MILLION. THE LAWSUIT IS IN FEDERAL COURT BECAUSE THE COMPANY, POOLE AND KENT, IS OUT OF MARYLAND SO THERE IS A DIVERSITY QUESTION, WHICH MEANS WHEN YOU HAVE TWO PARTIES FROM DIFFERENT STATES THEY HAVE A RIGHT THEN TO GO INTO FEDERAL COURT, AND THAT'S WHAT THEY HAVE DONE. THEY ARE ASKING FOR IN EXCESS OF \$15 MILLION FOR THEIR LAWSUIT.

COUNCILWOMAN SMITH STATED THAT THAT WAS SUBSTANTIAL. MAYOR ROSNER ASKED THE CITY ATTORNEY IF SHE WAS GOING TO COME BACK WITH A REPORT. THE CITY ATTORNEY STATED THAT FROM TIME TO TIME SHE WILL KEEP THE COUNCIL UP TO DATE. THE CITY ATTORNEY STATED THAT WE DO HAVE AT EACH COUNCIL MEETING, SHE DOES INFORM THE COUNCIL AS TO HER REPORT AND SHE WILL INCLUDE THAT AS TIME GOES ON AND LET THE COUNCIL KNOW WHERE WE STAND ON THAT PARTICULAR LAWSUIT.

(CNMB-CC MINUTES TAPE #422)

9. PUBLIC COMMENT:

- A. CHARLES LOEB
16800 N.E. 15 AVENUE
NORTH MIAMI BEACH, FL.

RE: UPCOMING COMMUNITY BUSINESS EXPO, WATER SUPPLY AND WATER
CONSERVATION SURCHARGE, PAYING FOR PARKS, AND HIGH SPEED RAIL.

- B. BERT KEHREN
3302 N.E. 171 STREET
NORTH MIAMI BEACH, FL.

RE: ELECTION SIGNS, COUNCIL INSURANCE BENEFITS, CITY MANAGER,
TRAFFIC IN EASTERN SHORES, TAXES AND WATER RATE, MOVING CITY
ELECTION DATE FORWARD, AND BROKEN LIGHTS NOT BEING REPAIRED BY
FP&L.

- C. RICHARD RIESS
23 N.W. 169 ST
NORTH MIAMI BEACH, FL

RE: SPOKE IN OPPOSITION OF RESOLUTION R2009-41.

- D. MUBARAK KAZAN
15564 N.E. 12 AVENUE
NORTH MIAMI BEACH, FL

RE: NEW PUBLIC COMMENT FORMAT AND MARINA GRANDE.

- E. ALLISON ROBIE
2131 N.E. 179 STREET
NORTH MIAMI BEACH, FL

RE: CITY'S RECYCLING PROGRAM, BUDGET, APPRECIATING EMPLOYEES AND
NOT USING THEM AS COST-CUTTING MEASURES, KEEPING AGENDA ITEMS
SIMPLE, AND PUBLIC COMMENT TIME LIMITS.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. **BUSINESS TAX RECEIPT MATTERS - CITY CLERK:**

NONE

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.

13B. **LEGISLATION:**

RESOLUTIONS (SERIATIM NO. R2009-46):

RESOLUTION NO. R2009-41, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CONSORTIUM AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND S.T.E.P.S. IN THE RIGHT DIRECTION, INC., A NON-PROFIT ORGANIZATION; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (US HUD) IN RESPONSE TO THE NOTICE OF FUNDING AVAILABILITY FOR NEIGHBORHOOD STABILIZATION PROGRAM 2 FEDERAL FUNDS; APPROVING THE RECOMMENDED ACTIVITIES AS AUTHORIZED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 DESCRIBED AS SOFT SECOND MORTGAGES, ACQUISITION AND REHABILITATION OF SINGLE-FAMILY RESIDENTIAL PROPERTIES, DEMOLITION OF BLIGHTED STRUCTURES, AND ENERGY CONSERVATION", was introduced by MOTION of COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN, to ADOPT RESOLUTION NO. R2009-41. MOTION CARRIED.
WITH COUNCILMAN PIERRE VOTING IN THE NEGATIVE.

Name of Party (ies) Appearing:

1. RICHARD RIESS (spoke on this item under Public Comment)
23 N.W. 169 Street
North Miami Beach, FL

-
2. MUBARAK KAZAN
15564 N.E. 12 Avenue
North Miami Beach, FL
 3. MICHAEL SALEM, S.T.E.P.S. in the Right Direction Executive Director
6363 Gage Place
Miami Lakes, FL
 4. ROBERT NIX, City of North Miami Beach Community Development Director
17011 N.E. 19 Avenue
North Miami Beach, FL
-

RESOLUTION NO. R2009-42, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PASTAL ENTERPRISES, INCORPORATED FOR THE DEVELOPMENT AND OPERATIONS OF FOOD/CAFÉ AND BEVERAGE SERVICES IN THE CITY OF NORTH MIAMI BEACH CITY HALL FACILITIES, INCLUDING THE JULIUS LITTMAN PERFORMING ARTS THEATER AND VICTORY PARK POOLSIDE AREA", was introduced by MOTION of VICE MAYOR JULIEN, seconded by COUNCILWOMAN SPIEGEL. MOTION CARRIED.

*****CLERK'S NOTE: MAYOR ROSNER TEMPORARILY LEFT THE ROOM AND HANDED THE CHAIR OVER TO VICE MAYOR JULIEN*****

MOTION by COUNCILMAN PIERRE, seconded by COUNCILWOMAN SMITH, to ADOPT RESOLUTION NO. R2009-42. MOTION CARRIED.

Name of Party (ies) Appearing:

1. MUBARAK KAZAN
15564 N.E. 12 Avenue
North Miami Beach, FL
2. CHARLES LOEB
16800 N.E. 15 Avenue
North Miami Beach, FL

-
3. LISA PROLOWITZ, Owner of Pastal Enterprises, Incorporated
914 S.W. 3 Street
Boca Raton, FL
 4. BRIAN O'CONNOR, City of North Miami Beach Chief Procurement Officer
17011 N.E. 19 Avenue
North Miami Beach, FL
-

RESOLUTION NO. R2009-43, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING THAT NO SERVICES, LICENSING OR PROCESSING BE PERFORMED BY ANY DEPARTMENT OR EMPLOYEE OF THE CITY UNLESS THE RECIPIENT/APPLICANT OF SAID SERVICES/LICENSING/PROCESSING HAS FIRST PAID ALL FEES REQUIRED IN CONNECTION THEREWITH", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE. MOTION CARRIED.

*****CLERK'S NOTE: MAYOR ROSNER RETURNED AND RESUMED THE CHAIR*****

MOTION by COUNCILMAN PIERRE, seconded by COUNCILWOMAN SMITH, to ADOPT RESOLUTION NO. R2009-43.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN, to AMEND LINE 6 OF THE HEADER OF RESOLUTION NO. R2009-43 TO READ "UNTIL UNLESS THE RECIPIENT/APPLICANT...", AND TO APPROVE AS AMENDED RESOLUTION NO. R2009-43. MOTION CARRIED.

RESOLUTION NO. R2009-44, entitled "A RESOLUTION ESTABLISHING POLICY AND PROCEDURES FOR THE APPOINTMENT BY CITY COUNCIL OF MEMBERS TO THE CODE ENFORCEMENT BOARD, THE PLANNING AND ZONING BOARD AND THE PUBLIC UTILITIES COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE. MOTION CARRIED.

MOTION by COUNCILMAN PIERRE, seconded by VICE MAYOR JULIEN, to ADOPT RESOLUTION NO. R2009-44. MOTION CARRIED,
WITH VICE MAYOR JULIEN VOTING IN THE NEGATIVE.

RESOLUTION NO. R2009-45, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM", was introduced by MOTION of COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to ADOPT RESOLUTION NO. R2009-45. MOTION CARRIED.

*****CLERK'S NOTE: COUNCILMAN PIERRE TEMPORARILY LEFT THE ROOM BEFORE THE FINAL VOTE WAS TAKEN*****

ORDINANCES - FIRST READING, BY TITLE ONLY:
(SERIATIM NO. 2009-16)

ORDINANCE NO. 2009-13, entitled "AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS SECTION 2-49 ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; AMENDING AND REVISING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION; 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", was introduced by MOTION of COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN ON ITS FIRST READING BY TITLE ONLY. MOTION CARRIED.

*****CLERK'S NOTE: COUNCILMAN PIERRE RETURNED*****

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to ADOPT ORDINANCE NO. 2009-13 ON ITS FIRST READING BY TITLE ONLY.

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN DEROSE, to AMEND ORDINANCE NO. 2009-13 ON ITS FIRST READING BY TITLE ONLY, BY CHANGING THE PROPOSED LANGUAGE IN SECTION 2-49.3 TO REFLECT THAT A QUORUM SHALL BE 50% PLUS 1 OF THE NUMBER OF APPOINTEES, BY CHANGING THE PROPOSED LANGUAGE IN SECTION 2-49.7 TO ALLOW APPOINTEES TO "own or manage commercial property in the City or have and maintain an business tax receipt...", AND BY ADDING TO SECTION 2-49.8, "j. To communicate with City residents and neighboring cities current business programs and opportunities for future business programs and events.", AND TO APPROVE AS AMENDED ORDINANCE NO. 2009-13 ON ITS FIRST READING BY TITLE ONLY. MOTION CARRIED.

ORDINANCE NO. 2009-15, entitled "AN ORDINANCE AMENDING SECTION 24-147.2(D) POLITICAL SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; ELIMINATING POSTER SIGNAGE; LIMITING TIME SIGNS MAY BE DISPLAYED; INCREASING BOND SECURING REMOVAL OF SIGNS; REGULATING PLACEMENT OF SIGNS; MAKING THE CODE ENFORCEMENT BOARD RESPONSIBLE FOR VIOLATIONS OF THIS 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", was introduced BY MOTION of COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN ON ITS FIRST READING BY TITLE ONLY.

MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to ADOPT ORDINANCE NO. 2009-15 ON ITS FIRST READING BY TITLE ONLY.

MOTION by COUNCILMAN PIERRE, seconded by VICE MAYOR JULIEN, to AMEND ORDINANCE NO. 2009-15 BY DELETING IN IT'S ENTIRETY THE PROPOSED CODE SUBSECTION (D)(1)(b)3. REQUIRING AFFIDAVITS, TO EXTEND THE DATE OF INSTALLATION OF POLITICAL SIGNS TO 90 DAYS BEFORE THE ELECTION, AND TO INCREASE THE PROPOSED SIZE LIMIT OF NON-RESIDENTIAL SIGNS TO SIXTEEN (16) SQUARE FEET.

After much discussion COUNCILMAN PIERRE WITHDREW HIS MOTION and VICE MAYOR JULIEN WITHDREW HIS SECOND.

MOTION by COUNCILWOMAN SPIEGEL, seconded by VICE MAYOR JULIEN, to DIRECT THE CITY ATTORNEY TO REDRAFT ORDINANCE NO. 2009-15 TO INCLUDE THE AMENDMENTS DISCUSSED AND TO BRING IT BACK FOR FIRST READING AT THE JULY 21, 2009 CITY COUNCIL MEETING.

Motion was WITHDRAWN by COUNCILWOMAN SPIEGEL and VICE MAYOR JULIEN WITHDREW HIS SECOND.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to AMEND ORDINANCE NO. 2009-15 ON ITS FIRST READING BY TITLE ONLY, TO REFLECT THE FOLLOWING:

1. DOUBLE-SIDED SIGNS THAT ARE MOUNTED BACK-TO-BACK ARE TO BE COUNTED AS ONE (1) SIGN.
2. RESIDENTIAL CORNER LOTS MAY HAVE UP TO TWO (2) SIGNS PER CANDIDATE.
3. SIGNS CANNOT BLOCK THE VISION OF TRAFFIC AND MAY NOT BE PLACED WITHIN A TO BE DETERMINED DISTANCE FROM THE RIGHT-OF-WAY

(ATTORNEY TO RESEARCH FURTHER).

4. NON-RESIDENTIAL SIGNS CANNOT EXCEED 16 SQUARE FEET.
5. THE BID BOND WILL BE SET AT \$250.00.
6. CANDIDATES WILL BE LIMITED TO 25 NON-RESIDENTIAL SIGNS CITYWIDE.
7. THERE WILL BE NO AFFIDAVIT REQUIREMENT FOR CANDIDATES.
8. SIGNS MAY NOT BE INSTALLED BEFORE FEBRUARY 1ST.
9. FORFEITURE OF THE BOND WILL NOT OCCUR IF ACCESS TO THE SIGN IN VIOLATION IS RESTRICTED.
10. CANDIDATES MUST PAY ANY OUTSTANDING FINES FOR SIGN VIOLATIONS BEFORE QUALIFYING TO RUN IN ANY FUTURE CITY ELECTION.

AND TO APPROVE AS AMENDED ORDINANCE NO. 2009-15 ON ITS FIRST READING BY TITLE ONLY. MOTION CARRIED, WITH VICE MAYOR JULIEN VOTING IN THE NEGATIVE.

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2009-12 entitled "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; PROVIDING FOR AN EFFECTIVE DATE", was introduced BY MOTION of COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN PIERRE, seconded by COUNCILWOMAN SMITH, to ADOPT ORDINANCE NO. 2009-12 ON ITS SECOND AND FINAL READING. MOTION CARRIED.

Name of Party (ies) Appearing:

1. MUBARAK KAZAN
15564 N.E. 12 Avenue
North Miami Beach, FL

ORDINANCE NO. 2009-14 entitled "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", was introduced BY MOTION of COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to ADOPT ORDINANCE NO. 2009-14 ON ITS SECOND AND FINAL READING. MOTION CARRIED.

14. CITY COUNCIL COMMITTEE REPORTS:

A. COUNCILWOMAN SPIEGEL'S REPORT:

1. COUNCILWOMAN SPIEGEL STATED THAT THERE IS A CAB DRIVER SOMEWHERE OUT HERE WHO DESERVES A GREAT VOTE OF THANKS. I WOULD LIKE HIM TO KNOW THAT IT WAS TRULY APPRECIATED THAT HE TOOK THE TIME AFTER HE DROPPED OFF HIS OBVIOUSLY INEBRIATED FARE TO STOP BY THE POLICE OFFICER WORKING THE GUARD GATE AT EASTERN SHORES AND WARN HIM THAT THIS VERY DRUNK INDIVIDUAL WAS GOING TO BE DRIVING. THE POLICE OFFICER WAS ABLE TO STOP THAT DRUNK DRIVER. SO WHOEVER THAT CAB DRIVER IS, THANK YOU VERY MUCH. I WOULD HOPE THAT EVERYBODY WOULD BE THAT ALERT AND THAT HELPFUL.
2. COUNCILWOMAN SPIEGEL WISHED EVERYONE A GOOD NIGHT AND A GOOD TWO WEEKS AND SHE APOLOGIZED FOR NOT WISHING EVERYBODY A HAPPY FOURTH OF JULY LAST TIME WHEN WE WERE MEETING.

(CNMB-CC MINUTES TAPE #422)

B. COUNCILWOMAN SMITH'S REPORT:

1. COUNCILWOMAN SMITH ASKED EVERYONE TO STAY TUNED TO OUR TELEVISION STATION. WE ARE PUTTING MORE AND MORE ACTIVITIES ON IT, SO PLEASE STAY TUNED TO CHANNEL 77. GO INTO OUR WEBSITE TO SEE WHAT'S HAPPENING IN OUR CITY. WE'RE

BUILDING IT UP EVERYDAY MORE AND MORE.

2. COUNCILWOMAN SMITH WISHED HER BROTHER JACK A HAPPY BIRTHDAY. COUNCILWOMAN SMITH THANKED EVERYONE AND WISHED THEM A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #422)

C. COUNCILMAN DEROSE'S REPORT:

1. COUNCILMAN DEROSE STATED THAT THE BEAUTIFICATION COMMITTEE WILL HAVE THE ANNUAL ARBOR DAY ON JULY 19TH, AT 9:30 A.M., ON THE BACK OF THE McDONALD CENTER. WE WILL WORK IN CONJUNCTION WITH METRO DADE, AND THEY WILL GIVE AWAY TREES. COUNCILMAN DEROSE ENCOURAGED CITIZENS TO JOIN US AND COME GET A TREE. TREES ARE GOOD, THEY PROTECT OUR ENVIRONMENT. COME GET A TREE.

2. COUNCILMAN DEROSE WISHED EVERYONE GOOD NIGHT.

(CNMB-CC MINUTES TAPE #422)

D. COUNCILMAN PIERRE'S REPORT:

1. COUNCILMAN PIERRE WISHED EVERYONE A HAPPY SUMMER AND REMINDED THEM TO STAY SAFE. COUNCILMAN PIERRE STATED THAT HE LOVED EVERYONE.

(CNMB-CC MINUTES TAPE #422)

E. VICE MAYOR JULIEN'S REPORT:

1. VICE MAYOR JULIEN WAVED GOOD NIGHT.

(CNMB-CC MINUTES TAPE #422)

F. MAYOR ROSNER'S REPORT:

1. MAYOR ROSNER WISHED EVERYBODY A GOOD NIGHT AND INDICATED THAT THE NEXT MEETING WILL BE TUESDAY JULY 21ST. MAYOR ROSNER ASKED EVERYONE TO STAY TUNED.

(CNMB-CC MINUTES TAPE #422)

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH WAS ADJOURNED AT 11:58 P.M. ON A MOTION BY COUNCILWOMAN SMITH AND SECONDED BY COUNCILMAN PIERRE. MOTION CARRIED.

CERTIFICATION

I, SUSAN A. OWENS, CMC, CITY CLERK OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES, PAGES ONE (1) THROUGH PAGE FOURTEEN (14) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS TAPE RECORDED AT THE REGULAR CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE SEVENTH (7) DAY OF JULY, 2009.

(SEAL)

SUSAN A. OWENS, CMC,
CITY CLERK
CITY OF NORTH MIAMI BEACH

MEMORANDUM

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

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

DATE: July 21, 2009

**RE: RESOLUTION NO. R2009-35A
Revised VOC Facility Resolution**

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 AFTER AN ADVERTISED PUBLIC UTILITY COMMISSION MEETING ACCEPTING PUBLIC COMMENT THEREON; 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: July 10, 2009

A handwritten signature in black ink, appearing to read "Kelvin L. Baker", written over the printed name in the "FROM" field.

RE: Approval of Resolution for the Submittal of a Loan Application to the State Revolving Fund (SRF) for Volatile Organic Compound (VOC) Removal Project

BACKGROUND

On June 16, 2009, the City of North Miami Beach (NMB) Council approved Resolution 2009-35, which contained requirements for execution of the SRF grant and loan of \$3,000,000. However, since then the Florida Department of Environmental Protection (FDEP), in order to ensure that both state and city adhere to every detailed requirement laid down by the federal government via American Reinvestment and Recovery Act (ARRA), has informed NMB that a two-step process was required for the approval of the Water Facilities Plan (WFP). Although the city had public comment periods at both the April 16, 2009 Public Utilities Commission (PUC) and June 16, 2009 City Council meetings, FDEP mandates that a separate public hearing on the WFP be advertised apart from any other meeting agenda advertisement. This meeting must be held on a date prior to the date of the resolution adoption. Therefore, to remedy the situation and be in compliance with the state's wishes, a new public hearing was advertised and held at the start of the July 9, 2009 PUC meeting (there were no comments from the public). The second step of this process now will require the council to approve the WFP via a new resolution.

RECOMMENDATION

It is respectfully recommended that the City Council approve this resolution, which is a requirement of the funding application process as stipulated by the SRF program. Additionally, since these are ARRA funds that carry very stringent deadlines and short time frames, the FDEP is urging all applicants to 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 percent, with a loan period of 30 years. At an interest rate of 2.5 percent, the annual principal and interest payment will be approximately \$21,300.

CONTACT PERSON

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

M&C:KLB:kct

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



**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

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. Sore
Secretary

October 17, 2008

Mr. Kevin L. Baker, City Manager
City of North Miami Beach
17050 N.E. 19th 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
Totals			\$65,012,000	\$40,385,200	

Balance of Funds Remaining \$15,101,780

From: Caro, Gregg [mailto:Gregg.Caro@dep.state.fl.us]
Sent: Thursday, May 28, 2009 11:56 AM
To: Baker, Kelvin; g.hartman@galconsultants.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 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

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Lower Keys Chamber of Commerce & WWI 5104.1 Radio Present:

25th Anniversary Underwater Music Festival

Saturday July 18th 2009
 10:00 AM to 2:00 PM

Take a ride on the Yellow Submarine this year with Ringo "Starfish," John "Lemon-shark," Paul Mc "Dory" "Ray" George "Herring" and to rock the waters of the Continental United States! The underwater concert is set for 10 a.m. to 2 p.m. Saturday, July 18th 2009 at Lee Roy Sanford Preservation Area.

Commemorative Shirts Available at the Chamber Office or by Call (305) 873-3312

For More Information Call (305) 873-3312 or visit www.lowerkeyschamber.com

Underwater specialty, weighted instruments by August Power

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING

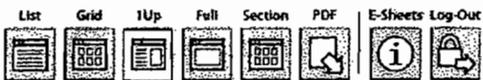
NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD ON THURSDAY, JULY 9, 2009, 6:00PM, AT CITY OF NORTH MIAMI BEACH, PUBLIC SERVICES DEPARTMENT, 2ND FLOOR, 17050 N.E. 19TH AVENUE, NORTH MIAMI BEACH, FL 33162. THIS HEARING WILL ALLOW THE CITY TO RECEIVE COMMENTS REGARDING A WATER FACILITIES PLAN WHICH HAS BEEN SUBMITTED IN SUPPORT OF AN APPLICATION TO RECEIVE A STATE REVOLVING FUND LOAN FOR FUNDING ASSISTANCE FOR THE PROPOSED VOLATILE ORGANIC COMPOUND (VOC) REMOVAL PROJECT.

A COPY OF THE WATER FACILITIES PLAN IS AVAILABLE FOR INSPECTION AT THE FOLLOWING LOCATIONS: 1) CITY CLERK'S OFFICE, 17011 N.E. 19 AVENUE; 2) NORTH MIAMI BEACH LIBRARY, 1601 N.E. 164 STREET; AND 3) PUBLIC SERVICES DEPARTMENT, 17050 N.E. 19 AVENUE, NORTH MIAMI BEACH, FL. FINANCIAL IMPACT FOR THIS PROJECT WILL BE ADDRESSED AT THIS TIME AND A FUTURE CITY COUNCIL MEETING AND IS SUMMARIZED IN THE BUSINESS PLAN SECTION OF THE WATER FACILITIES PLAN.

SHOULD ANY PERSON DESIRE TO APPEAL ANY DECISION OF PUBLIC SERVICES WITH RESPECT TO ANY MATTER TO BE CONSIDERED AT THIS MEETING, THAT PERSON SHALL INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE INCLUDING ALL TESTIMONY AND EVIDENCE UPON WHICH ANY APPEAL MAY BE BASED (F/S 266.0106).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 787-6001 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 948-2909 FOR ASSISTANCE.

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Publication Date: June 28, 2009
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Advertisement for Summer Fun Pass featuring Butterfly World, Haming Gardens, Jungle Island, Miami Seaquarium, and Billie Swamp Safari. Includes text: 'Mom finally gets a break with FREE ADMISSION' and 'MOMSMiami.com'.

NEWS, VIEWS, & REVIEWS...

Underwater Music... you get to choose!
The underwater music... you get to choose!
Underwater Music... you get to choose!

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD ON TUESDAY, JULY 14, 2009, AT 10:00 AM, AT THE CITY OF NORTH MIAMI BEACH PUBLIC WORKS DEPARTMENT, 2700 FLORENCE AVENUE, NORTH MIAMI BEACH, FL 33163. THE HEARING WILL ALLOW THE CITY TO RECEIVE COMMENTS REGARDING A WATER FACILITIES PLAN WHICH HAS BEEN SUBMITTED IN SUPPORT OF AN APPLICATION TO RECEIVE A STATE RECEIVING LAND LEASE FOR FLOODING ABATEMENT FOR THE PROJECT TO INCLUDE FLOODING OF WATER AND SOON REMOVAL PROJECT.

RESOLUTION NO. R2009-35A

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 AFTER AN ADVERTISED PUBLIC UTILITY COMMISSION MEETING ACCEPTING PUBLIC COMMENT THEREON; 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

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, Davis-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; and

WHEREAS, the Public Utilities Commission of the City of North Miami Beach held an advertised public hearing to accept public comment regarding the adoption of the Water Facilities Plan on July 9, 2009

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 approves and accepts the Water Facility Plan prepared by GAI Consultants, Inc. and authorizes the submittal of an application and all supporting documentation (including the Water Facility Plan) 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 A. OWENS
CITY CLERK

MYRON ROSNER
MAYOR

(CITY SEAL)

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: July 21, 2009

**RE: RESOLUTION NO. R2009-46
 Special Masters**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
APPOINTING SPECIAL MASTERS TO HEAR CASES
ARISING UNDER CITY OF NORTH MIAMI BEACH
ORDINANCE NO. 2007-13, THE DANGEROUS
INTERSECTION SAFETY ACT, AND FOR OTHER CODE
RELATED PURPOSES.**



City of North Miami Beach Interoffice Memorandum

CITY ATTORNEY'S OFFICE

Phone: (305) 948-2939

Fax: (305) 787-6004

TO: Mayor & Council

FROM: Darcee S. Siegel, City Attorney

DATE: July 15, 2009

RE: Resolution No. R2009-46 Special Masters

In order to go forward with the Dangerous Intersection Safety Act, adopted by Ordinance No. 2007-13 on January 15, 2008, the City must appoint Special Masters.

After public advertisement for the position, interviews by the review committee and thorough background investigations, six attorneys are being recommended to serve on a rotating basis.

The appointed Special Masters will also be available to the City for other appropriate programs at the discretion of the City Manager and the City Attorney.

DSS/mht

RESOLUTION NO. R2009-46

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
APPOINTING SPECIAL MASTERS TO HEAR CASES
ARISING UNDER CITY OF NORTH MIAMI BEACH
ORDINANCE NO. 2007-13, THE DANGEROUS
INTERSECTION SAFETY ACT, AND FOR OTHER CODE
RELATED PURPOSES.**

WHEREAS, the Mayor and City Council of the City of North Miami Beach, Florida adopted Ordinance No. 2007-13 on January 15, 2008 establishing the North Miami Beach Dangerous Intersection Safety Program; and

WHEREAS, the Act, in Section 10, provides for appeals to a Special Master from notices of infraction; and

WHEREAS, on January 13, 2009, the City advertised the position of Special Master, seeking qualified individuals to function in that capacity; and

WHEREAS, the City received fifty-eight (58) applications in response to its advertisement; and

WHEREAS, the applications were reviewed by a committee comprised of the City Attorney, the Human Resources Director and the Police Major in charge of the program; and

WHEREAS, the resume review committee selected six candidates who have all undergone a thorough background investigation and completed the City's pre-hiring process; and

WHEREAS, the Mayor and City Council deem it in the best interest of the residents and citizens of this City to enable the program to go forward and to appoint six Special Masters to

RESOLUTION R2009-46

serve on a rotating basis to facilitate the operation of the red light enforcement program, as well as other appropriate programs as determined by the City Manager and the City Attorney.

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.

Section 2. The City Manager is hereby authorized to enter into an agreement with each of the following attorneys to act as Special Masters for the City in the implementation of the City of North Miami Beach Dangerous Intersection Act, Ordinance No. 2007-13, as well as any other code related purposes requiring the use of Special Masters as determined by the City Manager and the City Attorney:

Peggy Fisher
Phoebe R. Francois
David R. Friedman
Bonnie G. Katz
Norman C. Powell
Rafael E. Suarez-Rivas

Section 3. Each Special Master shall serve for two months intervals, on a rotating basis, effective October 1, 2009, or on the date established by the City Manager in the implementation of the program.

Section 4. Each Special Master appointed shall serve for a term of two years, which may be extended for two additional two-year terms by the City Council, and shall be compensated at the rate of \$150.00 per hour. Preparation and travel time will not be reimbursed or compensated.

RESOLUTION R2009-46

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

ATTEST:

SUSAN A. OWENS
CITY CLERK

MYRON ROSNER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and Council

RESOLUTION R2009-46

MEMORANDUM

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

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

DATE: July 21, 2009

**RE: RESOLUTION NO. R2009-47
Health Care Contract**

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 AVMED, INC., D.B.A. AVMED HEALTH PLANS, AS THE FIRST RANKED FIRM, AND AETNA HEALTH INC., AS THE SECOND RANKED FIRM, FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO AND GROUP MEDICARE PLAN.



**CITY OF NORTH MIAMI BEACH
MEMORANDUM**

TO: Honorable Mayor & Council *City Manager's Office*

FROM: Kelvin L. Baker, City Manager

DATE: July 9, 2009

**RE: APPROVAL OF BID # 2009-11 SINGLE SOURCE FULLY-INSURED GROUP
HEALTH PLAN HMO, POS, PPO & GROUP MEDICARE PLAN**

Background:

The City Manager committed to releasing a request for proposals (RFP) for the health insurance contract effective on October 1, 2009 in an effort to obtain the most competitive rate and plan design possible.

Recommendation:

It is the Evaluation Committee's recommendation that the City Council authorize the City Manager or his designee, to enter into negotiations with the top ranked firm, **Avmed, Inc. d.b.a. AvMed Health Plans**, 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 2nd ranked, **Aetna Health Inc.**

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 placement on the next available City Council agenda for final approval.

Request for Proposal Notices were sent to 747 potential vendors using Demandstar, bid solicitations were advertised on Channel 77, electronic Request for Proposal notices were sent to fifteen (15) vendors that staff had identified as potential respondents, an advertisement was placed in the Miami Daily Business Review and the Bid Document (available for download) and a brief description were posted on the City's website.

Fiscal Impact:

Based on current enrollment, the financial impact to the City will be approximately \$3,537,000 resulting in an increase of \$116,670.00 or 3.41% over the current year.

Contact Persons:

Beverly Hobson, Director of Human Resources

Ellen Snow, Assistant Director of Human resources

Brian O'Connor, Chief Procurement Officer

CC: Darcee S. Siegel, City Attorney

Susan Owens, City Clerk

Miriam Bensinger, Assistant City Attorney

RESOLUTION NO. R2009-47

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 AVMED, INC., D.B.A. AVMED HEALTH PLANS, AS THE FIRST RANKED FIRM, AND AETNA HEALTH INC., AS THE SECOND RANKED FIRM, FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO AND GROUP MEDICARE PLAN.

WHEREAS, the City of North Miami Beach issued Request for Proposals #2009-11 for single source fully-insured group health plan HMO, POS, PPO and Group Medicare Plan; and

WHEREAS, six companies submitted proposals to the City; and

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

1. AvMed, Inc. d.b.a. AvMed Health Plans
2. Aetna Health Inc.

NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized to negotiate with AvMed, Inc. d.b.a. Avmed Health Plans, as the first ranked firm, and, if necessary, with Aetna Health Inc., as the second ranked firm, for single source fully-insured group health plan HMO, POS, PPO & group Medicare plan.

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 A. OWENS
CITY CLERK

(CITY SEAL)

MYRON ROSNER
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

RESOLUTION NO. R2009-47



City of North Miami Beach, Florida

CITY ATTORNEY'S OFFICE

June 30, 2009

Via Facsimile & U.S. Mail

Ronald J. Isriel, Esquire
Isriel Ponzoli Keller & Simpson, P.A.
Brickell Bay View Centre
80 S.W. 8th Street
Suite 1720
Miami, Florida 33130

RE: Seay Towing v. City of North Miami Beach
Case No. 07-33035(CA 30)

Dear Mr. Isriel:

Since Seay Towing has clearly not complied with the terms of the Settlement Agreement approved in the above referenced case in October 2007, we are writing to inform you of the City's plans to move forward in this matter and do the following:

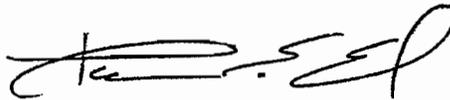
1. The City will file a Motion to Forfeit Escrow, asking the Court to forfeit the \$35,000.00 placed in escrow with the City securing compliance with the Agreement.
2. The City will not renew Seay's Business Tax Receipt when it expires on September 30, 2009, unless the property is brought up to code by that time. This decision will be scheduled for public hearing at the July 21, 2009 City Council meeting.
3. Bringing the property up to code would require either:
 - (a) implement the site plan approved by the City of North Miami Beach Resolution No R 2005-35 by September 30, 2009; or
 - (b) File a new site plan and have it approved and implemented by September 30, 2009. The new plan, at a minimum, must address the required fence or wall, ground surface storage lot, fifteen (15%) percent pervious surface, paved parking for four spaces for public use including

one handicap space, with required landscaping; and required landscaping around the perimeter of the site along the right-of-way and any vehicular use areas of not less than five feet, with one tree every thirty feet.

4. Seay Towing must provide an appropriate business office open to the public. An off-site office will meet the county's requirements, however it would disqualify Seay from towing for the City. We will allow Seay to continue towing for the City under the current agreement through September 30, 2009.

Please feel free to call me if you have any questions

Very truly yours,



DARCEE S. SIEGEL
CITY ATTORNEY

DSS/ep

cc: Kelvin L. Baker, City Manager
Robert Nix, Director of Community Development
Philip Azan, Building Official
Miriam Bensinger, Assistant City Attorney
Brian K. O'Conner Chief Procurement Officer

MEMORANDUM

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

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

DATE: July 21, 2009

**RE: ORDINANCE NO. 2009-16
 Temporary Signs**

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE; ALLOWING LIMITED USE OF BANNER SIGNS; CHANGING THE TIME ALLOWED FOR ADVANCE DISPLAY OF SPECIAL EVENT SIGNS FROM THIRTY DAYS TO SIXTY DAYS; CREATING PERMITTING AND STANDARD PROVISIONS FOR THE DISPLAY AND REMOVAL OF BANNER SIGNS OTHER THAN SPECIAL EVENT SIGNS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

**City of North Miami Beach
Interoffice Memorandum**



City Manager's Office

TO: Mayor & Council

FROM: Kelvin L. Baker, City Manager

DATE: July 21, 2009

A handwritten signature in black ink, appearing to read "Kelvin L. Baker", written over the "FROM:" line.

RE: Approval of Ordinance No. 2009-16 Amending the Sign Code to allow temporary banner signs for a period of two years, following the expiration of a six month sign code enforcement moratorium on temporary signs.

BACKGROUND

The City Council adopted Ordinance No. 2008-20 on October 21, 2008, which imposed a six month moratorium on enforcement of the provisions of Sign Code Section 24-147.2, "Temporary signs allowed", subsection (C) "Special Event Signs", and substituted more relaxed provisions. At the end of the six month period, the moratorium expired and the original terms of the Sign Code were restored. The Council has not had an opportunity to consider the amendments to the sign code since the moratorium was enacted.

The staff of the Community Development Department continues to receive requests for banner signs to be displayed at local businesses. The moratorium provisions provided very little control over such signs, and permitted "special event signs", with the term "special events" not clearly defined. If the intent is to allow temporary signs, other than special event signs, at businesses for a limited time, the ordinance needed some clarification to promote ease of administration and clear communication to the public.

The staff has drafted for Council consideration a temporary signs ordinance amendment that allows temporary banner signs to be displayed at local businesses in recognition of the current difficult economic situation. The ordinance includes provisions that prevent the temporary banner signs from being added to permitted special event signs with resulting sign clutter and distractions to motorists. The ordinance will sunset in two years, unless renewed by Council action.

The Planning and Zoning Board heard the ordinance on July 14, 2009, no one spoke for or against the changes. The Planning and Zoning Board recommended that the Mayor and Council adopt the temporary sign code ordinance amendments.

Mayor and Council
July 21, 2009
RE: Temporary Signs, Ordinance No. 2009-16
Page Two of Two

RECOMMENDATION

Staff recommends that the Council consider the proposed sign code amendment and adopt a version of it that may aid local businesses to continue inexpensive marketing and advertising during the current economic downturn.

FISCAL IMPACT

None. Staff is already administering a similar ordinance.

CONTACT PERSON

Bob Nix, Director of Community Development and Planning

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

ORDINANCE NO. 2009-16

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE; ALLOWING LIMITED USE OF BANNER SIGNS; CHANGING THE TIME ALLOWED FOR ADVANCE DISPLAY OF SPECIAL EVENT SIGNS FROM THIRTY DAYS TO SIXTY DAYS; CREATING PERMITTING AND STANDARD PROVISIONS FOR THE DISPLAY AND REMOVAL OF BANNER SIGNS OTHER THAN SPECIAL EVENT SIGNS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of North Miami Beach, Florida, enacted Ordinance No. 2008-20 on October 21, 2008, providing for a temporary 6-month moratorium to the current regulatory guidelines contained in Article XIII, Section 24-147.2(C)(1)&(2) special event signs of the Code of Ordinances of the city of North Miami Beach Florida and providing for temporary 6-month regulations as to the size of special event signs permitted and the duration time for special event sign placement; and

WHEREAS, it is a valid exercise of the City's police power to promote the proper construction, erection, placement, use and maintenance of signs within the various zoning districts of the City of North Miami Beach, to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetics of the environment and the City's ability to attract and retain sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and

private property and property values; and to enable the fair and consistent enforcement of these sign regulations; and

WHEREAS, Ordinance No. 2008-20 also provided that unless the temporary language is renewed by City Council action prior to the end of the 6-month period following the adoption of this ordinance on second reading, the provisions of section 24-147.2(C) shall automatically revert back to its original language; and

WHEREAS, The Mayor and City Council find that North Miami Beach businesses have promoted themselves through significant use banner signs allowed by the temporary moratorium enacted by Ordinance No. 2008-20, which business promotion was to the benefit of the survival of local businesses and supports the long term stability of the business community during one of the nation's most significant economic crises; and

WHEREAS, the Mayor and City Council are desirous of extending the benefits of the temporary moratorium to support local businesses during the difficult times brought about by the current international, national, and local economic recession; and

WHEREAS, Ordinance 2008-20 envisioned that the Mayor and Council could extend the benefits of the temporary moratorium by reviewing the results of the changes imposed in sign regulation during the temporary moratorium; and

WHEREAS, the Mayor and City Council are desirous of adopting an interim ordinance with a longer term than would be imposed by a temporary moratorium and that provides the protections to public safety, health, welfare, and property values that are appropriate to longer term interim regulations; and

WHEREAS, the Mayor and City Council have determined that a two year term is likely to be a sufficient time for the economy to rebound before a review of a relaxation of the sign regulations is necessary.

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 24-143 Signs Prohibited of the Code of Ordinances of the City of North Miami Beach, Florida is hereby amended as follows:

**CHAPTER 24 ZONING AND LAND DEVELOPMENT
ARTICLE XIII SIGNS**

Section 24-143 Signs Prohibited

- (6) Signs attached to any tree, utility pole, street light, sidewalk, curb, fire hydrant, bridge, or any other thing in the public right-of-way except as are specifically permitted by this article;
- (7) Banners, pennants, festoons of lights, except those banner signs permitted by this code;
- (8) Animated signs;

Section 3. Section 24-147.2(C) Special Event Signs of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**CHAPTER 24 ZONING AND LAND DEVELOPMENT
ARTICLE XIII SIGNS**

Section 24-147.2 Temporary Signs Allowed

(C) *Special Event Signs.*

- (1) Special event signs, may be permitted upon application to the City Manager or his designee for a specified purpose and for a period of time not to exceed ~~thirty (30)~~ sixty (60) days prior to the special event to which they relate.
- (2) The maximum allowable sign area of a special event sign shall be determined by the City Manager or designee, and shall be in proportion to the building and/or zone lot upon which it will be located, but in no event shall the maximum sign area exceed ~~thirty-two (32)~~ forty-five (45) square feet.

(3) In granting an application for a special event sign, the City Manager or designee may place reasonable restrictions upon the size, type, color, location and other characteristics of such sign, in furtherance of the purposes set forth in Section 24-140 of this article.

(4) A special event permit shall expire in sixty (60) calendar days, or on such earlier special event ending date as may be prescribed in the permit. Special event signs for recognized international, national, or local holidays shall not be displayed more than ten (10) calendar days following the date of the holiday. Special sales events must have stated beginning and ending dates placed on the permit application by the applicant, which time period shall not exceed sixty (60) calendar days.

(5) Three special event signs per street frontage are permitted, and no more than three special event signs may be displayed toward any one street frontage at any one time.

~~(4)~~ (6) A person who wishes to use special event signs must:

(a) File an application prior to the special event with the Community Development Department of North Miami Beach; and

(b) Pay the special event permit fee of fifty dollars (\$50.00) or, if necessary, an after the fact permit fee of one hundred dollars (\$100.00); and

(c) Post a cash bond in the amount of two hundred dollars (\$200.00) with the Community Development Department of North Miami Beach after obtaining permission from the City Manager or designee to display these signs and other displays, but before actually displaying same in the City; and

(d) Execute a document giving permission to City representatives to enter into the property on which the Banner Sign and other displays, are located after the permitted time period to remove said Special Event display, if the applicant has failed to remove same as required; and

(e) Contact the Community Development Department at the prescribed date and time in order to claim the bond refund.

(5) Failure to remove the special event banner, signs, or other displays immediately AND to contact the Community Development Department at the time period granted shall result in the forfeiture of the bond posted, regardless of the number of Special Event Signs, banners, or displays remaining. Said forfeiture shall be automatic and without notice. (Ord. No. 01-10, 09-25-01)

Section 4. Section 24-147.2 Temporary Signs Allowed of the Code of Ordinances of the

City of North Miami Beach is hereby amended by adding a new section (E) as follows:

CHAPTER 24 ZONING AND LAND DEVELOPMENT

ARTICLE XIII SIGNS

Section 24.147.2 Temporary Signs Allowed

(E) Banner signs other than special event signs

(1) Banner signs Permitted, Duration, Number, and Sign Area Limited.

- (a) Banner signs other than special event signs may be permitted upon application to the City Manager or his designee for a specified purpose and permitted to be displayed for a period of time not to exceed ninety (90) calendar days from the date the permit authorizing banner sign is issued.
- (b) Only two banner sign permits for banner signs other than special event signs may be issued to the same business at the same location during any 365 calendar day time period starting at the date the first such permit is issued.
- (c) Banner signs shall not exceed a maximum sign area of forty-five (45) square feet.
- (d) No more than three banner signs shall be permitted per street frontage.
- (e) Permits shall not be issued for businesses that have no street frontage located within a mall, nonresidential condominium, shopping center, office building or complex, or similar building or planned development without written consent from the building or planned development owner or owners' association, as appropriate, allowing the placement of a banner sign at the location requested within the permit application.
- (f) Permits for banner signs shall include the expiration date of the permit. After the expiration date a new permit is required for any banner signs allowed by this ordinance. The applicant shall contact the Department of Community Development of the City of North Miami Beach to request an inspection at least five business days before the date the banner sign is to be removed from the property.
- (g) The banner signs permitted by this Section 24-147.2(E) are not permitted to be displayed at the same time as the temporary signs for special events that are permitted by Section 24-147.2(C). Should a special event sign permit be in effect during the time a valid permit for banner signs is also in effect pursuant to this Section 24-147.2(E), either the special event signs or the banner signs may be displayed, but not both. The permit holder shall notify the Department of Community Development which signs he or she intends to display. If special event signs are displayed and the banner signs permitted by Section 24-147.2(E) are removed during the special event, the 90 day time period for the display of the permitted banner signs shall be tolled until the banner signs are again placed on display. The expiration date of the banner sign permit shall be extended by letter from the Director of Community Development or his designee. The permit holder must notify the Department of Community Development in writing of the date the banner signs are removed, and the date the display of the

banner signs is resumed. If the banner signs are not displayed prior to the end of the special event, the 90 day time limitation shall restart on the day after the expiration of the special event permit. If less than the maximum number of banner signs is displayed during a special event, so the total of permitted banner signs and permitted special event signs does not exceed three signs per street frontage, the time period for display of banner signs shall not be tolled, and the banner sign permit shall not be extended. To this end, the signs displayed for the special event shall be considered to be only those signs that contain language promoting the special event, all other signs shall be treated as banner signs subject to permitting as required by Section 24-147.2(E).

(2) In granting an application for a banner sign, the City Manager or designee may place reasonable restrictions upon the size, type, color, location and other characteristics of such sign, in furtherance of the purposes set forth in Section 24-140 of this article.

(3) A person who wishes to use banner signs must:

(a) File an application prior to the display of the banner sign with the Community Development Department of the City of North Miami Beach; and

(b) Pay the banner sign permit fee of fifty dollars (\$50.00) or, if necessary, an after the fact permit fee of one hundred dollars (\$100.00); and

(c) Post a cash bond in the amount of two hundred dollars (\$200.00) with the Community Development Department of the City of North Miami Beach after obtaining permission from the City Manager or designee to display these signs, but before actually displaying same in the City; and

(d) Execute a document giving permission to City representatives to enter into the property on which the Banner Sign(s), is (are) located after the permitted time period to remove said banner sign(s), if the applicant has failed to remove same as required; and

(e) Contact the Community Development Department at the prescribed date and time in order to claim the bond refund.

(4) Failure to remove the banner sign(s) immediately and to contact the Community Development Department by the date and time prescribed in the banner sign permit near the expiration of the banner sign display period granted shall result in the forfeiture of the bond posted, regardless of the number of banner signs remaining. Said forfeiture shall be automatic and without notice.

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 7. 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.

Section 8. This ordinance shall become effective on the date it is approved on second reading.

Section 9. This ordinance shall expire two years after its effective date, unless it is approved by that time to be extended indefinitely by the Mayor and Council of the City of North Miami Beach, Florida.

APPROVED BY TITLE ONLY on first reading this ____ day of _____,
2009.

APPROVED AND ADOPTED on second reading this ____ day of _____,
2009.

ATTEST:

SUSAN A. OWENS
CITY CLERK
(CITY SEAL)

MYRON ROSNER
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and City Council



City of North Miami Beach Interoffice Memorandum

CITY ATTORNEY'S OFFICE

Phone: (305) 948-2939

Fax: (305) 787-6004

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: July 7, 2009

RE: Ordinance No. 2009-13 Economic Development Commission

This proposed ordinance updates and makes more relevant the duties, functions and responsibilities of the City's Economic Development Commission. It also eliminates the provision of ex-officio members.

DSS/mht

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS SECTION 2-49 ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; AMENDING AND REVISING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION; 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 remain an important and integral component of the City's financial health and vitality; and

WHEREAS, the Mayor and City Council desire to amend and update the duties and responsibilities of the Commission to reflect current concerns.

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 amended, 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 up to 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) fifty percent (50%) plus one (1)~~ 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[c]; 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 or manage 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 § 2; 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; To encourage and promote the development and growth of new and existing businesses within the City;

~~b.~~ If appropriate, to meet at various locations in the community for easier and wider public access;

~~e. b.~~ To encourage employment of area residents 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. c.~~ To determine and report to the City Council on the present condition of the local economy;

~~e. d.~~ To determine and report ways to stimulate tourism in and around business growth and development in the City;

~~f. e.~~ To determine and report a method by which poverty can be reduced or eliminated in the City; To improve the relationship and to foster a positive and creative liaison between local government and local business in the City;

~~g. f.~~ To establish improvement of and enhance the downtown area of the City, namely, 163rd Street-Hanford Boulevard and other areas, as appropriate;

g. To interface with neighboring marketing councils and chambers to encourage business opportunities in the City;

h. To serve as a voice to the City Council to promote local businesses; and

i. To communicate with City residents and neighboring cities regarding current and future business programs, opportunities, and events.

j. 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 7th day of July, 2009.

APPROVED AND ADOPTED on second reading this ___ day of _____, 2009.

ATTEST:

SUSAN A. OWENS
CITY CLERK

(CITY SEAL)

MYRON ROSNER
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Councilwoman Beth Spiegel
Councilwoman Phyllis Smith
Mayor and City Council

MEMORANDUM

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

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

DATE: ~~July 7, 2009~~ July 21, 2009

**RE: ORDINANCE NO. 2009-15
Political Signs**

AN ORDINANCE AMENDING SECTION 24-147.2(D) POLITICAL SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; ELIMINATING POSTER SIGNAGE; LIMITING TIME SIGNS MAY BE DISPLAYED; INCREASING BOND SECURING REMOVAL OF SIGNS; REGULATING PLACEMENT OF SIGNS; MAKING THE CODE ENFORCEMENT BOARD RESPONSIBLE FOR VIOLATIONS OF THIS 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

TO: Mayor and Council

FROM: Darcee S. Siegel, City Attorney

DATE: July 7, 2009

RE: Proposed Political Signs Ordinance

It is proposed that the Political Signage sections of the City's Land Development Regulations be amended to accomplish the following goals:

1. Reduce the size of allowable campaign signage on non-residential properties.
2. Limit the number of campaign signs on non-residential property to 25 per candidate citywide.
3. Limit residential signage to one sign per candidate per property.
4. Make political candidates financially responsible for the costs of removing signs after elections.
5. Forbidding the placement of political signs until the March 1 before an election.
6. Requiring removal of signage within 10 days after election.
7. Increasing the performance bond from \$200 to \$250 to guarantee compliance of candidates.
8. Requiring affidavits from candidates attesting to non-residential property owners' consent to signage.

DSS/mht

ORDINANCE NO. 2009-15

AN ORDINANCE AMENDING SECTION 24-147.2(D) POLITICAL SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; ELIMINATING POSTER SIGNAGE; LIMITING TIME SIGNS MAY BE DISPLAYED; INCREASING BOND SECURING REMOVAL OF SIGNS; REGULATING PLACEMENT OF SIGNS; MAKING THE CODE ENFORCEMENT BOARD RESPONSIBLE FOR VIOLATIONS OF THIS 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, courts have recognized the right of jurisdictions to enact reasonable time, place and manner restrictions related to signs while not restricting the First Amendment rights of groups and individuals wishing to express their views by placing political or campaign signs in their yards, *City of Ladue v. Gilleo*, 512 U.S. 43, 114 S. Ct. 2038 (1994); and

WHEREAS, the City of North Miami Beach recognizes the First Amendment rights of those wishing to express their views on certain issues and candidates; and

WHEREAS, the Mayor and City Council of North Miami Beach believe that the manner of erection, location and maintenance of signs affects the public health, safety, morals and welfare of the citizens of North Miami Beach; and

WHEREAS, the Mayor and City Council of North Miami Beach recognizes that the safety of motorists, cyclists, pedestrians, and other users of public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers; and

WHEREAS, the City of North Miami Beach wants to promote public safety by avoiding visual clutter, reducing conflicts between and among signs, and requiring removal of signs in a timely manner.

NOW, THEREFORE,

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

ORDINANCE NO. 2009-15

Section 1. The foregoing recitals are true and correct.

Section 2. Section 24-147.2(D) of the Code of Ordinances of the City of North Miami Beach, Florida, is hereby amended as follows:

Section 24-147.2 Temporary Signs Allowed

(D) Political Signs.

(1) Temporary signs advertising a candidate for public office, a political campaign, measure or issue scheduled for an election are permitted subject to the following restrictions:

(a) **Standards.** No sign, poster, banner or placard of any type shall be permitted in the City of North Miami Beach advertising any political campaign, issue or candidate for public office with the following exceptions:

1. **Residential Zoning Districts.** Temporary Political Signs of a size not to exceed six hundred sixteen (616) square inches per sign may be displayed ~~from any business establishment or on any residential property~~ with the consent of the owner. No more than one sign per candidate per residential property shall be allowed, unless the property is on a corner, then property may have up to two (2) signs per candidate. Double-sided signs shall be considered as one sign.

2. **Non-residential Districts.** A candidate for public office may display signs ~~or a banner~~ of a size not to exceed ~~thirty-two (32)~~ sixteen (16) square feet per sign on non-residential private property with the consent of the owner. No more than twenty-five (25) such signs per candidate shall be allowed citywide. Double-sided signs shall be considered as one sign.

3. **Placement on Utility Poles, Trees or in Public Right of Way.** No sign, poster, banner or placard of any type shall be affixed, painted, tacked, nailed to any utility poles, trees or structures or otherwise displayed, placed or located on any state, County or City rights-of-way and/or median strips within the City limits.

4. Location Near Easement or Street. No temporary political sign shall be placed within five feet of

any easement of the property upon which the sign is located. No temporary political sign shall be located within ten feet of the edge of the pavement of any street if there is no sidewalk. Temporary political signs shall be located solely on the property side of the sidewalk if there is a sidewalk.

~~4.5.~~ Signs on Vehicles. Bumper strips or stickers affixed to vehicles shall be safely and securely attached.

~~5.6.~~ Prohibited Signs. Except for pole signs and banners, which are permitted as provided in this section, all signs prohibited by Section 24-143 of the Code of Ordinances of the City of North Miami Beach remain prohibited for all purposes.

(b) Procedures.

1. Removal of Illegal Signs. Any signs found to be in violation of the above subsections shall be removed immediately and without discretion by the City Manager and/or designee.

2. Bond. Every candidate for public office, except those who qualify to run by the alternative method, who wishes to display signs, banners, placards, etc., on real property located in the City of North Miami Beach must post a cash bond or a performance bond in the amount of two hundred and fifty (\$250.00) (~~\$200.00~~) dollars with the City of North Miami Beach before posting any such sign, banner, placard or poster in the City. This requirement is not applicable to signs and bumper stickers affixed to or located in or on automobiles.

3. Date of Installation. No political sign shall be displayed, erected or installed prior to the February 1 immediately preceding any election which is the subject matter of such sign.

~~3.4.~~ Date of Removal. Each and every sign posted by said candidate or his supporters must be removed within ~~seven (7)~~ ten (10) days from the day of the election in which said candidate's victory or defeat is actually determined.

4. ~~5.~~ Responsibility for Removal. For purposes of this chapter, each political candidate is responsible for each sign advertising his or her candidacy, regardless of who posted the sign or whether the sign is posted with authorization from the political candidate. The person or persons posting a political candidate's campaign sign, ~~poster, placard or banner~~ shall be regarded as an agent of said candidate.

5. ~~6.~~ Forfeiture of Bond. Any violation of this section will result in the forfeiture of the bond posted, regardless of the number or size of signs, ~~placards, banners or posters~~ remaining. Said forfeiture shall be automatic, without notice, on the ~~eighth~~ eleventh day following the election in which the political candidate's victory or defeat is actually and finally determined for that election.

Additionally, each candidate shall be liable to the City for the actual cost of sign removals.

(2) Violation; Penalty. ~~For signs on commercial property only.~~

(a) The person(s) to be charged with violation of Section 24-147.2(D) shall be the candidate(s) whose name(s) appears and is advertised on the prohibited sign, poster, banner or placard or the campaign treasurer and sponsors of any other type of political campaign or issue which campaign or issue appears and is advertised on the prohibited sign, poster, banner or placard. Notice shall be given to the person(s) described herein of violation of Section 24-147.2(D). ~~After notice is given, unless access to the sign is restricted, compliance must be achieved within 24 hours.~~ If compliance is not achieved within 24 hours, a civil citation may be issued by a code enforcement officer pursuant to Section 14-8.22 of this Code.

(b) In addition to the bond forfeiture specified in Section 24-147(D)(b)(6) above, violation of any of the provisions of Section 24-147.2(D) shall be punishable by a fine of fifty dollars (\$50.00) per violation. Each prohibited sign, ~~poster, banner or placard~~ shall constitute a separate offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(c) Any and all outstanding fines for violating this ordinance assessed against a candidate must be satisfied prior to his or her qualification to run in any future city election.

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 7th day of July, 2009.

APPROVED AND ADOPTED on second reading this ___ day of _____, 2009.

ATTEST:

SUSAN A. OWENS
CITY CLERK

(CITY SEAL)

MYRON ROSNER
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Councilwoman Phyllis Smith
Mayor and City Council

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: July 21, 2009

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

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:

American Express Bank v. Louis and CNMB
Writ of Garnishment

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

Citifinancial Services, Inc. v. Vincent and CNMB
Writ of Garnishment

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

Ocean Harbor Casualty v. CNMB
Subrogation for Property Damage from Car Accident

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

Rangwalla, Hassan v. CNMB
Replevin

* The Poole and Kent Company v. CNMB
Breach of Contract (Water Plant)

Tropical Chevrolet v. CNMB, et al.
High Speed Chase/Property Damage

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

SETTLED/CLOSED

CNMB v. Molina/Fernadnez
Forfeiture

CNMB v. Monsalve/Reyes
Forfeiture

CNMB v. Muhammad/Camarioca Auto
Forfeiture

CNMB v. Mullins/Holmes/Upshaw
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. 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

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 (Martinez, 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

* Bac Home Loans v. CNMB (Jacobi et al)
Mortgage Foreclosure

* Bac Home Loans v. CNMB (Temirao, 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

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 (Dmiczak)
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 (Rodriguez)
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

* First Central Savings Bank v. CNMB (Meimoun)
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, N.A. v. CNMB (Saint-Fart)
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

* OneWest Bank v. CNMB (Rodriguez, et al)
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(Pluiose)
Mortgage Foreclosure

Sun American Bank v. CNMB (Lehman Family Holdings, et al.)
Mortgage Foreclosure

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 (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 (Rodriguez, 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