



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19 Avenue
North Miami Beach, FL 33162
Tuesday, July 2, 2013
7:30 PM

Mayor George Vallejo
Vice Mayor Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Phyllis S. Smith
Councilwoman Beth E. Spiegel

City Manager Roslyn B. Weisblum
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

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.

AGENDA

1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION** - Pastor Chris Ogali, The Redeemed Christian Church of God
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**
 - 5.1 **Presentation from the North Miami Beach Little League to Mayor and Council**
6. **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 the 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 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. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

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 with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium,

give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

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 Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

7. APPOINTMENTS - None

8. CONSENT AGENDA

8.1 Regular Meeting Minutes of June 4, 2013 (City Clerk Pamela L. Latimore)

8.2 Resolution No. R2013-37 (Chief Procurement Officer Brian K. O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WALTER L. LISTA, INC. IN THE AMOUNT OF \$158,800.00, FOR THE SAVE-ALL TANK AND PUMP ACCESS PROJECT.

8.3 Resolution No. R2013-38 (Chief Procurement Officer Brian K. O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LANZO CONSTRUCTION CO., FLORIDA, IN THE AMOUNT OF \$6,543,000.00 COMING FROM A STATE REVOLVING FORGIVENESS LOAN FOR THE NORWOOD-OEFFLER WATER PLANT VOC REMOVAL PHASE II PROJECT.

8.4 Resolution No. R2013-39 (Chief Procurement Officer Brian K. O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH RISK MANAGEMENT ASSOCIATES, INC., THE FIRST-RANKED FIRM, TO SERVE AS THE INSURANCE BROKER FOR THE CITY OF NORTH MIAMI BEACH.

8.5 Resolution No. R2013-40 (Finance Director Janette Smith)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO INCREASE BOTH THE REVENUES AND EXPENDITURES FOR THE BUILDING FUND IN THE AMOUNT OF \$100,000 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 IN ORDER TO COMPLY WITH DEMOLITION ORDERS ISSUED BY THE MIAMI-DADE COUNTY UNSAFE STRUCTURE BOARD.

8.6 Resolution No. R2013-41 (Police Captain Kevin Prescott)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS, INC. FOR A TRAFFIC SAFETY CAMERA PROGRAM DATED OCTOBER 30, 2008.

9. CITY MANAGER'S REPORT

9.1 Forfeiture (LETF) Appropriation Request (Chief of Police Larry Gomer)

9.2 PACT Initiative - Police and Community Together (City Manager Roslyn B. Weisblum and Police Services Manager Tom Carney)

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

As of July 2, 2013.

11. MAYOR'S DISCUSSION

12. MISCELLANEOUS ITEMS - *None*

13. WAIVER OF FEE - *None*

14. BUSINESS TAX RECEIPTS - *None*

15. DISCUSSION ITEMS

15.1 Discussion on City Manager Interviews

16. LEGISLATION

16.1 Ordinance No. 2013-8 - First Reading by Title Only (Code Compliance Manager Eric Wardle)

AN ORDINANCE AMENDING CHAPTER 24, ARTICLE XV, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY CREATING SECTION 24-176.1 ENTITLED "ADMINISTRATIVE CODE WAIVER PROCESS"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

16.2 Ordinance No. 2013-12 - First Reading by Title Only (Director of Public Services Shari Kamali)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 17071 WEST DIXIE HIGHWAY FROM A CLASSIFICATION OF B-1, LIMITED BUSINESS DISTRICT, TO A CLASSIFICATION OF B-2, GENERAL BUSINESS DISTRICT; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

16.3 Ordinance No. 2013-11 - Second and Final Reading (City Attorney Darcee S. Siegel)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XA OF THE CITY CODE ENTITLED "DANGEROUS INTERSECTION SAFETY ORDINANCE," IN ORDER TO IMPLEMENT THE 2013 CHANGES TO THE STATE OF FLORIDA'S "MARK WANDALL TRAFFIC SAFETY ACT"; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; PROVIDING FOR

THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT
HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY,
AND PROVIDING FOR AN EFFECTIVE DATE.

17. CITY COUNCIL REPORTS

18. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, July 16, 2013

19. ADJOURNMENT



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
DATE: Tuesday, July 2, 2013

RE: Regular Meeting Minutes of June 4, 2013 (City Clerk Pamela L. Latimore)

BACKGROUND: N/A

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Pamela L. Latimore, City Clerk

ATTACHMENTS:

[Regular Meeting Minutes of June 4, 2013](#)



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Councilman Philippe Derosé
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Phyllis S. Smith
Councilwoman Beth E. Spiegel

City Manager Roslyn B. Weisblum
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:47 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Anthony F. DeFillipo, and Council Members Barbara Kramer, Marlen Martell, Frantz Pierre, and Phyllis S. Smith, Beth E. Spiegel. Also, present were City Manager Roslyn B. Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION – Pastor Abraham Rivera, La Puerta Life Center

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

4.1 Items 7.1 and 7.2 under **APPOINTMENTS** were moved to come after **PRESENTATIONS /DISCUSSIONS**.

4.2 **Request** made by Councilwoman Smith to move **Item 8.7** Resolution No. R2013-33 to **LEGISLATION**.

5. PRESENTATIONS/DISCUSSIONS

5.1 Police Explorer Recognition by Council

General recognition of our Police Explorers for the community service they provide to the City of North Miami Beach as well as local civic groups and businesses during special events, etc. Also

special recognition for the Police Explorers that recently completed the Police Explorer Academy and the awards received while competing with our police agencies.

5.2 Ronald L. Book 2013 Legislative Session Wrap-up

POINT OF PRIVILEGE

Councilwoman Marlen Martell commented that she has received numerous calls from residents on two menacing issues, graffiti and burglaries in the City. She feels that with the summer months coming up they need to take a look at the budget to see what they can do to make the residents feel safe. The summer months are very stressful for our police officers. She doesn't want to wait till the end of the summer for a decision to be made on how to handle these issues; something needs to be done now. She has spoken with Police Chief Gomer and he feels that his hands are tied because of the way the juvenile justice system does not provide for further action to be made when juveniles are involved in these situations. She feels that they need to work on some legislative piece with the City Attorney and our State Representative to find a way for the law to step in and resolve the issue. It is the residents that are paying the price in this situation. She has spoken with the City Manager, the City Attorney, and the Police Chief because the time has come for the City to step up and make a difference. It is time to make a difference with our Police department and implement changes. We need to direct our City Manager to work with Chief Gomer to see that he gets the personnel and tools he needs to make a difference in our community. Whatever she has in her contingency fund can be given to the police department for the rest of the year and the Police Chief and the City Manager can work out how the funds can be used. Councilwoman Martell stated that she has directed the City Manager and City Attorney to look into the budget to see what can be given to the Police Department because if they don't have funding it will be impossible for the police to do anything about the situation.

Mayor Vallejo suggested that Councilwoman Martell brings forth an item on the agenda for the Council to consider. Councilwoman Spiegel suggested that on the next Council conference agenda Chief Gomer can present his ideas on what he thinks should be done within the next couple of months. She also suggests that the Chief and the City Manager get together and let Council know what the cost will be to implement some programs and to also reach out the State Attorney's Office to find out why there is such a revolving door in the juvenile justice system and maybe there is some funding we can get from them to help with this situation.

7. APPOINTMENTS (Taken out of the regular order of business – see above Item 4.1)

7.1 Swearing In of Assistant City Attorney Patricia L. Minoux

7.2 Swearing In of Building Official Jose Daniel Ozuna

6. PUBLIC COMMENT

Commissioner Jean Monestime thanked the Mayor and the Council members for their support during Haitian Heritage Cultural Month.

City Clerk Latimore read the rules of Public Comment into record. The following person(s) spoke on the record:

1. Jarret Gross – 1557 NE 164 Street, North Miami Beach, FL

2. Magdalena Ammirati – 3665 NE 167 Street, #506, North Miami Beach, FL
3. Rolland Veilleux – 13730 Highland Drive, North Miami Beach, FL
4. Marilyn Baumoehl – 18635 NE 20 Court, North Miami Beach, FL
5. Manolo Setava – 18340 NE 20 Place, North Miami Beach, FL
6. Frances Ricca – 1615 NE 174 Street, North Miami Beach, FL

7. APPOINTMENTS (MOVED after PRESENTATIONS/DISCUSSIONS – see Item 4.1)

7.1 Swearing In of Assistant City Attorney Patricia L. Minoux

7.2 Swearing In of Building Official Jose Daniel Ozuna

8. CONSENT AGENDA

8.1 Regular Meeting Minutes of March 19, 2013

8.2 Regular Meeting Minutes of April 2, 2013

8.3 Resolution No. R2013-29

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING THE COMMUNITY REDEVELOPMENT AGENCY'S ("CRA") SECOND AMENDED BUDGET FOR FISCAL YEAR 2012-2013 REALLOCATING PRIOR CRA BUDGETED ITEMS TO PROVIDE A MORE PRODUCTIVE AND EFFECTIVE CRA ADMINISTRATION; AUTHORIZING APPROPRIATION OF CARRY FORWARD REVENUES AND INTEREST FROM THE PREVIOUSLY APPROVED CRA BUDGET FOR FISCAL YEAR 2011-12 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

8.4 Resolution No. R2013-30

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, JOINING THE BISCAYNE BAY COALITION IN SUPPORT OF ITS PROTECTION FOR THE HEALTH AND WELL-BEING OF MIAMI-DADE COUNTY RESIDENTS AND THE IMPROVEMENT OF OUR TOURISM ECONOMY.

8.5 Resolution No. R2013-31

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY ALLOWING THE CITY TO RECEIVE UP TO AN ADDITIONAL \$200,000.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED AT ALLEN PARK RECREATION CENTER RENOVATION PROJECT PHASE II; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

8.6 Resolution No. R2013-32

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY ALLOWING THE CITY TO RECEIVE UP TO AN ADDITIONAL \$307,000.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED FOR NE 172 STREET DRAINAGE IMPROVEMENT PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

8.7 Resolution No. R2013-33 (MOVED to LEGISLATION – see Item 4.2)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY'S AGREEMENT WITH FLORIDA CONSTRUCTION & ENGINEERING, INC. FOR THE PHASE II RENOVATIONS AT ALLEN PARK'S DE LEONARDIS YOUTH CENTER; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO THE ORIGINAL AGREEMENT; INCREASING THE MONETARY AMOUNT OF THE AGREEMENT BY \$188,172.24 FOR A TOTAL AGREEMENT AMOUNT OF \$625,518.24; AND EXTENDING THE AGREEMENT BY NINETY DAYS.

MOTION by Councilwoman Spiegel, seconded by Councilwoman Kramer, to approve the Consent Agenda. (Approved 7-0)

9. CITY MANAGER'S REPORT

City Manager Roslyn Weisblum congratulated Councilman DeFillipo, Councilwoman Kramer and Councilwoman Spiegel on their election.

9.1 Forfeiture (LETF) Appropriation Request

MOTION by Councilwoman Spiegel, seconded by Councilwoman Smith, to approve the LETF funding. (Approved 7-0)

The renovation and installation of new equipment at the Victory Tot Lot is scheduled to begin this week. The third week of June we will be starting the six month Leadership Institute program for Department Heads and Managers. It will be facilitated by the Human Resources Director Rose Amberson. The Financial Quarterly Report will be brought forward at the next Council meeting. The Crime Stats and other initiatives will be presented at the next Council meeting as well. Mayor Vallejo asked City Manager Weisblum to email the Financial Quarterly Report to the Council members before the next meeting for them to review.

10. CITY ATTORNEY'S REPORT

City Attorney Darcee Siegel took a moment to welcome Councilman DeFillipo, and congratulated Councilwoman Kramer and Councilwoman Spiegel on their re-election. She is seeking their authority to send a letter to the Attorney General seeking their opinion on the Council's ability to reimburse successful challenge of a candidate's qualifications to run for City Council.

MOTION by Councilwoman Kramer, seconded by Councilwoman Martell, for City Attorney Darcee Siegel to send a letter to the Attorney General Bondi asking for an opinion on whether or not this Council has the authority to reimburse an individual who is face with a situation where the qualifications of a potential candidate is not met and has to go to court and use the legal system to resolve the issue. **(Approved 6-0, Councilwoman Spiegel abstained from the vote)**

City Attorney Siegel explained that there are two situations regarding the Charter Review Committee that need to be addressed. First, there is an individual on the review committee that has not attended any of the meetings since the inception of the review committee and based on our City Code under 2-32.4 the Council needs to name a replacement. Secondly, it has come to our attention that the residency of, Yvenoline Dargenson, a current member of the Charter Review Committee has come into question and under City Code 2-32.4 subsection (b) the Council can have the person in question replaced without cause.

Mayor and Council discussed the issue.

MOTION by Councilman Pierre, seconded by Councilwoman Martell, to remove Yvenoline Dargenson from the Charter Review Committee. **(Passed 6-0, Councilwoman Spiegel was not present at the time of the vote)**

Councilwoman Kramer stated that she sent language to the City Attorney to review so that this situation does not repeat itself here in the City.

MOTION by Vice Mayor DeFillipo, seconded by Councilwoman Smith, to remove Yvenoline Dargenson from the Library Committee. **(Passed 6-0, Councilwoman Spiegel was not present at the time of the vote)**

City Attorney Siegel recommends that the Charter Review Committee be disbanded until new members are appointed.

MOTION by Councilwoman Kramer, seconded by Councilwoman Martell, to disband the current Charter Review Committee and restart the reappointment process. **(Passed 6-0, Councilwoman Spiegel was not present at the time of the vote)**

City Attorney Siegel stated that there is a scrivener's error on an Ordinance 2013-6 and it will be corrected when it comes before Council for second reading. She gave an update on the Administrative Code Waiver. It has gone before the Planning and Zoning board once and needed a little tweaking. It will be presented to the board at the next meeting on Monday, June 10th. It is set to come before Council on June 18th for first reading.

10.1 Litigation List (As of June 4, 2013)

- 11. MAYOR'S DISCUSSION – None**
- 12. MISCELLANEOUS ITEMS – None**
- 13. WAIVER OF FEE – None**

14. **BUSINESS TAX RECEIPTS** – *None*

15. **DISCUSSION** – *None*

16. **LEGISLATION**

16.1 Resolution No. R2013-26

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THREE (3) FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE CABANA'S REAR YARD SETBACK OF TWENTY-TWO (22) FEET IS EXISTING; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(3) TO WAIVE SIX (6) FEET OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF EIGHT (8) FEET, WHERE CABANA'S INTERIOR SIDE YARD SETBACK OF TWO (2) FEET IS EXISTING; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 965 SQUARE FEET OF THE MINIMUM REQUIRED PERVIOUS LOT AREA OF 5,208 SQUARE FEET (35%), WHERE PERVIOUS LOT AREA OF 4,243 SQUARE FEET (28.5%) EXISTS ON PROPERTY LEGALLY DESCRIBED AS: Lot 15, Block 9, of Eastern Shores First Addition, according to the Plat Thereof, as Recorded in Plat Book 65, Page 39, of the Public Records of Miami-Dade County, FL A/K/A 3207 N.E. 168th Street, North Miami Beach, Florida (P&Z Item No. 13-540 of April 8, 2013)

JENNINGS DISCLOSURE: Councilwoman Kramer – **Yes**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor DeFillipo – **Yes**, Mayor Vallejo – **Yes**

City Planner Chris Heid gave a brief explanation on the item.

Mayor Vallejo opened the item for public comment: *None*

Public comment closed.

MOTION by Councilwoman Spiegel, seconded by Councilwoman Smith, to adopt **Resolution No. R2013-26** with the three conditions.

ROLL CALL: Councilwoman Kramer – **Yes**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor DeFillipo – **Yes**, Mayor Vallejo – **Yes** (Approved 7-0)

16.2 Resolution No. R2013-28

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT TWO (2) DUPLEX TOWNHOUSES (4 UNITS) TOTALING 10,380 SQUARE FEET ON A 12,805 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHT (8) FEET SIX (6) INCHES OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE FEET (25) FEET, WHERE FRONT YARD SETBACK OF SIXTEEN (16) FEET SIX (6) INCHES IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWENTY (20) FEET OF THE MINIMUM REQUIRED SETBACK BETWEEN STRUCTURES OF THIRTY (30) FEET, WHERE SETBACK BETWEEN STRUCTURES OF TEN (10) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWELVE (12) FEET OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF TWENTY (20) FEET, WHERE INTERIOR SIDE YARD SETBACK OF EIGHT (8) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHTEEN (18) FEET OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE CORNER SIDE YARD SETBACK OF SEVEN (7) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM 24-95(A) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ONE (1) OF THE MINIMUM REQUIRED TWELVE (12) PARKING SPACES, WHERE ELEVEN (11) PARKING SPACES ARE PROPOSED, PLUS ONE (1) PARKING SPACE THAT IS PARTIALLY LOCATED IN THE PUBLIC RIGHT-OF-WAY, ON PROPERTY LEGALLY DESCRIBED AS: (LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A") A/K/A 16595 N.E. 35th Avenue, North Miami Beach, Florida (P&Z Item No.13-541 of April 8, 2013)

JENNINGS DISCLOSURE: Councilwoman Kramer – **No**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **No**, Councilwoman Spiegel – **No**, Vice Mayor DeFillipo – **No**, Mayor Vallejo – **Yes**

RECESS: Mayor Vallejo called for a three minute break at 9:39 pm. Meeting resumed at 9:41 pm.

City Planner Chris Heid gave a brief explanation on the item.

Mayor Vallejo opened the item for public comment: *None*

Public comment closed.

Mayor and Council discussed the item.

MOTION by Councilwoman Spiegel, seconded by Councilwoman Smith, to adopt **Resolution No. R2013-28** with the twelve conditions.

ROLL CALL: Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor DeFillipo – **Yes**, Mayor Vallejo – **Yes** (**Approved 7-0**)

16.3 Ordinance No. R2013-6 First Reading by Title Only

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 24-41 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "RS-1 RESIDENTIAL SINGLE-FAMILY DISTRICT" BY AMENDING REGULATIONS FOR DRIVEWAYS; AMENDING SECTION 24-92 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "OFF-STREET PARKING REQUIREMENT" BY UPDATING REGULATIONS FOR PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS AND ELIMINATING REGULATIONS FOR SINGLE-FAMILY DRIVEWAYS; CREATING SECTION 24-92.1, ENTITLED "SINGLE-FAMILY RESIDENTIAL DRIVEWAY DESIGN STANDARDS" TO PROVIDE DESIGN STANDARDS FOR SINGLE-FAMILY DRIVEWAYS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Planner Chris Heid gave a brief explanation on the item.

Mayor Vallejo opened the item for public comment: *None*

Public comment closed.

Mayor and Council discussed the item.

MOTION by Councilman Pierre, seconded by Councilwoman Martell, to adopt **Ordinance No. R2013-6 First Reading by Title Only**.

ROLL CALL: Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor DeFillipo – **Yes**, Mayor Vallejo – **Yes** (**Approved 7-0**)

16.4 Ordinance No. R2013-7 First Reading by Title Only

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, ARTICLE V OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING USE DISTRICTS" BY REMOVING THE REQUIREMENT OF A MINIMUM PERVIOUS AREA IN THE REQUIRED FRONT YARD OF SINGLE-FAMILY ZONING DISTRICTS (RS-1, RS-2, RS-3, & RS-4 ZONING DISTRICTS); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR

SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Planner Chris Heid gave a brief explanation on the item.

Mayor Vallejo opened the item for public comment: *None*

Public comment closed.

Mayor and Council discussed the item.

Councilwoman Spiegel is concerned that the way the ordinance is written someone may decide to have all their pervious area to be in the back yard. She would amend the ordinance to state that the pervious area has to stay remain in the front of the property.

MOTION by Councilwoman Spiegel, seconded by Councilwoman Kramer, to amend **Ordinance No. R2013-7** to include that the 25% of the pervious area needs to be in the front yard. (**Approved 7-0**)

MOTION by Councilwoman Spiegel, seconded by Councilwoman Martell, to adopt **Ordinance No. R2013-7 as amended.**

ROLL CALL: Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor DeFillipo – **Yes**, Mayor Vallejo – **Yes** (**Approved 7-0**)

8.7 Resolution No. R2013-33 (MOVED from the CONSENT AGENDA – see Item 4.2)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY'S AGREEMENT WITH FLORIDA CONSTRUCTION & ENGINEERING, INC. FOR THE PHASE II RENOVATIONS AT ALLEN PARK'S DE LEONARDIS YOUTH CENTER; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO THE ORIGINAL AGREEMENT; INCREASING THE MONETARY AMOUNT OF THE AGREEMENT BY \$188,172.24 FOR A TOTAL AGREEMENT AMOUNT OF \$625,518.24; AND EXTENDING THE AGREEMENT BY NINETY DAYS.

Assistant Public Services Director Dr. Jeff An gave a brief explanation on the item.

Mayor Vallejo opened the item for public comment: *None*

Public comment closed.

Mayor and Council discussed the item.

MOTION by Councilwoman Spiegel, seconded by Councilman Pierre, to adopt **Resolution No. R2013-33.** (**Approved 7-0**)

City Clerk Pamela Latimore informed Council that the Clerk's Office has been moving the City records to an offsite storage facility and that project is almost complete. She notified Council that we are now under Municode. They are handling the codification service and it is complete and available now on the City's website. If you find any discrepancies please notify our office so we can correct it. She also informed them that LaserFiche is here and the City Clerk's Office is now scanning into a records document system all of our minutes, resolutions, and ordinances from the incorporation of the City.

17. CITY COUNCIL REPORTS

Vice Mayor DeFillipo thanked the residents of the City for coming out and voting. He asks that the residents and Council work together to address the crime in the City. He looks forward to working with the community to resolve their concerns.

Councilwoman Kramer congratulated Councilman DeFillipo on his first meeting as Councilman. She also congratulated Councilwoman Spiegel on her difficult win, and for fighting for the rights of residents to have proper representation. She stated that she is happy to be back here to representing the City and its residents for another four years. She is looking forward to the positive changes that will happen in the City.

Councilwoman Martell it is an honor and pleasure to have a Council all together. She congratulated Councilwomen Kramer and Spiegel and Councilman DeFillipo. She let the residents know that if they are interested in the Charter Review Committee to contact her or the City Clerk's office. She commends resident Margie Love for her efforts to work with the police department to make the city safer.

Councilman Pierre welcomed Councilman DeFillipo. He takes the safety of the residents seriously and will be looking into what programs can be implemented to reduce the juvenile crime in the City. There will be a Foreclosure Prevention Seminar on Saturday, June 22, 2013 at 10:00 am – 6:00 pm and on Sunday, June 23, 2013 - 11:00 am to 6:00 pm at the Uleta Community Center. He directed City Attorney Siegel to draft a resolution that will address the issue of the residency requirements so we don't have a repeat of the situation at the last election. He would like to see that resolution in place before they choose the next Charter Review Committee.

Councilwoman Smith welcomed Councilman DeFillipo. She also congratulated Councilwomen Kramer and Spiegel. She asked for residents to come out and be a part of the Senior Citizens Advisory Board. She read a letter from a resident commending the Police Department.

Councilwoman Spiegel extended her sympathy to the family of Max Feldstein. She thanked the voters that came out to vote and thanked them for their support. She stated that the Mother's Day event was amazing and hats off the Leisure Services Department and staff for the wonderful job they did. To the voters she wants to let them know that she did what she did on principle only she felt that it was important that anyone that the candidates should have a stake in the City.

Mayor Vallejo congratulated Councilwoman Kramer and Councilwoman Spiegel and Councilman DeFillipo on their election. He reminded the resident to come out to participate in the Walk and Ride fundraiser on Sunday at Oleta State Park.

18. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, June 18, 2013

19. ADJOURNMENT

There being no further business to come before the City Council, Meeting was adjourned at 10:38 p.m.



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Roslyn B. Weisblum, City Manager

DATE: Tuesday, July 2, 2013

RE: Resolution No. R2013-37 (Chief Procurement Officer Brian K. O'Connor)

BACKGROUND: The City of North Miami Beach issued Invitation to Bid (ITB) No. 2013-02 to contract with a contractor for the furnishing of all labor, equipment, and materials to install stairs and walkway bridges to save-all tanks for maintenance, service and safety at the Norwood-Oeffler Water Treatment Plant. Notices were electronically sent to 656 potential, local and national vendors via DemandStar. Additionally, registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email or phone. Advertisements were placed in the Daily Business Review on March, 29 2013. Signs and Bid Notices were posted in the City Hall Lobby under Public Notices. The Bid (available for download) and a brief description were posted on the City's website. The City took receipt of three responses on April 26, 2013. The Public Utilities Commission approved Bid No. 2013-02 on June 12, 2013 in the amount of \$158,800.00 and recommended that Walter L Lista, Inc. be awarded Bid No. 2013-02.

RECOMMENDATION: It is the evaluation committee's recommendation that the bid be awarded to the lowest most responsive responsible bidder, **Walter L. Lista, Inc.** Azulejo, Inc. was disqualified because it failed to sign the bid page.

PROPOSED VENDOR:

Walter L. Lista, Inc.
9843 East Fern Street

Palmetto Bay, FL 33157

FISCAL IMPACT:

FY '13

Account Number: 410904-533830

Project Number: 011307-633463

Expenditure: \$158,800.00

CONTACT PERSON(S):

Shari Kamali, Director of Public Services

Brian K. O'Connor, Chief Procurement Officer

ATTACHMENTS:

- ❑ [Bid Tabulation](#)
- ❑ [Resolution No. R2013-37](#)
- ❑ [2013-02 Agreement](#)

2013-02 SAVE ALL TANK AND PUMP ACCESS

BID TABULATION

Item No.	Description	Walter L. Lista	Azulejo, Inc	ELCI Construction
1	Save all tank and pump access per specifications	\$158,800.00	\$125,528.00	\$347,310.00
	TOTAL	\$158,800.00	\$125,528.00	\$347,310.00

RESOLUTION NO. R2013-37

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AGREEMENT WITH WALTER L. LISTA, INC. IN THE
AMOUNT OF \$158,800.00, FOR THE SAVE-ALL TANK
AND PUMP ACCESS PROJECT.**

WHEREAS, the City of North Miami Beach ("City") issued Invitation to Bid No. 2013-02 to contract with qualified contractors for the furnishing of all labor, equipment and materials to install stairs and walkway bridges to save-all tanks for maintenance, service and safety at the Norwood-Oeffler Water Treatment Plant; and

WHEREAS, save-all tanks are used to hold filter backwash water for reuse, but physical access to those tanks for service and maintenance purposes is very difficult; and

WHEREAS, as a result of the challenges associated with servicing and maintaining save-all tanks, the installation of walkway bridges and guardrails are required to improve operational efficiency; and

WHEREAS, bid notices were electronically mailed to 656 potential local and national vendors, as well as advertised in the Daily Business Review, and posted on DemandStar by Onvia, the City's website, and in the lobby of City Hall. Additionally, all registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email; and

WHEREAS, a total of three companies responded to the City's Invitation to Bid by the published deadline; and

WHEREAS, an Evaluation Committee was convened to rank the responses to Bid No. 2013-02; and

WHEREAS, the Evaluation Committee recommended that Bid No. 2013-02 be awarded to the lowest, most responsive, responsible bidder, Walter L. Lista, Inc.; and

WHEREAS, Azulejo, Inc., one of the responding vendors to Bid No. 2013-02, was disqualified because it failed to sign the bid page; and

WHEREAS, on June 12, 2013, at an advertised public meeting, the Public Utilities Commission voted unanimously 4 to 0 to approve Bid No. 2013-02 in the amount of \$158,800.00 and recommended that Walter L. Lista, Inc. be awarded Bid No. 2013-02 ; and

WHEREAS, the City Council of North Miami Beach desires to award Bid No. 2013-02 and authorizes the City Manager to execute an Agreement between the City of North Miami Beach and Walter L. Lista, Inc., for the furnishing of all labor, equipment and materials to install stairs and walkway bridges to save-all tanks for maintenance, service and safety at the Norwood-Oeffler Water Treatment Plant.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach hereby award Bid No. 2013-02 to Walter L. Lista, Inc. in an amount totaling \$158,800.00.

Section 3. The Mayor and Council of the City of North Miami Beach, Florida, hereby authorize and direct the City Manager and the City Clerk to execute an Agreement, in a form acceptable to the City Attorney, between the City and Walter L. Lista, Inc., attached hereto as Exhibit "A" and incorporated herein by reference.

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

regular meeting assembled this ____ day of **July, 2013**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and Council

AGREEMENT No. 2013-02
BETWEEN THE CITY OF NORTH MIAMI BEACH AND
WALTER L. LISTA, INC.

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2013 by and between **Walter L. Lista, Inc.**, a corporation organized and existing under the laws of the **State of Florida**, having its principal office at **9843 East Fern Street, Palmetto Bay, Florida, 33157** (hereinafter referred to as the "Contractor"), and the City of North Miami Beach, a political subdivision of the State of Florida, having its principal office at 17011 NE 19th Avenue, North Miami Beach, Florida 33162 (hereinafter referred to as the "City"),

WITNESSETH:

WHEREAS, the Contractor has offered to provide the materials and/or services and to be bound by the Plans and the terms and conditions of the **Invitation to Bid (ITB) No. 2013-02**, which includes the General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, the Contractor has submitted a written proposal dated **April 26, 2013**, hereinafter referred to as the "Contractor's Proposal", the terms of which are incorporated herein by reference as if fully set forth herein; and

WHEREAS, the City desires to procure from the Contractor such services for the City, in accordance with the terms and conditions of this Agreement; and

WHEREAS, the Contractor will be responsible for the expenses associated with re-testing of failed inspections related directly to installation.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The Contractor agrees to provide the materials and/or services pursuant to and to be bound by the Plans and the terms and conditions of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda and the terms of which are incorporated herein by reference as if fully set forth herein and attached hereto as Exhibit "A", and the Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".
2. The CITY agrees to abide by and to be bound by the terms of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and by the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".
3. Contractor shall deliver materials and/or provide services in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

4. The City agrees to make payment in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

5. This Agreement and attachments hereto constitute the entire agreement between the parties hereto, and its provisions shall not be amended, except in writing, after formal approval by both parties.

6. This Agreement will commence on _____ and expire on _____ unless Contractor is otherwise notified by the City. Any extension to this Agreement shall be in writing. The City Manager is authorized to extend or terminate this Agreement on behalf of the City.

7. In addition to any other contractual indemnification provisions in Exhibit A or Exhibit B in favor of the City, Contractor hereby agrees to indemnify and hold the City harmless from any and all claims, suits, actions, damages, causes of action, and attorney's fees, arising from any personal injury, loss of life, or damage to person or property sustained by reason of or as a result of the products or materials used or supplied in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on this _____ day of _____, 2013.

WALTER L. LISTA, INC.

CITY OF NORTH MIAMI BEACH

By: _____
(Signature)

By: _____
Roslyn B. Weisblum, City Manager

Name: _____
(Print)

Date: _____

Title: _____

Attest: _____
Pamela L. Latimore, City Clerk

Date: _____

Approved as to form
and legal sufficiency

Attest: _____
Corporate Seal/Notary Public

Darcee S. Siegel, City Attorney

Corporate Seal/Notary Seal



City of North Miami Beach
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305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Roslyn B. Weisblum, City Manager

DATE: Tuesday, July 2, 2013

RE: Resolution No. R2013-38 (Chief Procurement Officer Brian K. O'Connor)

BACKGROUND: The City of North Miami Beach issued Invitation to Bid (ITB) No. 2013-03 to contract with experienced contractors for the installation of two air stripper units and associated equipment for pre-treatment of all lime-softening wells. The proposal includes improvements of the processes in the lime-softening treatment, including motor control center, generator, slaker, etc. This project will be financed with assistance from the Florida Department of Environmental Protection, which administers a State revolving fund loan program supported in part with funds directly made available by grants from the United States Environmental Protection Agency. Notices were electronically sent to 1260 potential, local and national vendors via DemandStar. Additionally, registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email or phone. Advertisements were placed in the Daily Business Review on April 5, 2013. Signs and Bid Notices were posted in the City Hall Lobby under Public Notices. The Bid (available for download) and a brief description were posted on the City's website. The City took receipt of three responses on May 17, 2013. The Public Utilities Commission approved Bid No. 2013-03 on June 12, 2013 in the amount of \$6,543,000.00 and recommended that Lanzo Construction Co. of Florida be awarded Bid No. 2013-03.

RECOMMENDATION: It is the evaluation committee's recommendation that the bid be

awarded to the lowest most responsive responsible bidder, Lanzo Construction Co., Florida.

PROPOSED VENDOR:

Lanzo Construction Co., Florida
125 SE 5th Ct
Deerfield Beach, FL 33441

FISCAL IMPACT:

FY '13

Account Number: 414904-533830

Project Number: 811002-633463

Expenditure: \$6,543,000.00

CONTACT PERSON(S):

Shari Kamali, Director of Public Services

Brian K. O'Connor, Chief Procurement Officer

ATTACHMENTS:

- ❑ [Bid Tabulation](#)
- ❑ [Resolution No. R2013-38](#)
- ❑ [Exhibit A](#)
- ❑ [Exhibit B](#)
- ❑ [Exhibit C](#)

2013-03 NORWOOD-OEFFLER WATER TREATMENT PLANT VOC REMOVAL PROJECT PHASE II

			Lanzo Construction Co	Florida Design Contractors, Inc	David Mancini & Son, Inc
ITEM NO	BASE BID DESCRIPTION	PRICE (\$)		PRICE (\$)	PRICE (\$)
BID ITEM 1	Lump sum price for Indemnification as specified in the General Conditions as amended in the Supplementary Conditions, complete	\$1,000.00		\$1,000.00	\$1,000.00
BID ITEM 2	Removal Project, complete, including concrete work, site work, degasifier system, yard piping, transfer pump, polyphosphate system modifications, removal and relocation of existing static mixers, cleaning system for new packed tower system, cleaning system for existing membrane treatment degasifiers, new flow meter for Hydrotreator 3 influent piping, new influent flow meter for degasifier No.4, relocation of existing trailermounted generator to a permanent concrete pad and permanent tie-in into the existing electrical system, connection of the relocated generator to the existing operable fuel storage tank, and electrical and instrumentation work.	\$5,667,000.00		\$6,050,000.00	\$6,556,481.00
BID ITEM 3	Lump sum price for all work associated with all architectural, structural, HVAC, plumbing, electrical, instrumentations arid controls for the Old Lime Plant High Service Pumps building (see detailed scope of work in Section 01010 - SUMMARY OF PROJECT).	\$575,000.00		\$1,000,000.00	\$755,000.00
BID ITEM 4	Permitting Allowance: (Section 01065, Permit and Fee, Part 1.A, Page 01065-1)	\$100,000.00		\$100,000.00	\$100,000.00
BID ITEM 5	Construction allowance	\$200,000.00		\$200,000.00	\$200,000.00
	TOTAL BASE BID (1-5)	\$6,543,000.00		\$7,351,000.00	\$7,612,481.00
ITEM NO	ADDITIVE ALTERNATES DESCRIPTION	PRICE (\$)		PRICE (\$)	PRICE (\$)
ADDITIVE ALTERNATE A	Lump sum price for all work to install new lime transfer blower system equipment, replace lime slaker no. 3 with equipment similar to that installed in silo no. 1, including all appurtenances and related electrical and instrumentation work:	\$1,294,000.00		\$1,156,000.00	\$1,474,575.00
ADDITIVE ALTERNATE B	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No.1, complete:	\$50,000.00		\$46,000.00	\$42,412.00
ADDITIVE ALTERNATE C	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No.2, complete:	\$50,000.00		\$46,000.00	\$42,412.00
ADDITIVE ALTERNATE D	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No.3, complete:	\$50,000.00		\$46,000.00	\$42,412.00
ADDITIVE ALTERNATE E	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No.5, complete:	\$50,000.00		\$46,000.00	\$42,412.00
ADDITIVE ALTERNATE F	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No.6, complete:	\$50,000.00		\$46,000.00	\$42,412.00
ADDITIVE ALTERNATE G	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No.7, complete:	\$50,000.00		\$46,000.00	\$42,412.00
ADDITIVE ALTERNATE H	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No. 11, complete:	\$65,000.00		\$52,325.00	\$54,635.00
ADDITIVE ALTERNATE I	Lump sum price for all work to perform maintenance on Biscayne Aquifer Well No. 12, complete	\$65,000.00		\$52,325.00	\$54,635.00
ADDITIVE ALTERNATE J	Lump sum price for Standby time for rig and crew (on-site), on site time for rig and crew (off-site), and extra work, all wells:	\$90,000.00		\$14,000.00	\$17,350.00
ADDITIVE ALTERNATE K	Lump sum price for Standby installation, maintenance, and disassembly of temporary discharge line as shown and as specified, complete	\$50,000.00		\$15,000.00	\$9,000.00
ADDITIVE ALTERNATE L	Unit price for each I-foot by 1-foot 1/4 inch thick A36 steel plate patch for existing lime silos, including sandblasting, surface preparation, and internal/external coating, per patch	\$500.00		\$850.00	\$1,150.00

2013-03 NORWOOD-OEFFLER WATER TREATMENT PLANT VOC REMOVAL PROJECT PHASE II

		Lanzo Construction Co				Florida Design Contractors, Inc				David Mancini & Son, Inc			
Table BP-I: Additive/Deductive Adjustment Amounts to the Lump Sum Amounts for Additive Alternates "B" through "I"													
ITEM NO	ADJUSTMENT VALUES FOR BISCAYNE AQUIFER RAW WATER WELLS NO.1, 2, 3,5,6,7, 11 & 12	Unit	Total Quantity	Unit Price	Extended Price	Unit	Total Quantity	Unit Price	Extended Price	Unit	Total Quantity	Unit Price	Extended Price
AV-1	Video Log Wells No. 1,2,3,5,6,7, 11, and 12	LS per Well	8	\$1,100.00	\$8,800.00	LS per Well	8	\$1,500.00	\$12,000.00	LS per Well	8	\$1,270.00	\$10,160.00
AV-2	Well Development (50 hours per well) Wells No. 1,2,3,5,6, 7, 11, and 12	Hour	400	\$60.00	\$24,000.00	Hour	400	\$185.00	\$74,000.00	Hour	400	\$69.30	\$27,720.00
AV-3	Variable Rate Testing Wells No. 1,2,3,5,6,7, 11, and 12 2 per well	Per Test	16	\$600.00	\$9,600.00	Per Test	16	\$3,000.00	\$48,000.00	Per Test	16	\$693.00	\$11,088.00
AV-4	Casing Brushing Wells No. 1,2,3,5,6,7, 11, and 12	LS per Well	8	\$200.00	\$1,600.00	LS per Well	8	\$800.00	\$6,400.00	LS per Well	8	\$213.00	\$1,704.00
AV-5	Acidization Wells No. 1,2,3,5,6,7,11, and 12	LS per Well	8	\$3,000.00	\$24,000.00	LS per Well	8	\$3,000.00	\$24,000.00	LS per Well	8	\$3,466.00	\$27,728.00
Table BP-I: Additive/Deductive Adjustment Amounts to the Lump Sum Amounts for Additive Alternate "J"													
ITEM NO	ADJUSTMENT VALUES FOR ALL BISCAYNE AQUIFER RAW WATER WELLS	Unit	Total Quantity	Unit Price	Extended Price	Unit	Total Quantity	Unit Price	Extended Price	Unit	Total Quantity	Unit Price	Extended Price
AV-6	Standby Time for Rig and Crew all Wells (on-site)	Hour	40	\$900.00	\$36,000.00	Hour	40	\$125.00	\$5,000.00	Hour	40	\$173.00	\$6,920.00
AV-7	Standby Time for Rig and Crew all Wells (off-site)	Hour	20	\$500.00	\$10,000.00	Hour	20	\$50.00	\$1,000.00	Hour	20	\$115.50	\$2,310.00
AV-8	Extra Work for Rig and Crew all Wells	Hour	40	\$425.00	\$17,000.00	Hour	40	\$200.00	\$8,000.00	Hour	40	\$203.00	\$8,120.00

The City of North Miami Beach has not checked the bids/proposals for errors or made determinations that any bids/proposals meet requirements. The City makes no claim that the prices listed above are anything other than prices entered and read aloud at the public opening. All bids/proposals will be reviewed by an evaluation committee at a publicly scheduled meeting before being submitted to the City of North Miami Beach City Council for approval (if required).

RESOLUTION NO. R2013-38

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LANZO CONSTRUCTION CO., FLORIDA, IN THE AMOUNT OF \$6,543,000.00 COMING FROM A STATE REVOLVING FORGIVENESS LOAN FOR THE NORWOOD-OEFFLER WATER PLANT VOC REMOVAL PHASE II PROJECT.

WHEREAS, on July 21, 2009, the Mayor and City Council approved Resolution No. R2009-35A authorizing a Drinking Water State Revolving Fund Construction Loan Agreement with Florida Department of Environmental Protection, Loan Nos. DW130102 and DW130103; and

WHEREAS, on January 10, 2012 the Mayor and City Council approved Resolution No. R2012-6 authorizing the second phase of the VOC Removal Project; and

WHEREAS, the City of North Miami Beach issued Invitation to Bid No. 2013-03 to contract with experienced contractors for the installation of two air stripper units associated equipment for pre-treatment of all lime-softening wells, as well as further work as outlined in Section 1.1 of Bid No. 2013-03 attached hereto as Exhibit "A"; and

WHEREAS, the proposal includes improvements of the processes in the lime-softening treatment, including motor control center, generator, slacker, etc.; and

WHEREAS, this project will be financed with assistance from the Florida Department of Environmental Protection, which administers a State revolving fund loan program supported in part with funds directly made available by grants from the United States Environmental Protection Agency in the amount of \$14,715,488.00 as outlined on Schedule A attached hereto as Exhibit "B"; and

RESOLUTION R2013-38

WHEREAS, bid notices were electronically mailed to 1260 potential local and national vendors, as well as advertised in, the Daily Business Review, and posted on DemandStar by Onvia, the City's website, and in the lobby of City Hall. Additionally, all registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email; and

WHEREAS, a total of three companies responded to the City's Invitation to Bid by the published deadline; and

WHEREAS, an Evaluation Committee was convened to rank the responses to Bid No. 2013-03; and

WHEREAS, the Evaluation Committee recommended that Bid No. 2013-03 be awarded to the lowest, most responsive, responsible bidder, Lanzo Construction Co., Florida.; and

WHEREAS, on June 12, 2013, at an advertised public meeting, the Public Utilities Commission voted unanimously 4 to 0 to approve Bid No. 2013-03 in the amount of \$6,543,000.00 and recommended that Lanzo Construction Co., Florida be awarded Bid No. 2013-03; and

WHEREAS, the City Council of North Miami Beach desires to award Bid No. 2013-03 and authorizes the City Manager to execute an Agreement between the City of North Miami Beach and Lanzo Construction Co., Florida, for the Norwood-Oeffler Water Treatment Plant VOC Removal Phase II Project.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach hereby award Bid No. 2013-03 to Lanzo Construction Co., Florida a total amount of \$6,543,000.00.

RESOLUTION R2013-38

Section 3. The Mayor and Council of the City of North Miami Beach, Florida, hereby authorize and direct the City Manager and the City Clerk to execute an agreement, in a form acceptable to the City Attorney, between the City and Lanzo Construction Co., Florida, attached hereto as Exhibit "C" and incorporated herein by reference.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ____ day of **July, 2013**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and Council

Siegel, Darcee

From: O'Connor, Brian
Sent: Thursday, June 06, 2013 9:00 AM
To: Siegel, Darcee
Subject: RE: SOW for 2013-0

1.1 WORK COVERED BY CONTRACT DOCUMENTS

A. This Contract is for construction of the OWNER of North Miami Beach, Florida Norwood-Oeffler Water Treatment Plant VOC Removal System Project - Phase 2 as shown on the Drawings and Specifications herein. The work consists of furnishing, delivering and installing all materials, equipment and services, including labor, for the construction of the facilities generally consisting of, but is not limited to, the following elements:

1. Construct concrete foundation slab for two air stripper units.
2. Furnish and install two new air stripper units with blowers, ductwork, and appurtenances on the new concrete foundation slab.
3. Furnish and install two transfer pumps and associated valves, piping and appurtenances into existing transfer pump station.
4. Furnish and install yard piping, fittings, valves and appurtenances for inlet and outlet piping to air stripper units. Includes modifications to existing yard piping.
5. Furnish and install one 24-inch static mixer in a new concrete vault. Remove and relocate one 16-inch static mixer and existing concrete vault to new location. Remove one existing 12-inch static mixer. Install new spool pieces and backfill at locations of removed static mixers.
6. Furnish and install new double-contained polyphosphate system piping, valves, pipe supports, and other appurtenances from existing equipment connections to static mixers. Includes modifications to existing two-pump metering skid.
7. Rehabilitate Biscayne well nos. 1, 2, 3, 5, 6, 7, 11 and 12.
8. Furnish and install raw water piping from wellfield along NW 9th Avenue.
9. Furnish and install chemical cleaning system, including concrete containment area and chemical containment pad, two 1,500 gallon FRP tanks, mixers, grating, piping, pipe supports, eyewash/shower station, and other appurtenances.
10. Furnish and install new MCC for replacement of MCC – 5.
11. Perform site work.
12. Perform electrical work.
13. Perform instrumentation and controls work
14. Furnish and install piping to dispose of neutralized chemical from cleaning system to on-site lift station.
15. Furnish and install miscellaneous yard piping from raw water well no. 3 to raw water header in NW 9th Avenue.

Brian K. O'Connor, C.P.M., A.P.P.
Chief Procurement Officer
City of North Miami Beach
Phone: (305) 948-2946
Fax: (305) 957-3522
Cell (305) 338-4800
brian.oconnor@citynmb.com

EXHIBIT "B"

SCHEDULE A
City of North Miami Beach
SRF Funding Summary
As of 02/25/2013

Project Name	FDEP Project Number	Total Amount Requested	Principal Forgiveness	Capped Interest	Loan Service Fee	Capped interest for the loan service fee	Repayment of Principal	Loan Amount	Interest Rate	Paym Perio
WASTEWATER										
Highland Village (ARRA) - Amendment 1	WW130100	\$ 1,192,804	\$ -	\$ 2,258				\$ 1,195,062	1.94%	20 ye
Highland Village (Direct loan)	WW130101	\$ 254,712	\$ -	\$ 2,958	\$ 5,094			\$ 262,764	1.94%	20 ye
Highland Village (Direct loan) - Amendment 1	WW130101	\$ 108,541	\$ -	\$ 457	\$ 2,171			\$ 111,169	1.67%	20 ye
Highland Village (Direct loan) Sub-total (Fund 486)		\$ 363,253	\$ -	\$ 3,415	\$ 7,265	\$ -	\$ -	\$ 373,933		
		\$ -								
Highland Village Total		\$ 1,556,057	\$ -	\$ 5,672	\$ 7,265	\$ -	\$ -	\$ 1,568,994		
Major Sewer Rehab (Des.) - Fund 451	WW745080	\$ 487,318	\$ -	\$ 15,000	\$ 9,746			\$ 512,064	2.05%	20 ye
Major Sewer Rehab (Cons.) - Fund 453	WW745081	\$ 5,810,000	\$ -	\$ 118,000	\$ 116,200			\$ 6,044,200	1.93%	20 ye
Inflow & Infiltration - Fund 452	WW130110	\$ 4,141,565	\$ -	\$ 60,200	\$ 82,831			\$ 4,284,596	2.10%	20 ye
WASTEWATER GRAND TOTAL		\$ 11,994,940	\$ -	\$ 198,872	\$ 218,162	\$ -	\$ -	\$ 12,409,854		
WATER										
VOC Phase I (ARRA) - Amendment 1	DW130102	\$ 3,000,000	\$ (2,550,000)	\$ 226				\$ 450,226	2.71%	20 ye
VOC Phase II	DW130103	\$ 3,000,000		\$ 100,300	\$ 60,000		\$ (103,000)	\$ 3,057,010	2.71%	20 ye
VOC Phase II - Amendment 1	DW130103	\$ 2,565,185	\$ (2,000,000)	\$ 8,900	\$ 11,304		\$ (15,000)	\$ 565,857	2.66%	20 ye
VOC Phase II - Amendment 2	DW130103	\$ 6,150,303	\$ (1,000,000)	\$ 27,700	\$ 103,006			\$ 5,281,009	2.50%	20 ye
VOC Sub-total		\$ 11,715,488	\$ (3,000,000)	\$ 136,900	\$ 174,310	\$ -	\$ (122,822)	\$ 8,903,876		
VOC Total (Fund 414)		\$ 14,715,488	\$ (5,550,000)	\$ 137,126	\$ 174,310	\$ -	\$ (122,822)	\$ 9,354,102		
Automated Meter Reading	DW130130	\$ 2,434,815	\$ -	\$ 46,200	\$ 48,696	\$ 1,930		\$ 2,531,641	3.06%	20 y
Automated Meter Reading - Amendment 1	DW130130	\$ 3,849,697	\$ -	\$ 32,800	\$ 76,994	\$ 1,560		\$ 3,961,051	2.50%	20 y
Automated Meter Reading - Amendment 2 (*)	DW130130	\$ 4,253,990	\$ -	\$ 28,600	\$ 85,080	\$ 830		\$ 4,368,500	2.42%	20 y
AMR Total (Fund 415)		\$ 10,538,502	\$ -	\$ 107,600	\$ 210,770	\$ 4,320	\$ -	\$ 10,861,192		
WATER GRAND TOTAL		\$ 26,293,390	\$ (5,550,000)	\$ 244,726	\$ 385,080	\$ 6,250	\$ (122,822)	\$ 20,215,630		
SRF GRAND TOTAL		\$ 38,208,330	\$ (5,550,000)	\$ 443,598	\$ 603,440	\$ 11,570	\$ (122,822)	\$ 30,431,760		

EXHIBIT "C"

**AGREEMENT No. 2013-03
BETWEEN THE CITY OF NORTH MIAMI BEACH AND
LANZO CONSTRUCTION CO., FLORIDA**

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2013 by and between Lanzo Construction Co., Florida, a corporation organized and existing under the laws of the State of Florida, having its principal office at 125 SE 5th Court, Deerfield Beach, Florida, 33441 (hereinafter referred to as the "Contractor"), and the City of North Miami Beach, a political subdivision of the State of Florida, having its principal office at 17011 NE 19th Avenue, North Miami Beach, Florida 33162 (hereinafter referred to as the "City"),

WITNESSETH:

WHEREAS, the Contractor has offered to provide the materials and/or services and to be bound by the Plans and the terms and conditions of the **Invitation to Bid (ITB) No. 2013-03**, which includes the General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, the Contractor has submitted a written proposal dated **May 17, 2013**, hereinafter referred to as the "Contractor's Proposal", the terms of which are incorporated herein by reference as if fully set forth herein; and

WHEREAS, the City desires to procure from the Contractor such services for the City, in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The Contractor agrees to provide the materials and/or services pursuant to and to be bound by the Plans and the terms and conditions of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda and the terms of which are incorporated herein by reference as if fully set forth herein and attached hereto as Exhibit "A", and the Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".
2. The CITY agrees to abide by and to be bound by the terms of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and by the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".
3. Contractor shall deliver materials and/or provide services in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".
4. The City agrees to make payment in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached

hereto and incorporated herein as Exhibit "B".

5. This Agreement and attachments hereto constitute the entire agreement between the parties hereto, and its provisions shall not be amended, except in writing, after formal approval by both parties.

6. This Agreement will commence on _____ and expire on _____ unless Contractor is otherwise notified by the City. Any extension to this Agreement shall be in writing. The City Manager is authorized to extend or terminate this Agreement on behalf of the City.

7. In addition to any other contractual indemnification provisions in Exhibit A or Exhibit B in favor of the City, Contractor hereby agrees to indemnify and hold the City harmless from any and all claims, suits, actions, damages, causes of action, and attorney's fees, arising from any personal injury, loss of life, or damage to person or property sustained by reason of or as a result of the products or materials used or supplied in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on this _____ day of _____, 2013.

LANZO CONSTRUCTION CO., FLORIDA

CITY OF NORTH MIAMI BEACH

By: _____
(Signature)

By: _____
Roslyn B. Weisblum, City Manager

Name: _____
(Print)

Date: _____

Title: _____

Attest: _____
Pamela L. Latimore, City Clerk

Date: _____

Approved as to form
and legal sufficiency

Attest: _____
Corporate Seal/Notary Public

Darcee S. Siegel, City Attorney

Corporate Seal/Notary Seal



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council

FROM: Roslyn B. Weisblum, City Manager

DATE: Tuesday, July 2, 2013

RE: Resolution No. R2013-39 (Chief Procurement Officer Brian K. O'Connor)

BACKGROUND: The City of North Miami Beach issued RFP No. 2012-25 to solicit proposals from firms to provide insurance brokerage services for the City.

Resolution No. 2013-01 was approved on January 15, 2013, in which the Mayor and Council of North Miami Beach authorized the City Manager to negotiate and agreement with Risk Management Associates, Inc., and the City of North Miami Beach was able to reach an agreement with Risk Management Associates, Inc.

RECOMMENDATION: It is the Evaluation Committee's recommendation that the City Council authorize the City Manager or his designee, to execute and agreement with Risk Management Associates, Inc dba Public Risk Insurance Agency with regards to the above-mentioned RFP.

PROPOSED VENDORS:

1rst Rank:

Risk Management Associates, Inc dba Public Risk Insurance

220 S. Ridgewood Avenue

Suite 210

Daytona Beach, FL 32114

FISCAL IMPACT:

FISCAL IMPACT FY'13

Budget amount: \$50,000

Expenditure: \$50,000

This is a three- year agreement with an annual expenditure of \$50,000. Agreement can be renewed on a year to year basis for two years in accordance with RFP document Section 1.43.

CONTACT PERSON(S):

Rose Amberson, Director of Human Resources
Brian K. O'Connor, CPO, Chief Procurement Officer

ATTACHMENTS:

- ❑ [Ranking](#)
- ❑ [Resolution No. R2013-39](#)
- ❑ [Agreement](#)

RFP No 2012-25 INSURANCE BROKERAGE SERVICES

Review Committee Meeting December 10 , 2012 at 2:00pm

Proposers ☞		Arthur J Gallagher			PRIA/Risk Mgt Assocites			Wells Fargo		
Ranking Criteria ☞		Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #1	Reviewer #2	Reviewer #3
1	Understanding of overall needs of the City, as presented in the narrative proposal. Includes problem identification and the proposed method to accomplish the work required.	20	20	20	30	30	25	20	30	25
	<i>Possible Points - 30</i>									
2	Experience, qualifications and past performance of the proposing firm, including persons proposed to provide services, facilities, resources and references.	40	40	20	40	40	20	20	35	20
	<i>Possible Points - 40</i>									
3	Fee Proposed	20	15	10	20	20	17	30	30	23
	<i>Possible Points - 30</i>									

TOTAL POINTS	80	75	50	90	90	62	70	95	68
	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #1	Reviewer #2	Reviewer #3

AVERAGE OF TOTAL POINTS	68.33333333	80.66666667	77.66666667
-------------------------	-------------	-------------	-------------

Reviewer No.	Name
1	Esther Martinez
2	Janette Smith
3	Mac Serda

RESOLUTION NO. R2013-39

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH RISK MANAGEMENT ASSOCIATES, INC., THE FIRST-RANKED FIRM, TO SERVE AS THE INSURANCE BROKER FOR THE CITY OF NORTH MIAMI BEACH.

WHEREAS, the City of North Miami Beach issued RFP No. 2012-25 for the purpose of selecting a qualified firm to serve as the City of North Miami Beach's insurance broker; and

WHEREAS, Resolution No. R2013-1 was approved on January 15, 2013, in which the Mayor and Council of North Miami Beach authorized the City Manager to negotiate an agreement with Risk Management Associates, Inc.; and

WHEREAS, the City of North Miami Beach was able to reach an agreement with Risk Management Associates, Inc.; and

WHEREAS, based on the responses to Request for Proposals No. 2012-25, the City Council of North Miami Beach authorizes the City Manager to execute an agreement between the City of North Miami Beach and Risk Management Associates, Inc., for insurance brokerage services.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The City Manager is hereby authorized to execute an agreement, in a form acceptable to the City Attorney, between the City of North Miami Beach and first-ranked firm, Risk Management Associates, Inc., attached hereto as Exhibit "A" and incorporated herein by reference.

RESOLUTION NO. R2013-39

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ____ day of **July, 2013**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and Council

AGREEMENT No. 2012-25
BETWEEN THE CITY OF NORTH MIAMI BEACH AND
RISK MANAGEMENT ASSOCIATES, INC. D/B/A PUBLIC RISK INSURANCE AGENCY

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2013 by and between **Risk Management Associates, Inc.**, a corporation organized and existing under the laws of the **State of Florida**, having its principal office at **220 South Ridge Avenue, Daytona Beach, Florida, 32114** (hereinafter referred to as the "Contractor"), and the City of North Miami Beach, a political subdivision of the State of Florida, having its principal office at 17011 NE 19th Avenue, North Miami Beach, Florida 33162 (hereinafter referred to as the "City"),

WITNESSETH:

WHEREAS, the Contractor has offered to provide the materials and/or services and to be bound by the Plans and the terms and conditions of the **Request for Proposal (RFP) No. 2012-25**, which includes the General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B"; and negotiated terms attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the Contractor has submitted a written proposal dated **November 29, 2012**, hereinafter referred to as the "Contractor's Proposal", the terms of which are incorporated herein by reference as if fully set forth herein; and

WHEREAS, the City desires to procure from the Contractor insurance brokerage services for the City, in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The Contractor agrees to provide the materials and/or services pursuant to and to be bound by the Plans and the terms and conditions of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda and the terms of which are incorporated herein by reference as if fully set forth herein and attached hereto as Exhibit "A", and the Contractor's Proposal attached hereto and incorporated herein as Exhibit "B", and negotiated terms attached hereto and incorporated herein as Exhibit "C".
2. The CITY agrees to abide by and to be bound by the terms of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and by the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B", and by the negotiated terms attached hereto and incorporated herein as Exhibit "C".
3. Contractor shall deliver materials and/or provide services in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B", and with the negotiated terms attached hereto and incorporated herein as Exhibit "C".

4. The City agrees to make payment in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B", and with the negotiated terms attached hereto and incorporated herein as Exhibit "C".

5. This Agreement and attachments hereto constitute the entire agreement between the parties hereto, and its provisions shall not be amended, except in writing, after formal approval by both parties.

6. This Agreement will commence on _____ and expire on _____ unless Contractor is otherwise notified by the City. Any extension to this Agreement shall be in writing. The City Manager is authorized to extend or terminate this Agreement on behalf of the City.

7. In addition to any other contractual indemnification provisions in Exhibit A or Exhibit B in favor of the City, Contractor hereby agrees to indemnify and hold the City harmless from any and all claims, suits, actions, damages, causes of action, and attorney's fees, arising from any personal injury, loss of life, or damage to person or property sustained by reason of or as a result of the products or materials used or supplied in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on this _____ day of _____, 2013.

**RISK MANAGEMENT ASSOCIATES, INC.
D/B/A PUBLIC RISK INSURANCE AGENCY**

CITY OF NORTH MIAMI BEACH

By: _____
(Signature)

By: _____
Roslyn Weisblum, City Manager

Name: _____
(Print)

Date: _____

Title: _____

Attest: _____
Pamela L. Latimore, City Clerk

Date: _____

Approved as to form
and legal sufficiency

Attest: _____
Corporate Seal/Notary Public

Darcee S. Siegel, City Attorney

Corporate Seal/Notary Seal

EXHIBIT C-
AGREEMENT WITH RISK MANAGEMENT ASSOCIATES, INC. D/B/A PUBLIC RISK INSURANCE AGENCY

SOLICITATION RFP 2012-25 INSURANCE BROKERAGE SERVICES

6/17/2013

Resolution No. R2013-01 was approved on January 15th, 2013, in which the Mayor and Council of the City of North Miami Beach authorized the City Manager to negotiate with Risk Management Associates, Inc., for the purpose of selecting a firm to serve as the City of North Miami Beach's insurance broker.

The City of North Miami Beach was able to reach an agreement with Risk Management Associates, Inc. ("Contractor") on May 21, 2013 after adding the following terms to its proposal:

The maximum annual compensation payable under this Agreement shall not exceed Fifty thousand dollars (\$50,000). Compensation shall include all overhead, travel expenses, labor, materials, equipment, technology, subcontractors, markup and any other related goods or services necessary for the performance described in our response to RFP No. 2012-25. Compensation shall not include any commission received from placing NFIP flood insurance per FEMA Memo W-12026, dated April 4, 2012.

In the event that Consultant receives commission payments in connection with the placement procurement of insurance for City, the amount of such payments will be credited against the balance of the Broker Services Fee owed to Broker pursuant to this Agreement, and any Broker Services Fee amount in excess of such balance shall be promptly paid to City within 30 days after receipt of such commission by Broker.

The Broker shall invoice the City for any insurance products procured at the City's request.

If the City chooses to procure insurance through the Consultant, City and Consultant acknowledge and agree as follows:

1. It is understood and agreed that Consultant, or Consultant's corporate parent, subsidiaries or affiliated entities, may receive contingent payments or allowances from insurers based on factors which are not client-specific, such as the performance and/or size of an overall book of business produced with an insurer. Notwithstanding anything to the contrary contained herein, such contingent payments or allowances will not be credited against the balance of the fee owed to Broker pursuant to this Agreement or otherwise be paid to City.
2. Consultant may utilize insurance intermediaries (such as wholesale insurance broker, managing general agent (MGA), managing general underwriter or reinsurance broker) for the placement of City's insurance. In addition to providing access to the insurance company, the intermediary may provide the following services: (i) risk placement; (ii) coverage review; (iii) claims liaison services with the insurance company; (iv) policy review; and (v) current market intelligence. The compensation received by the insurance intermediary for placements and, if applicable, the services above is typically in the range of 5% to 15% of a policy premium. The intermediary utilized in the placement of your insurance may or may not be owned by Brown & Brown Inc., the parent company of Consultant. Notwithstanding anything to the contrary contained herein, any payments or allowances paid to any intermediary are not subject to this section, and will not be credited against the balance of the fee owed to Consultant pursuant to this Agreement or otherwise paid to City.
3. If City chooses to finance its premiums, Consultant may assist City in the arrangement of such financing. Notwithstanding anything to the contrary contained herein, any payments or allowances paid to Consultant for arranging premium financing will not be credited against the balance of the fee owed to Consultant pursuant to this Agreement or otherwise paid to the City.
4. Consultant may, in the ordinary course of its business, receive and retain interest on premiums paid by the City from the date received by Consultant until the date the premiums are remitted to the insurance company or intermediary.

17011 NE 19th Ave, North Miami Beach, FL 33162 ☎ 305-948-2946 📠 305-957-3522 📧 bids@citynmb.com

Notwithstanding anything to the contrary contained herein, any interest income retained by Consultant on these premiums will not be credited against the balance of the fee owed to Consultant pursuant to this Agreement or otherwise paid to City.

5. Compensation for the Services are exclusive of all federal, state and local sales, use, excise, receipts, gross income and other similar taxes and governmental charges and fees. Sarasota City is exempt from Federal Excise and State Sales Taxes (Department of Revenue Certification No. 85-8012515235C-5).
6. If Consultant is being compensated based upon a fixed dollar amount or fixed percentage fee, meaning that the Agreement specifies compensation and states that additional compensation will not be paid to Consultant or any other party, then additional compensation is strictly prohibited.

Similarly, if this Agreement sets compensation based upon a fixed dollar amount or fixed percentage fee, and this agreement specifies that additional compensation shall be credited to the insured, then any additional compensation to any party must be promptly returned to the City.

If this agreement is not based upon such fixed fee terms, no owned or affiliated party, including brokers, wholesale brokers or third party intermediaries, may accept any type of compensation without full disclosure by the undersigned Consultant to the City of the dollar amount or percentage of compensation prior to binding the City's coverage.

City of North Miami Beach - Timeline of Proposed Services for Year 1 of Contract*

	2013						2014					
	June	July	August	September	October	November	December	January	February	March	April	May
* Timeline is based upon receipt of critical information from the City required to complete tasks.												
AREAS IDENTIFIED AS PRIORITY ON May 21, 2013												
By June 3, 2013, finalize contract	↑											
Review Property Appraisal (wind and flood exposures)	↑											
Receive and review copies of all policies		↑										
Review of Claims Data		↑										
Review Disaster Recovery Plan and Submit Recs.		↑										
Schedule and Conduct on-site Claims Audit (if needed)					↑							
Prepare Submission for Public Officials Liability (POL)					↑							
Presentation of Loss Analysis & POL Quotations					↑							
Review Vendor Contract Insurance language					↑							
Presentation of recommended contract standards for insurance requirements					↑							
10/1 Insurance Renewals, including Property and Excess Workers Compensation												
Evaluate Self Insurance Program, New Exposures, Industry Trends, Incumbent Insurer Issues					↑							
Request Underwriting Data and Identify Exposures		↑										
Develop Marketing Plan & Renewal Strategy					↑							
Submit Insurer Responses, Formal Quotes, Options, Property Catastrophic Model					↑							
Analyze Options and Alternate Structures					↑							
Bind and Implement Chosen Program					↑							
Coordinate and Provide any outstanding items required					↑							
Confirmation of Coverage					↑							
Binders and Invoices Delivered					↑							
Review Policies for Accuracy, Request Changes, Deliver Policies to City					↑							
Annual/ Ongoing Services												
Open and Critical Claims Review		↑									↑	
Submit Summary of all In Force Insurance Policies					↑							
Monitor Insurance Marketplace and Provide Periodic Updates to City, including plan design alternatives					↑							
Other projects and services as determined by the City/Broker					↑							
Respond to all Daily Service Needs					↑							



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Roslyn B. Weisblum, City Manager
DATE: Tuesday, July 2, 2013

RE: Resolution No. R2013-40 (Finance Director Janette Smith)

BACKGROUND: Property owners in Miami-Dade County are required to comply with the Florida Building Code. When structures are cited for non-compliance, the owners are given specific time limits within which to make the necessary corrections. For structures that continue to exhibit those deficiencies, the Miami-Dade County Unsafe Structure Board is authorized to order their demolition. The City is responsible for the demolition activities within the City limits. There have been several demolition orders issued during the current fiscal year such that additional funds are necessary to comply with those orders.

RECOMMENDATION: Staff recommends approval of the budget amendment.

FISCAL IMPACT: Increase in both revenues and expenditures of \$100,000 of the Building Fund.

CONTACT PERSON(S): Janette Smith, Finance Director
Daniel Ozuna, Building Official

ATTACHMENTS:

- ▣ [Resolution No. R2013-40](#)

RESOLUTION NO. R2013-40

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO INCREASE BOTH THE REVENUES AND EXPENDITURES FOR THE BUILDING FUND IN THE AMOUNT OF \$100,000 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 IN ORDER TO COMPLY WITH DEMOLITION ORDERS ISSUED BY THE MIAMI-DADE COUNTY UNSAFE STRUCTURE BOARD.

WHEREAS, the City Council of the City of North Miami Beach approved and adopted the annual budget of the City of North Miami Beach for the fiscal year 2012-2013 by Ordinance No. 2012-20 (“Budget Ordinance”); and

WHEREAS, from time to time, during the normal conduct of the City’s operations, situations arise which require the amendment or modification of the City’s annual adopted budget; and

WHEREAS, the Budget Ordinance provides that from time to time, the City Council may transfer money from one fund, account or department to another, as necessary, without being required to further amend the terms and provisions of the Budget Ordinance; and

WHEREAS, the changes are necessary to comply with demolition orders issued by the Miami-Dade County Unsafe Structures Board, whereby said orders are issued at such time that property owners fail to comply with the provisions of the Florida Building Code after due and proper notice.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The City Manager of the City of North Miami Beach is hereby authorized to increase the Other Contractual Services expenditure account in the Building Fund by appropriating \$100,000 of fund balance so the demolition of unsafe structures may proceed.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this ____ **day of July, 2013.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: Tuesday, July 2, 2013

RE: Resolution No. R2013-41 (Police Captain Kevin Prescott)

BACKGROUND: On October 30, 2008, the City and American Traffic Solutions, Inc. ("ATS") entered into a contract for a traffic safety camera program. On March 12, 2013, the City and ATS renewed their contract and amended certain terms to align the provision of services by ATS to the City with the provisions and requirements of the amendments to the Mark Wandall Traffic Safety Act. During the 2013 Legislative Session, the Florida Legislature amended certain provisions of Chapter 316 of the Florida Statutes. Based on the new legislation, the City Council amended Ordinance 2010-14 by adopting Ordinance 2013-11. Based on Ordinance 2013-11 and state law, in order to maintain a traffic safety camera program, the amended contract between the City and ATS, dated March 12, 2013, must be amended.

RECOMMENDATION: Approval

FISCAL IMPACT:

CONTACT PERSON(S): Captain Kevin Prescott
Darcee S. Siegel, City Attorney

ATTACHMENTS:

- [Resolution No. R2013-41](#)
- [Exhibit A](#)

RESOLUTION NO. R2013-41

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS, INC. FOR A TRAFFIC SAFETY CAMERA PROGRAM DATED OCTOBER 30, 2008.

WHEREAS, the City of North Miami Beach ("City") enacted Chapter XA of the City's Ordinances, entitled "North Miami Beach Dangerous Intersection Safety Ordinance," to utilize red light camera infraction detectors at certain street intersections to reduce exposure to injury, harm, damage, and loss caused by traffic incidents related to the failure of motorists to obey duly-erected traffic control devices; and

WHEREAS, on October 30, 2008, the City and American Traffic Solutions, Inc. ("ATS") entered into a contract for a traffic safety camera program; and

WHEREAS, on March 12, 2013, the City and ATS renewed the October 30, 2008 contract and amended certain terms to align the provision of services by ATS to the City with the provisions and requirements of the amendments to the Mark Wandall Traffic Safety Act; and

WHEREAS, during the 2013 Legislative Session, the Florida Legislature amended certain provisions of Chapter 316 of the Florida Statutes; and

WHEREAS, based on the new legislation, the City Council amended Ordinance 2010-14 in June 2013 by adopting Ordinance 2013-11; and

WHEREAS, based on Ordinance 2013-11 and state law, in order to maintain a traffic safety camera program, the amended contract between the City and ATS, dated March 12, 2013, must be amended; and

RESOLUTION R2013-41

WHEREAS, the Mayor and City Council of the City of North Miami Beach believe that the continued implementation of the traffic safety camera program will promote, protect, and improve the safety and welfare of its citizens and the reduction of significant dangers presented to motorists and pedestrians by motorists' failure to stop for a red light.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby authorize and direct the City Manager and the City Clerk to execute an amended Agreement, in a form acceptable to the City Attorney, between the City and American Traffic Solutions, Inc., attached hereto as Exhibit "A" and incorporated herein by reference.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ____ day of July, 2013.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and Council

**SECOND AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT**

This Second Amendment (this "Amendment") is dated effective this _____ day of _____, 2013 and is entered into between American Traffic Solutions, Inc. ("ATS"), a Kansas corporation and the City of North Miami Beach, Florida ("Customer"), a municipal corporation of the State of Florida.

RECITALS

WHEREAS, on October 30, 2008, Customer and ATS entered into a Professional Services Agreement (the "Agreement"); and

WHEREAS, the Florida Legislature passed and the Governor of the State of Florida signed into law CS/CS/HB7125, authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code and taking effect on July 1, 2013; and

WHEREAS, Customer and ATS mutually desire to amend certain terms and conditions of the Agreement to align the provision of services by ATS with the provisions and requirements of Law of Florida 2013-160.

TERMS AND CONDITIONS

NOW THEREFORE, Customer and ATS hereby agree as set forth below:

1. Subsection 3.6 in Section 3.0 of the Agreement is hereby modified by deleting the reference to an Exhibit E and replacing it as follows: "on the terms set forth in Exhibit "E" this Agreement"
2. Section 1.1.11 of Exhibit B is hereby deleted in its entirety and replaced as follows: "ATS is authorized to charge, collect and retain a convenience fee of up to 5% of the total dollar amount of each electronic payment processed. Such convenience fees are paid by the violator."
3. Section 1.2.3 of Exhibit B is hereby deleted in its entirety and replaced as follows: "Subsequent notices, other than the initial Notice of Violation specified in section 1.2.2, may be delivered by First Class mail for additional compensation as set forth in Exhibit A."
4. Exhibit A is hereby amended to add the following: "Subsequent notices mailings fee: \$2.00 per piece"
5. The title of Section 2.5 of Exhibit B is hereby amended to read "LOCAL HEARINGS AND COURTS OPERATIONS" and a subsection 2.5.2 is added as follows: "Customer shall provide, either for itself or through an inter-local agreement with another jurisdiction, a local hearing officer, clerk, and hearing facilities to schedule and hear disputed Notices of Violation."
6. The provisions of the Agreement, as amended by this Amendment, including the recitals, comprise all of the terms, conditions, agreements, and representations of the parties with respect to the subject matter hereof. Except as expressly amended or modified by the terms of this Amendment, all terms of the Agreement shall remain in full force and effect. In the event of a conflict between the terms of this Amendment and the Agreement, the terms of this Amendment shall prevail and control.
7. This Amendment may be executed in one or more counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument. Each party represents and warrants that the representative signing this Amendment on its behalf has all right and authority to bind and commit that party to the terms and conditions of this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment.

AMERICAN TRAFFIC SOLUTIONS, INC.

NORTH MIAMI BEACH, FLORIDA

Signature: _____

Signature: _____

Name/Title: _____

Name/Title: _____

Date: _____

Date: _____



City of North Miami Beach
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North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Roslyn B. Weisblum, City Manager

DATE: Tuesday, July 2, 2013

RE: Forfeiture (LETF) Appropriation Request (Chief of Police Larry Gomer)

BACKGROUND: The asset forfeiture program is a process to deprive the criminals from the proceeds of their crime, and offset any investigative expenses of law enforcement. Police departments are allowed to utilize the proceeds from these investigations to offset the costs of certain allowed expenses as provided by federal guidelines and State Statutes. Usually the investigations are long-term and are conducted as part of a task force operation. These task forces may be entirely comprised of NMB Police Officers or they may include other local, state and federal agencies.

The specific nature of processing the case determines which forfeiture fund the proceeds are to be recorded. The Police Department has three (3) separate funds to account for the revenues and expenditures as required by the State of Florida, U.S. Department of Justice and U.S. Department of Treasury. The table below identifies the agencies within each forfeiture fund.

The Police Department is requesting appropriation approval of \$1,051,000.00 from the Federal (Justice) Law Enforcement Trust Fund and \$50,000.00 from the Federal (Treasury) Law Enforcement Trust Fund. Please refer to the attached LETF request dated June 13, 2013 for a description of expenditure requests from each of the three (3) Law Enforcement Trust Funds (LETF).

RECOMMENDATION: It is respectfully requested that the funding requests be approved for the expenditures described in the attached document.

FISCAL IMPACT: The request will not affect the City's General Fund, but will reduce the available balance in each corresponding LETF.

CONTACT PERSON(S): Larry Gomer, Chief of Police
Kevin Prescott, Administrative Police Captain

ATTACHMENTS:

- ▣ [LETF Request June 2013](#)

CITY OF NORTH MIAMI BEACH, FLORIDA

INTER-OFFICE MEMORANDUM

TO: Roslyn B. Weisblum
City Manager

DATE: June 13, 2013

SUBJECT: Use of LETF Funds

FROM: Larry Gomer
Chief of Police

REFERENCES:

ENCLOSURES:

I respectfully request that you place on the agenda for the next City Council meeting the attached appropriation request totaling **\$1,101,000.00** for expenditure from the Law Enforcement Trust Accounts. We will ask for **\$1,051,000.00** from the Federal Justice Law Enforcement Trust Fund (Fund 172), **\$50,000.00** from the Federal Treasury Law Enforcement Trust Fund (Fund 177), and **\$ 0.00** from the State/Local Law Enforcement Trust Fund (Fund 173).

As Chief of Police, I certify that to the best of my knowledge, the items requested below are in compliance with applicable Federal Guidelines and Florida Statute Chapter 932.7055, subsection 4, regarding the disposition of lien, seized, and forfeited property.

If you have any questions concerning this request, please contact Chief Larry Gomer at extension 2717 or Captain Kevin Prescott at extension 2528.

cc: Kevin Prescott, Administrative Police Captain
Betty Kennedy, Police Finance

Federal (Justice) LETF (Fund 172):

The above requested amount will be used for the following law enforcement related purpose(s):

1. Matching funds and related expenses COPS Grant..... \$ 500,000.00

This request provides matching funds in accordance with a COPS Grant awarded to the City for five Police Officers. These funds will match the related COPS Grant funding for the remaining months of FY 2013 and the first half of FY 2014 in order to satisfy the City's obligation under the COPS Grant.

2. P25 800MHz dual band system \$500,000.00

This is for the purchase of new telecommunications equipment related to the transition to the Miami-Dade County radio system. Some of the equipment includes consoles, microwave antennae, audio recorders, chargers, batteries, antennas, and SCAT repeaters. This equipment will allow the North Miami Beach Police Department to successfully migrate to the Miami Dade County system for a better and improved radio system.

3. Rapid Deployment Squad (RDS) Equipment \$15,000.00

This equipment is new technology for Officers assigned to the RDS Squad. It contains fire retardant uniforms, and other protective equipment that can be used in times of civil unrest. These officers are specifically trained for special/ high risk situations involving civil unrest.

4. Bomb and Search K9 and Equipment \$20,000.00

This request will enhance the City's K9 Task Force by providing a new K9 to be trained in bomb detection and search detection. It also provides for equipment for all four K9's as it relates to food, veterinary care, bills and other equipment needed for training.

5. Expenses related to long term investigations \$16,000.00

As provided under forfeiture law, this request involves costs associated with long term, protracted undercover investigation to further crime prevention initiatives and to provide safer neighborhoods.

Federal LETF Status Report (as of 5/13/2013):

Surplus Carryover - 10/1/12 \$ 6,011,875.67

FY 2013 to Date:

Revenues	40,585.09
Current Year Council Appropriations	(650,000.00)
Prior Year Council Appropriations)	(674,102.60)
Encumbered Prior Year Approvals	(9,102.60)
Expenditures	(1,277,273.22)
 Total of this request	 1,051,000.00

Balance Available for Expenditure \$ 3,491,982.34

Federal (Treasury) LETF (Fund 177):

The above requested amount will be used for the following law enforcement related purpose(s):

- 1. Police Training \$ 50,000.00

The Police Department is committed to further educating its personnel, and therefore requests funding for training programs. These programs will allow police employees to develop additional expertise in specific areas related to their job duties.

Federal (Treasury) Status Report (as of 5/13/2013):

Surplus Carryover - 10/01/12 \$ 1,224,774.92

FY 2013 to Date:

Revenues	30,199.70
Current Year Council Appropriations	(75,000.00)
Prior Year Council Appropriations)	(75,000.00)
Encumbered Prior Year Approvals	(26,768.75)
Expenditures	(19,204.53)
 Total of this request	 50,000.00

Balance Available for Expenditure \$ 1,059,001.34

State and Local LETF (Fund 173):

The above requested amount will be used for the following law enforcement related purpose(s):

No requests

State and Local LETF Status Report (as of 5/13/2013):

Surplus Carryover - 10/1/12 \$ 2,772,059.29

FY 2013 to Date:

Revenues	188,007.86
Current Year Council Appropriations	(24,000.00)
Prior Year Council Appropriations)	(120,924.28)
Encumbered Prior Year Approvals	(4,933.35)
Expenditures	(716,555.63)

Total of this request 00.00

Balance Available for Expenditure \$ 2,093,653.89



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MEMORANDUM

 Print

TO: Mayor and City Council

FROM: Roslyn B. Weisblum, City Manager

DATE: Tuesday, July 2, 2013

RE: PACT Initiative - Police and Community Together (City Manager Roslyn B. Weisblum and Police Services Manager Tom Carney)

BACKGROUND: N/A

RECOMMENDATION: N/A

FISCAL IMPACT:

CONTACT PERSON(S): Roslyn B. Weisblum, City Manager
Tom Carney, Police Services Manager

ATTACHMENTS:

- [PACT Initiative Presentation - Police and Community Together](#)

North Miami Beach Police Department

Police and Community Together

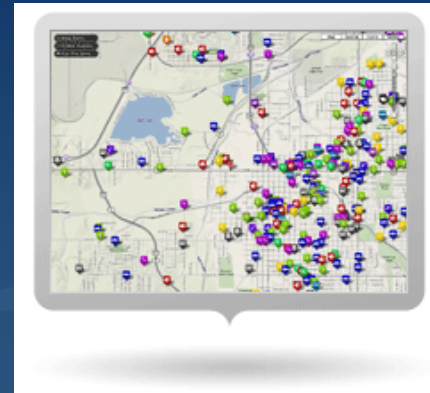


A new approach in crime-fighting is making North Miami Beach safer!

PACT is a new program started in April of this year in which the Police Department hosts crime watch type meetings in specific neighborhoods using our Mobile Resource Center as a base of operations.



The neighborhood is chosen based on a recent crime analysis



We notify the community of the meetings using 3 methods:

- We place a message board in the neighborhood advertising the meeting.
- We broadcast a City Watch telephone message to homes in the area.
- We hand deliver flyers to the neighborhood using our Volunteers, Explorers and Officers.

**PACT meeting
this location.
June 18**



**City Watch
Voice Notifications**





At each meeting we discuss crime trends in each neighborhood, various crime prevention topics and then offer an open forum for the attendees to discuss crime related issues happening in their particular neighborhood.

The community's response to this new program has far exceeded our expectations. We are seeing an increase in the number attendees with each new meeting.

At the end of each meeting we ask that attendees complete an on-line survey to help determine our effectiveness.





Future Meeting Dates:

June 25th - 7:00 PM - NE 165 Street and 35 Avenue (Eastern Shores Rescue Station Parking Lot).

July 9th - 7:00 PM - Location TBD

July 23rd - 7:00 PM – Location TBD

Aug. 13th – 7:00 PM – Location TBD

Questions or Comments?

North Miami Beach Police Department

16901 NE 19 Avenue

North Miami Beach FL 33162

(305) NMB-POLICE

Crime Prevention (305) 948-2955

www.nmbpd.org

Email: pdcrimeprevention@nmbpd.org



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MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: Tuesday, July 2, 2013

RE: Litigation List

BACKGROUND:

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Darcee S. Siegel, City Attorney

ATTACHMENTS:

▣ [Litigation List](#)

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: July 2, 2013

LITIGATION LIST

I. Civil Rights:

II. Personal Injury:

III. Other Litigation:

IV. Forfeitures:

V. Mortgage Foreclosures:

*** NationStar Mortgage v. CNMB (Joseph)**

VI. Bankruptcies:



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MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Roslyn Weisblum, City Manager
DATE: Tuesday, July 2, 2013

RE: Ordinance No. 2013-8 - First Reading by Title Only (Code Compliance Manager Eric Wardle)

BACKGROUND: Staff is recommending the creation of an Administrative Code Waiver Process (ACW) to help residents correct property violations.

RECOMMENDATION: Approval

FISCAL IMPACT: None

CONTACT PERSON(S): Shari Kamali, Director of Public Services
Christopher Heid, City Planner
Eric Wardle, Director of Code Enforcement
Daniel Ozuna, Building Official

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - May 13, 2013](#)
- ❑ [P&Z Minutes - June 10, 2013](#)
- ❑ [Ordinance No. 2013-8](#)



CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: ROSLYN WEISBLUM, CITY MANAGER

DATE: TUESDAY, JULY 2, 2013

RE: Ordinance No. 2013-8 (P&Z ITEM 13-546)
Administrative Code Waivers

Throughout the City there are numerous properties that are nonconforming and in violation of the City's Land Development Regulations. These violations are typically the result of construction without the proper building permits; however there are cases where building permits have been issued in error. Many of these violations have existed for years and have been unknowingly inherited by the current property owners. Currently, the only way to resolve these violations is for the property to receive after-the-fact variances and then obtain after-the-fact building permits. This process is both lengthy and relatively expensive.

In an effort to legalize as many of these violations as possible, while not penalizing the current property owners, staff is recommending the creation of an Administrative Code Waiver Process (ACW).

It is recommended that the ACW process be created as a temporary program for single-family home owners, which would end on December 31, 2016, that would only be applicable to violations that have been in existence prior to January 1, 2013.

Property owners would have 60 days from the issuance of a violation to apply for an ACW. The application for an ACW would be reviewed at a public meeting by a board comprised of one staff member from the Building Department, the Community Development Department, and the Code Enforcement Department. The meeting would be advertised by a individual notice sent to all property owners within 150 feet of the subject property at least 15 days before the meeting.

◆-----◆

Planning & Zoning Board History

- This item was heard by the Planning & Zoning Board at the meeting of May 13, 2013 and was tabled by a vote of 6-0. The board requested

minor changes to the proposed ordinance prior to its return to the Planning & Zoning Board.

- Requested changes were made and this Item was heard for a second time by the Planning & Zoning Board at the meeting of June 10, 2013 and received a favorable recommendation by a vote of 5-0.

CCMemo_ACW_July2_2013



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MINUTES

MONDAY, MAY 13, 2013

Attendees:

Members - Chairman Evan Piper Christopher Heid, City Planner
Julian Kreisberg Darcee Siegel, City Attorney
Joseph Litowich Shari Kamali, Public Services Director
Anthony DeFillipo Steven Williams, Board Recorder
Michael Mosher
Hector Marrero
Saul Smukler – Absent

Call to Order and Pledge of Allegiance:

Chairman Piper called the meeting to order at 6:07 p.m. The Pledge of Allegiance was recited and roll was called.

Minutes:

A motion was made by Joseph Litowich, seconded by Julian Kreisberg, to approve the minutes of the April 8, 2013 meeting. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

OLD BUSINESS

Mr. Heid provided the following status report:

1. Item 13-540 After-the-Fact Variances (Cabana)
3207 NE 168 Street
2. Item 13-542 Rezoning and Conditional Use Approval (RM-23 to B-3)
1998 NE 161 Street
3. Item 13-541 Site Plan Review and Variances (Townhouses)
3500 NE 166 Street

4. Item 13-538 LDR Text Amendments
Residential Driveways
5. Item 13-539 LDR Text Amendments
Front Yard Pervious Area

Mr. Heid reported that approval of these five Items, all recommended favorably by Staff and by the Board, was currently pending. These Items will be brought before the City Council in June.

NEW BUSINESS

Item 13-543: Dock (Single-Family Home): 3467 NE 168 Street – After-the-Fact Variances

Ms. Siegel recommended that the Board members provide disclosures of any contact with a registered lobbyist or representative party in relation to this Item. Chairman Piper, Mr. DeFillipo, Mr. Litowich, and Mr. Mosher stated that they had received telephone calls from Evan Ross, Applicant's representative, who briefly described the Application. Vice Chairman Kreisberg advised that he had received a voice mail from Mr. Ross. Mr. Marrero said he had not been contacted.

Mr. Heid stated that the existing zoning for the lot is RS-1, Residential Single-Family, and the existing land use is Single-Family House. The future land use designation is Residential Low-Density. The Application is for legalization of an existing dock on the subject property. The variances requested include a waiver of the minimum side yard setback on both the east and west sides of the property. The Applicant in this case is the contractor, Miami Beach Seawall.

Evan Ross, representing the property owners, explained that when the home was purchased, it was an eyesore and was in foreclosure. The owners have made significant improvements to the property since its purchase.

Mr. Ross noted that a neighbor of the property had sent the City a letter expressing concerns with the Application, including the subject property's eligibility to have a dock, its construction two years ago without permits, and its impact on the neighbor's own dock. He clarified that the property is allowed a dock, and confirmed that the structure was added without a permit. The dock is built to Code requirements. A boat of up to 25 ft. in length may be docked at the subject property; this does not change based on the size of the dock. He asserted that asking the homeowners to trim the size of their dock would only serve to make it less attractive and useful, and would not affect the impact on the neighboring residence.

Mr. Ross continued that the dock presently has a minimal impact on both neighbors, and has been recommended for approval by City Staff despite the objections. He added that the homeowner's improvements since purchasing the property have added value to their own home and surrounding homes. If the dock was cut back, it would have less visual appeal. He also noted that the property's neighbor on the opposite side has signed a letter of no objection to the variances, and other neighbors on the block have signed similar letters.

Mr. Ross concluded that the dock is up to Code and is only being objected to by one neighbor. He reiterated that the size of the boat allowed would not change, regardless of the size of the dock.

Mr. DeFillipo asked Mr. Heid to confirm the accuracy of Mr. Ross's statements, including whether or not the dock is up to Code. Mr. Heid confirmed that this was true, and added that all waterfront properties within the neighborhood are entitled to a boat that is the length of the water frontage less 3 ft.

Mr. Litowich asked if the dock must be recessed 10 ft. from the property line to the east and west. Mr. Heid said the maximum width allowed is 8x8 ft. and the maximum length is 25 ft. in this case, less 10 ft. on each side for the side yard setback. From the subject property, the dock extends 7 ft. into the canal. Mr. Heid added that the dock in this case tapers into the property and is set back 0 ft. to 3 ft. at its closest point to the neighboring properties. Nearby properties with docks also have variances from the 10 ft. setback requirement.

Mr. Litowich commented that there appeared to be some congestion on the canal. Mr. Heid advised that all docks in this area could be considered slightly problematic due to the configuration of the lots.

Chairman Piper asked for clarification of how setback requirements are determined. Mr. Heid said a D-5 triangle uses the theoretical extensions of the property line, bisects them, and brings them together to a point, within which the dock must lie. However, while this was once a hard-and-fast rule by the Department of Environmental Resources Management (DERM), it is now one of many criteria that must be considered. He stated that in this case, the dock is very slightly outside the triangle and has been given preliminary approval that it is sufficiently close to the triangle specifications.

Chairman Piper requested clarification that the City's setback requirements for a 10 ft. setback on each side were regardless of the D-5 triangle. Mr. Heid confirmed this, noting that if a dock meets the City's setback requirements, they would almost always lie within the triangle's specifications, although there may be unique examples in which this might not occur.

Chairman Piper asked what the historic disposition of similar variance requests has been. Mr. Heid replied that most residents on similar properties have received variances for docks larger than the typical 8 ft. extension.

Vice Chairman Kreisberg requested confirmation that the 10 ft. dock setback is separate from the 8 ft. side yard setback of a house. Mr. Heid confirmed this, noting that the majority of dock variances in the neighborhood in question are on lots of similar size to the subject property. Vice Chairman Kreisberg asked why the dock was triangulated rather than squared, which would allow for a setback. Mr. Heid said squaring the dock area in this case would make no difference to the neighboring property, as the homeowners' boat would lie within the same area. He showed a visual representation of the area.

Russell Lazega, property owner, stated that the dock was constructed in a triangulated manner due to safety concerns for his children, as squaring the dock would allow for openings off the seawall. Mr. Heid advised that this is a common concern with extending docks to property lines, which creates a gap into the canal.

Mr. Mosher observed that the neighbor's dividing wall encroaches on Mr. Lazega's own property. Mr. Lazega confirmed this, noting that the encroachment is estimated at 1.5 ft. to 2 ft. He advised that he wished to dock his 20 ft. sailboat on his property, and noted that his boat recesses away from the view from his neighbor's house, resulting in minimal impact to the neighbor's view. He stated that it would not interfere with the neighbor's dockage. He concluded by requesting that the Board approve the Application as recommended by City Staff.

Chairman Piper opened the floor to public comment.

Barry Shevlin, representing the neighbor who had objected to the Application, stated that the request would reward bad behavior by allowing a variance for a dock that was illegally constructed. He pointed out that dock and pilings were added to the property without oversight by the proper regulatory entities, and added that City Code does not allow for a structure that extends the entire 28 ft. length of the property.

Mr. Shevlin asserted that the property owner had decided not to apply for a permit. He provided photographs of the property owner's dock and boat, as well as the dock on the neighboring property. He stated that the sailboat extends past the owner's property line, and added that the owner would have experienced no hardship if he constructed an 8x8 ft. dock within the required D-5 triangle. The boat currently extends outside this triangle.

He continued that the property owner could have applied for a variance prior to the construction of the dock. Mr. Shevlin added that Mr. Lazega's sailboat would encroach upon a boat's ability to dock or turn around on the neighboring property. He concluded that granting the requested variance would establish a precedent for applying Code differently to different property owners, and asked that Mr. Lazega be required to keep his dock within the parameters set by Code. He also asked that if the variance was granted, the condition should be applied that the owner may not dock a boat longer than 20 ft. on the subject property.

Brian Moretti, Applicant and owner of Miami Beach Seawalls, explained that Mr. Lazega had hired him to permit the dock in question. He stated that the dock was the smallest structure he had worked with since 1987, and pointed out that the neighbor who objected to the boat was infringing on Mr. Lazega's property. Making the dock smaller would be dangerous, as rocks lie below the water where the dock is located.

It was asked if Mr. Moretti's company had built the dock. Mr. Moretti replied that he had only reinforced the dock.

Mr. Shevlin stated that Mr. Lazega had purchased the property with the knowledge of the dock size that would be allowed to him.

Vice Chairman Kreisberg asked what the maximum size of a boat docked on the property could be. Mr. Heid reiterated that the water frontage was 28 ft. in length, which meant a 25 ft. boat could be moored at the end of an 8 ft dock.

Vice Chairman Kreisberg requested clarification of the owner of a concrete wall shown in the Application's photographs. Mr. Heid advised that the wall belonged to the neighbor, encroaching by as much as 1.4 ft. on the subject property.

Chairman Piper observed that a 25 ft. vessel moored at the end of an 8 ft. dock could constitute a "view encroachment" onto the neighbor's property. Mr. Shevlin asserted that if the vessel extended beyond the confines of the D-5 triangle, the dock would not have been approved by DERM. Mr. Heid clarified that DERM's concern was that the dock must lie within the triangle rather than the boat itself. He stated again that DERM has given preliminary approval to the dock, pending structural and zoning approval from the City. Zoning approval may not be granted unless variances are issued.

Chairman Piper observed that the dock could extend further into the water and remain within the property line. Mr. Heid estimated that it could possibly extend another 3 ft. on its northeast end.

Mr. Lazega stated that when he became aware of the need for the variance, construction of the dock had been nearly complete. He had retained a contractor to ensure that this construction was completed with a minimal impact on the neighboring property. Because several permits were issued for renovations on his property at the same time, he had not been aware that no permit had been issued for the dock until the violation was issued. He had then reached out to the City and to DERM to remediate the problem.

Mr. Mosher asked if the contractor had been able to verify that the pilings on the property were properly installed. Mr. Moretti replied that because this could not be verified, the owner had requested extra framing to strengthen them. Mr. Piper pointed out that there was no proof that the pilings were correctly installed. Mr. Heid noted that the drawings submitted for the pilings were approved; however, he agreed that it was possible the pilings were not installed in the manner presented in the documentation.

As there were no other members of the public wishing to speak on the Item, public comment was closed at this time.

Mr. Ross observed that the property line to which Mr. Shevlin had referred was actually the wall on the neighboring property, which intruded onto Mr. Lazega's property. He reiterated that the boat on Mr. Lazega's property may be 25 ft. in size regardless of the size of the dock.

Vice Chairman Kreisberg asked if a penalty is issued for after-the-fact permitting. Mr. Heid confirmed that fees are doubled in addition to a \$200 fine from the Building Department.

Mr. Heid stated that the City recommended approval of the Application, with the three conditions listed. He noted that while Code restricts the maximum size of the boat to 25 ft., Mr. Shevlin has requested that this be reduced to 20 ft. The City did not make a recommendation on this issue, although Mr. Heid noted that mooring a larger vessel on the property would require the dock to be cut back. He advised that the Board may make size limitation of the boat a fourth condition of approval if they wished.

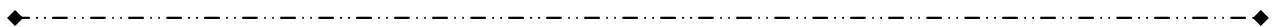
Mr. Lazega said he would have no objection to a condition limiting the size of the boat to 25 ft., as allowed by Code. He would, however, be concerned with a limitation to 20 ft. Chairman Piper commented that the boat size would have the same impact on the neighboring property, regardless of the size of the dock. It was noted, however, that requiring a smaller boat would make it easier for the neighbor to bring a vessel to her own dock.

Mr. Heid clarified that Code defines the length of a boat from the furthest point of the bow to the furthest point of the stern.

A motion to approve Item 13-543, with the fourth condition that the overall length of the boat be no greater than 25 ft., was made by Julian Kreisberg and seconded by Anthony DeFillipo. In a roll call vote, the motion passed with a vote of 5-1.

Chairman Evan Piper	YES
Joseph Litowich	NO
Anthony DeFillipo	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	ABSENT
Michael Mosher	YES

Mr. Heid advised that the Board's decision constituted a recommendation: the Item would go before City Council for final approval, and appropriate notice of that meeting would be posted for the public and sent to neighboring property owners once a date for this hearing has been set.



Item 13-544: 199 NE 167 Street: Starbucks (Drive-Thru) – Site Plan Review, Conditional Use, and Variances

Mr. Williams stated that the Applicant wished to construct a 634 sq. ft. drive-thru fast food restaurant on an 11,000 sq. ft. parcel in the B-2 (General Business) zoning district. The requested variances include waiving 366 sq. ft. of the minimum required floor area, 9 of the minimum required 12 parking spaces, and 2 of the minimum required 8 stacking spaces per drive-thru window.

Brian Plewinski, representing the Applicant, explained that he was seeking site plan approval for the first drive-thru-only Starbucks in Florida, which would also be the first Starbucks in North Miami Beach. There would be no seats in the building, although there would be a walk-up window in addition to the drive-thru.

Mr. Heid pointed out that the parking variance, which would waive 9 of the required 12 parking spaces, is requested because there is currently no parking calculation for a non-seating fast food restaurant. The only individuals expected to park on the site would be employees or an occasional individual who might park and walk up to the window rather than going through the drive-thru facility. The City felt the requested variance would be adequate. Bicycle traffic is expected and encouraged at the site.

Mr. Plewinski concluded that all Staff recommendations were acceptable to the Applicant.

Vice Chairman Kreisberg asked if any consideration had been given to locating the entrance on 2nd Avenue. Mr. Heid said there had been a concern with traffic stacking on 2nd Avenue, which could block the entrance from this roadway. While the Florida Department of Transportation (FDOT) typically favors side access to the property, they have issued preliminary approval for the site plan.

Vice Chairman Kreisberg asked if there would be an "escape route" for drivers who changed their minds about waiting in line for the drive-thru. Mr. Heid said if this decision was made early on, there was an escape route into an alley, although once a vehicle has made the turn, they are committed. He pointed out that the property is only 100 ft. wide. Mr. Plewinski pointed out that in the event a customer placed an unusually large order, management would likely ask this driver to pull over to the side while his/her order was filled.

Mr. Mosher asked to see a rendering of the drive-thru sign. Mr. Heid advised that the sign would be no larger than 6 ft. in height, in accordance with the building's dimensions. Mr. Plewinski confirmed that there were no seats either in- or outside the building, and no public wireless access.

Mr. DeFillipo observed that there could be an issue if an individual attempted to exit a parking space while a line of cars were waiting at the drive-thru. Mr. Heid pointed out that this would only apply when employees were leaving the facility at the end of a shift.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed at this time.

Mr. Heid concluded that the City recommended approval of the Application, subject to the 12 conditions as listed. Mr. Plewinski asserted that the conditions were acceptable to the Applicant.

A motion to approve Item 13-544 was made by Anthony DeFillipo, seconded by Joseph Litowich. In a roll call vote, the motion passed 6-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Anthony DeFillipo	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	ABSENT
Michael Mosher	YES

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Item 13-546: LDR Text Amendments: Administrative Code Waiver Process

Mr. Heid stated that this Item would introduce new administrative Code waiver procedures.

Ms. Siegel explained that there have been long-term issues with Code Enforcement, including the placement of additions on properties without the appropriate variances. Other individuals may have purchased properties within the City that included these encumbrances without realizing they were not properly permitted. In a recent City Council workshop, it was determined that the best way to address this issue would be through an Ordinance that would be in place for a specific window of time, through December 31, 2016.

The proposed Ordinance would allow property owners to apply for an administrative Code waiver (ACW), which would waive certain requirements of the City's Code and Charter. Ms. Siegel stated that the ACW would apply only to single-family homes, and would require an Application under which certain items must be filled out and brought before an administrative committee. This committee would be comprised of members of Code Enforcement, the Building Department, and the Zoning Department. The reason for the waiver request must include photos, copies of any notices of violation issued by the City, and any other pertinent documentation that the committee should take into consideration.

The proposed Ordinance also discusses the conduct of the hearing and criteria for the evaluation of the request. Ms. Siegel noted that the Item's documentation included amendments resulting from the concerns and comments raised by City Council at the workshop. The amendment has not yet been brought before the City Council.

One requirement for the process, should the ACW Ordinance be approved, is that the document must be filed with the property, so future purchases will receive copies of the waiver and documentation will be reflective of what truly appears on the property. The ACW would allow for "cleanup" of many existing violations throughout the City for a minimal \$25 application fee. She concluded that Staff requests approval of the ACW, which would then go before the City Council for two readings.

She added that p.4 of the Item's documentation lists the nine issues that would be addressed by the waiver: storage or tool sheds, carports, setback requirements, driveway lot coverage, pervious areas, fences, walls, gazebos, and pergolas. The integrity of any structures addressed by the ACW would be determined by the Building Department.

Chairman Piper stated that while it was good to see these violations addressed, there seemed to be little difference between going through the ACW process and addressing the issues "the right way" by requesting building permits. Mr. Heid said the ACW process does not waive Building Code requirements, such as structural integrity. It would only provide a waiver from the City's Zoning Code or land development regulations. If a structure cannot be brought up to Code, it would not be allowed to go through the process, but would instead be required to apply for a variance.

Chairman Piper asked where the line might be drawn in order to determine what is or is not allowed, such as the size of a setback. Mr. Heid said this would be addressed on a case-by-case basis, and would not change the minimum setbacks required by Building Code. Neighbors would be notified on a limited basis, such as within a 150 ft. radius.

Ms. Siegel added that several factors would be considered when a request was evaluated, such as the impact on adjacent properties or City drainage, integrity of the structure, compatibility with the primary structure, evidence that the violation existed prior to the Applicant's purchase of the property, and evidence that the existing structure was permitted and approved by the City. These factors are spelled out in the proposed Ordinance.

Vice Chairman Kreisberg requested clarification that the Ordinance would not apply to, for example, a fence erected by the current property owner several years ago. Ms. Siegel said mitigating factors would be considered, and it may be more difficult for property owners who made changes without applying for the necessary permits to receive the ACW. This would provide additional structure and guidelines to the ACW process.

Vice Chairman Kreisberg asked if City employees would be allowed to make decisions on these structures. Ms. Siegel said the process would be similar to the Technical Review Board: individuals with expertise in various disciplines, such as Code Enforcement, Building, and Zoning would be appointed to the committee. There will also be an appeal process to the City Council, as stated in the Item's documents governing the conduct of the committee.

Vice Chairman Kreisberg stated that there was not sufficient Code Enforcement within the City at present: the ACW would require Code Enforcement representatives to go through the City in search of violations that could be addressed through the proposed Ordinance. Ms. Siegel said items could be brought forward in one of two ways: Code Enforcement could identify violations, or members of the community could come forward within the proposed limited time period to have existing issues addressed. After the time frame has expired, property owners would need to either request a variance or bring existing violations into compliance with Code.

Vice Chairman Kreisberg asserted that this seemed to require Code Enforcement to go "door to door" throughout the City in search of violations. Chairman Piper requested clarification that Code Enforcement would not change. Ms. Siegel confirmed this. Chairman Piper asked why Code Enforcement was being addressed in the Ordinance if it would not change. Ms. Siegel reiterated that Code Enforcement would be the entity initiating the violation and conducting any necessary inspections.

Chairman Piper commented that while the Ordinance seemed to present an opportunity for a property owner to bring an issue into compliance, it could instead identify more issues on the property. He felt characterizing the Ordinance as an amnesty program would be deceptive, as it was more of a streamlined variance process. He concluded that while he was in favor of the idea, he was not certain that the proposed details of the program would entice homeowners to come forward and address existing issues.

Ms. Kamali noted that while Code Enforcement is currently included in the Police Department's budget, this would change in October 2013, when it came under the auspices of Public Services.

Ms. Siegel added that once the Ordinance took effect, any structures built prior to its passage would be subject to it. Google Maps would be used to ensure that affected structures were built within the appropriate time frame.

Chairman Piper stated that owners would have to prove the structural integrity of any buildings brought forward under the Ordinance; he did not feel the Building Department could sign off on the applications otherwise. He also noted that it would not be fair to make these applications subject to only a \$25 fee rather than regular permitting fees. Mr. Heid clarified that getting an ACW would simply allow the owners to come forward and obtain the necessary permits at the regular fees. Building permits and structural drawings will also be required.

Chairman Piper pointed out that the language of the proposed Ordinance gave the impression that owners would be able to correct their problems for a fee of \$25. Mr. Heid said the ACW process would be streamlined, but the permitting process would not change. Chairman Piper asserted that the ACW program was not an amnesty program, other than providing a break on variance fees for property owners who admit to existing violations. Ms. Siegel pointed out that once the period has elapsed, owners would once more be subject to double permitting fees and a \$200 fine or the possibility of having to remove structures, when they could instead have dealt with it through the ACW process for a limited time. The cost of requesting a variance was estimated at \$2500-\$3000.

Chairman Piper observed that while the proposed Ordinance was a step in the right direction, he did not feel it adequately addressed the enforcement aspect of the program, or accurately portrayed the ACW program, as he did not feel it was an amnesty program. Mr. DeFillipo added that he was also concerned with proper clarification of the program, as it gave the impression that Code Enforcement planned

to hold "door-to-door, street-to-street" inspections. Chairman Piper said he did not feel enforcement should be part of the program, and also recommended that this section of the proposed Ordinance be further clarified.

Chairman Piper asked if the City Council planned to vote on this Item in the short term, or if it could be tabled while clarifications and/or corrections were made. Ms. Siegel replied that the Item could be tabled and brought back the following month for the Board's reconsideration after the concerns raised at tonight's meeting were addressed.

A motion to table Item 13-546 was made by Julian Kreisberg and seconded by Hector Marrero. In a roll call vote, the motion passed 6-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Anthony DeFillipo	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	ABSENT
Michael Mosher	YES

NEXT MEETING

It was noted that the next meeting was scheduled for Monday, June 10, 2013.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 8:02 p.m.



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, JUNE 10, 2013

Attendees:

Members - Chairman Evan Piper Christopher Heid, City Planner
 Julian Kreisberg Darcee Siegel, City Attorney
 Joseph Litowich Shari Kamali, Public Services Director
 Hector Marrero Eric Wardle, Code Compliance Manager
 Saul Smukler Steven Williams, Board Recorder
Michael Mosher – Absent

Call to Order and Pledge of Allegiance:

Chairman Piper called the meeting to order at 6:07 p.m. The Pledge of Allegiance was recited and roll was called.

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Minutes:

A motion was made by Julian Kreisberg, seconded by Joseph Litowich, to approve the minutes of the May 13, 2013 meeting. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

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OLD BUSINESS

Mr. Heid provided the following status report:

1. Item 13-540 After-the-Fact Variances (Cabana)
 3207 NE 168 Street
 Approved by City Council.

2. Item 13-542 Rezoning & Conditional Use Approval (RM-23 to B-3)
 1998 NE 161 Street
 Pending June 18, 2013 City Council meeting.

3. Item 13-541 Site Plan Review and Variances (Townhouses)
 3500 NE 166 Street
 Approved by City Council.

4. Item 13-538 LDR Text Amendments
 Residential Driveways
 *Approved on first reading. A second reading is scheduled for the
 June 18, 2013 City Council meeting.*

5. Item 13-539 LDR Text Amendments
Front Yard Pervious Area
Approved on first reading. A second reading is scheduled for the June 18, 2013 City Council meeting.
6. Item 13-543 After-the-Fact Variances (Dock, Single-Family Home)
3467 NE 168 Street
Pending June 18, 2013 City Council meeting.
7. Item 13-544 Site Plan Review, Conditional Use, & Variances
Starbucks (Drive-Thru)
199 NE 167 Street
Pending June 18, 2013 City Council meeting.

Ms. Siegel noted that Item 13-539, Front Yard Pervious Area, was amended upon first reading. The amendment specified 25% minimum coverage for pervious area.

NEW BUSINESS

Item 13-547: B-1 to B-2: 17071 West Dixie Highway: Rezoning

Mr. Heid stated that the existing zoning for this property is B-1, Limited Business District, with an existing land use of Office Building and future land use designation of Business. The Applicant is requesting rezoning of a 27,905 sq. ft. property from Limited Business District to B-2, General Business District.

Ms. Siegel recommended that the Board members disclose any contact with the Applicant or the Applicant's representatives in relation to this Item. Mr. Litowich and Mr. Smukler stated they were contacted by the Applicant's representative, Charles Falkanger. Vice Chairman Kreisberg and Mr. Marrero said they were not contacted. Chairman Piper said he had minor non-substantive conversation with the Applicant's representative.

Charles Falkanger, representing JAAL LLC principal owner Alan Macken, stated that the Applicant believes the subject property can be developed into a gateway to welcome people to the City. He added that the proposed zoning is consistent with the future land use map, and the Applicant has a vested interest in the community and looks forward to working with the City and the CRA on future developments.

Alan Macken, Applicant, said he had owned the building on the subject property for six to seven years. He advised that he sought to amend its zoning due to changes currently taking shape within the City.

Mr. Litowich requested to hear the Applicant's plans for the property. Mr. Macken replied that he was exploring "other options and opportunities" for the property, and wished to change its zoning in order to remain consistent with the changing landscape of the City, which will be affected by the planned Hyatt hotel on Dixie Highway and other major developments. While he did not have a specific plan in place for the property at present, he concluded that he looked forward to any opportunities that may present themselves.

Mr. Litowich asked how the proposed rezoning would affect height restrictions. Mr. Heid said while the current B-1 zoning allows only two stories, B-2 zoning allows up to 15 stories and 150 ft. in height.

Chairman Piper asked what uses might be allowed by the proposed zoning change. Mr. Heid responded that uses within B-2 are limited, as the district is primarily designed for businesses that serve the consumer needs of nearby residents. Uses include small restaurants, gyms, apparel shops, garden supplies, home improvement, and jewelry stores, among others.

Chairman Piper asked if the subject property could join with the parcel to its south to create a more significant plot. Mr. Heid said the City would be pleased to see these parcels joined together in order to attract a larger development. He noted that there is also a City parcel in the area that could be joined to the parcel or parcels as well. He noted that any plans for the property would come back before both Staff and the Board for further review.

Mr. Macken added that he also hoped to open a conversation regarding the joining of the subject property with another parcel. A change in zoning could enhance the property's value.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Mr. Heid stated that Staff recommends the Application favorably with no conditions.

Mr. Litowich commented that the properties across the street from the subject property would create a buffer between the B-2 zoning district and the property's nearby residential neighbors. Mr. Heid noted that the property is also buffered by the railroad tracks and Biscayne Boulevard, which isolate it from residential areas.

A motion to approve Item 13-547 was made by Saul Smukler and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 5-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	YES
Michael Mosher	ABSENT

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Item 13-546: LDR Text Amendments: Administrative Code Waiver Process

Chairman Piper recognized City Councilwoman Beth Spiegel, who was present at the meeting.

Mr. Heid stated that this Item was discussed at the May 13 Board meeting, at which concerns were raised with respect to enforcement of the draft Ordinance. He recalled that there had been particular concern regarding "door-to-door, street-to-street" searches for Code violations. Changes to the proposed Ordinance include removal of the random inspection of City zones by Code Compliance Officers. The reference to door-to-door and street-to-street searches for zoning violations was also removed.

Mr. Heid noted that while these procedures could still be used, their removal from the Ordinance's language meant they would not be required. This would allow more flexibility for City administration to determine how they wished to proceed in enforcing the proposed Ordinance.

Eric Wardle, Code Compliance Manager, stated that he would be in charge of enforcement of the Ordinance. The intent would be to identify all violations within the community and allow residents the opportunity to comply through the waiver process. He noted that there may be several ways to enforce the Ordinance. Mr. Wardle added that many residents are not aware that Code violations exist, as they may have purchased existing properties that include a violation or installed structures without knowing they must first apply for a permit. He estimated that there are hundreds of violations throughout the City; the goal of the administrative waiver process is to give residents the opportunity to legalize or get rid of these violations.

Vice Chairman Kreisberg requested clarification that a resident who may have caused his or her own violation could use the administrative waiver process as a remedy to the situation. Mr. Wardle confirmed this, noting that residents may apply for the process before their violation is identified by Code Compliance.

Vice Chairman Kreisberg asked if the process still included empaneling a review board consisting of City employees. Mr. Heid said the possibility of a board consisting of City Councilmembers, City Staff, or members of the community had been discussed, as well as the size of the board. Staff had ultimately determined they would rely on City employees in order to provide consistency. Ms. Siegel added that the board would consist of Staff members who are well-versed in disciplines related to applicable Code. Residents may appeal directly to the City Council to appeal any decision made by the administrative group, or may apply for a variance.

Vice Chairman Kreisberg asked if the result of the Ordinance might still be to "blanket the City" with Code Compliance inspectors. Mr. Wardle pointed out that this is the current process used by Code Compliance: Officers are assigned to particular zones and respond to complaints within these zones. He noted that Officers are currently holding off on identifying many violations while the Ordinance is developed. The method of identifying violations would not be made more onerous by the Ordinance.

Chairman Piper asked if the identification process for Code violations would be made any different by the Ordinance. Mr. Wardle said it would not. He noted that while Code Compliance receives some complaints, the majority of violations are noted by Officers patrolling their zones.

Vice Chairman Kreisberg asked who would put the Ordinance's procedures, such as the review board, into place. Mr. Wardle said the City Manager would appoint the board and establish its meeting schedule.

Vice Chairman Kreisberg asked who was responsible for re-drafting the proposed Ordinance. Ms. Siegel said she and Mr. Williams had worked with Community Development, based upon the Board's comments and concerns from the last meeting, to draft the revised document.

Chairman Piper commented that the result was a less expensive, more streamlined waiver procedure. Mr. Wardle added that the proposed process would also be more lenient than the process currently in place, which would require residents to seek a variance or an after-the-fact permit. Mr. Heid emphasized that the Building Department is not allowed to waive certain permit requirements, as they are bound by Florida Building Code.

Mr. Litowich asked if Staff foresaw any possible stumbling blocks to the proposed Ordinance. Mr. Wardle said that an unintended consequence may be that some residents may not keep the structures they currently have once they are identified as Code violations. He anticipated that complaints may arise from this, but noted that this was no different from the current process.

Mr. Smukler asked how it was determined that the best way to proceed would be to have representatives of the Building and Zoning Departments, as well as Code Enforcement, comprise the board that would make decisions. He asked if this would be a formal meeting process, with a recording and minutes. Ms. Siegel said the process would be less formal, although it would also be open to the public and recorded.

Ms. Siegel advised that the best advantage of the proposed Ordinance would be the opportunity to legalize properties that may have been nonconforming for years. She pointed out that many Code violations listed in the proposed Ordinance, such as side setbacks, sheds, and carports, can be easily corrected, and hundreds of these violations exist throughout the City. The process would allow the City to work with the community and allow violations to be corrected rather than entering into a longer process in which properties may be cited over and over for violations and may ultimately face liens.

She added that the Ordinance will apply for a limited time period: violations must have been in existence prior to January 1, 2013, in order to qualify for the waiver process. This would be confirmed using Google Maps. The Ordinance would sunset on December 31, 2016, which would allow residents ample time to correct violations.

Vice Chairman Kreisberg asked what would happen if a resident applied for the waiver process, was turned down, and failed to correct the violation on his or her property. Ms. Siegel said they would ultimately be cited for any ongoing Code violations.

Mr. Marrero observed that when a house is sold in other cities, such as Hialeah, the seller has the responsibility of coming to the City to get "a clean bill of health" for their properties, ensuring that there are no violations. He felt this could be a good way to proceed in the future to prevent the continuation of a large number of violations. Mr. Wardle noted that another aspect of the problem is the number of complaints about Code violations, which must be addressed right away and cannot be put off until the resident sells the building. The Ordinance would allow violations to be addressed equally and on a City-wide basis.

Mr. Litowich asked if Mr. Wardle felt Code Compliance would be a more streamlined Department after the initial inundation of identified violations. Mr. Wardle replied that the violations would be easier to deal with after the Ordinance has been in effect for some months, but he did not foresee a change in his Department, other than less

revenue in fines. He pointed out, however, that Code Compliance has never been a Department that resulted in significant revenue for the City.

Mr. Smukler observed that surrounding properties within 150 ft. of a subject property would be noticed of violations and have 15 days to respond, which was very different from the variance process. He asked if this would be legal for minor violations. Ms. Siegel confirmed this, noting that the expense is also significantly less from the variance process. She pointed out that a Code waiver differed from a variance, as a variance allows a structure to vary from one particular aspect of Code; some of the violations that may be discovered could be granted a waiver and grandfathered in under the proposed Ordinance.

Mr. Smukler asked if an individual residing within 200 ft. of a violation would have any recourse against the City if s/he was not provided notice. Ms. Siegel said they would not, as the Ordinance defines the distance of notice as 150 ft. She added that another reason was that the violations would not be egregious or especially problematic, and would be more likely to affect adjacent or abutting neighbors rather than neighbors within a greater distance.

Mr. Smukler asked if the filing fee for the waiver process would cover the cost of the notification process. Mr. Heid said the City would perform the notifications, but the cost of notification would be borne by the applicant.

Vice Chairman Kreisberg asked if there were standards of determination, and whether these standards could be inequitably applied, such as when one neighbor makes a complaint about a violation but another neighbor might not choose to do so. Ms. Siegel said the evaluation criteria outlined in the proposed Ordinance include the affect on adjacent properties, drainage, right-of-way, compatibility with primary structure, and other considerations to be reviewed by the committee. Mr. Heid noted that a neighbor who does or does not make a complaint could be weighed as a mitigating factor, and decisions made by the board would not be arbitrary or capricious.

A motion to approve Item 13-546 was made by Saul Smukler and seconded by Vice Chair Kreisberg. In a roll call vote, the motion passed 5-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	YES
Michael Mosher	ABSENT

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NEXT MEETING

It was noted that the next Board meeting would be on Monday, July 8, 2013.

Mr. Marrero commented that the City should focus on paving and drainage in the Eastern Shores neighborhood.

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ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 6:55 p.m.

ORDINANCE NO. 2013-8

AN ORDINANCE AMENDING CHAPTER 24, ARTICLE XV, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY CREATING SECTION 24-176.1 ENTITLED "ADMINISTRATIVE CODE WAIVER PROCESS"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, for many years, numerous properties in the City of North Miami Beach have become non-conforming and in violation of City Code; and

WHEREAS, many of the violations on these properties have existed for years, leaving current owners with the obligation and responsibility to cure the violation or experience financial implications; and

WHEREAS, due to the economy, modernization, and environmental circumstances, many City property owners have allowed hundreds of Code violations to exist and remain on properties located throughout the City; and

WHEREAS, in order to legalize the hundreds of current non-conforming illegal properties throughout the City, the Mayor and City Council are desirous of creating an Administrative Code Waiver Process by appointing professionals from the Building Department, the Community Development Department, and the Code Enforcement Department to hear property owners' requests for Administrative Code Waivers; and

WHEREAS, through this newly created amnesty program, current owners of non-conforming illegal properties will have the opportunity to cure the violations on the numerous properties at minimal expense to the property owners; and

ORDINANCE NO. 2013-8

WHEREAS, this Ordinance was presented and discussed at the publicly noticed Planning and Zoning Board meeting on Monday, June 10, 2013 and received a favorable recommendation and a unanimous vote of 5 to 0; and

WHEREAS, the Mayor and City Council believe that the creation and implementation of the Administrative Code Waiver Process will provide compliance to many properties by taking into account the health, safety and welfare of all the citizens within our community.

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. The Code of Ordinances of the City North Miami Beach entitled "Administrative Code Waiver Process" shall be created at Section 24-176.1 to read as follows:

Section 24-176.1 Administrative Code Waiver Process.

A. Membership; Meetings; Approvals and Sunsetting Provision.

An Administrative Code Waiver Process shall be created by the City Manager appointing three (3) City employees representing the Building Department, the Community Development Department and the Code Enforcement Department, who shall meet at least once per month. Meetings shall be open to the public and recorded. Approval of an Administrative Code Waiver shall require a majority vote of the members. The Administrative Code Waiver Process shall be temporary and shall end on December 31, 2016.

B. Procedure: Application Criteria; Fees and Appeals.

Any owner of a single family residential property may apply for an Administrative Code Waiver for violations existing prior to January 1, 2013. Property owners who have received courtesy notices of code violations, will have sixty (60) days from the date of the notice to apply for an Administrative Code Waiver. Failure to apply for an Administrative Code Waiver will result in the property owner having to remove the violation or follow the regular variance procedure outlined in the Code.

Property owners who have not been issued a Code violation may apply for an Administrative Code Waiver at any time up until the process is discontinued. Prior to applying for an Administrative Code Waiver, the property owner must submit an application along with a \$25.00 application fee to the City.

The application shall identify what the waiver is for and should include:

1. The reason for the waiver request.
2. Photos.
3. Copies of any notices of violation issued by the City.
4. How long the violation has existed.
5. Any other documentation the property owner believes is important.

Once the application is received, notice will be sent to all properties within 150 feet of the subject property, allowing those property owners 15 days to respond with any objections. The costs associated with notification is the obligation of the applicant. Once the 15 days have expired, the matter will be scheduled.

C. Conduct of Hearing.

1. The application will be reviewed and the applicant and the public will be allowed to present anything necessary to assist in the requested waiver. A decision at the meeting will be rendered or if additional information is needed, the matter will be continued to the next meeting.
2. If the Administrative Code Waiver is denied, the applicant shall have the right to apply for a variance through the normal variance procedure or directly appeal the panel's decision to the City Council. Any Administrative Code Waiver which is approved shall be filed and recorded by the applicant in the public records of Miami-Dade County with a copy sent to the City for its records.

D. Enforcement.

1. Once a violation is identified, courtesy notices will be issued to the property owner allowing them 60 days to cure the violation or apply for an administrative code waiver.
2. If no action is taken by the property owner within 60 days, a Notice of Violation will be issued and the normal enforcement process will begin. The property will also lose the opportunity to apply for an administrative code waiver.

3. Property owners who apply for an administrative code waiver and are denied will have 60 days to obtain a permit to bring the violation into compliance, appeal the denial to the City Council, or apply for a variance through normal channels. Failure to take any action will result in a Notice of Violation being issued and the normal enforcement process will begin.

E. Types of Violations eligible for Administrative Code Waivers.

The following types of code violations eligible for Administrative Code Waivers shall include but not be limited to:

1. Storage/Tool Sheds;
2. Setback Requirements;
3. Carports;
4. Fence Heights;
5. Driveways;
6. Pervious Area Requirements;
7. Lot Coverage Requirements;
8. Fences and Walls;
9. Gazebos and Pergolas.

F. Evaluation of Administrative Code Waivers Requests.

When evaluating requests for Administrative Code Waivers mitigating factors shall include, but not be limited to the following:

1. Impact on adjacent and nearby properties.
2. Impact on drainage to City right-of-way.
3. Quality of construction and workmanship.
4. Compatibility with primary structure.
5. Condition and maintenance of property.
6. Evidence that the violation(s) existed prior to the applicant's purchase of the property.
7. Evidence the structure, as it now exists, was permitted and approved by the City.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

APPROVED BY TITLE ONLY on first reading this ___ day of July, 2013.

APPROVED AND ADOPTED on second reading this ___ day of _____, 2013.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and City Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~striketrough~~.



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council

FROM: Roslyn B. Weisblum, City Manager

DATE: Tuesday, July 2, 2013

RE: Ordinance No. 2013-12 - First Reading by Title Only (Director of Public Services Shari Kamali)

BACKGROUND: The applicant, JAAL, LLC., is requesting the rezoning of a 27,905 square foot parcel of land located at 17071 West Dixie Highway from B-1, Limited Business Zoning District to B-2, General Business Zoning District.

RECOMMENDATION: Approval

FISCAL IMPACT: None.

CONTACT PERSON(S): Shari Kamali, Director of Public Services
Christopher Heid, City Planner

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - June 10, 2013](#)
- ❑ [Ordinance No. 2013-12](#)



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

CITY COUNCIL MEETING

TUESDAY, JULY 2, 2013

ITEM No. 13-547	Rezoning (B-1 to B-2)
OWNER OF PROPERTY	JAAL, LLC.
ADDRESS OF PROPERTY	17071 West Dixie Highway
FOLIO NUMBER	07-2209-002-0010
LEGAL DESCRIPTION	LOTS 1 THRU 5, IN BLOCK 5, OF "A SUBDIVISION OF A PORTION OF TRACT "A" GREYNOLDS PARK GARDENS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 55 AT PAGE 57 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF NORTH MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.
EXISTING ZONING	B-1, LIMITED BUSINESS DISTRICT
EXISTING LAND USE	Office Building
FUTURE LAND USE DESIGNATION	BUSINESS

The applicant, JAAL, LLC., requests rezoning of a 27,905± square foot (0.64± acres) property located at 17071 West Dixie Highway from B-1, Limited Business Zoning District to B-2, General Business District.

ZONING – The subject property as well as the properties to the east, on the east side of the FEC Rail Road right-of-way, is zoned B-2, General Business Zoning District. All properties to the north, south, and west are zoned B-1, Limited Business Zoning District. (See attached Exhibit #1 for a Zoning Map of the subject property).

EXISTING LAND USE - The subject property currently contains an office building. All surrounding properties contain a mix of retail, offices, and restaurants. (See attached exhibit #2 for a Land Use Map of the subject property).

FUTURE LAND USE - The subject property, as well as all surrounding properties have a future land use designation of Business. (See attached exhibit #3 for a Future Land Use Map of the subject property.)

THE SITE – Subject property is irregular in shape containing 27,905 square feet (0.64 acres) of land with 178 feet of frontage along West Dixie Highway. There is currently a 17,710 square foot one story office building, with roof top parking, on the property.

THE PROJECT – The applicant proposes an amendment to the City's Zoning Map to rezone the property from B-1, Limited Business Zoning District to B-2, General Business Zoning District. At this time, there are no proposed changes to the existing building or contemplated redevelopment.

PLANNING & ZONING BOARD HISTORY

This item was heard by the Planning & Zoning Board at the meeting of Monday, June 10, 2013 and received a favorable recommendation with a vote of 5-0.

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

Staff supports the request for rezoning. The proposed B-2 zoning is consistent with the properties existing Future Land Use designation of Business. This rezoning, along with the rezoning of the nearby property at 17400 West Dixie Highway, provides redevelopment opportunity to strengthen the northern West Dixie Highway business corridor. Future redevelopment on the both sites will tie the north end of West Dixie Highway to the potential redevelopment in the NE 163rd/164th Street area, creating a more vibrant and cohesive business corridor along West Dixie Highway.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

It is recommended that the request for rezoning from B-1, Limited Business District to B-2, General Business District be approved.



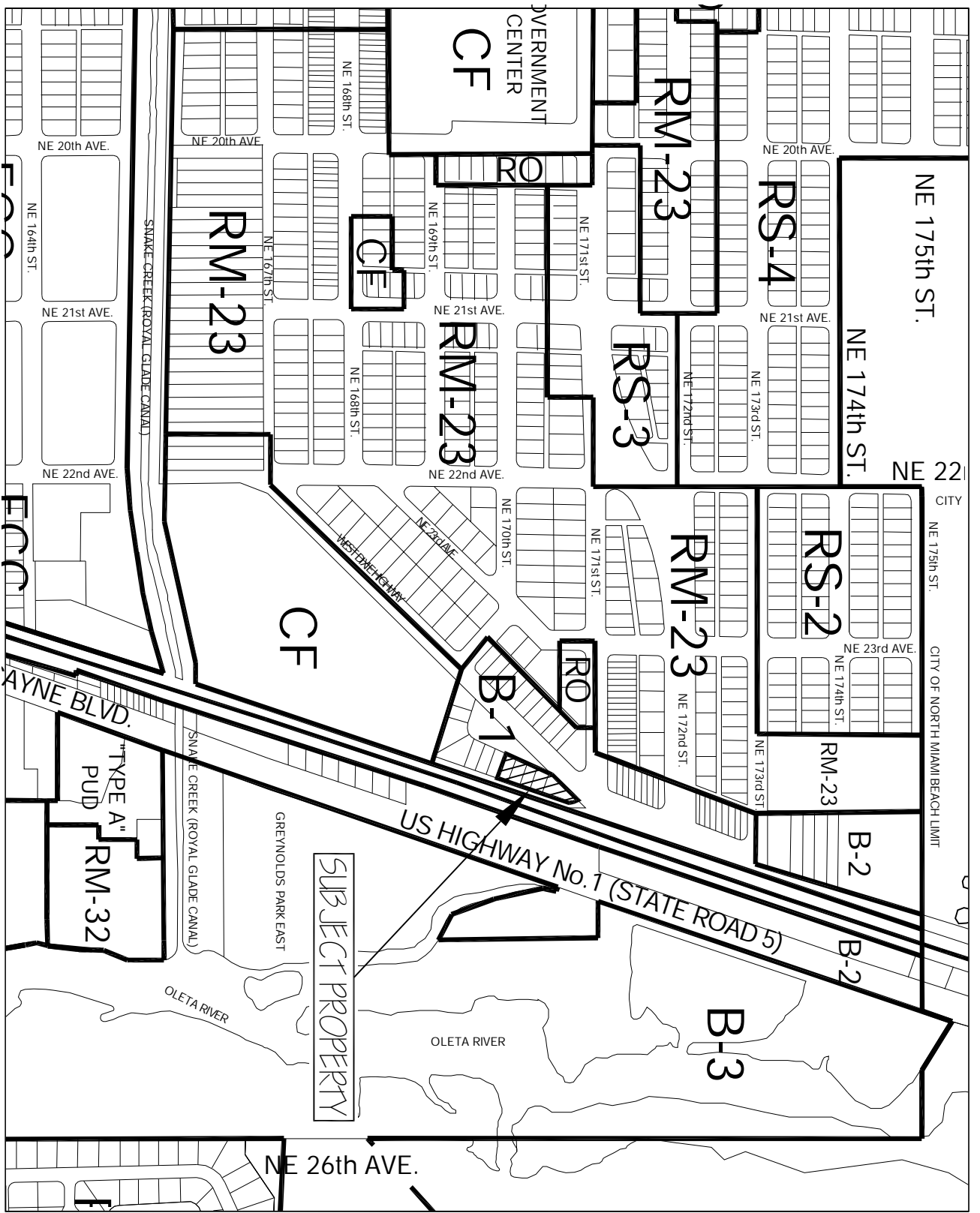
City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

OFFICE BUILDING ADDITION
 17071 WEST DIXIE HIGHWAY



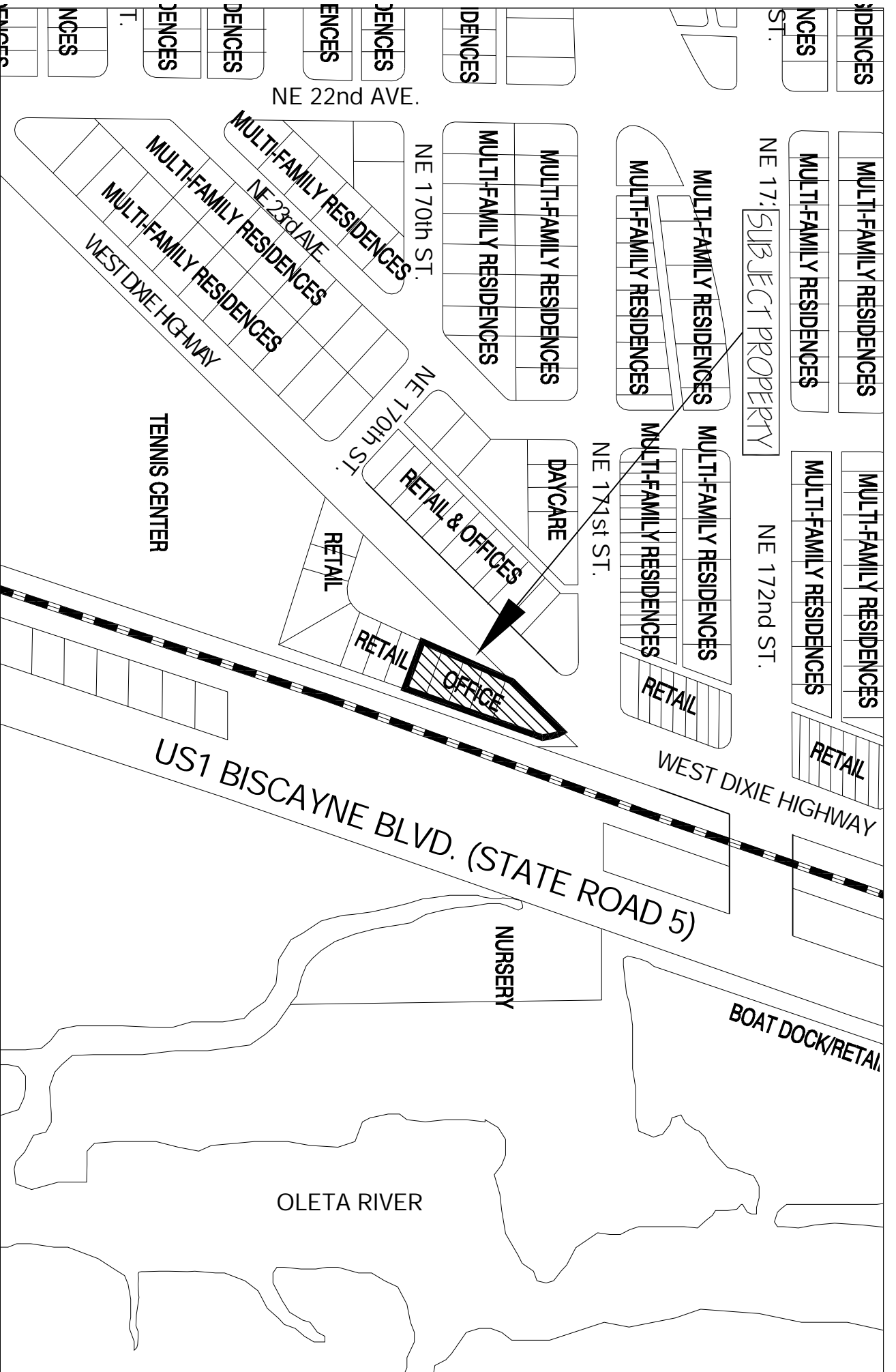
Existing Zoning Map
 Exhibit No. 1

Prepared by CMMB Engineering Division



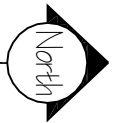
Legend:

RS-1	Residential Single Family (8,000 SF minimum)
RS-2	Residential Single Family (7,000 SF minimum)
RS-3	Residential Single Family (6,000 SF minimum)
RS-4	Residential Single Family (5,000 SF minimum)
RS-5	Residential Single Family (1,200 SF minimum)
MH-1	Mobile Home Subdivision
RD	Residential Two-Family (Duplex)
RM-19	Residential Low Rise Multifamily Medium Density-19 Units / Acre
RM-23	Residential Mid-Rise Multifamily High Density-23 Units / Acre
RM-32	Residential High-Rise Multifamily High Density-32 Units / Acre
RO	Residential Office District
B-1	Limited Business District
B-2	General Business District
B-3	Intensive Business District
B-4	Distribution Business and Light Industrial
B-5	Distribution Business and Medium Industrial
CF	Community Facility Planned Unit Development
PUD	Planned Unit Development



City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

OFFICE BUILDING ADDITION
 17071 WEST DIXIE HIGHWAY



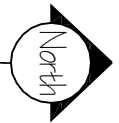
Existing Land Use Map
 Exhibit No. 2

Prepared by CINMB Engineering Division

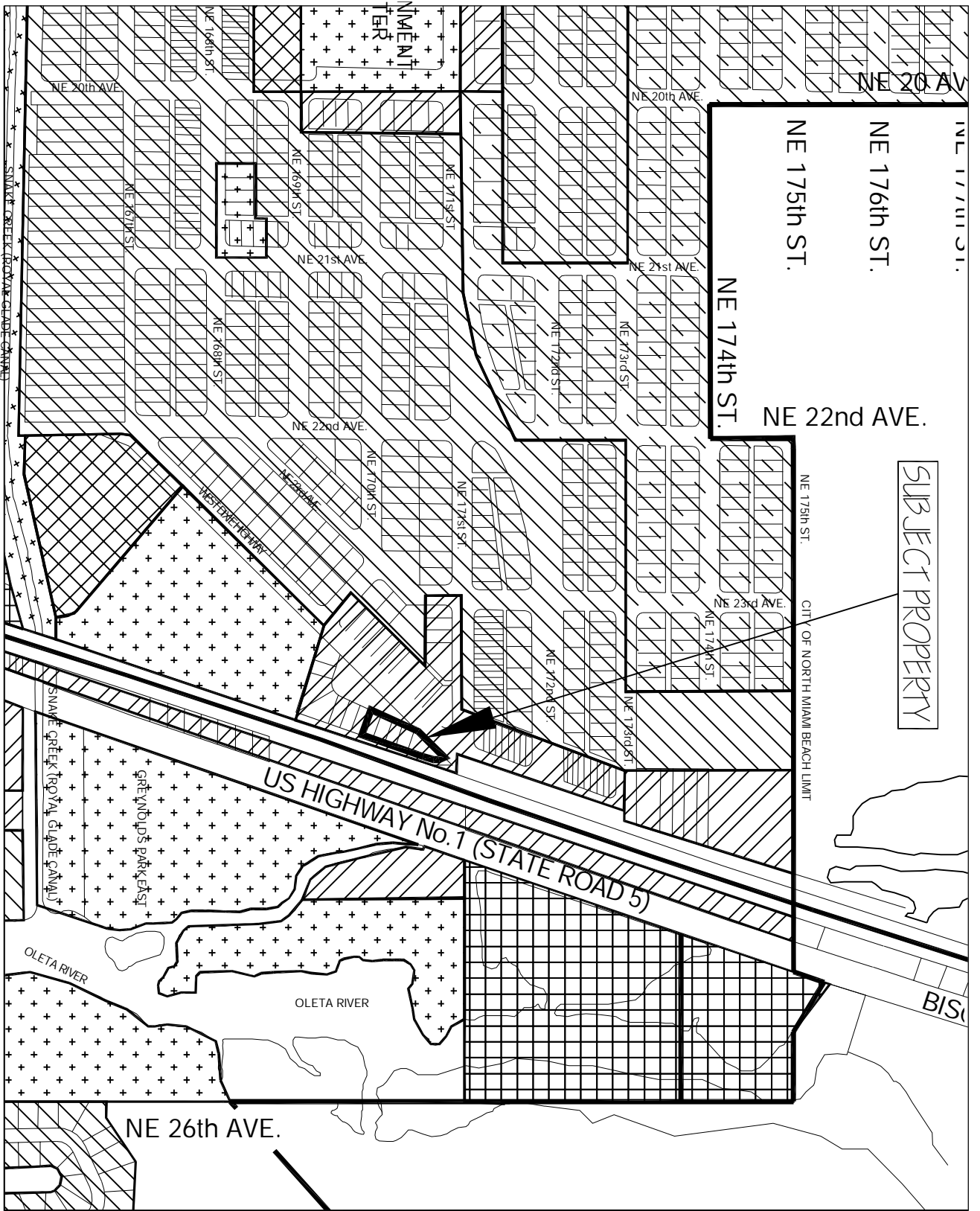


City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

OFFICE BUILDING ADDITION
 17071 WEST DIXIE HIGHWAY



Future Land Use Map
 Exhibit No. 3
 Prepared by CNM3 Engineering Division



Legend:

	Residential Low Density
	Residential Medium Density
	Residential High Density
	Business
	Public and Quasi - Public
	Recreation and Open Space
	Industrial
	Mixed Use



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, JUNE 10, 2013

Attendees:

Members - Chairman Evan Piper Christopher Heid, City Planner
 Julian Kreisberg Darcee Siegel, City Attorney
 Joseph Litowich Shari Kamali, Public Services Director
 Hector Marrero Eric Wardle, Code Compliance Manager
 Saul Smukler Steven Williams, Board Recorder
Michael Mosher – Absent

Call to Order and Pledge of Allegiance:

Chairman Piper called the meeting to order at 6:07 p.m. The Pledge of Allegiance was recited and roll was called.

◆-----◆
Minutes:

A motion was made by Julian Kreisberg, seconded by Joseph Litowich, to approve the minutes of the May 13, 2013 meeting. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

◆-----◆
OLD BUSINESS

Mr. Heid provided the following status report:

1. Item 13-540 After-the-Fact Variances (Cabana)
 3207 NE 168 Street
 Approved by City Council.

2. Item 13-542 Rezoning & Conditional Use Approval (RM-23 to B-3)
 1998 NE 161 Street
 Pending June 18, 2013 City Council meeting.

3. Item 13-541 Site Plan Review and Variances (Townhouses)
 3500 NE 166 Street
 Approved by City Council.

4. Item 13-538 LDR Text Amendments
 Residential Driveways
 *Approved on first reading. A second reading is scheduled for the
 June 18, 2013 City Council meeting.*

5. Item 13-539 LDR Text Amendments
Front Yard Pervious Area
Approved on first reading. A second reading is scheduled for the June 18, 2013 City Council meeting.
6. Item 13-543 After-the-Fact Variances (Dock, Single-Family Home)
3467 NE 168 Street
Pending June 18, 2013 City Council meeting.
7. Item 13-544 Site Plan Review, Conditional Use, & Variances
Starbucks (Drive-Thru)
199 NE 167 Street
Pending June 18, 2013 City Council meeting.

Ms. Siegel noted that Item 13-539, Front Yard Pervious Area, was amended upon first reading. The amendment specified 25% minimum coverage for pervious area.

NEW BUSINESS

Item 13-547: B-1 to B-2: 17071 West Dixie Highway: Rezoning

Mr. Heid stated that the existing zoning for this property is B-1, Limited Business District, with an existing land use of Office Building and future land use designation of Business. The Applicant is requesting rezoning of a 27,905 sq. ft. property from Limited Business District to B-2, General Business District.

Ms. Siegel recommended that the Board members disclose any contact with the Applicant or the Applicant's representatives in relation to this Item. Mr. Litowich and Mr. Smukler stated they were contacted by the Applicant's representative, Charles Falkanger. Vice Chairman Kreisberg and Mr. Marrero said they were not contacted. Chairman Piper said he had minor non-substantive conversation with the Applicant's representative.

Charles Falkanger, representing JAAL LLC principal owner Alan Macken, stated that the Applicant believes the subject property can be developed into a gateway to welcome people to the City. He added that the proposed zoning is consistent with the future land use map, and the Applicant has a vested interest in the community and looks forward to working with the City and the CRA on future developments.

Alan Macken, Applicant, said he had owned the building on the subject property for six to seven years. He advised that he sought to amend its zoning due to changes currently taking shape within the City.

Mr. Litowich requested to hear the Applicant's plans for the property. Mr. Macken replied that he was exploring "other options and opportunities" for the property, and wished to change its zoning in order to remain consistent with the changing landscape of the City, which will be affected by the planned Hyatt hotel on Dixie Highway and other major developments. While he did not have a specific plan in place for the property at present, he concluded that he looked forward to any opportunities that may present themselves.

Mr. Litowich asked how the proposed rezoning would affect height restrictions. Mr. Heid said while the current B-1 zoning allows only two stories, B-2 zoning allows up to 15 stories and 150 ft. in height.

Chairman Piper asked what uses might be allowed by the proposed zoning change. Mr. Heid responded that uses within B-2 are limited, as the district is primarily designed for businesses that serve the consumer needs of nearby residents. Uses include small restaurants, gyms, apparel shops, garden supplies, home improvement, and jewelry stores, among others.

Chairman Piper asked if the subject property could join with the parcel to its south to create a more significant plot. Mr. Heid said the City would be pleased to see these parcels joined together in order to attract a larger development. He noted that there is also a City parcel in the area that could be joined to the parcel or parcels as well. He noted that any plans for the property would come back before both Staff and the Board for further review.

Mr. Macken added that he also hoped to open a conversation regarding the joining of the subject property with another parcel. A change in zoning could enhance the property's value.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Mr. Heid stated that Staff recommends the Application favorably with no conditions.

Mr. Litowich commented that the properties across the street from the subject property would create a buffer between the B-2 zoning district and the property's nearby residential neighbors. Mr. Heid noted that the property is also buffered by the railroad tracks and Biscayne Boulevard, which isolate it from residential areas.

A motion to approve Item 13-547 was made by Saul Smukler and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 5-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	YES
Michael Mosher	ABSENT

◆-----◆

Item 13-546: LDR Text Amendments: Administrative Code Waiver Process

Chairman Piper recognized City Councilwoman Beth Spiegel, who was present at the meeting.

Mr. Heid stated that this Item was discussed at the May 13 Board meeting, at which concerns were raised with respect to enforcement of the draft Ordinance. He recalled that there had been particular concern regarding "door-to-door, street-to-street" searches for Code violations. Changes to the proposed Ordinance include removal of the random inspection of City zones by Code Compliance Officers. The reference to door-to-door and street-to-street searches for zoning violations was also removed.

Mr. Heid noted that while these procedures could still be used, their removal from the Ordinance's language meant they would not be required. This would allow more flexibility for City administration to determine how they wished to proceed in enforcing the proposed Ordinance.

Eric Wardle, Code Compliance Manager, stated that he would be in charge of enforcement of the Ordinance. The intent would be to identify all violations within the community and allow residents the opportunity to comply through the waiver process. He noted that there may be several ways to enforce the Ordinance. Mr. Wardle added that many residents are not aware that Code violations exist, as they may have purchased existing properties that include a violation or installed structures without knowing they must first apply for a permit. He estimated that there are hundreds of violations throughout the City; the goal of the administrative waiver process is to give residents the opportunity to legalize or get rid of these violations.

Vice Chairman Kreisberg requested clarification that a resident who may have caused his or her own violation could use the administrative waiver process as a remedy to the situation. Mr. Wardle confirmed this, noting that residents may apply for the process before their violation is identified by Code Compliance.

Vice Chairman Kreisberg asked if the process still included empaneling a review board consisting of City employees. Mr. Heid said the possibility of a board consisting of City Councilmembers, City Staff, or members of the community had been discussed, as well as the size of the board. Staff had ultimately determined they would rely on City employees in order to provide consistency. Ms. Siegel added that the board would consist of Staff members who are well-versed in disciplines related to applicable Code. Residents may appeal directly to the City Council to appeal any decision made by the administrative group, or may apply for a variance.

Vice Chairman Kreisberg asked if the result of the Ordinance might still be to "blanket the City" with Code Compliance inspectors. Mr. Wardle pointed out that this is the current process used by Code Compliance: Officers are assigned to particular zones and respond to complaints within these zones. He noted that Officers are currently holding off on identifying many violations while the Ordinance is developed. The method of identifying violations would not be made more onerous by the Ordinance.

Chairman Piper asked if the identification process for Code violations would be made any different by the Ordinance. Mr. Wardle said it would not. He noted that while Code Compliance receives some complaints, the majority of violations are noted by Officers patrolling their zones.

Vice Chairman Kreisberg asked who would put the Ordinance's procedures, such as the review board, into place. Mr. Wardle said the City Manager would appoint the board and establish its meeting schedule.

Vice Chairman Kreisberg asked who was responsible for re-drafting the proposed Ordinance. Ms. Siegel said she and Mr. Williams had worked with Community Development, based upon the Board's comments and concerns from the last meeting, to draft the revised document.

Chairman Piper commented that the result was a less expensive, more streamlined waiver procedure. Mr. Wardle added that the proposed process would also be more lenient than the process currently in place, which would require residents to seek a variance or an after-the-fact permit. Mr. Heid emphasized that the Building Department is not allowed to waive certain permit requirements, as they are bound by Florida Building Code.

Mr. Litowich asked if Staff foresaw any possible stumbling blocks to the proposed Ordinance. Mr. Wardle said that an unintended consequence may be that some residents may not keep the structures they currently have once they are identified as Code violations. He anticipated that complaints may arise from this, but noted that this was no different from the current process.

Mr. Smukler asked how it was determined that the best way to proceed would be to have representatives of the Building and Zoning Departments, as well as Code Enforcement, comprise the board that would make decisions. He asked if this would be a formal meeting process, with a recording and minutes. Ms. Siegel said the process would be less formal, although it would also be open to the public and recorded.

Ms. Siegel advised that the best advantage of the proposed Ordinance would be the opportunity to legalize properties that may have been nonconforming for years. She pointed out that many Code violations listed in the proposed Ordinance, such as side setbacks, sheds, and carports, can be easily corrected, and hundreds of these violations exist throughout the City. The process would allow the City to work with the community and allow violations to be corrected rather than entering into a longer process in which properties may be cited over and over for violations and may ultimately face liens.

She added that the Ordinance will apply for a limited time period: violations must have been in existence prior to January 1, 2013, in order to qualify for the waiver process. This would be confirmed using Google Maps. The Ordinance would sunset on December 31, 2016, which would allow residents ample time to correct violations.

Vice Chairman Kreisberg asked what would happen if a resident applied for the waiver process, was turned down, and failed to correct the violation on his or her property. Ms. Siegel said they would ultimately be cited for any ongoing Code violations.

Mr. Marrero observed that when a house is sold in other cities, such as Hialeah, the seller has the responsibility of coming to the City to get "a clean bill of health" for their properties, ensuring that there are no violations. He felt this could be a good way to proceed in the future to prevent the continuation of a large number of violations. Mr. Wardle noted that another aspect of the problem is the number of complaints about Code violations, which must be addressed right away and cannot be put off until the resident sells the building. The Ordinance would allow violations to be addressed equally and on a City-wide basis.

Mr. Litowich asked if Mr. Wardle felt Code Compliance would be a more streamlined Department after the initial inundation of identified violations. Mr. Wardle replied that the violations would be easier to deal with after the Ordinance has been in effect for some months, but he did not foresee a change in his Department, other than less

revenue in fines. He pointed out, however, that Code Compliance has never been a Department that resulted in significant revenue for the City.

Mr. Smukler observed that surrounding properties within 150 ft. of a subject property would be noticed of violations and have 15 days to respond, which was very different from the variance process. He asked if this would be legal for minor violations. Ms. Siegel confirmed this, noting that the expense is also significantly less from the variance process. She pointed out that a Code waiver differed from a variance, as a variance allows a structure to vary from one particular aspect of Code; some of the violations that may be discovered could be granted a waiver and grandfathered in under the proposed Ordinance.

Mr. Smukler asked if an individual residing within 200 ft. of a violation would have any recourse against the City if s/he was not provided notice. Ms. Siegel said they would not, as the Ordinance defines the distance of notice as 150 ft. She added that another reason was that the violations would not be egregious or especially problematic, and would be more likely to affect adjacent or abutting neighbors rather than neighbors within a greater distance.

Mr. Smukler asked if the filing fee for the waiver process would cover the cost of the notification process. Mr. Heid said the City would perform the notifications, but the cost of notification would be borne by the applicant.

Vice Chairman Kreisberg asked if there were standards of determination, and whether these standards could be inequitably applied, such as when one neighbor makes a complaint about a violation but another neighbor might not choose to do so. Ms. Siegel said the evaluation criteria outlined in the proposed Ordinance include the affect on adjacent properties, drainage, right-of-way, compatibility with primary structure, and other considerations to be reviewed by the committee. Mr. Heid noted that a neighbor who does or does not make a complaint could be weighed as a mitigating factor, and decisions made by the board would not be arbitrary or capricious.

A motion to approve Item 13-546 was made by Saul Smukler and seconded by Vice Chair Kreisberg. In a roll call vote, the motion passed 5-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	YES
Michael Mosher	ABSENT

◆-----◆
NEXT MEETING

It was noted that the next Board meeting would be on Monday, July 8, 2013.

Mr. Marrero commented that the City should focus on paving and drainage in the Eastern Shores neighborhood.

◆-----◆
ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 6:55 p.m.

ORDINANCE 2013-12

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 17071 WEST DIXIE HIGHWAY FROM A CLASSIFICATION OF B-1, LIMITED BUSINESS DISTRICT, TO A CLASSIFICATION OF B-2, GENERAL BUSINESS DISTRICT; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned B-1, Limited Business District; and

WHEREAS, the applicant has requested a rezoning of the property to B-2, General Business District, in order to allow future use consistent with that zoning district; and

WHEREAS, after public hearing on June 10, 2013, the Planning and Zoning Board favorably recommended approval of the request for rezoning from B-1, Limited Business District, to B-2, General Business District, with a vote of 5 to 0.

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. The property is legally described as:

LOTS 1 THRU 5, IN BLOCK 5, OF “A SUBDIVISION OF A PORTION OF TRACT “A” GREYNOLDS PARK GARDENS”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 55 AT PAGE 57 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF NORTH MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

**a/k/a
17071 West Dixie Highway
North Miami Beach, FL 33160**

is hereby rezoned from a classification of B-1, Limited Business District, to B-2, General Business District, is hereby granted.

Section 3. The Director of Community Development is hereby directed to make all necessary changes to the Official Zoning Map of the City of North Miami Beach to implement the intent of this Ordinance.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

APPROVED BY TITLE-ONLY on first reading this ____ day of July, 2013.

APPROVED AND ADOPTED on second reading this ____ **day of** _____, **2013.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: Tuesday, July 2, 2013

RE: Ordinance No. 2013-11 - Second and Final Reading (City Attorney Darcee S. Siegel)

BACKGROUND: The Florida Legislature passed House Bill 7125 during the 2013 Legislative Session amending certain provisions of the "Mark Wandall Traffic Safety Act" and also authorizing municipalities to conduct hearings for notices of violation connected with the use of red light cameras in accordance with Chapter 316 of the Florida State Statutes. The Governor of the State of Florida signed HB 7125 on June 12, 2013, taking effect on July 1, 2013. The new law mandates the use of Local Hearing Officers to preside over matters involving red light camera citations separate from the traffic court process.

RECOMMENDATION: Approval.

FISCAL IMPACT:

CONTACT PERSON(S): Darcee S. Siegel, City Attorney

ATTACHMENTS:

- [Red Light Camera Memo](#)
- [Red Light Memo Police Update](#)
- [Ordinance No. 2013-11](#)

City of North Miami Beach

Memorandum

TO: The Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
VIA: Leigh Minoux, Assistant City Attorney
DATE: May 30, 2013

RE: Amendments to the “Mark Wandall Traffic Safety Act”

House Bill 7125 is a broad, omnibus transportation bill amending numerous statutes administered by the Florida Department of Highway Safety and Motor Vehicles (DHSMV). The following amendments contained in HB 7125 pertain to the Mark Wandall Traffic Safety Act, and will come into effect on July 1, 2013:

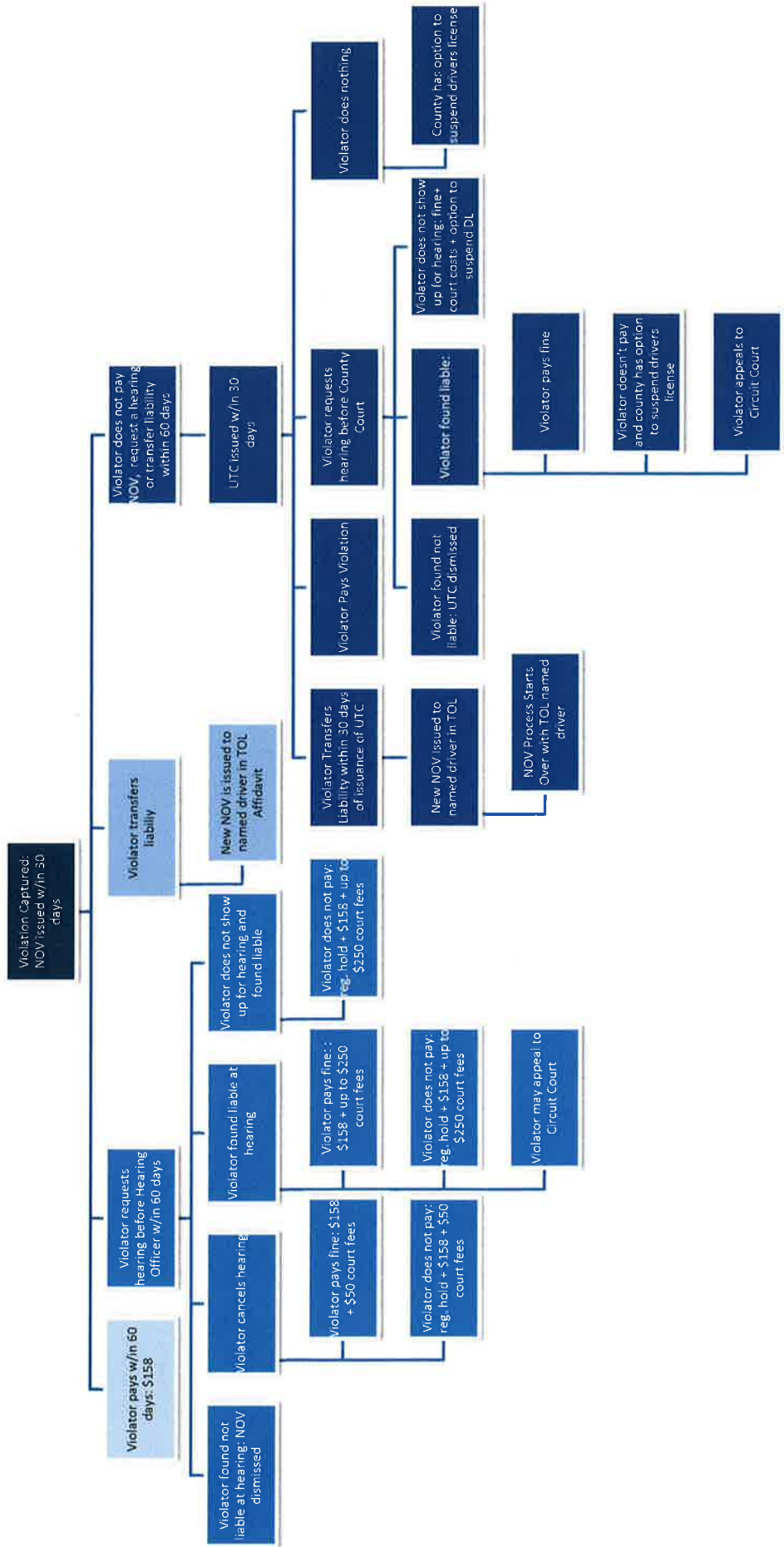
1. **Right on Red:** A Notice of Violation or Uniform Traffic Citation may not be issued for a right-on-red violation (provided a right-hand turn is allowed) if the driver turned in a “careful and prudent manner” i.e., came to a complete stop before turning right - even if the driver stopped beyond the stop line or other point at which a stop is required.
 - This amendment will not affect the City’s contract with ATS, as the City has already determined not to enforce that provision.
2. **Notice of Violation:** A violator now has sixty (60) days, instead of the previous thirty (30) days, to (1) request a hearing; (2) submit an Affidavit of Non-Responsibility; or (3) pay the \$158.00 fee.
 - The Notice of Violation (“Notice”) must provide the website address giving information on the right to request a hearing and the related court costs, and include a form to request a hearing.
 - If the vehicle owner was not the driver, then he or she may submit an Affidavit of Non-Responsibility, identifying the actual vehicle driver, to the City. The City then has thirty (30) days from receipt of the Affidavit to issue a Notice to the actual driver.
 - The person identified as the actual driver may request a hearing or pay the \$158 fee and avoid court costs or the possibility of a conviction being noted on the person’s driving record and points added to his or her driver license, if the matter ends up in court.
 - If the violator fails to do any of the above within sixty (60) days, a Uniform Traffic Citation will be issued.

3. Local Hearing Officer: The City may use its currently appointed code enforcement board or appoint special magistrates to conduct hearings.

- The Hearing Officer shall review the photographs, electronic images or streaming video showing the violation, take testimony from a traffic enforcement officer and the violator, and may take testimony from any other person having knowledge of the violation.
 - Violators must pay the \$158 penalty, plus court costs not to exceed \$250.00, within 10 days or the time specified under a payment plan.
 - Any appeal of the Hearing Officer's Order can be made within thirty (30) days of the entry of the Final Administrative Order.

4. Failure to Comply With Civil Penalty or to Appear: Failure to appear at a hearing; pay the \$158.00 violation fee and associated costs within 10 days as ordered, or other failure to comply with the terms of a payment plan will result in the clerk's notification to the DHSMV of the violator's driver license number or the vehicle registration number of a business entity's vehicle.

- The DHSMV must place a hold on the renewal of vehicle registration or issuance of a license plate until the fine and costs are paid.
 - The registration hold will be placed on any vehicle owned or co-owned by the violator.



CITY OF NORTH MIAMI BEACH, FLORIDA
MEMORANDUM No.

TO: Chief Larry Gomer

VIA:

FROM: Captain Kevin Prescott

DATE: May 20, 2013

SUBJECT: Red Light Camera Project Projections

In a previous study we found that if we installed 5 cameras (approaches) it would yield the following :

Revenue and Expenses from Issued Citations

Camera Site	Violations/ day	Yearly Revenue
N Miami Bch Blvd / NE 10 th Av (WB)	8	\$87,120
NE 163rd St / NE 18 th Ave (EB)	7	\$72,636
Biscayne Blvd at NE 163 rd St (SB)	7	\$72,636
Biscayne Blvd at NE 172 nd St (NB)	7	\$72,636
NE 6 th Ave at NE 167 Street (SB)	8	\$87,120
	Total	\$392,148*
Labor required for Project (2 CSOs)		(\$102,000)
Income from citations		\$290,148

**Revenue estimates were produced by ATS and are considered to be a conservative estimation of the amount of violations issued per approach.*

North Miami Beach would receive an estimated \$392,148 for the five approaches listed above for the period of one year. That equates to \$32,679 per month. Two CSO's (Community Service Officers) would be hired for reviewing the violations, preparing evidence packets for challenged violations, attending court and fielding direct phone calls. The costs for those Community Service Officers with benefits are estimated at approximately \$102,000 per year. The City of North Miami Beach's total revenue for one year would be estimated at \$290,148 for this program.

With the new passage of the Brandes Amendment which is scheduled to go into effect on July 1, 2013, cities will be required to manage their own court hearings. This would require the City of North Miami Beach to hire a magistrate to conduct each hearing.

Previously, magistrates were paid \$150 per hour, and hearings were held twice a month for approximately 4 hours each. With 5 cameras, I estimate that hearings will be needed 4 times per month. I have completed a brief breakdown of the financial impact of the changes below:

The additional personnel needed for the Red Light Camera Program will be the following:

Revenue and Expenses from Citation Hearings

Magistrates (16 hours @ \$150 per hour)	\$2,400
City Attorney Office (16 hours @ 50 per hour)**	\$ --
One Police Officer (OT) 16 hours @ \$55 per hour)	\$ 880
Leisure Services (opening Council Chambers and recording meeting)	\$ 320
Monthly expenditures of	\$3,600

*** No Incremental cost for City Attorney staff as salaries are budgeted in general fund*

The new amendment allows the City Magistrate to charge up to \$250 for court cost. If we were to charge the same court cost as Miami Dade County (\$100.00), and the magistrate were to uphold 24 out of the scheduled 30 violations (approximately 80%), \$2,400 would be generated per hearing (\$100 court fine X 24 violations). Four hearings per month equates to \$9,600.

monthly projected hearing revenue	\$ 9,600
monthly projected hearing expenditures	<u>\$ (3,600)</u>
Projected monthly hearing revenue	\$ 6,000
 Annualized income from court hearings:	 \$ 72,000
Income from Issued Citations	<u>\$ 290,148</u>

Total estimated revenue \$ 362,148

NOTE – These costs do not include responsibilities of the City Clerk who archives the hearings and members of the Finance Department who reconcile the citations and process refunds. In checking with these departments, they utilize approximately 6 hours per month for these tasks. Since these hours are minimal, there should be no significant impact to our costs.

ORDINANCE NO. 2013-11

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XA OF THE CITY CODE ENTITLED "DANGEROUS INTERSECTION SAFETY ORDINANCE," IN ORDER TO IMPLEMENT THE 2013 CHANGES TO THE STATE OF FLORIDA'S "MARK WANDALL TRAFFIC SAFETY ACT"; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 19, 2013 the Mayor and City Council approved Resolution No. 2013-11 authorizing the City Manager to execute an amendment to the Agreement between American Traffic Solutions, Inc. and the City of North Miami Beach to maintain and implement a Traffic Safety Program within the City of North Miami Beach.

WHEREAS, the Florida Legislature passed HB 7125 during the 2013 Legislative Session amending certain provisions of the "Mark Wandall Traffic Safety Act" and also authorizing municipalities to conduct hearings for notices of violation connected with the use of red light cameras in accordance with Chapter 316 of the Florida State Statutes; and

WHEREAS, the Governor of the State of Florida signed HB 7125 into law on June 12, 2013, taking effect on July 1, 2013; and

WHEREAS, the new law mandates the use of Local Hearing Officers to preside over matters involving red light camera citations separate from the traffic court process; and

WHEREAS, the City of North Miami Beach wishes to appoint Special Masters to serve as Local Hearing Officers to implement the local hearing process as predicated within the new law; and

WHEREAS, the City of North Miami Beach wishes to amend its Code of Ordinances to conform with and to the 2013 amendments to the State of Florida's "Mark Wandall Traffic Safety Act".

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. Chapter XA of the Code of Ordinances of the City of North Miami Beach, entitled "Dangerous Intersection Safety Ordinance," is hereby amended as follows:

10A-1 - INTENT.

The purpose of this ~~Act~~ Ordinance is to authorize the use of traffic infraction detectors to promote compliance with red light signal directives and to adopt a civil enforcement system for red light signal violations, in accordance with Chapters 2010-80 and the 2013 amendments to the "Mark Wandall Traffic Safety Act" or the "Act" (Chapter 2013-160), as of the effective date of this Ordinance or July 1, 2013, whichever occurs later, within the City's jurisdictional limits. This chapter will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with normal statutory traffic enforcement techniques.

10A-2 - USE OF TRAFFIC INFRACTION DETECTORS.

The City exercises its option under Section 316.0083, Florida Statutes as of the effective date of this Ordinance or July 1, 2013, whichever occurs later, to shall utilize traffic infraction detectors within its jurisdiction to enforce Section 316.074(1) or 316.075(1)(C), Florida Statutes, when a driver fails to stop at a traffic signal on streets and highways in the City's jurisdiction. The City may utilize traffic infraction detectors pursuant to the Mark Wandall Traffic Safety Act as a supplemental means of monitoring compliance with laws related to traffic control signals, while and assisting law enforcement personnel in the enforcement of compliance with such laws related to traffic control signals as permitted and provided for by state law, which are designed to protect and improve public health, safety and welfare of the community. This section shall not supersede, infringe, curtail or impinge upon State laws related to red light signal violations or conflict with such laws. ~~This chapter shall serve to enable the City to provide enhanced enforcement and respect for authorized traffic signal devices pursuant to Sections 316.008 and 316.0083, Florida Statutes (2010). The City shall utilize traffic infraction detectors as an ancillary deterrent to traffic control signal violations and thereby reduce accidents and injuries associated with such violations.~~

10A-3 - DEFINITIONS.

The following definitions shall apply to this chapter:

Final Administrative Order shall mean the written determination issued by a Local Hearing Officer, upon the conclusion of a hearing on a Notice of Violation, either dismissing or upholding a Notice of Violation, containing findings of fact, and if a violation is found, stating the penalty the violator is required to pay, plus municipal costs, not to exceed \$250. The Final Administrative Order shall be mailed to the violator by first-class mail.

Intersection shall mean the area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines, of the roadways of two (2) roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

Local Hearing Officer shall mean the person designated by the City who is authorized to conduct hearings related to a Notice of Violation issued pursuant to Section 316.0083, Florida Statutes.

Motor vehicle shall mean any self-propelled vehicle not operated upon rails or guideways, but not including any bicycle, motorized scooter, electric personal assisted mobility device, or moped.

Notice of violation or traffic citation shall mean a citation issued for a Red Zone infraction.

Owner/vehicle owner shall mean the person or entity identified by the Florida Department of Motor Vehicles, or other State vehicle registration office, as the registered owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six (6) months or more.

Recorded images shall mean images recorded by a traffic infraction detector which is operated in accordance with this chapter.

Red Zone Infraction shall mean a traffic offense whereby a traffic infraction detector indicates a violation of this chapter.

Traffic control signal shall mean a device exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in Section 316.075, Florida Statutes.

Traffic Infraction Clerk shall mean the staff designated by the City to assist the Local Hearing Officers.

Traffic infraction detector shall mean a vehicle sensor(s) installed to work in conjunction with a traffic control signal and camera or cameras synchronized to automatically record two (2) or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar line when facing a traffic control signal steady red light.

Traffic Infraction Enforcement Officer shall mean the employee designated by the City to appear and testify at a hearing on a Notice of Violation before a Local Hearing Officer concerning the issuance of the Notice of Violation.

Traffic Infraction Review Officer shall mean the City of North Miami Beach employee designated in accordance with ~~the Act~~ Section 316.0083, Florida Statutes, and as set forth in Section 316.640(5)(A), Florida Statutes, to review recorded images and issue Red Zone infractions based upon those images.

10A-4 - ADHERENCE TO RED LIGHT TRAFFIC CONTROL SIGNALS.

a. Pursuant to ~~the Act~~ Section 316.0083, Florida Statutes, motor vehicle traffic facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown on the traffic control signal; however, the driver of a vehicle which is approaching a clearly marked stop line, or, if none, is approaching the crosswalk on the near side of the intersection or, if none, then is approaching the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience of a steady red traffic control signal, may make a right turn in a careful and prudent manner (unless such turn is otherwise prohibited by posted sign or other traffic control device) but shall yield right-of-way to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.

b. Pursuant to the general law, motor vehicle traffic facing a traffic control signal that is malfunctioning, inoperable or is emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest to the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In the event that only some of the traffic control signals within an intersection are malfunctioning, inoperative or emitting a flashing red light, the driver of the vehicle approaching the malfunctioning, inoperative or flashing red traffic control signal shall stop in the above prescribed manner.

10A-5 - VIOLATION.

A violation of this chapter, known as a Red Zone Infraction, shall occur when a vehicle does not comply with the requirements of Section 10A-4. Violations shall be enforced pursuant to Section 316.0083, Florida Statutes.

10A-6 - IMPLEMENTATION OF THE MARK WANDALL TRAFFIC SAFETY ACT GENERAL LAW AND DESIGNATION OF LOCAL HEARING OFFICER.

~~The City Manager is authorized to implement the provisions and requirements of Chapter 2010-80, Laws of Florida (2010) as may be amended from time to time, and may take any action which is necessary for such purpose.~~

In accordance with the provisions of Section 316.0083, Florida Statutes, known as the Mark Wandall Traffic Safety Act, as of the effective date of this Ordinance or July 1, 2013, whichever occurs later, the City authorizes the implementation of the provisions and requirements of Chapter 2010-80 and the 2013 amendments to the Mark Wandall Traffic Safety Act (Chapter 2013-160). Effective July 1, 2013, the City shall appoint Local Hearing Officers as defined by and in accordance with the provisions of the Mark Wandall Traffic Safety Act.

10A-7 - REVIEW OF RECORDED IMAGES.

a. The owner of the vehicle which is observed by recorded images committing a Red Zone Infraction shall be issued a Notice of Violation or Traffic Citation ("Notice") no later than thirty (30) days after the Red Zone Infraction occurs. The recorded image shall be sufficient grounds to issue a City Notice of ~~Infraction~~ Violation.

b. The City shall designate a Traffic Infraction Review Officer, who shall meet the qualifications set forth in Section 316.640(5)(A), Florida Statutes, or any other relevant statute. The Traffic Infraction Review Officer shall review recorded images prior to the issuance of a Notice of Violation/Traffic Citation to ensure accuracy and the integrity of the recorded images. Once the Traffic ~~Control~~ Infraction Review Officer has verified the accuracy of the recorded images, he or she shall complete a report, and a Notice of Violation/Traffic Citation shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles.

~~e. If a vehicle owner receiving a notice fails to pay the penalty imposed by Section 316.0083, Florida Statute or to provide an affidavit that complies with the provisions of Section 316.0083, Florida Statutes within thirty (30) days of the date the notice is issued, then a Uniform Traffic Citation shall be issued to the vehicle owner as provided by general law. The Uniform Traffic Citation shall be issued no later than sixty (60) days after the Red Zone Infraction occurs.~~

10A-8 - NOTICE OF VIOLATION.

The Notice of Violation shall be served via first class mail and shall include:

- a. The name and address of the vehicle owner.
- b. The license plate number and registration number of the vehicle.
- c. The make, model, and year of the vehicle.
- d. Notice that the violation charged is pursuant to this chapter.
- e. The location of the intersection where the violation occurred.
- f. The date and time of the Red Zone Infraction.

- g. A statement that the owner has the right to review the recorded images that constitute a rebuttable presumption against the owner, together with a statement of the time and place or internet location where the evidence may be observed.
- h. Images depicting violation.
- i. Instructions on all methods of payment of the penalty.
- j. A signed statement by the Traffic Infraction Review Officer that based on inspection of recorded images, the vehicle was involved in a Red Zone Infraction.
- k. A statement specifying the remedies available under Section ~~318.14~~ 316.0083, Florida Statutes.
- l. ~~A statement that the owner must pay a penalty of one hundred fifty eight (\$158.00) dollars to the City of North Miami Beach or provide an affidavit that complies with Section 316.0083, Florida Statutes within thirty (30) days of the date the notice is issued in order to avoid court fees, costs and the issuance of a Uniform Traffic Citation. A statement of the procedures for payment of the civil penalty and contesting the Notice of Violation.~~

10A-8.1 - VEHICLE OWNER RESPONSIBILITIES

- a. A vehicle owner receiving a Notice of Violation may, within sixty (60) days of the date of the Notice of Violation:
 - (i) Pay the assessed civil penalty pursuant to instructions on the Notice of Violation;
 - (ii) Request a hearing before the Local Hearing Officer to contest the Notice of Violation pursuant to procedures as outlined in this Chapter; or
 - (iii) Submit an Affidavit of Non-Responsibility, as provided under 10A-8.2.
- b. The failure to comply with the provisions of this section within sixty (60) days from the date of the Notice of Violation shall result in the issuance of a Uniform Traffic Citation.

10A-8.2 - VEHICLE OWNER AFFIDAVIT OF NONRESPONSIBILITY.

In order for the vehicle owner to establish non-responsibility of the violation at the time of the Red Zone Infraction, the vehicle owner shall, within sixty (60) days from the date listed on the Notice of Violation, furnish an Affidavit to the City setting the circumstances demonstrating either (a) or (b) below:

- a. The vehicle was in the care, custody, or control of another person without the consent of the registered owner; or
- b. The vehicle was subject to a short-term (less than six (6) months) car rental agreement entered into between a car rental agency, which is licensed as required by applicable law and is authorized to conduct business in the state, and the operator of the vehicle.

The affidavit must be executed in the presence of a notary, and include:

a. If known to the vehicle owner, the name, address, and driver's license number of the person who had care, custody, or control of the motor vehicle, without the vehicle owner's consent, at the time of the alleged Red Zone Infraction; or

b. The name, address and driver's license number of the person who rented the motor vehicle from the car rental agency which has received the Notice, at the time of the alleged Red Zone Infraction, and provide a true and correct copy of the short term car rental agreement, as applicable; or

c. If the vehicle was stolen, the police report indicating the vehicle was stolen at the time of the alleged Red Zone Infraction; and

d. Include language that "Under penalties of perjury, I declare that I have read the foregoing affidavit and the facts stated in it are true."

Upon timely receipt of a sufficient affidavit pursuant to this Section, any prosecution of the Notice of Violation issued to the vehicle owner shall be terminated. Proceedings may be commenced by the City against the responsible person identified in the affidavit, and in such event, the responsible person shall be subject to the same process and procedures which are applicable to vehicle owners.

10A-8.3 – HEARINGS BEFORE A LOCAL HEARING OFFICER

Any alleged violator who elects to request a hearing shall be scheduled for a hearing by the Traffic Infraction Clerk to the Local Hearing Officer to appear before a Local Hearing Officer with notice of hearing sent by first-class mail. Upon receipt of the notice of hearing, the alleged violator may reschedule the hearing once by submitting a written request to reschedule to the Traffic Infraction Clerk to the Local Hearing Officer, at least five (5) calendar days before the day of the originally scheduled hearing. The alleged violator may cancel his or her appearance before the Local Hearing Officer by paying the penalty previously assessed, plus \$50 in administrative costs, before the start of the hearing.

All testimony at the hearing shall be under oath and shall be recorded. The Local Hearing Officer shall take testimony from a traffic infraction enforcement officer and the petitioner, and may take testimony from others. The Local Hearing Officer shall review the photographic or electronic images or the streaming video made available. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

At the conclusion of the hearing, the Local Hearing Officer shall determine whether a violation under this Chapter has occurred, in which case the Local Hearing Officer shall uphold or dismiss the violation. The Local Hearing Officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the violator to pay the penalty assessed, and may also require the violator to pay municipal costs, not to exceed \$250. The final administrative order shall be mailed to the violator by first-class mail.

10A-8.4 - ADMINISTRATIVE CHARGES

In addition to the penalty assessed for a Red Zone Infraction, there shall be imposed and assessed against the violator an administrative cost not to exceed \$250.00 upon a Local Hearing Officer's upholding of a Notice of Violation.

If a violator requests a hearing and thereafter cancels the hearing, an administrative cost of fifty dollars (\$50) shall be assessed for cancellation of the requested hearing in addition to the penalty assessed for the Red Zone Infraction.

10A-8.4 - APPEAL OF FINAL ADMINISTRATIVE ORDER

An aggrieved party may appeal a final administrative order to the appellate division of the Circuit Court for the Eleventh Judicial Circuit, in and for Miami-Dade County, by Writ of Certiorari, consistent with the process provided under Section 162.11, Florida Statutes.

10A-8.5 - COLLECTION OF FINES

The City may establish procedures for the collection of a penalty imposed herein and may enforce such penalty by civil action in the nature of debt collection.

10A-8.6 - ENFORCEMENT

This Chapter may be enforced by any other means available to the City.

10A-9 - SIGNAGE.

When the City installs a traffic infraction detector at an intersection, it shall erect signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use at the intersection and shall include specific notification of intersection safety camera enforcement of violations concerning right turns. Such signage shall meet the specifications for uniform signals and devices adopted by the Department of Transportation pursuant to Section 316.0745, Florida Statutes.

Section 3. All ordinances or parts of ordinances in conflict herewith 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 **18th day of June, 2013**.

APPROVED AND ADOPTED on second reading this ___ day of _____, 2013.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and City Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.