



## CITY OF NORTH MIAMI BEACH

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19 Avenue  
North Miami Beach, FL 33162  
**Tuesday, January 7, 2014**  
**7:30 PM**

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

City Manager Ana M. Garcia  
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

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1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION** - Reverend Dr. Marta Burke, Fulford United Methodist Church
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**
  - 5.1 **Service Recognition to Public Services Director, Ms. Kamali**
  - 5.2 **Retirement Recognition for Police Officer Britton**
  - 5.3 **Police Civilian of the Year - 2012, PCO Moosang**
  - 5.4 **Police Officer of the Year - 2012, Detective Festa**
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**

**7.1 Economic Development Commission (Councilman Anthony Defillipo)**

**7.2 Economic Development Commission (Councilman Anthony Defillipo)**

**7.3 Economic Development Commission (Councilman Anthony Defillipo)**

## **8. CONSENT AGENDA**

**8.1 Regular Meeting Minutes of November 19, 2013 (City Clerk Pamela L. Latimore)**

**8.2 Regular Meeting Minutes of December 3rd, 2013 (City Clerk Pamela L. Latimore)**

## **9. CITY MANAGER'S REPORT**

**9.1 Forfeiture (LETF) Appropriation Request (Chief J. Scott Dennis)**

## **10. CITY ATTORNEY'S REPORT**

**10.1 Litigation Listing**

Litigation Listing.

## **11. MAYOR'S DISCUSSION**

**12. MISCELLANEOUS ITEMS - None**

**13. BUSINESS TAX RECEIPTS - None**

**14. DISCUSSION ITEMS - None**

## **15. LEGISLATION**

**15.1 Ordinance No. 2014-1 (First Reading, By Title Only)**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XII, ARTICLE II, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING SECTION 12-2.2 ENTITLED "PERMITTED DAYS AND HOURS OF SALE - SUNDAY RESTRICTIONS; HOTELS AND NIGHTCLUBS" BY REQUIRING THAT ANY ESTABLISHMENT REQUESTING A 4:00 A.M. TO 6:00 A.M. LICENSE SHALL FIRST OBTAIN A 2:00 A.M. TO 4:00 A.M. EXTENDED LICENSE FOR

A MINIMUM OF SIX (6) MONTHS PRIOR TO ANY CONSIDERATION OF THE 4:00 A.M. TO 6:00 A.M. EXTENDED LICENSE; 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. CITY COUNCIL REPORTS**

**17. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, January 21, 2014**

**18. ADJOURNMENT**



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
[www.citynmb.com](http://www.citynmb.com)

## MEMORANDUM

Print

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**TO:** Mayor and City Council  
**FROM:** Pamela L. Latimore, City Clerk  
**VIA:** Pamela L. Latimore  
**DATE:** Tuesday, January 7, 2014

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**RE:** Economic Development Commission (Councilman Anthony Defillipo)

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**BACKGROUND ANALYSIS:** N/A

**RECOMMENDATION:** Approval

**FISCAL/BUDGETARY IMPACT:**

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**ATTACHMENTS:**

[Application-Alter Gambarte](#)



# City of North Miami Beach, Florida

## APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION

CHAPTER 2, SECTION 2-32.1 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH PROVIDES "RESIDENCY REQUIREMENT: MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS SHALL BE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. SHOULD ANY BOARD, COMMITTEE OR COMMISSION MEMBER MOVE OUTSIDE THE CITY LIMITS DURING THE TERM OF HIS/HER APPOINTMENT, HE/SHE SHALL AUTOMATICALLY BE REMOVED FROM THE POSITION HE/SHE HOLDS." MEMBERS ARE ALSO SUBJECT TO CHAPTER 2, SECTION 2-32.4.

I HEREBY FILE AN APPLICATION FOR APPOINTMENT TO THE FOLLOWING BOARD, COMMISSION OR COMMITTEE: Economic Development Commission

(PLEASE PRINT CLEARLY)

1. NAME: Alter Gambarate
2. HOME ADDRESS: 2347 NE 172 Street  
CITY: North Miami Beach STATE: FL ZIP: 33160
3. BUSINESS NAME: N/A  
BUSINESS ADDRESS: N/A  
CITY: N/A STATE: N/A ZIP: N/A
4. HOME PHONE: 386-285-5740 <sup>work</sup> BUSINESS PHONE: 305-948-2965  
CELL PHONE: 386-285-5740 FAX: N/A  
EMAIL ADDRESS: Alter.Gambarate@gmail.com
5. DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?  
YES:  NO:
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES:  NO:
7. HIGHEST LEVEL OF EDUCATION: (Youth Advisory Board Applicants: Please indicate current grade level as well as the name and telephone number of the school you are currently attending.)  
Bachelors Degree "International Relations"  
also minor in Business Admin.

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES \_\_\_\_\_ NO  (If yes, please state the name of the employee and the department in which he/she works: \_\_\_\_\_)

9. EMPLOYMENT HISTORY (Please include employer, position, years served):  
PRESENT STATUS: Employed by the City of North Miami Beach  
20\_\_\_\_ to 20\_\_\_\_ Legislative Intern US Congress about 1 yr.  
19\_\_\_\_ to 19\_\_\_\_ Real Estate sales Associate 2 yrs.  
19\_\_\_\_ to 19\_\_\_\_ Mortgage Broker 6 yrs.

10. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? (If yes, please describe: Resume available upon request.  
NO)


11. IF NOT SELECTED FOR THE BOARD/COMMITTEE/COMMISSION INDICATED ABOVE, PLEASE LIST ANY ADDITIONAL BOARDS/COMMITTEE/COMMISSIONS FOR WHICH YOU WOULD LIKE YOUR APPLICATION SUBMITTED (Please rank in order of preference):  
(1) Status of Women (2) \_\_\_\_\_  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

12. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT WOULD BEST QUALIFY YOU FOR AN APPOINTMENT TO THE BOARD/COMMITTEE/COMMISSION YOU HAVE SELECTED: currently An Alternate Committeeman for the Republican Executive Committee, Served as an officer for Masonic Lodge, was a congressional Intern,

13. IF YOU ARE APPLYING FOR A BOARD/COMMITTEE/COMMISSION THAT HAS SPECIFIC REQUIREMENTS, PLEASE DETAIL HOW YOUR BACKGROUND AND/OR EXPERIENCE MEETS THE REQUIRED CRITERIA:  
N/A

**CERTIFICATION**

**I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.**

APPLICATION DATE: 10/15/13 APPLICANT'S SIGNATURE: 

LIAISON: \_\_\_\_\_ APPOINTMENT DATE: \_\_\_\_\_



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## MEMORANDUM

Print

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**TO:** Mayor and City Council  
**FROM:** Pamela L. Latimore, City Clerk  
**VIA:** Pamela L. Latimore  
**DATE:** Tuesday, January 7, 2014

---

**RE:** Economic Development Commission (Councilman Anthony Defillipo)

---

**BACKGROUND ANALYSIS:** N/A

**RECOMMENDATION:** Approval.

**FISCAL/BUDGETARY IMPACT:**

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**ATTACHMENTS:**

[Application- Kyle C. Gibson](#)



# City of North Miami Beach, Florida

## APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMISSION OR COMMITTEE

CHAPTER 2, SECTIONS 2-55 AND 2-57 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH PROVIDES "RESIDENCY REQUIREMENT: MEMBERS OF ALL BOARDS, COMMISSIONS AND COMMITTEES SHALL BE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. SHOULD ANY BOARD, COMMISSION OR COMMITTEE MEMBER MOVE OUTSIDE THE CITY LIMITS DURING THE TERM OF HIS/HER APPOINTMENT, HE/SHE SHALL AUTOMATICALLY IMMEDIATELY BE REMOVED FROM THE POSITION HE/SHE HOLDS." (ORD. NO 79-20, § 4, 9-4-79) APPOINTMENTS ARE ALSO SUBJECT TO ORDINANCE 2001-4.

I HEREBY FILE AN APPLICATION FOR APPOINTMENT TO THE FOLLOWING BOARD, COMMISSION OR COMMITTEE:

RECEIVED  
13 OCT 24 PM 4:33  
CITY OF NORTH MIAMI BEACH

(PLEASE PRINT CLEARLY)

- NAME: Kyle C. Gibson
- HOME ADDRESS: 1418 NE 5th CT  
CITY: FF. Lauderdale STATE: FL ZIP: 33334
- BUSINESS NAME: Greater Gibbs Chapel AME Church  
BUSINESS ADDRESS: 1538 NW 152nd CT  
CITY: NMB STATE: Florida ZIP: 33162
- TELEPHONE: (HOME) \_\_\_\_\_ (BUSINESS) \_\_\_\_\_ (CELL) 850 322-8815
- FAX: \_\_\_\_\_ 6. EMAIL ADDRESS: KC2020Vision@aol.com
- DATE OF BIRTH: 12.21.69
- DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?  
 Yes  No
- HAVE YOU EVER BEEN CONVICTED OF A FELONY?  Yes  No  
*See attached sheet Basic*
- HIGHEST LEVEL OF EDUCATION:  
(Applicants to the Youth Advisory Board: Please indicate current grade level as well as the name and telephone number of the school you are currently attending.)

Doctor of ministry - Master of Divinity - BA History



11. ARE YOU RELATED TO A CITY EMPLOYEE?  Yes  No  
IF YES, PLEASE STATE THE NAME OF THE EMPLOYEE AND THE DEPARTMENT IN WHICH HE/SHE WORKS: \_\_\_\_\_

12. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, YEARS SERVED):

PRESENT STATUS: \_\_\_\_\_

200\_\_ to 200\_\_ \_\_\_\_\_

19\_\_ to 19\_\_ \_\_\_\_\_

19\_\_ to 19\_\_ \_\_\_\_\_

13. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? IF YES, PLEASE DESCRIBE: yes. Indian River County Historic Preservation

FT. Lauderdale Homeless Task Force Deland Historic committee

14. IF NOT SELECTED FOR THE BOARD/COMMISSION/COMMITTEE INDICATED ABOVE, PLEASE LIST ANY ADDITIONAL BOARDS/COMMISSIONS/COMMITTEES FOR WHICH YOU WOULD LIKE YOUR APPLICATION SUBMITTED (PLEASE RANK IN ORDER OF PREFERENCE):

(2) Multi-cultural (3) Recreation

(4) Library (5) Committee on Aging

6. Disabled Individuals

15. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT BEST QUALIFIES YOU FOR APPOINTMENT TO THE BOARD/COMMISSION/COMMITTEE YOU HAVE SELECTED: I have be a senior Pastor for 15 years in

the AME Church

16. IF YOU ARE APPLYING FOR A BOARD/COMMISSION/COMMITTEE THAT HAS SPECIFIC REQUIREMENTS, PLEASE DETAIL HOW YOUR BACKGROUND AND/OR EXPERIENCE MEETS THE REQUIRED CRITERIA: \_\_\_\_\_

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMISSION, COMMITTEE, ETC. OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 24 Oct 13 APPLICANT'S SIGNATURE: Rufe C. Gibson

Appointment Date: \_\_\_\_\_

Revised 01/07/08

G:\Word Documents\FORMS\Board and Commission Application 3.doc

RECEIVED

13 OCT 24 PM 4:33



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North Miami Beach, FL 33162  
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## MEMORANDUM

Print

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**TO:** Mayor and City Council  
**FROM:** Pamela L. Latimore  
**VIA:** Pamela L. Latimore  
**DATE:** Tuesday, January 7, 2014

---

**RE:** Economic Development Commission (Councilman Anthony Defillipo)

---

**BACKGROUND  
ANALYSIS:**

**RECOMMENDATION:** Approval.

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

[Application- Samuel Jean](#)



# City of North Miami Beach, Florida

## APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION

CHAPTER 2, SECTION 2-32.1 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH PROVIDES "RESIDENCY REQUIREMENT: MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS SHALL BE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. SHOULD ANY BOARD, COMMITTEE OR COMMISSION MEMBER MOVE OUTSIDE THE CITY LIMITS DURING THE TERM OF HIS/HER APPOINTMENT, HE/SHE SHALL AUTOMATICALLY BE REMOVED FROM THE POSITION HE/SHE HOLDS." MEMBERS ARE ALSO SUBJECT TO CHAPTER 2, SECTION 2-32.4.

RECEIVED  
13 NOV 20 PM 5:12  
CITY OF NORTH MIAMI BEACH  
CITY CLERK'S OFFICE

I HEREBY FILE AN APPLICATION FOR APPOINTMENT TO THE FOLLOWING BOARD, COMMISSION OR COMMITTEE:

(PLEASE PRINT CLEARLY)

1. NAME: SAMUEL JEAN

2. HOME ADDRESS: 18318 NW 68 AVE #F

CITY: Miami STATE: FL ZIP: 33015

3. BUSINESS NAME: \_\_\_\_\_

BUSINESS ADDRESS: 5201 BLUE LAGOON DR #100

CITY: Miami STATE: FL ZIP: 33126

4. HOME PHONE: (786) 970-1417 BUSINESS PHONE: (786) 522-7053

CELL PHONE: (786) 343-3726 FAX: (786) 522-7010

EMAIL ADDRESS: SJEAN@MANCUSMILLICHAPE.COM

5. DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?

YES: \_\_\_\_\_ NO:

6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES: \_\_\_\_\_ NO:

7. HIGHEST LEVEL OF EDUCATION: (Youth Advisory Board Applicants: Please indicate current grade level as well as the name and telephone number of the school you are currently attending.)

MBA, NOVA DAVIDE-FT LAUDERDALE

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES \_\_\_\_\_ NO ✓  
(If yes, please state the name of the employee and the department in which he/she works:  
\_\_\_\_\_ )

9. EMPLOYMENT HISTORY (Please include employer, position, years served):

PRESENT STATUS: COMMERCIAL REAL ESTATE BROKER  
20 12 to 20 - MARCUS & MULLICAP REAL ESTATE INVESTMENT  
~~20~~ 10 to ~~20~~ 11 HSBC BANK (MONTREAL CANADA)  
~~20~~ 01 to ~~20~~ 08 EASTERN USA REALTY, INC. (MIAMI FLA)

10. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? (If yes, please describe: YES, CHURCH FINANCE BOARD \_\_\_\_\_ )

11. IF NOT SELECTED FOR THE BOARD/COMMITTEE/COMMISSION INDICATED ABOVE, PLEASE LIST ANY ADDITIONAL BOARDS/COMMITTEE/COMMISSIONS FOR WHICH YOU WOULD LIKE YOUR APPLICATION SUBMITTED (Please rank in order of preference):

(1) \_\_\_\_\_ (2) \_\_\_\_\_  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

12. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT WOULD BEST QUALIFY YOU FOR AN APPOINTMENT TO THE BOARD/COMMITTEE/COMMISSION YOU HAVE SELECTED:

VOLUNTEER - JOE DI MAGGIO CHILDREN HOSPITAL  
THE FOUNDATION, SUPPORTING SPONSORSHIPS

13. IF YOU ARE APPLYING FOR A BOARD/COMMITTEE/COMMISSION THAT HAS SPECIFIC REQUIREMENTS, PLEASE DETAIL HOW YOUR BACKGROUND AND/OR EXPERIENCE MEETS THE REQUIRED CRITERIA:

REAL ESTATE KNOWLEDGE & EXPERIENCE IN N.M.S.

**CERTIFICATION**

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 11/20/13 APPLICANT'S SIGNATURE: \_\_\_\_\_

LIAISON: \_\_\_\_\_ APPOINTMENT DATE: \_\_\_\_\_



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## MEMORANDUM

Print

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**TO:** Mayor and City Council  
**FROM:** Pamela L. Latimore, City Clerk  
**VIA:** Pamela L. Latimore, City Clerk  
**DATE:** Tuesday, January 7, 2014

---

**RE:** Regular Meeting Minutes of November 19, 2013 (City Clerk Pamela L. Latimore)

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**BACKGROUND  
ANALYSIS:**

**RECOMMENDATION:**

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

- [Regular Meeting Minutes of November 19, 2013](#)



**CITY OF NORTH MIAMI BEACH**  
City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, November 19, 2013**  
**7:30 PM**

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

City Manager Ana M. Garcia  
City Attorney Darcee S. Siegel  
City Clerk Pamela L. Latimore, CMC

**REGULAR MEETING MINUTES**

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

The meeting was called to order at 8:01 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Phyllis S. Smith, and Council Members Anthony F. DeFillipo, Barbara Kramer, Marlen Martell, Frantz Pierre, and Beth E. Spiegel. Also present were City Manager Ana M. Garcia, 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 Item 5.1**, Presentation by Kevin Cayard on Mardi Gras was withdrawn.

**5. PRESENTATIONS/DISCUSSIONS**

**5.1 Presentation by Kevin Cayard on Mardi Gras** **WITHDRAWN** (see Item 4.1)

**6. PUBLIC COMMENT**

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

1. Mubarak Kazan – 15564 NE 12 Avenue, North Miami Beach, FL
2. Irma Arce – 1548 NE 175 Street, North Miami Beach, FL

3. Cynthia Marquez – 1579 NE 175 Street, North Miami Beach, FL
4. Emad Al-Kayyali – 1587 NE 175 Street, North Miami Beach, FL
5. Carmen Kienzle – 1655 NE 178 Street, North Miami Beach, FL
6. Yoda Lungler – 1870 NE 171 Street, North Miami Beach, FL
7. Marilyn Baumoehl - 18635 NE 20 Court, North Miami Beach, FL
8. Richard Riess – 23 NW 169 Street, North Miami Beach, FL

**Public comment closed.**

**7. APPOINTMENTS – *None***

**8. CONSENT AGENDA**

**8.1 Regular Meeting Minutes of October 15, 2013**

**8.2 Resolution No. R2013-71**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY'S AGREEMENT WITH SUPERIOR LANDSCAPING & LAWN SERVICE, INC. FOR CITYWIDE LANDSCAPE AND LAWN MAINTENANCE BY APPROVING CHANGE ORDER NO. 4 TO ADD A NEW SCOPE OF SERVICE OF MAINTENANCE AT MISHCON PARK; AND BY INCREASING THE MONETARY AMOUNT OF THE AGREEMENT BY \$19,980 FOR A TOTAL AGREEMENT AMOUNT OF \$289,723.

**MOTION** by Councilman Pierre, seconded by Councilwoman Martell, to approve the Consent Agenda. **(Approved 7-0)**

**9. CITY MANAGER'S REPORT**

City Manager Ana Garcia thanked Community Development Director Eric Riel for his presentation at the Council conference. She submitted to Council's a list of upcoming meeting dates.

**9.1 Departmental Monthly Reports**

**9.2 Project Updates**

In addition they will receive an overview of department reports monthly. She shared updates on the FEC has updated the FEC corridor in North Miami Beach from 135<sup>th</sup> St. to 175<sup>th</sup> St. They are working to put the city on a regular maintenance program. We've completed a survey of the signage citywide and 500 signs throughout the city need repair, replacement or have graffiti. Miami-Dade County has issued 27 work orders to commence this project. She thanked public services director Shari Kamali for taking the lead role on these projects. The public services administration building is in need of repair. The paint on the building is peeling and it did not look up to par. The painting of the building will commence Friday, November 22<sup>nd</sup>. The holiday lighting from 171<sup>st</sup> St. to 183<sup>rd</sup> St. and the holiday

banners from 163<sup>rd</sup> St. to 171 Street on Hanford Boulevard will be completed by Wednesday, November 27, 2013. The next “Eyes on NMB” will take place in Uleta on Friday, December 6, 2013 for more information contact Assistant Public Services Director Esmond Scott. They will meet in front of City Hall around 9:00 AM or 9:30 AM. The alley restoration project phase 9B 12<sup>th</sup> Ave. to 14<sup>th</sup> Ave. between 154<sup>th</sup> St. to 157<sup>th</sup> St. will commence the first week of January. The news letter will be out the last week of January 2014. The Victory Park playground will be completed the last week of December and we are planning a January ribbon cutting.

## **10. CITY ATTORNEY'S REPORT**

City Attorney Siegel stated that earlier that evening they held an executive session to discuss the settlement of Maryla Madura v. The City of North Miami Beach, Florida, Antonio Marciante, and Tony Sanchez Case No. 04-20701-CV.

**MOTION** by Vice Mayor Smith, seconded by Councilwoman Kramer, to approve to approve the settlement for this case.

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

City Attorney Siegel briefed Council on the pension litigation. As she stated at the last council meeting we have a judge and filled the complaint. There will be a conference call tomorrow morning with Judge Cordon to get a date for the temporary injunction hearing. She anticipates that the hearing will take place before end of the year and she will keep council up to date the progress.

### **10.1 Litigation List**

As of November 5, 2013

**11. MAYOR'S DISCUSSION** – *None*

**12. MISCELLANEOUS ITEMS** – *None*

**13. WAIVER OF FEE** – *None*

**14. BUSINESS TAX RECEIPTS**

#### **14.1 SMG Entertainment, Inc DBA Black Diamonds**

17450 Biscayne Boulevard, North Miami Beach, FL

**MOTION** by Councilwoman Martell, seconded by Mayor Vallejo, to discuss approval of **SMG Entertainment, Inc DBA Black Diamonds** business tax receipt for a 4:00 AM to 6:00 AM extension of hours an Adult Entertainment establishment.



**Representing the applicant:**

Benedict Kuehne, Law Office of Benedict P. Kuehne P.A.- 100 SE 2<sup>nd</sup> ST, Ste. 3550, Miami, FL

Mr. Kuehne spoke briefly in favor of approving the BTR 4:00 AM to 6:00 AM extension of hours.

Mayor and Council discussed the item.

Mr. Kuehne stated that the applicant is willing to compromise and proposed a six month trial period where council can review then approval at that time.

Mayor and Council continued to discuss the item.

Mr. Kuehne suggested that application be withdrawn on the matter. They will meet with the City Attorney and City Manager to satisfy them on the grandfathering issue as a matter of law and fact, then present it to council.

**Councilwoman Martell withdrew the motion and Mayor Vallejo withdrew his second.**

**15. DISCUSSION ITEMS – None**

**16. LEGISLATION**

**16.1 Ordinance No. 2013-20 - First Reading By Title Only**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH BY AMENDING SECTION 1.05, AMENDMENT OF PLAN; AMENDING ARTICLE II, DEFINITIONS; AMENDING SECTION 3.04, CREDITED SERVICE; AMENDING SECTION 6.01, NORMAL RETIREMENT; AMENDING SECTION 6.01A DEFERRED RETIREMENT OPTION PROGRAM; AMENDING SECTION 6.02, EARLY RETIREMENT AND RETIREMENT INCOME; AMENDING SECTION 6.04, BENEFITS OTHER THAN ON RETIREMENT; AMENDING SECTION 6.11, VOLUNTARY SUPPLEMENTAL BENEFIT; 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.

**MOTION** by Councilman Pierre, seconded by Councilwoman Kramer, to approve Ordinance No. 2013-20 on first reading by title only.

Assistant City Manager Mac Serda gave a brief explanation on the item.

**Mayor Vallejo opened the item for public comment.**

The following person(s) spoke on this item:

1. Mubarak Kazan – 15564 NE 12 Avenue, North Miami Beach, FL - **FOR**

**Public comment closed.**

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

## **16.2 Ordinance No. 2013-21 - First Reading By Title Only**

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-78 ENTITLED "LOBBYING" BY ADDING AN ANNUAL REGISTRATION FEE REQUIREMENT; CREATING AN EXEMPTION FROM PAYING THE REGISTRATION FEE; AMENDING THE REPORTING REQUIREMENTS FOR LOBBYISTS; AMENDING THE REGISTRATION FORM FOR LOBBYIST REGISTRATION; PROVIDING FOR EXEMPTIONS TO LOBBYIST REGISTRATION; PROVIDING FOR LOBBYIST REPORTING REQUIREMENTS; PROVIDING FOR LATE REGISTRATION AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

City Clerk Pamela Latimore gave a brief explanation on the item.

**MOTION** by Councilman Pierre, seconded by Councilwoman Kramer, to approve Ordinance No. 2013-21 on first reading by title only.

**Mayor Vallejo opened the item for public comment.**

The following person(s) spoke on this item:

2. Richard Riess – 23 NW 169 Street, North Miami Beach, FL – **FOR**
3. Marilyn Baumohl - 18635 NE 20 Court, North Miami Beach, FL – **FOR**

**Public comment closed.**

Mayor and Council discussed the item.

**MOTION** by Councilman DeFillipo, seconded by Vice Mayor Smith, to amend the ordinance by removing the line that mentions Merchants Association as an exempt association. (**Approved** 6-1, Pierre – **No**)

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

## **17. CITY COUNCIL REPORTS**

**Councilman DeFillipo** thanked all the residents that take the time to attend the Council meetings. He encourages the community to report things around the city that needs to be fixed on the city's website under Fix-It NMB. He took the opportunity to thank all city employees who have been working tirelessly on beautifying the corridors throughout the city. You will see that the project has started with the median coming down 163<sup>rd</sup> Street. He also thanked Assistant City Manager Mac Serda for his hard work. He also thanked the City Manager Ana Garcia for the fire and passion that she brought the city in getting things done. He closed wishing the residents of North Miami Beach a Happy Thanksgiving.

**Councilwoman Kramer** reported that Wednesday, November 20, 2013 at 5:30 PM in the Council Chambers there will be a tutorial on the use of Fix-It NMB hosted by the Beautification Committee. It is a great tool for getting things done in a timely manner. Residents can report things they see throughout the city from their cell phone or through the website. On Wednesday, November 27, 2013 at 5:30 PM is the beginning of Hanukkah. We will be lighting a Menorah, in the median on 19<sup>th</sup> Avenue in front of City Hall, by Rabbi Eli Rosenfeld of Chabad Lubavitch of Eastern Shores. After that will be the lighting of the Christmas tree. She wished everyone a Happy Thanksgiving.

**Councilwoman Martell** stated that she attended the Veterans Day event. She is grateful that we honored Finance Director Janet Smith and her mother-in-law for their service to our country. She wished everyone a Happy Thanksgiving. She stated that Thanksgiving is not the only time to say thanks but to be grateful that we have each and every day. It is a time that we stop for just a moment to thank others in do good things, "if you are able to, the city of North Miami Beach will be accepting donations of \$35.00 for a basket of food for one family."

**Councilman Pierre** wished Councilwoman Martell's daughter Emily a Happy Birthday. He also thanked the city manager and the employees for the work that's being done throughout the City. He reminded the residents that the NMB library is open seven days a week and at the last library board meeting he was happy to hear that more people are coming to use the library. He wished the residents a Happy Hanukkah and Happy Thanksgiving. This is his favorite time of year and he encourages everyone to take the time to thank the people around them.

**Vice Mayor Smith** stated that there will be a link on the city website to various organizations that are accepting donations for the Philippines. The Senior Advisory Board will be meeting on November 20, 2013 at 10:00 AM. The senior luncheon will be on Friday, November 21, 2013 from 11:00 AM to 2:00 PM. Please call the Leisure Services director Paulette Murphy to reserve seats. She is excited about Menorah and Christmas tree lighting because it reminds us that we are one and we will come together as one to celebrate this holiday season. She thanked Kathy Katerman the Interim Chief of Police for being at all the city events to make sure that everything runs smoothly and safe for residence. She congratulated Marina Palms on closing on their financing.

**Councilwoman Spiegel** stated that she also thanks the city staff for all the work that they're doing throughout the city. She gave a special thanks to Community Development Director Eric Riel for his prompt response to her concerns. She wished the residents of North Miami Beach a Happy Hanukkah and Happy Thanksgiving. She reminded the residents that recycling pickup will be the day before Thanksgiving on November 27<sup>th</sup>.

**Mayor Vallejo** congratulated Marina Palms on closing on their loan. He likes also thank the city staff and the Council that have worked hard to see this come to fruition. He thanked staffer Lori Helton for her idea to cross-referencing the bills on the possible homestead exemption fraud. That idea accounted for about \$450,000 in revenue that had been lost but now will be coming to the city. He mentioned that today is the 150<sup>th</sup> anniversary of

the Gettysburg address one of the most famous speeches in American history. It ties in with the sacrifices that have been made in battle to preserve our freedom. He wished everyone a Happy Hanukkah and Happy Thanksgiving.

**18. NEXT REGULAR CITY COUNCIL MEETING**

**Tuesday, December 3, 2013**

**19. ADJOURNMENT**

There being no further business to come before the City Council, Meeting was adjourned at 10:00 p.m.

ATTEST:

(SEAL)

---

Pamela L. Latimore  
City Clerk



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

**MEMORANDUM**

**Print**

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**TO:** Mayor and City Council  
**FROM:** Pamela L. Latimore, City Clerk  
**VIA:** Pamela L. Latimore, City Clerk  
**DATE:** Tuesday, January 7, 2014

---

**RE:** Regular Meeting Minutes of December 3rd, 2013 (City Clerk Pamela L. Latimore)

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**BACKGROUND  
ANALYSIS:**

**RECOMMENDATION:**

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

- [Regular Meeting Minutes of December 3rd, 2013](#)



**CITY OF NORTH MIAMI BEACH**  
City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, December 3, 2013**  
**7:30 PM**

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

City Manager Ana M. Garcia  
City Attorney Darcee S. Siegel  
City Clerk Pamela L. Latimore, CMC

**REGULAR MEETING MINUTES**

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

The meeting was called to order at 8:01 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Phyllis S. Smith, and Council Members Anthony F. DeFillipo, Barbara Kramer, Marlen Martell, Frantz Pierre, and Beth E. Spiegel. Also, present were City Manager Ana M. Garcia, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

**2. INVOCATION** – Reverend Marta Burke, Fulford United Methodist Church

**3. PLEDGE OF ALLEGIANCE**

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

**4.1 Item 13.1** was withdrawn by the applicant.

**4.2** Request by Councilman DeFillipo to add SMG Entertainment, Inc DBA Black Diamonds to **Discussion Items**.

**4.3** Mayor Vallejo requested that **Item 7.1** will be taken out of the regular order of business and moved before Presentations/Discussions.

**7. APPOINTMENTS** (Taken out of the regular order of business – see above Item 4.3)

**7.1 Swearing In of Chief of Police J. Scott Dennis Sr.**

**5. PRESENTATIONS/DISCUSSIONS** – *None*

**6. PUBLIC COMMENT**

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

Ketley Joachim – 210 NE 170 ST, North Miami Beach, FL  
Marilyn Baumohl - 18635 NE 20 Court, North Miami Beach, FL  
Terrence Camazuli – 17151 NE 17 Avenue, North Miami Beach, FL  
Mubarak Kazan – 15564 NE 12 Avenue, North Miami Beach, FL

**Public comment closed.**

## **8. CONSENT AGENDA**

### **8.1 Regular Meeting Minutes of November 5, 2013**

### **8.2 Resolution No. R2013-72**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING A \$4,743.00 FEDERAL AWARD FOR THE DOMESTIC VIOLENCE PROJECT TO BE USED TO EDUCATE, ASSIST, AND COUNSEL VICTIMS AND FAMILIES INVOLVED IN DOMESTIC VIOLENCE CASES.

### **8.3 Resolution No. R2013-73**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING THE 2014 FISCAL YEAR ANNUAL PLAN OF SERVICE FOR THE LIBRARY AND FORWARDING THE PLAN TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY, AND INFORMATION SERVICES.

**MOTION** by Councilman Pierre, seconded by Councilwoman Martell, to approve the Consent Agenda. (Approved 7-0)

## **9. CITY MANAGER'S REPORT**

City Manager Garcia requested approval for the use of the City Seal on a flyer for the Affordable Healthcare Act town hall meeting that we will be hosting.

**MOTION** by Vice Mayor Smith, seconded by Councilman Pierre, to approve the use of the City Seal on the Affordable Healthcare Act Town Hall Meeting flyer. (Approved 7-0)

Vice Mayor Smith directed City Attorney Siegel to look into the City Seal being used by the Greater North Miami Beach Chamber of Commerce.

City Manager Garcia announced that there will be a ribbon cutting for the 163<sup>rd</sup> Street Beautification Project on Saturday, December 14<sup>th</sup> at 10:30 a.m. She also thanked the staff of Leisure Services, Mayor and Council, various businesses, and residents that contributed to the “NMB Gives Back” Thanksgiving

baskets. We were able to serve a couple hundred of the neediest families here in the City. In the next month or so she would like to have a workshop with the Code Compliance Manager Eric Wardle to address some of the code issues that have come up recently. She will send Council a report and some recommendations on the boat issues and other challenges that they are dealing with.

## **10. CITY ATTORNEY'S REPORT**

City Attorney Siegel updated Council on the pension case that was filed. The date of the hearing has been set for January 13, 2013.

### **10.1 Litigation List**

As of December 3, 2013

## **11. MAYOR'S DISCUSSION – *None***

## **12. MISCELLANEOUS ITEMS – *None***

## **13. BUSINESS TAX RECEIPTS**

### **13.1 SMG Entertainment, Inc DBA Black Diamonds**

17450 Biscayne Boulevard, North Miami Beach, FL

## **14. DISCUSSION ITEMS**

### **SMG Entertainment, Inc DBA Black Diamonds**

Councilman DeFillipo brought the item up for discussion not to rehash the same points, but to address an issue that came to light. They received an email from a concerned resident stating that the establishment was open past 4:00 a.m. which violates the 2:00 a.m. – 4:00 a.m. license extended to them by the City Manager. This has been confirmed by the Police Department. At the last council meeting it had been pointed out to the applicant that their website states that they are open until 6:00 a.m., which has not changed as of today. For him this shows a disregard for this City and its laws. Since they are in violation of the license he directed the City Manager immediately revoke their 2:00 a.m. – 4:00 a.m. license, and asked the City Attorney if their business tax receipt can be revoked for this violation and what is the process. City Attorney Siegel responded by quoting the City Code section 12-2 subsection 2. "...The City Manager or their designee may revoke the extended hours business tax receipt if it is determined that the establishment is operating in a manner which is harmful to the public health, safety, or welfare." And section 12-1.12 "The business tax receipt of any person for the operation of any business, profession or occupation may be revoked by the City Council at any time upon notice and hearing for violation of any ordinance of the City or law of the State of Florida, or for any other good and sufficient reason; provided, however, this section shall not affect the power of the appropriate tribunal to revoke certain business tax receipts where such revocation is specifically provided for by ordinance." She stated that if Council decided to move forward there will need to be a full hearing, it has to be noticed and advertised, and testimony will be taken. Then it will be determined by the Council.

## **15. LEGISLATION**



### **15.1 Ordinance No. 2013-19 - Second and Final Reading**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH BY AMENDING SECTION 3.05, PURCHASE OF CREDITED SERVICE; AMENDING SECTION 6.01, NORMAL RETIREMENT; AMENDING SECTION 6.02, EARLY RETIREMENT AND RETIREMENT INCOME; AMENDING SECTION 6.04, BENEFITS OTHER THAN ON RETIREMENT; AMENDING SECTION 6.13, COST OF LIVING ADJUSTMENTS; AMENDING SECTION 6.14, DEFERRED RETIREMENT OPTION PLAN; 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.

**Mayor Vallejo opened the item for public comment. There being none public, comment closed.**

**MOTION** by Councilman Pierre, seconded by Councilwoman Kramer, to adopt **Ordinance No. 2013-19** on second and final reading.

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

### **15.2 Ordinance No. 2013-20 - Second and Final Reading**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH BY AMENDING SECTION 1.05, AMENDMENT OF THE PLAN; AMENDING ARTICLE II, DEFINITIONS; AMENDING SECTION 3.04, CREDITED SERVICE; AMENDING SECTION 6.01, NORMAL RETIREMENT; AMENDING SECTION 6.01A DEFERRED RETIREMENT OPTION PROGRAM; AMENDING SECTION 6.02, EARLY RETIREMENT AND RETIREMENT INCOME; AMENDING SECTION 6.04, BENEFITS OTHER THAN ON RETIREMENT; AMENDING SECTION 6.11, VOLUNTARY SUPPLEMENTAL BENEFIT; 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.

**Mayor Vallejo opened the item for public comment.**

The following person(s) spoke on this item:

Mubarak Kazan – 15564 NE 12 Avenue, North Miami Beach, FL

**Public comment closed.**

**MOTION** by Councilman Pierre, seconded by Councilwoman Kramer, to adopt **Ordinance No. 2013-20** on second and final reading.

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

**15.3 Ordinance No. 2013-21 -Second and Final Reading**

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-78 ENTITLED "LOBBYING" BY ADDING AN ANNUAL REGISTRATION FEE REQUIREMENT; CREATING AN EXEMPTION FROM PAYING THE REGISTRATION FEE; AMENDING THE REPORTING REQUIREMENTS FOR LOBBYISTS; AMENDING THE REGISTRATION FORM FOR LOBBYIST REGISTRATION; PROVIDING FOR EXEMPTIONS TO LOBBYIST REGISTRATION; PROVIDING FOR LOBBYIST REPORTING REQUIREMENTS; PROVIDING FOR LATE REGISTRATION AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

**MOTION** by Councilman Pierre, seconded by Councilwoman Kramer, to adopt **Ordinance No. 2013-21** on second and final reading.

**Mayor Vallejo opened the item for public comment.**

The following person(s) spoke on this item:

Richard Riess – 23 NW 169 Street, North Miami Beach, FL  
Mubarak Kazan – 15564 NE 12 Avenue, North Miami Beach, FL

**Public comment closed.**

Mayor and Council discussed the item.

**MOTION** by Councilwoman Spiegel, seconded by Mayor Vallejo to discuss amending section 4b and section 6.

Mayor and Council discussed the item with the City Attorney and the City Clerk.

**MOTION** by Councilwoman Spiegel, seconded by Mayor Vallejo to amend section 4b to state “any person, citizen, or resident, who appears only in his or her individual capacity or on behalf of an immediate family member”. (**Approved** 7-0)

Mayor and Council discussed the item with the City Attorney and the City Clerk.

**MOTION** by Councilwoman Spiegel, seconded by Councilwoman Martell to amend section 6 to delete the second sentence. (**Failed** 1-6, Spiegel – Yes)

**ROLL CALL:** Councilman DeFillipo – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor Smith – **Yes**, Mayor Vallejo – **Yes** (**Approved** 7-0, as amended in 4b)

## 16. CITY COUNCIL REPORTS

**Councilman DeFillipo** welcomed the new Chief of Police J. Scott Dennis Sr. and he is looking forward to working with him. He wished everyone a healthy and happy holiday.

**Councilwoman Kramer** stated that she is excited to have a new police chief come into our City with great ideas and leadership. There will be a Multi-Cultural Committee meeting on Monday December 09, 2013 at 7:00 p.m. They are still looking for new members and if anyone would like to participate please come to the meeting on Monday. She mentioned that NMB Snowfest will be on Saturday, December 14, 2013 at 5:00 p.m. – 11:00 p.m. at the Gwen Margolis Amphitheater. Councilwoman Kramer thanked the staff for creating the Thanksgiving baskets for NMB Give Back. She also thanked the staff and residents that came to the Menorah and Holiday Lighting Ceremony on Wednesday, November 27, 2013 at 5:30 p.m. She wished her husband Larry and Councilman DeFillipo a Happy Birthday on Saturday.

**Councilwoman Martell** thanked Kathy Katerman for all her hard work and for stepping in as interim Police Chief. She thanked Leisure Services for all the events that they have organized. It shows just how much they love this community. The Menorah and Holiday Lighting Ceremony was a beautiful and it was such a great feeling for us to all come together as a community. She welcomed the new Police Chief J. Scott Dennis Sr. and she is looking forward to new things he will bring to the City. She thanked City Manager Garcia for her hard work in the changes that we can all see throughout the City. This is a time reflect back on what we've accomplished this year and none those things came about from just on person's efforts but it was a community of people, residents, staff, and police officers working together that made a difference.

**Councilman Pierre** thanked City Manager Garcia for coming up with NMB Gives Back Thanksgiving Baskets. He hopes that this is something we can continue in the years to come. He also thanked her for bringing the best to North Miami Beach in J. Scott Dennis Sr. as Chief of Police. He thanked Kathy Katerman for stepping in as Interim Chief of Police for the second time and getting the job done. The Menorah and Holiday Lighting Ceremony was an opportunity to share in a special time and learn something of the Jewish culture. He reminded everyone that the Library is open seven days a week.

**Vice Mayor Smith** welcomed the new Chief of Police J. Scott Dennis Sr. and she is looking forward to working with him. The Public Utilities Commission meeting for December has been canceled, as well as, the meeting for the Commission on Aging/Senior Advisory board. The Senior Holiday luncheon will be on Friday, November 22, 2013 at 11:00 a.m. admission is free if you have a unwrapped toy. Please RSVP at 305-948-2972. The senior trip will be on Thursday, December 12, 2013 from 10:00 a.m. – 4:00 p.m., for \$5.00. Space is limited so please RSVP at 305-948-2972. She wishes everyone a happy and safe holiday. Please go the City website to see the events you can participate in this holiday season. There will be an Affordable Care Act town hall meeting Tuesday, December 10, 2013 at 6:00 p.m. – 8:00 p.m. at the McDonald Center.

**Councilwoman Spiegel** stated that there will be a Planning & Zoning Board meeting on Monday, December 09, 2013 at 6:00 p.m. Commission on the Status of Women will also be meeting Monday, December 09, 2013 at 7:00 p.m. For those of you that want to volunteer, the Public Utilities Commission has an opening, please contact the City Clerk's office if you are interested in applying. She thanked Major Katerman for a job well done. She also thanked the Leisure Services Department for a job well done on

many occasions. She thanked all the residents for all they do and for the privilege to serving them. She reminded everyone that recycling will be picked up next Wednesday.

**Mayor Vallejo** thanked the staff that worked on the Thanksgiving baskets. He recognized the Director of Leisure Service for the outstanding job that her department has done for the holidays. Thank you to Kathy Katerman for stepping as Interim Chief of Police and the police officers for keeping our residents safe during the holidays. Congratulations to new Chief of Police J. Scott Dennis Sr. he expressed his confidence in the chief to lead the department to new heights. He wished Larry Kramer and Councilman DeFillipo a Happy Birthday on Saturday.

**17. NEXT REGULAR CITY COUNCIL MEETING**

**Tuesday, December 17, 2013**

**18. ADJOURNMENT**

There being no further business to come before the City Council, Meeting was adjourned at 9:36 p.m.

ATTEST:

(S E A L)

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Pamela L. Latimore  
City Clerk



City of North Miami Beach  
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North Miami Beach, FL 33162  
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www.citynmb.com

## MEMORANDUM

Print

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** J. Scott Dennis, Chief of Police  
Kevin Prescott, Administrative Police Captain  
**DATE:** Tuesday, January 7, 2014

---

**RE:** Forfeiture (LETf) Appropriation Request (Chief J. Scott Dennis)

---

### **BACKGROUND ANALYSIS:**

The asset forfeiture program is a process to deprive 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 in 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 \$952,000.00 from the Federal Justice Law Enforcement Trust Fund (Fund 172), \$0.00 from the Federal Treasury Law Enforcement Trust Fund (Fund 177), and \$500,000.00 from the State/Local Law Enforcement Trust Fund (Fund 173). Please refer to the attached LETf request dated January 7, 2014 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/BUDGETARY IMPACT:** The request will not affect the City's General Fund, but will reduce the available balance in each corresponding LETF.

---

**ATTACHMENTS:**

- ▣ [LETF Request January 2014](#)

**CITY OF NORTH MIAMI BEACH, FLORIDA**

**INTER-OFFICE MEMORANDUM**

TO: Ana M. Garcia  
City Manager

DATE: January 7, 2014

SUBJECT: Use of LETF Funds

FROM: J. Scott Dennis  
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 **\$1,452,000.00** for expenditure from the Law Enforcement Trust Accounts. We will ask for **\$952,000.00** from the Federal Justice Law Enforcement Trust Fund (Fund 172), **\$ 0.00** from the Federal Treasury Law Enforcement Trust Fund (Fund 177), and **\$500,000.00** 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 Dennis 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. Task Force Related Overtime and expenses..... \$ 650,000.00

This request provides partial funding for police task force units conducting protracted, long-term investigations. These task forces that include but are not limited to the DEA and IRS, are dedicated to investigating criminal activity related to illegal narcotic activity, robberies and gang related activities.

2. 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.

3. Rental vehicles for Gang/Fraud Task Force/ Vin ..... \$ 50,000.00

In order to maintain the anonymity of the task force officers, rental vehicles are used. They provide versatility by allowing the Task Force Officers the ability to change the vehicle they are driving if the vehicle is compromised. In addition, a rental vehicle has no affiliation directly linked to a Law Enforcement agency so if the vehicle license plate is checked, there will be no information available to compromise the investigation or the officer.

4. Marine Patrol Task Force ..... \$43,000.00

This request is to start a Marine Patrol Task Force. These funds will cover repair and maintenance of the 22' Nautica Vessel and a 17' Logic vessel. It will also cover operating expenses such as fuel, maintenance along with overtime for officers during the six month operation. The task force will patrol the waterways in the North Miami Beach jurisdiction once a week for six months.

5. Upgrade of TI Firearms Simulator equipment..... \$25,000.00

This request is for the upgrade of the Firearms Simulator located in the police department. This upgrade includes the purchase of a new computer equipped with new software, Blue Ray Burner, with a new 3-D projector and other hardware. The upgrade will also include a new extended warranty and training for officers to operate the new system.











City of North Miami Beach  
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**MEMORANDUM**

**Print**

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**TO:** Mayor and City Council  
**FROM:** Darcee S. Siegel, City Attorney  
**VIA:** Darcee S. Siegel, City Attorney  
**DATE:** Tuesday, January 7, 2014

---

**RE:** Litigation Listing

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**BACKGROUND ANALYSIS:** As of January 7, 2014.

**RECOMMENDATION:**

**FISCAL/BUDGETARY IMPACT:**

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**ATTACHMENTS:**

[Litigation List](#)

**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, City Attorney**  
**DATE: January 7, 2014**

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**LITIGATION LIST**

**I. Civil Rights:**

**II. Personal Injury:**

**III. Other Litigation:**

**IV. Forfeitures:**

**V. Mortgage Foreclosures:**

\* **Federal National Mortgage v CNMB (Telusmond/  
Dorsainvil, Jr./Telusmo, et al)**

**HSBC Bank v CNMB (Jones Clark)**

**PROPERTY SOLD TO BANK**

**US BANK v CNMB (Fernandez/Perez, et al)**

**DISMISSED**

**VI. Bankruptcies:**

**Pierre Petit**

**DISMISSED**

**Borden, Rosalind**

**DISCHARGED**

**Segall, Sandy**

**DISMISSED**

\* **Miguel A. Sweeney**



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## MEMORANDUM

Print

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**TO:** Mayor and City Council  
**FROM:** Councilwoman Marlen Martell  
**VIA:** Darcee S. Siegel, City Attorney  
Councilwoman Marlen Martell  
**DATE:** Tuesday, January 7, 2014

---

**RE:** Ordinance No. 2014-1 (First Reading, By Title Only)

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**BACKGROUND  
ANALYSIS:**

In order to operate a business selling, serving or delivering alcoholic beverages in the City of North Miami Beach during the hours from 4:00 a.m. to 6:00 a.m., the business must obtain an extended license from the City Council. Currently, in order to obtain a 4:00 a.m. to 6 a.m. extended license, the only requirement of the business establishment is to first obtain a 2:0 a.m. to 4:00 a.m. license. In order to provide more secure late business operations, a minimum of a six month probationary period is warranted prior to the issuance of a 4:00 a.m. to 6:00 a.m. extended license.

**RECOMMENDATION:** Approval is recommended.

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

[Ordinance No. 2014-1](#)

**ORDINANCE NO. 2014-1**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XII, ARTICLE II, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING SECTION 12-2.2 ENTITLED "PERMITTED DAYS AND HOURS OF SALE - SUNDAY RESTRICTIONS; HOTELS AND NIGHTCLUBS" BY REQUIRING THAT ANY ESTABLISHMENT REQUESTING A 4:00 A.M. TO 6:00 A.M. LICENSE SHALL FIRST OBTAIN A 2:00 A.M. TO 4:00 A.M. EXTENDED LICENSE FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO ANY CONSIDERATION OF THE 4:00 A.M. TO 6:00 A.M. EXTENDED LICENSE; 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**, in order to operate a business selling, serving or delivering alcoholic beverages in the City of North Miami Beach during the hours from 4:00 a.m. to 6:00 a.m., the business must obtain an extended license from the City Council; and

**WHEREAS**, currently, in order to obtain a 4:00 a.m. to 6:00 a.m. extended license, the only requirement of the business establishment is to first obtain a 2:00 a.m. to 4:00 a.m. license; and

**WHEREAS**, in order to provide more secure late business operations, a minimum of a six (6) month probationary period is warranted prior to the issuance of a 4:00 a.m. to 6:00 a.m. extended license; and

**WHEREAS**, too often late night businesses have no track-record of good performance and/or compliance with the City's Code of Ordinances; and

**ORDINANCE NO. 2014-1**

**WHEREAS**, while the City of North Miami Beach is steadfast in its desire to promote all businesses within the City, its number one goal is to assure safety to all residents and patrons; and

**WHEREAS**, the Mayor and City Council believe that by obtaining a 2:00 a.m. to 4:00 a.m. license for a minimum six (6) month period prior to applying for a 4:00 a.m. to 6:00 a.m. license will achieve all the safeguards mandated by the probationary period and will be in the best interest for all those living and working in North Miami Beach.

**NOW, THEREFORE,**

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

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

**Section 2.** Section 12-2.2 C-2 of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Section 12-2.2 Permitted Days and Hours of Sale - Sunday Restrictions;  
Hotels and Nightclubs.**

2. **The issuance of the business tax receipt for the extension of hours from 2:00 a.m. to 4:00 a.m. shall be obtained for a minimum of six (6) months prior to applying for a business tax receipt to extend hours from 4:00 a.m. to 6:00 a.m.**

**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 January, 2014.

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

\_\_\_\_\_  
**PAMELA L. LATIMORE**  
**CITY CLERK**  
**(CITY SEAL)**

\_\_\_\_\_  
**GEORGE VALLEJO**  
**MAYOR**

**APPROVED AS TO FORM**

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

Sponsored by: Councilwoman Marlen Martell  
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**

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**TO:** Mayor and City Council

**FROM:**

**VIA:**

**DATE:** Tuesday, January 7, 2014

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**RE:** Tuesday, January 21, 2014

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**BACKGROUND**

**ANALYSIS:**

**RECOMMENDATION:**

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

None