



## CITY OF NORTH MIAMI BEACH

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19 Avenue  
North Miami Beach, FL 33162

**Tuesday, May 6, 2014**

**7:30 PM**

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

City Manager Ana M. Garcia  
Interim City Attorney Dotie Joseph  
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 Marta Burke, Fulford United Methodist Church

### 3. PLEDGE OF ALLEGIANCE

#### 3.1 Pledge of Allegiance and Star Spangled Banner

Fulford Elementary- Ms. Palmer's Class

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

### 5. PRESENTATIONS /DISCUSSIONS

#### 5.1 45th Annual Observance of Municipal Clerks Week (Pamela L. Latimore)

IIMC (International Institute of Municipal Clerks) designates May 4-10, 2014 as "Municipal Clerks Week".

### 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** - *None*

9. **CITY MANAGER'S REPORT**

9.1 **NMB Library Launches E-Books, May 1, 2014**

9.2 **Mother's Day Breakfast, May 10, 2014, 9AM at the Y.E.S. Center, call (305) 948-2957 for free tickets**

9.3 **Allen Park Grand Opening, June 4, 2014, 6:30pm**

9.4 **NMB Now event, May 15, 2014, 6pm - 8pm, at Marina Palms**

10. **CITY ATTORNEY'S REPORT**

10.1 **Litigation List**

Litigation List

11. **MAYOR'S DISCUSSION**

12. **MISCELLANEOUS ITEMS** - *None*

13. **BUSINESS TAX RECEIPTS** - *None*

14. **DISCUSSION ITEMS** - *None*

15. **LEGISLATION**

15.1 **Resolution No. R2014-18**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY OF NORTH MIAMI BEACH TO BE SURPLUS PROPERTY; AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF CITY-OWNED PROPERTY LEGALLY DESCRIBED AS: 12 52 41 PB 59-61, Pineapple Plantation 1, Lot 4, Block 2, Lot Size Irregular (8,750 Sq. Ft.) A/K/A**

50 NE 174 Drive, North Miami Beach, Florida

**15.2 Resolution No. R2014-17**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY OF NORTH MIAMI BEACH TO BE SURPLUS PROPERTY; AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF THE SOUTH HALF OF THE CITY-OWNED LANDSCAPE NURSERY PROPERTY LEGALLY DESCRIBED AS: Fulford By The Sea Sec H, PB 14-40, Lots 8 thru 15 inc Blk 108 A/K/A 1490 NE 160 Street, North Miami Beach, Florida**

**15.3 Ordinance No. 2014-2 (Second and Final Reading)**

**AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; PROVIDING AN OPTION FOR CHARTER OFFICERS TO ELECT NOT TO PARTICIPATE IN SAID 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.**

**15.4 Ordinance No. 2014-3 (First Reading by Title Only)**

**AN ORDINANCE AMENDING CHAPTER VI OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ENTITLED "ANIMALS AND FOWL" BY CREATING SECTION 6-9 ENTITLED "RESTRICTIONS ON RETAIL PET SALES"; AMENDING SECTION 6.5-1 "DEFINITIONS"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A FINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**15.5 Ordinance No.2014-4 (First Reading by Title Only)**

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-73 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "USE OF THE CITY SEAL PROHIBITED"; PROVIDING FOR THE CITY MANAGER TO APPROVE THE USAGE OF THE CITY SEAL, LOGO AND NAME OF THE CITY AS A SPONSOR; PROVIDING FOR THE PROHIBITION OF THE Unauthorized USE OF THE CITY LOGO AND NAME AS A SPONSOR; DELETING SECTION 775.083, FLORIDA STATUTES, AS A POTENTIAL PUNISHMENT FOR VIOLATION OF THIS SECTION; PROVIDING FOR DEFINITIONS OF RELEVANT TERMS; PROVIDING FOR EXCEPTIONS TO THE PROHIBITION ON USAGE; PROVIDING FOR THE REPEAL OF ALL 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 May 20, 2014**

## **18. ADJOURNMENT**



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, CMC, City Clerk  
**VIA:**  
**DATE:** Tuesday, May 6, 2014

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**RE:** 45th Annual Observance of Municipal Clerks Week (Pamela L. Latimore)

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**BACKGROUND ANALYSIS:**

The Mayor and Council of the City of North Miami Beach along with IIMC (International Institute of Municipal Clerks a professional association of City, Town, Townships, Villages, and Bouroughs Municipal Clerks and Deputy Clerks recognize its 9,500 members throughout the United States, Canada, and 15 other countries by acknowledging the 45th Annual observance of May 4-10, 2014 as Municipal Clerks Week.

**RECOMMENDATION:**

**FISCAL/BUDGETARY IMPACT:**

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**ATTACHMENTS:**

None

The City of North Miami Beach



City of North Miami Beach  
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305-947-7581  
[www.citynmb.com](http://www.citynmb.com)

**MEMORANDUM**

 **Print**

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**TO:** Mayor and City Council  
**FROM:** Dotie Joseph, Interim City Attorney  
**VIA:** Dotie Joseph, Interim City Attorney  
**DATE:** Tuesday, May 6, 2014

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**RE:** Litigation List

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**BACKGROUND ANALYSIS:** As of May 6, 2014.

**RECOMMENDATION:**

**FISCAL/BUDGETARY IMPACT:**

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**ATTACHMENTS:**

▣ [Litigation List](#)

**TO: Mayor and City Council**  
**FROM: Dotie Joseph, Interim City Attorney**  
**DATE: May 6, 2014**

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**LITIGATION LIST**

**I. Civil Rights:**

**II. Personal Injury:**

**III. Other Litigation:**

**IV. Forfeitures:**

\* **CNMB v Ceballos/Perez**  
**\$3,000.00 in US Currency**

\* **CNMB v Digiorgio/Derogene**  
**\$55,160.00 in US Currency and**  
**\$5,690.00 in US Currency**

\* **CNMB v Fernandez-Olivert, D/Diaz/Fernandez-Olivert, J**  
**\$29,000.00 in US Currency**

\* **CNMB v. Menes/Gonzalez-Carbajal/Olivares/Gutierrez-Basaldua/**  
**Southeast Toyota World Omni Financial Corp.**  
**\$58,600.00 in US Currency and One 2012 Toyota Tundra**

**V. Mortgage Foreclosures:**

**Bank of America v CNMB (Felieu) FORECLOSED**

**Bank of America v CNMB (Jean-Pierre) FORECLOSED**

**Bank of New York v CNMB (Chuy) DISMISSED**

**Bank of New York v CNMB (Gonzalez, M) DISMISSED**

**Credit Based Asset Servicing v CNMB (Rojas) DISMISSED**

<u>Deutsche Bank v CNMB (Castaneda)</u>	FORECLOSED
<u>Deutsche Bank v CNMB (Cleary)</u>	FORECLOSED
<u>Deutsche Bank v CNMB (Lobo)</u>	DISMISSED
<u>Deutsche Bank v CNMB (Martinez)</u>	FORECLOSED
<u>Flagler Bank v CNMB (Haronda Realty)</u>	DISMISSED
<u>James B. Nutter v CNMB (Drayton Davis)</u>	FORECLOSED
* <u>JP Morgan v CNMB (Francis)</u>	
<u>Ocean Bank v CNMB (Perez)</u>	FORECLOSED
<u>PNC Mortgage v CNMB (Ordonez)</u>	FORECLOSED
<u>Three Seasons Assn No. 3 v CNMB (Cleary)</u>	DISMISSED
<u>US Bank v CNMB (Rubi)</u>	FORECLOSED
<u>US BANK v CNMB (Vidal)</u>	FORECLOSED
<u>Wachovia v CNMB (Chavez)</u>	FORECLOSED
<u>Wells Fargo v CNMB (Hernandez)</u>	DISMISSED
<u>Wells Fargo v CNMB (Marcaisse)</u>	FORECLOSED

**VI. Bankruptcies:**

Dennis, Robert Edward and Dennis-Weiss, Deena	DISMISSED
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\* New Cases





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

## MEMORANDUM

 [Print](#)

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Carlos Rivero, Interim City Planner  
**DATE:** Tuesday, May 6, 2014

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**RE:** Resolution No. R2014-18

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**BACKGROUND ANALYSIS:**

The City of North Miami Beach is seeking to return a number of City-owned properties to the tax rolls, while at the same time increasing the opportunities for development and redevelopment throughout all areas of the City. The vacant lot, located at 50 NE 174 Drive, in the Uleta Neighborhood, is an 8,750 square foot lot in a quiet street, making it a perfect candidate for a new single-family home. This lot is currently vacant and has been the subject of several instances of illegal dumping in the past, creating unnecessary maintenance costs for the City. (See attached sketch)

**RECOMMENDATION:**

It is recommended to contract with Fisher Auction House to offer this property at auction on our behalf. The City will retain final authority to accept or reject the offer.

**FISCAL/BUDGETARY IMPACT:**

The vacant lot we are looking to sell has an estimated value of \$19,250.00 according to the Miami-Dade Property Appraiser's assessment information for 2013. The sale of this property would be of great financial benefit to the City, both in the short run and in the long run. In the short run, the proceeds from the sale of this property could be used toward any City initiative or improvement. In the long run, the sale of this property would bring about the construction of a new single-family residence, which will not only modernize our housing stock, but pay property tax revenues to the City.

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**ATTACHMENTS:**

- ▢ [Memorandum](#)
- ▢ [Location Map of 50 NE 174 Drive](#)
- ▢ [Resolution No. R2014-18](#)
- ▢ [Exhibit A](#)



**CITY OF NORTH MIAMI BEACH  
INTEROFFICE MEMORANDUM**

*Community Development Department*

**TO: Mayor and Council**  
**FROM: Ana M. Garcia, City manager**  
**VIA: Carlos M. Rivero, Acting City Planner**  
**DATE: April 28, 2014**

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**SUBJECT: Summary memo for sale of City-owned lot located at 50 NE 174 Drive**

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**Background Analysis:**

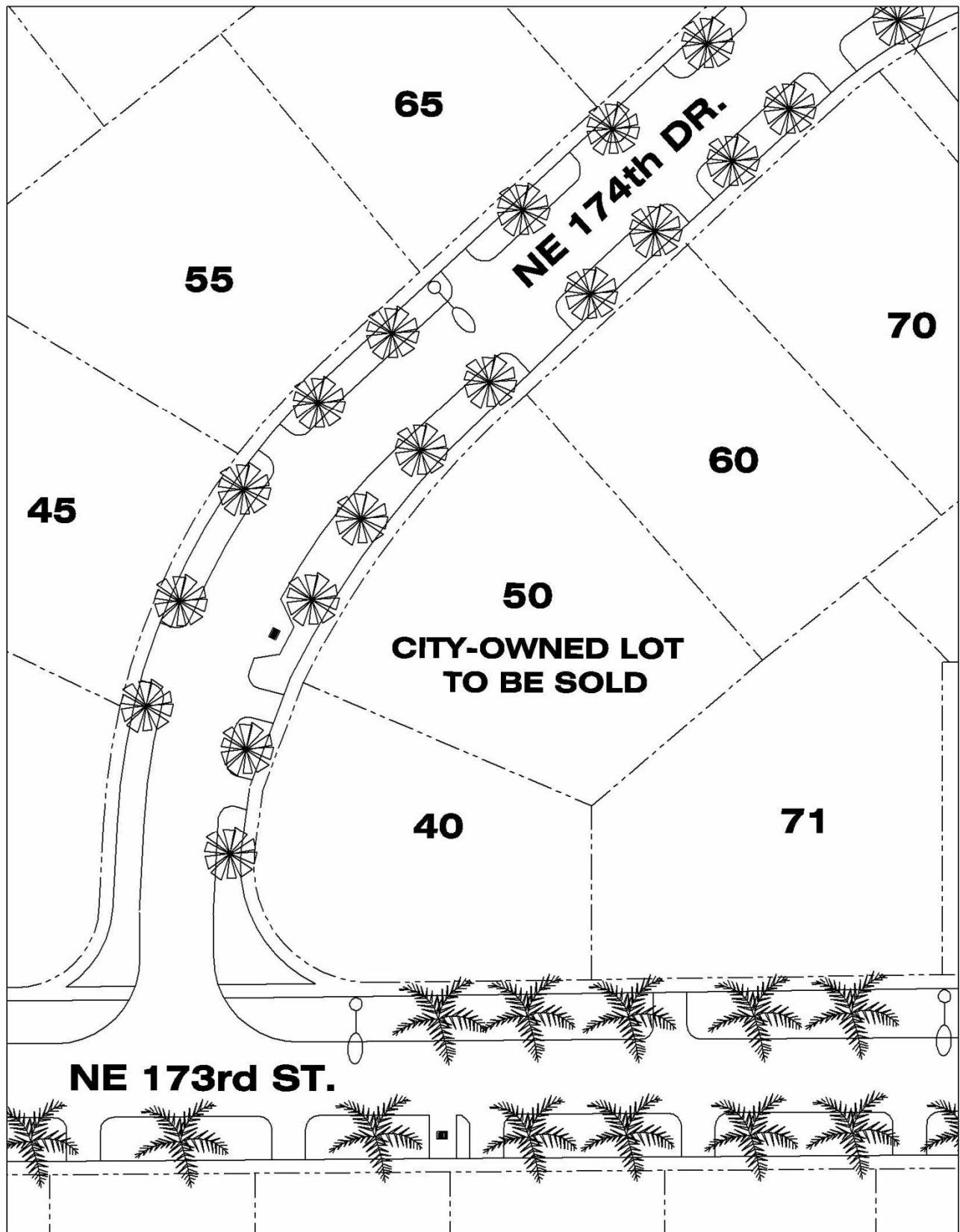
The City of North Miami Beach is seeking to return a number of City-owned properties to the tax rolls, while at the same time increasing the opportunities for development and redevelopment throughout all areas of the City. The vacant lot, located at 50 NE 174 Drive, in the Uleta Neighborhood, is an 8,750 square foot lot in a quiet street, making it a perfect candidate for a new single-family home. This lot is currently vacant and has been the subject of several instances of illegal dumping in the past, creating unnecessary maintenance costs for the City. (See attached sketch)

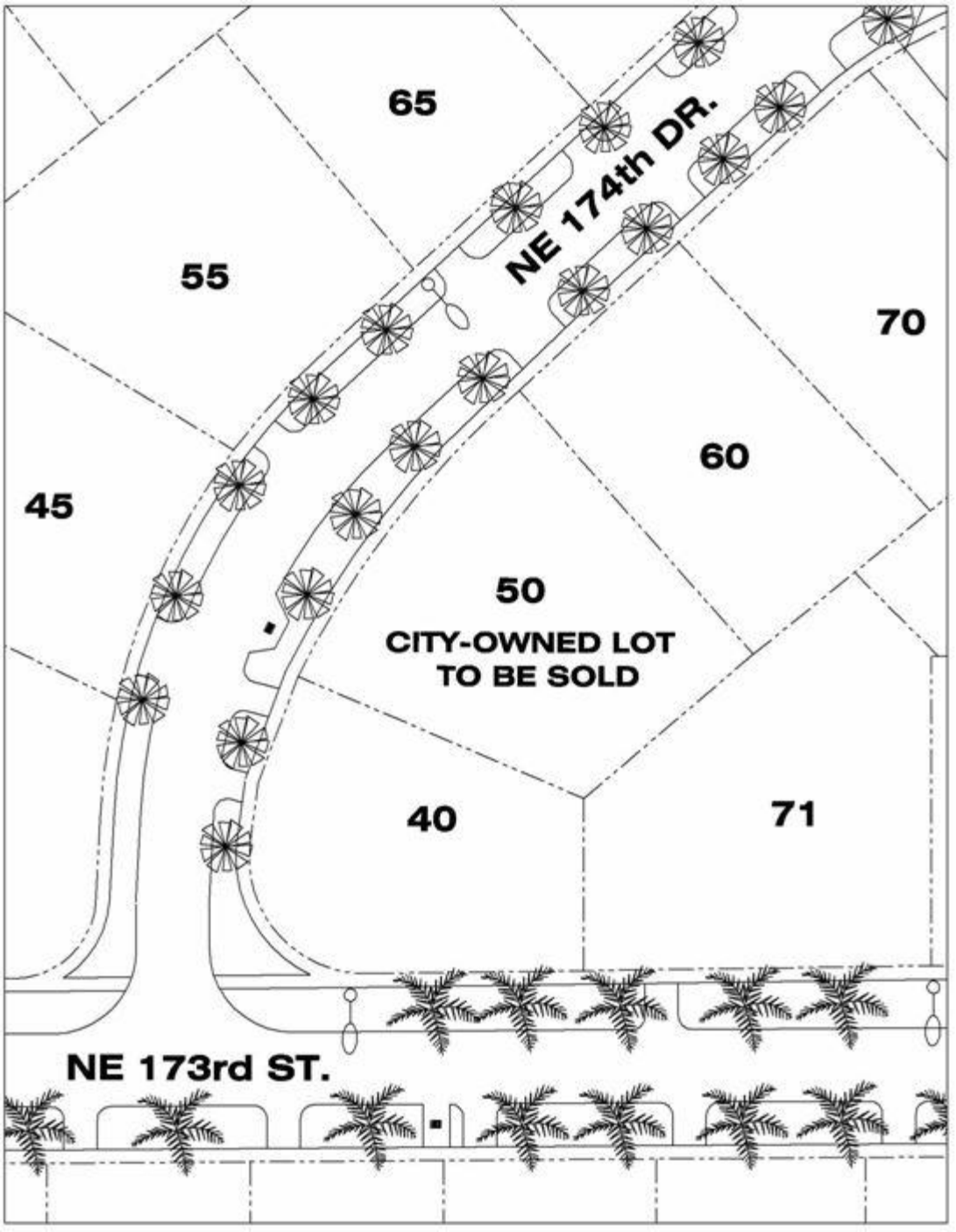
**Recommendation:**

The Community Development Department recommends that Council allow the negotiation of the sale of this residential lot.

**Fiscal Budgetary Impact:**

The vacant lot we are looking to sell has an estimated value of \$19,250.00 according to the Miami-Dade Property Appraiser's assessment information for 2013. The sale of this property would be of great financial benefit to the City, both in the short run and in the long run. In the short run, the proceeds from the sale of this property could be used toward any City initiative or improvement. In the long run, the sale of this property would bring about the construction of a new single-family residence, which will not only modernize our housing stock, but pay property tax revenues to the City.





65

NE 174th DR.

55

70

45

60

50

CITY-OWNED LOT  
TO BE SOLD

40

71

NE 173rd ST.

**RESOLUTION NO. R2014-18**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY OF NORTH MIAMI BEACH TO BE SURPLUS PROPERTY; AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF CITY-OWNED PROPERTY LEGALLY DESCRIBED AS:**

**12 52 41 PB 59-61, Pineapple Plantation 1, Lot 4,  
Block 2, Lot Size Irregular (8,750 Sq. Ft.)**

**A/K/A  
50 NE 174 Drive  
North Miami Beach, Florida**

**WHEREAS**, pursuant to Section 3-3.3 of the City Code, the City Council is authorized to determine that certain real property owned by the City is surplus, as being obsolete, inadequate or no longer needed for public purposes; and

**WHEREAS** Florida law authorizes municipalities to dispose of property which is or the continued use of which is uneconomical or inefficient, or which serves no useful function; and

**WHEREAS**, the City-owned property is a vacant lot in zone RS-2, Single Family Residential District, depicted in Exhibit “A,” attached hereto; and

**WHEREAS**, the City Manager has determined that vacant lot located 50 NE 174 Drive, North Miami Beach, Florida (hereinafter the “Property”) is obsolete, serves no useful function, and

**WHEREAS**, the City Manager, in conjunction with the Planning & Zoning and Finance Departments, recommends disposition of the Property; and

**WHEREAS**, the Mayor and Council of the City of North Miami Beach see to encourage development throughout all neighborhoods; and

**WHEREAS**, the Property described herein is a buildable lot; and

**RESOLUTION NO. R2014-18**

**WHEREAS**, the City Council hereby finds that the property described herein is obsolete, inefficient, and serves no useful public purpose; and

**WHEREAS**, the Mayor and City Council of the City of North Miami Beach hereby declare the Property to be surplus, and authorize the City Manager to dispose of same.

**NOW, THEREFORE,**

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

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

**Section 2.** The City Council hereby finds and declares that the real property depicted in Exhibit "A", as attached hereto, constitutes surplus property under City Code Section 3-3.3.

**Section 3.** The City Manager is hereby authorized to dispose of the above-referenced surplus property.

**Section 4.** This Resolution shall become effective immediately upon adoption hereof.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this \_\_\_ **day of** \_\_\_\_\_, **2014**.

ATTEST:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
DOTIE JOSEPH  
INTERIM CITY ATTORNEY

Sponsored by: Mayor & City Council



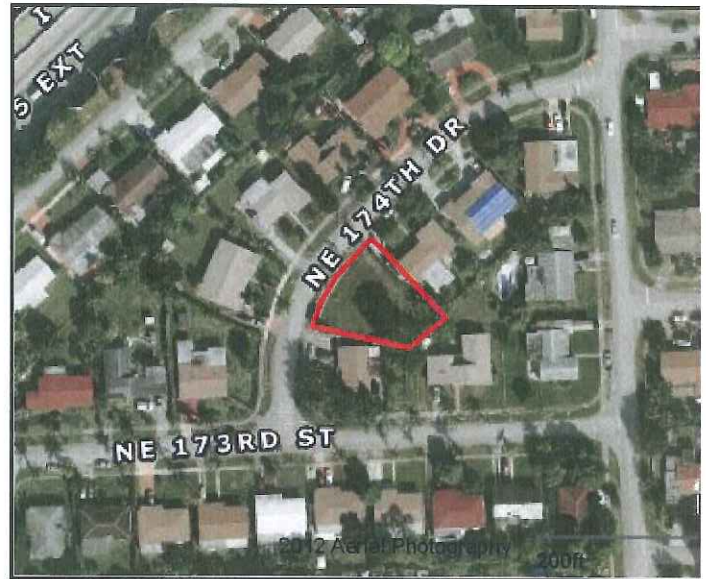


# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 4/11/

Property Information	
Folio:	07-2112-012-0260
Property Address:	
Owner	CITY OF NORTH MIAMI BEACH
Mailing Address	17011 NE 19 AVE NO MIAMI BEACH , FL 33162-3111
Primary Zone	0600 SINGLE FAMILY, 1401-1550 S
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	8,750 Sq.Ft
Year Built	0



Assessment Information			
Year	2013	2012	2011
Land Value	\$19,250	\$18,375	\$24,500
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$19,250	\$18,375	\$24,500
Assessed Value	\$19,250	\$18,375	\$24,500

Benefits Information				
Benefit	Type	2013	2012	2011
Municipal	Exemption	\$19,250	\$18,375	\$24,500

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
12 52 41 PB 59-61
PINEAPPLE PLANTATION 1
LOT 4 BLK 2
LOT SIZE IRREGULAR

Taxable Value Information			
	2013	2012	2011
<b>County</b>			
Exemption Value	\$19,250	\$18,375	\$24,500
Taxable Value	\$0	\$0	\$0
<b>School Board</b>			
Exemption Value	\$19,250	\$18,375	\$24,500
Taxable Value	\$0	\$0	\$0
<b>City</b>			
Exemption Value	\$19,250	\$18,375	\$24,500
Taxable Value	\$0	\$0	\$0
<b>Regional</b>			
Exemption Value	\$19,250	\$18,375	\$24,500
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version: 1.0.4

# Exhibit A





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:** Ana M. Garcia, City Manager  
**VIA:** Carlos Rivero, Interim City Planner  
**DATE:** Tuesday, May 6, 2014

---

**RE:** Resolution No. R2014-17

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**BACKGROUND  
ANALYSIS:**

The City of North Miami Beach is seeking to return a number of City-owned properties to the tax rolls, while at the same time increasing the opportunities for development and redevelopment throughout all areas of the City. The Hazel Fazzino Nursery, located at 1490 NE 160 Street, is made up of eight residential lots and the east/west alleyway right-of-way that divides them into two groups of four lots. The nursery operation requires only four lots of the current eight, freeing four residential lots and the alley right-of-way. (See attached sketch)

**RECOMMENDATION:**

It is recommended to contract with Fisher Auction House to offer this property at auction on our behalf. The City will retain final authority to accept or reject the offer.

**FISCAL/BUDGETARY  
IMPACT:**

The four lots we are looking to sell have a total estimated value of \$211,998.00 or \$52,999.00 per lot according to the Miami-Dade Property Appraiser's assessment information for 2013. The sale of these properties would be of great financial benefit to the City, both in the short run and in the long run. In the short run, the proceeds from the sale of this property could be used toward any City initiative or improvement. In the long run, the sale of these properties would bring about the construction of at least four new single-family residences which will not only modernize our housing stock, but pay property tax revenues to the City.

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**ATTACHMENTS:**

- ▣ [Memorandum](#)
- ▣ [Location Map of Nursery Property](#)
- ▣ [Resolution No. R2014-17](#)
- ▣ [Exhibit A](#)



**CITY OF NORTH MIAMI BEACH  
INTEROFFICE MEMORANDUM**

*Community Development Department*

**TO: Mayor and Council**  
**FROM: Ana M. Garcia, City manager**  
**VIA: Carlos M. Rivero, Acting City Planner**  
**DATE: April 28, 2014**

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**SUBJECT: Summary memo for the partial sale of City Nursery property**

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**Background Analysis:**

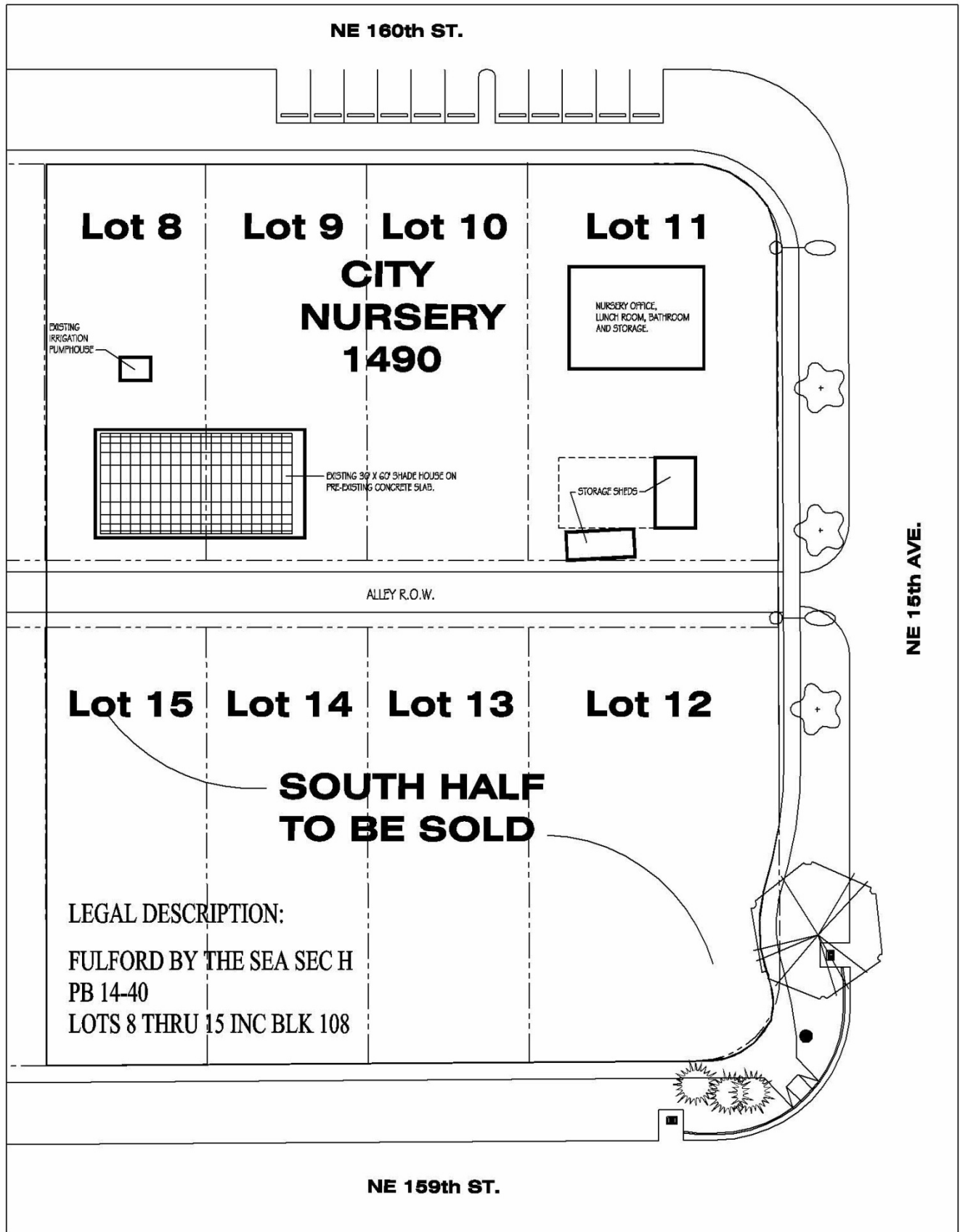
The City of North Miami Beach is seeking to return a number of City-owned properties to the tax rolls, while at the same time increasing the opportunities for development and redevelopment throughout all areas of the City. The Hazel Fazzino Nursery, located at 1490 NE 160 Street, is made up of eight residential lots and the east/west alleyway right-of-way that divides them into two groups of four lots. The nursery operation requires only four lots of the current eight, freeing four residential lots and the alley right-of-way. (See attached sketch)

**Recommendation:**

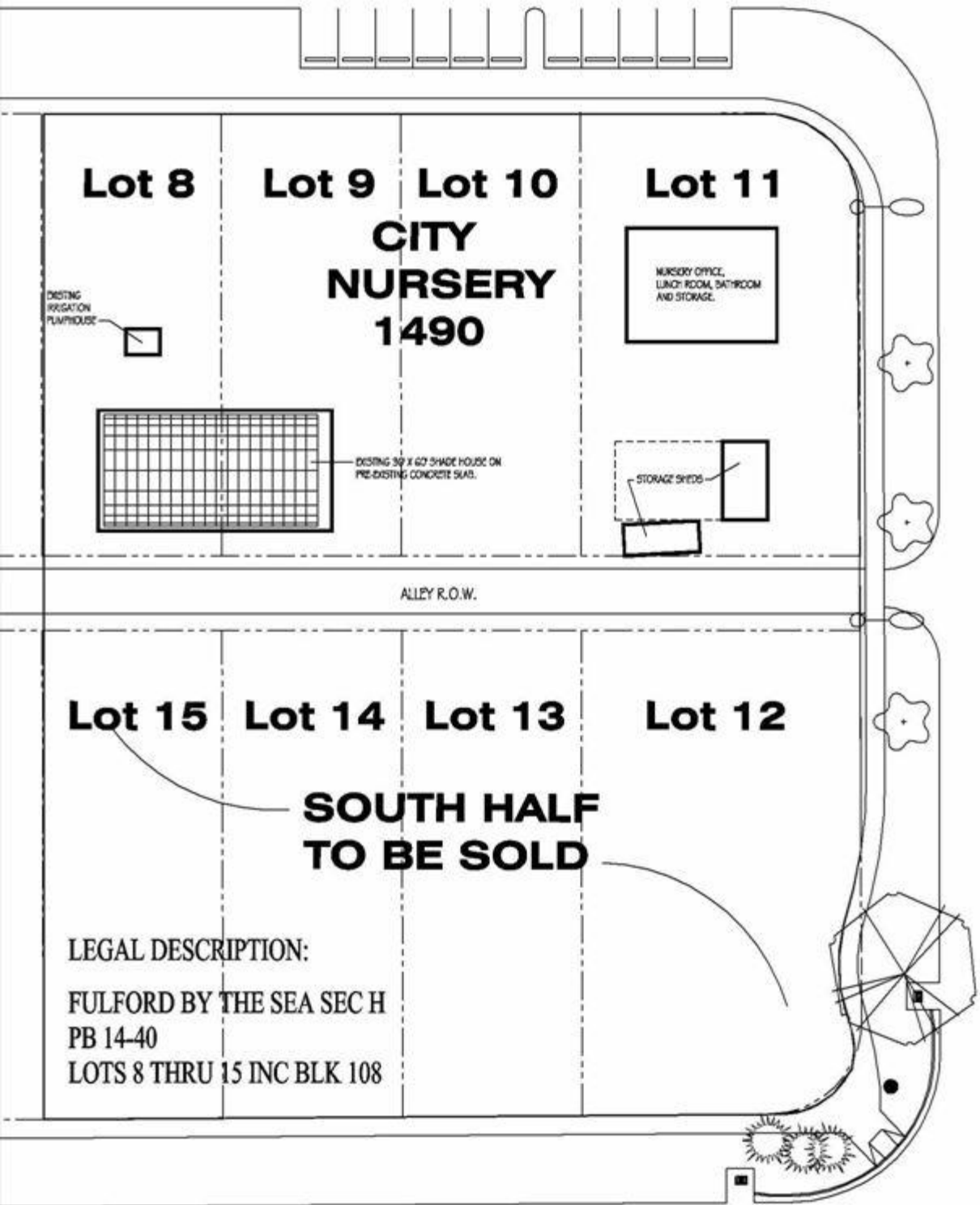
The Community Development Department recommends that Council allow the negotiation of the sale of these four residential lots.

**Fiscal Budgetary Impact:**

The four lots we are looking to sell have a total estimated value of \$211,998.00 or \$52,999.00 per lot according to the Miami-Dade Property Appraiser's assessment information for 2013. The sale of these properties would be of great financial benefit to the City, both in the short run and in the long run. In the short run, a portion of the proceeds from the sale of these properties could be used toward several improvements at the nursery property including: Ornamental fencing, a new shade house for propagation, improvements to the office space, and signage. In the long run, the sale of these properties would bring about the construction of at least four new single-family residences which will not only modernize our housing stock, but pay property tax revenues to the City.



NE 160th ST.



**Lot 8**

**Lot 9**

**Lot 10**

**Lot 11**

**CITY  
NURSERY  
1490**

EXISTING  
IRRIGATION  
PUMPHOUSE

NURSERY OFFICE,  
LUNCH ROOM, BATHROOM  
AND STORAGE.

EXISTING 30 X 60 SHADE HOUSE ON  
PRE-EXISTING CONCRETE SLAB.

STORAGE SHEDS

ALLEY R.O.W.

**Lot 15**

**Lot 14**

**Lot 13**

**Lot 12**

**SOUTH HALF  
TO BE SOLD**

LEGAL DESCRIPTION:

FULFORD BY THE SEA SEC H  
PB 14-40  
LOTS 8 THRU 15 INC BLK 108

NE 15th AVE.

NE 159th ST.

**RESOLUTION NO. R2014-17**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY OF NORTH MIAMI BEACH TO BE SURPLUS PROPERTY; AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF THE SOUTH HALF OF THE CITY-OWNED LANDSCAPE NURSERY PROPERTY LEGALLY DESCRIBED AS:**

**Fulford By The Sea Sec H, PB 14-40, Lots 8 thru 15 inc Blk 108**

**A/K/A  
1490 NE 160 Street  
North Miami Beach, Florida**

**WHEREAS**, pursuant to Section 3-3.3 of the City Code, the City Council is authorized to determine that certain real property owned by the City is surplus, as being obsolete, inadequate or no longer needed for public purpose; and

**WHEREAS**, Florida law authorizes municipalities to dispose of property which is or the continued use of which is uneconomical or inefficient, or which serves no useful function; and

**WHEREAS**, the City-owned landscape nursery property described herein contains eight (8) vacant lots in zone RS-4, Single Family Residential District; and

**WHEREAS**, the City Manager has determined that the nursery operation does not require the southern half—i.e. Lots 12 through 15—of the of City Nursery located at 1490 NE 160 Street, North Miami Beach, Florida (hereinafter the “Property”) depicted in Exhibit “A,” attached hereto, to accomplish its public purpose; and

**WHEREAS**, the City Manager, in conjunction with the Planning & Zoning and Finance Departments, recommends the disposition of the Property; and

**RESOLUTION NO. R2014-17**

**WHEREAS**, the Mayor and City Council of the City of North Miami Beach seek to encourage development throughout all neighborhoods; and

**WHEREAS**, the City Council hereby finds that the Property is obsolete, inefficient, and serves no useful public purpose; and

**WHEREAS**, the Mayor and City Council of the City of North Miami Beach hereby declare the Property to be surplus, and authorize the City Manager to dispose of same.

**NOW, THEREFORE,**

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

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

**Section 2.** The City Council hereby finds and declares that the real property described in Exhibit "A", as attached hereto, constitutes surplus property under City Code Section 3-3.3.

**Section 3.** The City Manager is hereby authorized to dispose of the above-referenced surplus property.

**Section 4.** This Resolution shall become effective immediately upon adoption hereof.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this \_\_\_ **day of** \_\_\_\_\_, **2014.**

ATTEST:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
DOTIE JOSEPH  
INTERIM CITY ATTORNEY

Sponsored by: Mayor and City Council



MIAMI-DADE COUNTY PROPERTY APPRAISER  
**Lazaro Solis**  
 PROPERTY APPRAISER

<b>Property Information:</b>			
Folio	07-2217-005-1200		
Property Address	1490 NE 160 ST		
Owner Name(s)	CITY OF NORTH MIAMI BEACH		
Mailing Address	17011 NE 19 AVE NO MIAMI BEACH FL 33162-3111		
Primary Zone	0400 SGL FAMILY - 901-1200 SQF		
Use Code	8940 MUNICIPAL : MUNICIPAL		
Beds/Baths/Half	0/0/0		
Floors	1		
Living Units	0		
Adj. Sq. Footage	385		
Lot Size	50,464.50 SQFT		
Year Built	1946		
Full Legal Description	FULFORD BY THE SEA SEC H PB 14-40 LOTS 8 THRU 15 INC BLK 108 LOT SIZE SITE VALUE		
<b>Assessment Information:</b>			
Year	2013	2012	
Land Value	\$411,150	\$411,150	
Building Value	\$12,847	\$12,847	
Market Value	\$423,997	\$423,997	
Assessed Value	\$423,997	\$423,997	
<b>Benefits Information:</b>			
Benefit	Type	2013	2012
Municipal	Exemption	\$423,997	\$423,997
<i>Note: not all benefits are applicable to all Taxable Values (ie County, School Board, City, Regional).</i>			



Aerial Photography 2012

<b>Taxable Value Information:</b>		
Year	2013	2012
	Exemption/ Taxable	Exemption/ Taxable
County	\$423,997/\$0	\$423,997/\$0
School Board	\$423,997/\$0	\$423,997/\$0
City	\$423,997/\$0	\$423,997/\$0
Regional	\$423,997/\$0	\$423,997/\$0
<b>Sale Information:</b>		

**Disclaimer:**

The Office of the Property Appraiser and Miami-Dade County are continually editing and updating the tax roll and GIS data to reflect the latest property information and GIS positional accuracy. No warranties, expressed or implied, are provided for data and the positional or thematic accuracy of the data herein, its use, or its interpretation. Although this website is periodically updated, this information may not reflect the data currently on file at Miami-Dade County's systems of record. The Property Appraiser and Miami-Dade County assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any information provided herein. See Miami-Dade County full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>.

Property information inquiries, comments, and suggestions email: [pawebmail@miamidade.gov](mailto:pawebmail@miamidade.gov)

GIS inquiries, comments, and suggestions email: [gis@miamidade.gov](mailto:gis@miamidade.gov)

Generated on: Fri Apr 11 2014

**Exhibit A**





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:** Ana M. Garcia, City Manager  
**VIA:** Mac Serda, Assistant City Manager  
**DATE:** Tuesday, May 6, 2014

---

**RE:** Ordinance No. 2014-2 (Second and Final Reading)

---

**BACKGROUND  
ANALYSIS:**

This ordinance seeks to amend the management pension plan to provide all newly hired Charter Officers (i.e. the City Manager, City Attorney and City Clerk) with the opportunity to participate in a 401(a) plan or to elect not to participate in any retirement plan. Charter Officers hired more than six months prior to the effective date of the ordinance will have the one-time opportunity during their next contract negotiation to select a retirement option.

Adopting this ordinance enhances the City's ability to attract a greater range of quality Charter Officer candidates and affords the City greater flexibility when negotiating their compensation packages. Considering the added portability of a 401(a) plan, plus the flexibility provided by this amendment, the City will be able to vary the total compensation package depending on the selected candidate and therefore provide a better tool for recruiting and retaining excellent Charter Officers.

Since the contribution amount for 401(a) plans are predetermined, budgeting and forecasting are much more predictable compared to the current defined contribution plan. As the current pension plan is a defined benefit plan, the annual contribution amount required by the City may vary annually based on the plan's investment returns and the actuarial assumptions. In FY 2015 the City's contribution amount will increase by \$335,548 based on the actuary's valuation report dated February 13, 2014, this represents an increase from 23.5%

of payroll in FY 2014 to 31.45% of payroll in FY 2015 .

Per the actuarial impact statement dated April 4, 2014, the proposed amendment is projected to reduce the City's contribution to the pension plan by \$9,780 and the savings will increase as other Charter Officers elect not to participate in the pension plan. The actuarial impact statement's purpose is to demonstrate the effect on the current employee group as of the October 1, 2013 Actuarial Valuation Report. Only employees included in the payroll data as of September 30, 2013 are allowed to be considered in the impact statement. Therefore, the hiring of the new City Attorney is not reflected in the cost savings.

As indicated above, the benefits of a 401(a) are endless for the recipient and the City; ability to budget amounts versus a variable amount, portable versus restrictive, and it enhances the City's position to retain and/or recruit the top talent for key positions in the City.

**RECOMMENDATION:**

Approval of the ordinance is recommended.

**FISCAL/BUDGETARY  
IMPACT:**

The City's required contribution to the management pension plan will be reduced by \$9,780 in FY 2014. Additional savings will occur as other Charter Officers elect not to participate in the current defined benefit pension plan.

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**ATTACHMENTS:**

- ▢ [Ordinance No. 2014-2](#)
- ▢ [Impact Statement](#)

**ORDINANCE NO. 2014-2**

**AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; PROVIDING AN OPTION FOR CHARTER OFFICERS TO ELECT NOT TO PARTICIPATE IN SAID 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.**

**WHEREAS**, the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach (General Management Retirement Plan) was created by Ordinance 2002-30, with attached Adoption Agreement, adopted by the City Council of the City of North Miami Beach on January 7, 2003, which Ordinance and Adoption Agreement have been subsequently amended, most recently by Ordinance No. 2012-37; and

**WHEREAS**, the General Management Retirement Plan was established for the general management employees of the City, including Charter Officers; and

**WHEREAS**, the City Council has determined that Charter Officers should be provided the option to be excluded from the General Management Retirement Plan and participate in a defined contribution retirement plan provided by the City.

**NOW, THEREFORE,**

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

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

**Section 2.** Section C, "Eligibility" of the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach Adoption Agreement shall be amended as follows:

**ORDINANCE NO. 2014-2**

**C. ELIGIBILITY:**

Employees shall become participants in the plan effective:

**C1)** General Management Employees shall become participants in the plan effective immediately when hired. To preserve continuity of pension benefits, General Management Employees that are already in another City sponsored defined benefit pension plan shall remain in that plan and not transfer to this plan.

**C2)** No medical examination will be required for participation in this Pension Plan.

**C3)** Notwithstanding section C1 above:

(a) An individual who is serving as a Charter Officer (e.g. City Clerk, City Attorney, or City Manager) on the effective date of this Ordinance shall have a one-time option to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach by filing a written election with the Plan Administrator within 30 days following the effective date of the Charter Officer's next employment contract following the effective date of this Ordinance. A Charter Officer with less than six months of credited service who elects to discontinue participation in the Plan pursuant to this paragraph shall receive a full refund of employee contributions made to the Plan. A Charter Officer with six or more months of credited service who elects to discontinue participation in said Plan pursuant to this paragraph shall be entitled to receive his or her accrued benefit through the date of discontinuance of participation in the Plan. The accrued benefit will be calculated based on credited service and final monthly compensation on the date of discontinuance, payable upon attaining the normal or early retirement date and separation from City employment. Any individual who is serving as a Charter Officer on the effective date of this ordinance and does not timely file an election to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach shall continue to participate in said Plan. A Charter Officer who timely elects to discontinue participation in the Plan pursuant to this paragraph shall be eligible to participate in a defined contribution plan provided by the City. The amount of the City's contribution to the defined contribution plan shall be as set forth in the Charter Officer's employment contract.

(b) An individual who is initially appointed as a Charter Officer on or after the effective date of this Ordinance and who, prior to such appointment was employed by the City, may elect to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach, by filing a written election with the Plan Administrator within 30 days following the effective date of appointment as Charter Officer. If the Charter Officer has less than six months of credited service in the Plan and elects to discontinue participation in the Plan pursuant to this paragraph, he or she shall receive a full refund of employee contributions made to the Plan. A Charter Officer with six or more months of credited service who elects to discontinue participation in said Plan pursuant to this paragraph shall be entitled to

receive his or her accrued benefit through the date of discontinuance of participation in the Plan. The accrued benefit will be calculated based on credited service and final monthly compensation on the date of discontinuance, payable upon attaining the normal or early retirement date and separation from City employment. Any such individual who does not timely file an election to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach shall continue to participate in said Plan. A Charter Officer who timely elects to discontinue participation in the Plan pursuant to this paragraph shall be eligible to participate in a defined contribution plan provided by the City. The amount of the City's contribution to the defined contribution plan shall be as set forth in the Charter Officer's employment contract.

(c) An individual who is initially appointed as a Charter Officer on or after April 22, 2014 who is hired from outside the City shall not be eligible to participate in this Plan, and shall be eligible to participate in a defined contribution plan provided by the City or to waive such benefits entirely. The amount of the City's contribution to the defined contribution plan, if any, shall be as set forth in the Charter Officer's employment contract.

**Section 3.** Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

**Section 4.** It is the intention of the City Council of the City of North Miami Beach that the provisions of this ordinance shall become and be made a part of the Adoption Agreement, Administered by the Florida League of Cities and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** This ordinance shall take effect immediately upon its passage and adoption.

**APPROVED BY TITLE ONLY on first reading this 22nd day of April, 2014.**

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

ATTEST:

\_\_\_\_\_  
PAMELA LATIMORE  
CITY CLERK

(CITY SEAL)

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

APPROVED AS TO FORM:

\_\_\_\_\_  
DOTIE JOSEPH  
INTERIM CITY ATTORNEY

Sponsored by: Mayor and City Council

**ORDINANCE NO. 2014-2**

**RETIREMENT PLAN FOR THE GENERAL MANAGEMENT  
EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH**

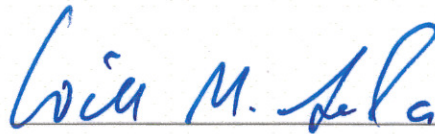
IMPACT STATEMENT FOR ORDINANCE 2014-2

**PART ONE: CERTIFICATION OF THE PLAN ADMINISTRATOR**

I have enclosed a copy of Ordinance 2014-2 of the City of North Miami Beach, which ordinance makes the following change to the Retirement Plan for the General Management Employees of the City of North Miami Beach:

*A Charter Officer (City Clerk, City Attorney, or City Manager) employed by the City on the effective date of this ordinance may opt out of the defined benefit pension plan and participate instead in a defined contribution plan provided by the City. A Charter Officer hired from outside of the City after the effective date of this ordinance will not be eligible to participate in this plan.*

The plan's enrolled actuary, Charles T. Carr of Southern Actuarial Services Company, Inc., was provided with a copy of the proposed ordinance. In addition, the described plan change meets the requirements of Part VII, Chapter 112, Florida Statutes, and Section 14, Article X of the State Constitution.



Mr. William M. Serda, Chair, Board of Trustees

**PART TWO: CERTIFICATION OF THE ENROLLED ACTUARY**

Chapter 112 requires disclosure of the effect of changes in assumptions, methods, and plan provisions on certain liabilities. I have determined the impact of Ordinance 2014-2 based on the results of the October 1, 2013 actuarial valuation and assuming that the City Manager retroactively opts out of the plan. On this basis, the ordinance decreases the annual contribution required from the City by **\$9,780** for the 2013/14 plan year.

The following table sets forth the required disclosures in connection with the plan change which has been described above:





Retirement Plan for the General Management Employees of the City of North Miami Beach  
 Impact Statement for Ordinance 2014-2 (continued)

	As of October 1, 2013 (Old Plan Provisions)	As of October 1, 2013 (New Plan Provisions)
Present value of future expected benefit payments:		
for active participants		
<i>retirement benefits</i>	\$ 6,145,677	\$ 6,068,095
<i>termination benefits</i>	11,128	11,128
<i>disability benefits</i>	72,863	72,863
<i>death benefits</i>	175,750	173,186
<i>return of contributions</i>	137,719	127,797
<i>sub-total</i>	<u>\$ 6,543,137</u>	<u>\$ 6,453,069</u>
for terminated participants	\$ 1,803,258	\$ 1,803,258
for retired participants and beneficiaries		
<i>retired (other than disab.) &amp; benef.</i>	\$ 14,164,607	\$ 14,164,607
<i>disabled retirees</i>	0	0
<i>sub-total</i>	<u>\$ 14,164,607</u>	<u>\$ 14,164,607</u>
total	<u>\$ 22,511,002</u>	<u>\$ 22,420,934</u>
Entry age normal accrued liability:		
for active participants		
<i>retirement benefits</i>	\$ 3,995,504	\$ 3,995,504
<i>termination benefits</i>	7,898	7,898
<i>disability benefits</i>	49,930	49,930
<i>death benefits</i>	98,442	98,442
<i>return of contributions</i>	75,523	75,107
<i>sub-total</i>	<u>\$ 4,227,297</u>	<u>\$ 4,226,881</u>
for terminated participants	\$ 1,803,258	\$ 1,803,258
for retired participants and beneficiaries		
<i>retired (other than disab.) &amp; benef.</i>	\$ 14,164,607	\$ 14,164,607
<i>disabled retirees</i>	0	0
<i>sub-total</i>	<u>\$ 14,164,607</u>	<u>\$ 14,164,607</u>
total	<u>\$ 20,195,162</u>	<u>\$ 20,194,746</u>
Actuarial value of assets	(15,781,755)	(15,780,673)
Unfunded accrued liability	<u>\$ 4,413,407</u>	<u>\$ 4,414,073</u>
Actuarial present value of accrued benefits	\$ 19,879,681	\$ 19,878,207
Present value of active participants':		
Future salaries	\$ 18,325,958	\$ 17,575,174
Future contributions	\$ 1,466,076	\$ 1,406,013
Present value of future contributions from the employer (excluding future expenses)	\$ 5,263,171	\$ 5,234,248
Expected annual compensation (FY 2014)	\$ 2,398,885	\$ 2,281,589
Minimum required contribution (FY 2014):		
Annual normal cost (incl. expenses)	\$ 728,954	\$ 719,504
Amortization payment	0	0
Interest adjustment	25,429	25,099
Total	<u>\$ 754,383</u>	<u>\$ 744,603</u>
(% of payroll)	31.45%	32.64%





*Retirement Plan for the General Management Employees of the City of North Miami Beach  
Impact Statement for Ordinance 2014-2 (continued)*

This actuarial valuation and/or cost determination was prepared and completed by me or under my direct supervision and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate and, in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the plan and/or paid from the plan's assets for which liabilities or current costs have not been established or otherwise taken into account in the valuation. All known events or trends which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.

Respectfully submitted,

*Charles T. Carr*

---

Charles T. Carr, A.S.A.

Consulting Actuary

Enrolled Actuary No. 14-04927

*4/4/14*

---

Date signed





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:** Dotie Joseph, Interim City Attorney  
**VIA:** Councilwoman Phyllis S. Smith  
Dotie Joseph, Interim City Attorney  
**DATE:** Tuesday, May 6, 2014

---

**RE:** Ordinance No. 2014-3 (First Reading by Title Only)

---

**BACKGROUND ANALYSIS:** According to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories" that mass-produce animals for sale to the public, and many of these animals are sold at retail in pet stores.

According to USDA inspection reports, some additional documented problems found at puppy mills include sanitation problems leading to infectious disease, large numbers of animals overcrowded in cages, lack of property veterinary care for several illnesses and injuries, lack of protection from harsh weather conditions, and lack of adequate food and water.

The above-described treatment of dogs may constitute "Cruelty to Dogs" in violation of the City's Code of Ordinances, as set forth in Section 6-6.7.[]

**RECOMMENDATION:** Approval is recommended.

**FISCAL/BUDGETARY  
IMPACT:**

---

**ATTACHMENTS:**

 [Ordinance No. 2014-3](#)

**ORDINANCE NO. 2014-3**

**AN ORDINANCE AMENDING CHAPTER VI OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ENTITLED “ANIMALS AND FOWL” BY CREATING SECTION 6-9 ENTITLED “RESTRICTIONS ON RETAIL PET SALES”; AMENDING SECTION 6.5-1 “DEFINITIONS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A FINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, according to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories,” that mass-produce animals for sale to the public, and many of these animals are sold at retail in pet stores; and

**WHEREAS**, because of the lack of proper animal husbandry practices at these pet mills, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, and breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

**WHEREAS**, according to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

**WHEREAS**, while pets from “puppy mills” “kitten factories” are being sold in pet stores, many pets are euthanized by Miami-Dade County’s Animal Control Services; and

**ORDINANCE NO. 2014-3**

**WHEREAS**, the above-described treatment of dogs may constitute “Cruelty to Dogs” in violation of the City’s Code of Ordinances, as set forth in Section 6-6.7; and

**WHEREAS**, the Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats and that these breeders maintain minimum health, safety and welfare standards for animals in their care with enforcement of these requirements by the United States Department of Agriculture (“USDA”); and

**WHEREAS**, according to USDA inspection reports, some additional documented problems found at puppy mills include sanitation problems leading to infectious disease, large numbers of animals overcrowded in cages, lack of proper veterinary care for severe illnesses and injuries, lack of protection from harsh weather conditions, and lack of adequate food and water; and

**WHEREAS**, while the City Council recognizes that not all dogs and cats retained in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a “puppy mill” or “kitten factory,” it is the City Council’s belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

**WHEREAS**, the City Council believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment as well as encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals.

**NOW, THEREFORE,**

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

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

**ORDINANCE NO. 2014-3**

**Section 2. Code Amended to add Section 6-9.** Chapter VI of the Code of Ordinances of the City of North Miami Beach entitled “Animals and Fowl” is hereby amended by creating a new Section 6-9 to read as follows:

**Section 6-9 Restrictions on Retail Pet Sales**

- (a) Prohibition. No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of pets in the City on or after the effective date of this Section.
- (b) Exemptions. This Section shall not apply to:
  - (1) An Animal Shelter;
  - (2) Animal rescue organization;
  - (3) An Animal Shelter or Animal rescue organization, which operates out of or in connection with a pet or other retail store;
  - (4) An Animal Hospital or Veterinarian’s Office;
  - (5) A pet store engaged in the display, sale, delivery, offer for sale, barter, auction, gifting, or transfer of pets other than cats, dogs, ferrets, gerbils, hamsters, or rabbits.
- (c) Adoption of Shelter and Rescue Animals. Nothing in this Section shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

**Section 3. Code Amended to add additional definitions into Sections 6-5.1.** The Definitions set forth in Section 6-5.1, Chapter VI of the Code of Ordinances of the City of North Miami Beach entitled “Animals and Fowl” is hereby amended to incorporate the following additional definitions:

“Animal rescue organization” means humane society or other duly incorporated or organized nonprofit organization registered with the Florida Department of State and operated as a bona fide charitable organization

under Section 501(c)(3) of the Internal Revenue Code, which organization is devoted to the rescue, care and/or adoption of stray, abandoned, injured or surrendered animals and which does not breed animals.

“Animal shelter” means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray abandoned or surrendered animals, and which does not breed animals..

“Cat” means an animal of the Felidae family of the order Carnivora.

“Dog” means an animal of the Canidae family of the order Carnivora.

“Hobby Breeder” means any person or entity that causes or allows the breeding or studing of a dog or cat resulting in no more than a total of one litter per adult animal per calendar year whether or not the animals in such litter are offered for sale or other transfer.

“Pet store” means a pet shop, pet roomer, pet beauty parlor, pet hospital or other retail establishment open to the public and engaging in the business of selling pet supplies and/or services and/or offering for sale and/or selling animals at retail.

“Pet store operator” means a person who owns or operates a pet store, or both.

“Pet Mill” means a facility where pets are bred for the purpose of selling them and where any two of the following conditions are found to exist:

(1) More than twenty (20 dogs under the age of 12 weeks or more than twenty 20 cats under the age of 16 weeks) are kept at a single time;

(2) No genetic or heredity health testing appropriate for the breed is conducted;

(3) No long-term [over one (1) year] guarantees are honored;

(4) A single female is bred every cycle;

(5) A single female is bred more than five (5 times);

(6) There are no records of the dog or cat’s parents;

(7) More than eight (8) dogs or cats are kept in a single cage or kennel area.

“Retail sale” includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer of any cat or dog.

The existing definitions included in Section 6-5.1 shall be renumbered to incorporated the above-listed definitions in alphabetical order.

**Section 4. Penalty.** Any person who violates any provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed \$ 500.00 or imprisonment for a term not to exceed 60 days, or by both such fine and imprisonment. Each day any violation of any provision of this Ordinance shall continue shall constitute a separate offense. This Ordinance shall be subject to enforcement under the Local Government Code Enforcement Act, Chapter 162, Florida Statutes, as amended. Cases that are sent to the Code Enforcement Board or Special Magistrate for resolution may be subject to the additional penalties provided under that authority. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

**Section 5. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent such conflict with the intent of this Ordinance.

**Section 6. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions of this Ordinance which shall remain in effect notwithstanding the invalidity of any part.

**Section 7. Codification.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

**Section 8. Effective Date.** This Ordinance shall be effective upon passage by the City Commission on second reading.

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

\_\_\_\_\_  
**DOTIE JOSEPH**  
**INTERIM CITY ATTORNEY**

**Sponsored by Mayor & Council**

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

**ORDINANCE NO. 2014-3**





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:** Dotie Joseph, Interim City Attorney  
**VIA:** Dotie Joseph, Interim City Attorney  
**DATE:** Tuesday, May 6, 2014

---

**RE:** Ordinance No.2014-4 (First Reading by Title Only)

---

**BACKGROUND  
ANALYSIS:**

The City of North Miami Beach presently prohibits the use of the official City Seal without express approval of the City Council. The City restricts the use of the City Seal in certain circumstances, pursuant to Ordinance No. 2012-15. The City believes that providing the City Manager the power to approve use of the City Seal would increase efficiency in the approval process. The City Council finds that unauthorized use of the City logo and name as a sponsor presents the same issues as unauthorized use of the City Seal.

**RECOMMENDATION:** Approval is recommended.

**FISCAL/BUDGETARY  
IMPACT:** None

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**ATTACHMENTS:**

[Ordinance No. 2014-4](#)

**ORDINANCE NO. 2014-4**

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-73 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED “USE OF THE CITY SEAL PROHIBITED”; PROVIDING FOR THE CITY MANAGER TO APPROVE THE USAGE OF THE CITY SEAL, LOGO AND NAME OF THE CITY AS A SPONSOR; PROVIDING FOR THE PROHIBITION OF THE UNAUTHORIZED USE OF THE CITY LOGO AND NAME AS A SPONSOR; DELETING SECTION 775.083, FLORIDA STATUTES, AS A POTENTIAL PUNISHMENT FOR VIOLATION OF THIS SECTION; PROVIDING FOR DEFINITIONS OF RELEVANT TERMS; PROVIDING FOR EXCEPTIONS TO THE PROHIBITION ON USAGE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami Beach (“City”) presently prohibits use of the official City Seal without express approval of the City Council; and

**WHEREAS**, the City restricts the use of the City Seal in certain circumstances, pursuant to Ordinance No. 2012-15; and

**WHEREAS**, the present process for acquiring such approval for the use of the City Seal lacks efficiency; and

**WHEREAS**, the City believes that providing the City Manager the power to approve use of the City Seal would increase efficiency in the approval process; and

**WHEREAS**, the City Council finds that unauthorized use of the City logo and name as a sponsor presents the same issues as unauthorized use of the City Seal.

**NOW, THEREFORE,**

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

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

**Section 2.** Section 2-73a. of the Code of North Miami Beach, Florida, entitled “Use of Official City Seal Prohibited” is hereby amended to read as follows:

**Sec. 2-73 Unauthorized Use of City Seal, Logo and Name as a Sponsor Prohibited.**

- a. Definitions. For purposes of this Section, the following definitions shall apply:
  - i. The term “Seal” shall mean the City’s official symbol, a copy of which is on file in the office of the City Clerk.
  - ii. The term “logo” shall mean any identifying symbol of the City of North Miami Beach that it is or was previously approved by the City Council or the City Manager, a copy of which are on file in the office of the City Clerk.
  - iii. The term “sponsor” means using the name of the City in a way that expressly or impliedly creates the perception that the City, or some department thereof, is involved in, or supports in any way, a person or entity in any pursuit, activity, or thing of any kind whatsoever, including but not limited to causes or events.
- b. Prohibition. It shall be unlawful for any person or company to manufacture, use, or display, or other employment of any facsimile or reproduction of the City seal, logo, or name as a sponsor, except by City officials or employees in the performance of their official duties, without the express approval of the City Council or City Manager.
- c. Penalty. Any violation of ~~manufacturing, using or displaying the City seal~~ of this Section, as outlined in subsection ~~ab.~~ and shall be punishable as provided in Sections ~~775.082 or 775.083~~ of Florida Statutes and shall be a second degree misdemeanor. Further,
- d. Exceptions. The provisions of this section shall not be applicable to the City officials, departments, employees, instrumentalities, or quasi-judicial or advisory boards, acting within the scope of their official capacities and in furtherance of City business.
- e. License for use. The City may enter into an agreement with any person or organization for the use of the City’s official seal, logo, or name as a sponsor, for any purpose, provided such Agreement is in writing and has been authorized by a duly adopted resolution of the City Council, or by the City Manager.

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

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

**Section 5. Inclusion in the City Code.** 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 re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

**Section 6. Effective Date.** This Ordinance shall be effective upon passage by the City Commission on second reading.

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

\_\_\_\_\_  
**DOTIE JOSEPH**  
**INTERIM CITY ATTORNEY**

**Sponsored by: Mayor and City Council**