



CITY OF NORTH MIAMI BEACH
City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19 Avenue
North Miami Beach, FL 33162
Tuesday, December 2, 2014
7:30 PM

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

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

AGENDA

- 1. ROLL CALL OF CITY OFFICIALS**
- 2. INVOCATION - TBA**
- 3. PLEDGE OF ALLEGIANCE**
- 4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
- 5. PRESENTATIONS /DISCUSSIONS**
 - 5.1 NMB Masters Fencing Club Demonstration**
 - 5.2 Presentation by NMB Little League**
 - 5.3 Honoring Miami Dade Commissioner Jean Monestine (Mayor George Vallejo)**
 - 5.4 Proclamation Honoring Walmart (Councilman DeFillipo)**
 - 5.5 Honoring Behr Paint and Home Depot (Greg Williams)**
 - 5.6 Chief's Meritorious Public Service Award (Chief J. Scott Dennis)**

Honoring Mark Joseph
 - 5.7 Recognition of Retirements and Officer Introductions (Chief J. Scott Dennis)**

Retiree Commander Thomas Carney
Retiree Hilary Greenberg
Introduction of New Officers:
Scott Tromberg
Ingrid Cabrera

Jose Maya

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 Appointing Paule Villard COSW (Councilwoman Beth Spiegel)

7.2 Appointing Tricia M. Harris COSW (Councilwoman Beth Spiegel)

8. CONSENT AGENDA

8.1 Resolution No. R2014-62 (Chief J. Scott Dennis)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH MIAMI-DADE COUNTY FOR THE MULTI-AGENCY GANG TASK FORCE, FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS, AND MUTUAL AID BENEFIT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY.

8.2 Regular Meeting Minutes November 4, 20104 (Pamela L. Latimore, City Clerk)

9. CITY MANAGER'S REPORT

9.1 Miami Dade County School Improvements Update

9.2 Snow Fest & Holiday Parade

Saturday, Dec 13, 2014 from 6 p.m. - 11 p.m. at Government Center along 19th Avenue from 168th to 172nd Street.

9.3 Menorah Lighting, December 16, 2014 6:30 p.m. City Hall

9.4 Intern Partnership with Miami Dade County Public Schools

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

As of December 2, 2014

11. MAYOR'S DISCUSSION

12. MISCELLANEOUS ITEMS - *None*

13. BUSINESS TAX RECEIPTS - *None*

14. DISCUSSION ITEMS

14.1 Gateway Designs (Vice Mayor Barbara Kramer)

14.2 Council Meeting Structure (Councilwoman Marlen Martell)

15. LEGISLATION

15.1 Braha-Dixie, LLC Rehearing for Jennings Disclosure

15.2 Ordinance No. 2014-11 (Councilwoman Marlen Martell)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER II OF THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES ENTITLED "STRUCTURE OF CITY GOVERNMENT" TO ADD SECTION 2-34, ENTITLED "EDUCATION COMMITTEE" CREATING AN EDUCATION COMMITTEE AND PROVIDING FOR ITS PURPOSE, POWERS, AND APPOINTMENT; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

16. CITY COUNCIL REPORTS

17. NEXT REGULAR CITY COUNCIL MEETING - December 16, 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**

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
VIA:
DATE: Tuesday, December 2, 2014

RE: Appointing Paule Villard COSW (Councilwoman Beth Spiegel)

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

▣ [Application for Paule Villard](#)



City of North Miami Beach, Florida

14 NOV 12 AM 10:37

APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMISSION OR COMMITTEE

CITY CLERK'S OFFICE

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:

Commission on the Status of Women

(PLEASE PRINT CLEARLY)

1. NAME: Paule Villard
2. HOME ADDRESS: [REDACTED]
- CITY: N. Miami Bch STATE: FL ZIP: 33162
3. BUSINESS NAME: City of Miami Police Dept.
- BUSINESS ADDRESS: 400 NW 2 Avenue
- CITY: Miami STATE: FL ZIP: 33162
4. TELEPHONE: (HOME) 305-336-3925 (BUSINESS) _____ (CELL) 305-336-3925
5. FAX: _____ 6. EMAIL ADDRESS: mustenhout@yahoo.com
7. DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?
 Yes No
8. HAVE YOU EVER BEEN CONVICTED OF A FELONY? Yes No
9. 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.)
Master's Degree in Early Childhood Education
10. 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: _____

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

PRESENT STATUS: Police Officer
¹⁹⁹³ 200 to 2014 Miami Police Dept
1987 to 1993 Public Service Aide / Miami Police Dept
19 to 19

12. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? IF YES, PLEASE DESCRIBE: PAL

13. 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) Youth Advisory Board (3) _____
(4) _____ (5) _____

14. 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 been a PAL officer for 17 years - DARE Instructor, G.R.E.A.T. Instructor

15. 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:

Implement A P.R.O.T.E.C.T.O.R. Program SHOP with a Cop.

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: 11/10/14 APPLICANT'S SIGNATURE: Raul Villard

Appointment Date: _____



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

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
VIA:
DATE: Tuesday, December 2, 2014

RE: Appointing Tricia M. Harris COSW (Councilwoman Beth Spiegel)

**BACKGROUND
ANALYSIS:**

RECOMMENDATION:

**FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

▢ [Application For Tricia M. Harris](#)



City of North Miami Beach, Florida

14 NOV 12 AM 11:21

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:

Commission on the Status of Women

(PLEASE PRINT CLEARLY)

1. NAME: Tricia M. Harris
2. HOME ADDRESS: 2251 NE 136 ST
CITY: N. M. B STATE: FL ZIP: 33181
3. BUSINESS NAME: _____
BUSINESS ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
4. TELEPHONE: (HOME) 305-947-7926 (BUSINESS) _____ (CELL) 1786-554-7659
5. FAX: _____ 6. EMAIL ADDRESS: Timarie33169@yahoo.com
7. DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?
 Yes No
8. HAVE YOU EVER BEEN CONVICTED OF A FELONY? Yes No
9. 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.)
12
10. 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: _____

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

PRESENT STATUS: 183rd ST ATA
1984
200 to 200 Current
19__ to 19__
19__ to 19__

12. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? IF YES, PLEASE DESCRIBE: NO

13. 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) _____ (3) _____
(4) _____ (5) _____

14. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT BEST QUALIFIES YOU FOR APPOINTMENT TO THE BOARD/COMMISSION/COMMITTEE YOU HAVE SELECTED: Highland Village - Book bag - 2013, 2014

Highland Village Cancer Awareness, with Angie Lem 2013.
Yard sale For The Community Center.

15. 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: My Desire to come on is to help

bring awareness to women re Health Issues.

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: 11/12/14 APPLICANT'S SIGNATURE: Tricia M. Harris

Appointment Date: _____



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www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Ana M. Garcia, City Manager
VIA: Chief Scott Dennis, Police Chief
DATE: Tuesday, December 2, 2014

RE: Resolution No. R2014-62 (Chief J. Scott Dennis)

BACKGROUND ANALYSIS: The purpose of this agreement is to allow the agency to assist the County with its Multi-Agency Gang Task Force. This task force was created to conduct proactive gang enforcement operations and investigate criminal activity, apprehend, and prosecute those who are outside of the jurisdictional boundaries.

RECOMMENDATION: Staff recommends the passing of this Resolution.

FISCAL/BUDGETARY IMPACT: There is no fiscal impact.

ATTACHMENTS:

- ☐ [Mutual Aid Agreement](#)
- ☐ [Resolution 2014-62](#)

**MUTUAL AID AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
CITY OF NORTH MIAMI BEACH
FOR THE
MULTI-AGENCY GANG TASK FORCE**

WHEREAS, it is the responsibility of the governments of Miami-Dade County and the City of North Miami Beach to ensure the public safety of their citizens by providing adequate levels of police services; and

WHEREAS, Miami-Dade County and the City of North Miami Beach have the authority under Section 23.12, Florida Statutes, et seq., the Florida Mutual Aid Act, to enter into a Mutual Aid Agreement; and

WHEREAS, this Mutual Aid Agreement is entered into by Miami-Dade County, by and through its department, the Miami-Dade Police Department and the City of North Miami Beach, by and through its department, the North Miami Beach Police Department. For readability and brevity, this Mutual Aid Agreement will herein be referred to as the "MAA", Miami-Dade County will be referred to as the "COUNTY", the City of North Miami Beach will be referred to as the "AGENCY", and when referred to collectively the COUNTY and AGENCY will be referred to as the "PARTIES", and where referred to singularly, the COUNTY or AGENCY may be referred to as a "PARTY"; and

WHEREAS, the purpose of this MAA is to allow the AGENCY to assist the COUNTY with its Multi-Agency Gang Task Force, referred to as MAGTF, which was created to conduct proactive gang enforcement operations and investigate criminal activity, apprehend, and prosecute those who are outside of the jurisdictional boundaries of the AGENCY as both PARTIES recognize that criminals do not operate with regard to jurisdictional boundaries; and

WHEREAS, the apprehension and prosecution of these criminals should reduce crime both inside and outside AGENCY limits regardless of where these criminals are ultimately apprehended; and,

WHEREAS, this MAA is separate from, and more specific in purpose than, the "Law Enforcement Mutual Aid Agreement for Voluntary Cooperation and Operational Assistance," signed by COUNTY and AGENCY representatives,

NOW, THEREFORE, BE IT KNOWN that the COUNTY and the AGENCY, and the undersigned representatives, invoke mutual aid and voluntary cooperation between the Director of the Miami-Dade Police Department and the Chief of Police of the North Miami Beach Police Department by signing this MAA, for the purposes described herein pursuant to the Florida Mutual Aid Act, ss. 23.12 - 23.22, Florida Statutes, and in consideration for mutual promises to render valuable aid, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions.

SECTION I. DEFINITIONS

1. Chief Executive Official: Either the Mayor of the COUNTY, or the Government Executive

(highest ranking official) of the AGENCY, who has the authority to contractually bind the respective law enforcement agency and has executed this Agreement, upon the approval of the governing body of each of the PARTIES. Subsequent to the execution by the executive officials, this Agreement shall be filed with the Clerk of the Court for the COUNTY, and the Clerk of the AGENCY. This MAA may be amended at any time by filing subsequent Amendment(s), which will be subject to the same approval process, and shall thereafter become a part of this MAA.

2. Miami-Dade Police Department head: The Director of the Miami-Dade Police Department, or the Director's designee; and the Chief of Police of the North Miami Beach Police Department, or the Chief's designee.
3. Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

SECTION II. TERMS AND PROCEDURES

1. Operations:
 - a. The AGENCY agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the COUNTY as required to assist the COUNTY to investigate, apprehend and prosecute those people who are engaging in criminal gang activity, and other violent crimes, outside of the jurisdictional boundaries of the AGENCY, however, the AGENCY shall not be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.
 - b. The agency heads, or their designees, shall establish procedures for giving control of the mission definition to the COUNTY, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this MAA to the COUNTY.
2. Powers, Privileges, Immunities, and Costs:
 - a. All employees of the City of North Miami Beach Police Department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the City pursuant to a request for aid made in accordance with this MAA, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties for the party by which they are normally employed.
 - b. The party having financial responsibility for the law enforcement agency providing services, personnel, vehicles, equipment, or facilities pursuant to the provisions of this MAA shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.
 - c. The AGENCY shall compensate all of its employees rendering aid pursuant to this MAA and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
 - d. All exemption from ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any PARTY when performing their respective functions within the territorial limits of their respective agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extra territorially under the provisions of this MAA. The provisions of this MAA shall apply with equal effect to paid and auxiliary employees.

3. Indemnification: Each PARTY participating in the Multi-Agency Gang Task Force pursuant to this MAA agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating herein and pursuant to this MAA, subject to the provisions of Section 768.28, Florida Statutes, where applicable. "Assume Responsibility" shall mean incurring any and all costs associated with any suit, action, or claim for damages arising from the performance of this agreement.
4. Forfeitures: Investigators operating pursuant to this MAA may encounter property subject to forfeiture pursuant to the Florida Contraband Forfeiture Act, Florida Statutes. Such property may be seized, forfeited, and equitably distributed among the PARTIES in proportion to the amount of investigation and participation performed by each law enforcement agency, less the costs associated with the forfeiture action. The COUNTY shall have the exclusive right to control and maintain the property, including, but not limited to, the complete discretion to bring the action, or to dismiss the action, or to negotiate a settlement. All seizures (currency, narcotics, evidence or other property) will remain in the control and custody of Miami-Dade Police officers and will be impounded in accordance with COUNTY procedures. The AGENCY must request its share of seized property in writing when the initial seizure documentation is provided to the Miami-Dade Police Department, Police Legal Bureau, or the AGENCY will be barred from claiming any portion of the seized property that may be ultimately forfeited.
5. Conflicts: Any conflicts between this MAA and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.

SECTION III. COMMAND AND SUPERVISORY RESPONSIBILITY

1. Command: The personnel and equipment that are assigned by the AGENCY shall be under the immediate command and direct supervision of a supervising officer designated by the Director of the Miami-Dade Police Department, or his/her designee.
2. Conflicts: Whenever an officer is rendering assistance pursuant to this MAA, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his or her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the COUNTY, then such rule, regulation, policy, general order or procedure of the AGENCY shall control, and shall supersede the direct order.
3. Complaints: Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this MAA, the Director or Chief of Police, or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Director or Chief of Police or designee should ascertain at a minimum:
 - The identity of the complainant;
 - An address where the complainant can be contacted;
 - The specific allegation; and;
 - The identity of the employees accused without regard as to agency affiliation.

If it is determined during the investigation of a complaint that the accused is an employee of the AGENCY, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the AGENCY for administrative review. The COUNTY may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the COUNTY violated any of the COUNTY's policies or procedures.

SECTION IV. PROVISIONS FOR MUTUAL AID AND VOLUNTARY AND OPERATIONAL ASSISTANCE

1. In compliance with and under the authority of this MAA heretofore entered into by the COUNTY and the AGENCY, it is hereby declared that COUNTY is requesting assistance from the AGENCY to investigate, apprehend and prosecute those people who are engaging in criminal gang activity, and other crimes, outside of the jurisdictional boundaries of the AGENCY.
2. A deputy sheriff or police officer of either the COUNTY or the AGENCY shall be considered to be operating under the provisions of this MAA when participating in law enforcement activities that are preplanned and approved by each respective agency head or appropriately dispatched for the purposes of this MAA.
3. The AGENCY agrees to provide personnel to the COUNTY to achieve the purposes of this MAA. AGENCY personnel will only be assigned to participate in operations and investigations governed by this MAA after receiving approval from the COUNTY through the Miami-Dade Police Department.
4. The COUNTY and the AGENCY will furnish their own vehicles and will be responsible for the expenses, maintenance and any liability incurred with respect to the use of their respective vehicles.
5. **RECORDS AND REPORTS:** All investigative reports and arrest reports will be maintained by the COUNTY. With respect to any other records that either PARTY may maintain, each PARTY agrees to comply with public records laws. More specifically, each PARTY will:
 - a. Keep and maintain public records that ordinarily and necessarily would be required by the PARTY in order to perform the services required by this MAA.
 - b. Provide the public with access to public records at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
 - c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
 - d. Meet all requirements for retaining public records and transfer, at no cost, to the other PARTY.
6. **PROSECUTION:** The criteria for the decision whether to have any particular case prosecuted in the State or Federal system will be based on which level of prosecution and venue would provide the greatest benefit to the overall objectives of the investigation. In all cases, timely notification will be made to the appropriate prosecuting authority.
7. **SCHEDULE OF WORK HOURS:** Work hours may vary to meet operational needs.
8. **INFORMANTS:** Funds to pay any confidential informants for information relating to criminal activity will be supplied by the confidential informants' controlling police department. Informants will be paid in accordance with the specific department's rules and regulations.
9. **RELEASE OF INFORMATION TO THE PRESS:** At no time will any employee of either PARTY release to or discuss with any member of the press any aspect of operations or any aspect of the direction, focus, or general purpose of the investigation without first consulting with the appropriate supervisor of the Miami-Dade Police Department. Subsequent to the consultation, officers acting pursuant to the MAA will discuss any information release with the affected investigators and/or prosecutors to assure that the integrity of the investigation will not be jeopardized. In most, if not all cases, the release of any information, no matter how generic, will be made jointly with the participation of both PARTIES and pursuant to Florida Statutes Chapter 119 and any other applicable statutes governing the disclosure of public records.

SECTION V. EFFECTIVE DATE

This Agreement shall be in effect from the date of signing and will continue year to year. Under no circumstances may this MAA be renewed, amended, or extended except in writing.

SECTION VI. CANCELLATION

This Agreement may be cancelled by either PARTY upon thirty (30) days written notice to the other PARTY. Cancellation will be at the discretion of the chief executive official of the PARTIES hereto.

AGREED TO AND ACKNOWLEDGED this _____ day of _____, 20__

FOR MIAMI-DADE COUNTY:

for  _____ *6/30/14*
Carlos A. Gimenez Date
Mayor

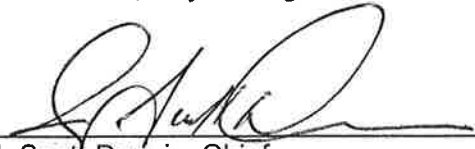
for  _____ *6.26.14*
J.D. Patterson Date
Director, Miami-Dade Police Department



FOR THE CITY OF NORTH MIAMI BEACH:

Ana Garcia, City Manager

Date



11/18/14

J. Scott Dennis, Chief
North Miami Beach Police Department

Date

**APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION**

**JOSE SMITH
CITY ATTORNEY**

DATE



RESOLUTION NO. R2014-62

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH MIAMI-DADE COUNTY FOR THE MULTI-AGENCY GANG TASK FORCE, FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS, AND MUTUAL AID BENEFIT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY.

WHEREAS, it is the responsibility of the respective governments of the City of North Miami Beach and Miami-Dade County to ensure the public safety of their citizens by providing adequate levels of police service to address any foreseeable routine or emergency situation; and

WHEREAS, the existence of, and continuing possibility that there may be the occurrence of law enforcement problems, and other natural and man-made conditions which are, or likely to be, beyond the control of services, personnel, equipment, or facilities of the City of North Miami Beach Police Department and Miami-Dade County; and

WHEREAS, it is necessary to ensure that these law enforcement agencies will have adequate resources to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of North Miami Beach, Miami-Dade County; and

WHEREAS, the City of North Miami Beach and Miami-Dade County have the authority under Chapter 23 of the Florida Statutes, known as the "Florida Mutual Aid Act," to enter into the attached Voluntary Cooperation and Operational Assistance Mutual Aid Agreement.

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

Section 1. The aforementioned recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach hereby authorize the City Manager and City Clerk to execute a Voluntary Cooperation and Operational Assistance Mutual Aid Agreement with Miami-Dade County, for the purpose of coordinating law enforcement planning, operations, and mutual aid benefit between the City of North Miami Beach and Miami-Dade County.

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

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

JOSÉ SMITH
CITY ATTORNEY

Sponsored by: Mayor and Council



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

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
VIA:
DATE: Tuesday, December 2, 2014

RE: Regular Meeting Minutes November 4, 20104 (Pamela L. Latimore, City Clerk)

**BACKGROUND
ANALYSIS:**

RECOMMENDATION:

**FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

- [Regular Meeting Minutes November 4, 20104](#)



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 4th, 2014
7:30 PM

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

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

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 Barbara Kramer, Council Members Anthony F. DeFillipo, Marlen Martell, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Ana M. Garcia, City Attorney Jose Smith, and City Clerk Pamela L. Latimore. Councilman Frantz Pierre was absent.

INVOCATION by Pastor Simon Mangru, NMB Church of Nazarene

PLEDGE OF ALLEGIANCE was lead by Mayor and Council.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

There were none.

APPOINTMENTS: There were no appointments.

PRESENTATIONS/DISCUSSIONS

Citizens' Appreciation Presentation (Councilwoman Beth Spiegel)

Chuck Cook - Councilwoman Spiegel

Councilwoman Spiegel praised the contributions of Chuck Cook and presented him with a certificate of appreciation along with a gift card.

Proclamation for Dr. H. Wells Singleton (Councilman Anthony F. DeFillipo)

Councilman DeFillipo presented remarks about Dr. Singleton, his tenure, and contributions to the community. Dr. Singleton thanked Councilman DeFillipo and Council for the award and for their partnership.

Mayor Vallejo opened the meeting for **PUBLIC COMMENT**.

City Clerk Latimore read the rules of public comment into the record. The following person(s) made comments on the record:

There were no speakers

Mayor Vallejo closed the meeting for **PUBLIC COMMENT**.

CONSENT AGENDA

Resolution No. R2014-57 (Paulette Murphy, Parks & R.E.C. Director)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A LONG RANGE PLAN OF SERVICE FOR THE NORTH MIAMI BEACH PUBLIC LIBRARY; AND APPROVING THE SUBMISSION OF THE FY14/15 STATE AID GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FOR ACCEPTANCE OF THE STATE AID.

Resolution No. R2014-58 (J. Scott Dennis, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF HOMESTEAD, FLORIDA, FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS, AND MUTUAL AID BENEFIT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE CITY OF HOMESTEAD, FLORIDA.

Resolution No. R2014-59 (J. Scott Dennis, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE VILLAGE OF INDIAN CREEK, FLORIDA, FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS, AND MUTUAL AID

BENEFIT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE VILLAGE OF INDIAN CREEK, FLORIDA.

Resolution No. R2014-60 (J. Scott Dennis, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, MIAMI-DADE SCHOOLS POLICE DEPARTMENT FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS, AND MUTUAL AID BENEFIT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE MIAMI-DADE SCHOOLS POLICE DEPARTMENT, MIAMI-DADE FLORIDA.

Resolution No. R2014-61 (Dr. Huren "Jef" An, Interim Director of Public Utilities)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING A RIGHT OF ENTRY AND LICENSE FROM THE CITY OF SUNNY ISLES BEACH, FLORIDA, TO USE CERTAIN ROOFTOP SPACE AT THE SUNNY ISLES BEACH HERITAGE PARK PARKING GARAGE TO INSTALL AND MAINTAIN FIXED NETWORK COLLECTOR ANTENNAS AND EQUIPMENT.

Regular Meeting Minutes October 7, 2014 (City Clerk Pamela Latimore)

Motion to approve the Consent Agenda was made by Councilman DeFillipo, seconded by Councilwoman Smith. **Motion Passed 6-0 Councilman Pierre was absent.**

City Attorney Smith read the items into the record.

CITY MANAGER'S REPORT

City Manager Garcia thanked the Parks and R.E.C. staff and the police department for a flawless execution of the Monster Mash Bash. She informed Council about two projects being planned by the Florida Department of Transportation (FDOT) one being for landscaping around Snake Creek Canal, and the other about changes to the Golden Glades Interchange. She updated Council about some of the ongoing efforts and discussions with Department of Environmental Resources Management (DERM) regarding the cleanup of Snake Creek and the water quality in Highland Village.

Assistant City Manager Mac Serda informed Council that all environmental tests related to toxicity for human health in the Biscayne Landings project came back negative. He went on to say that the sole concern being investigated was related to ammonia content and its impact on algal blooms and groundwater as it relates to the residents of Highland Village.

City Manager Garcia announced the community clean-up event in the neighborhood of Highland Village on November 22nd. In response to query from Councilwoman Smith, she updated Council on the status of the

discussions with Boca Juniors, a company that proposed a partnership with the City to establish a soccer facility in the City.

CITY ATTORNEY'S REPORT

City Attorney Smith updated Council on two new lawsuits against the city and that they would be vigorously defended by his office.

Litigation List

As of November 4, 2014

MAYOR'S DISCUSSION

MISCELLANEOUS ITEMS: There were no items for discussion.

BUSINESS TAX RECEIPTS: There were no business tax receipts

DISCUSSION ITEMS: Recognition of North Miami Beach Business Community (Councilwoman Smith)

Councilwoman Smith discussed her proposal for local businesses to be recognized at meetings on a continual basis. Council discussed the item and consensus was reached in support of the proposal.

Motion to approve establish a business recognition program in the City was made by Councilman Smith, seconded by Mayor Vallejo. **Motion Passed 6-0** Councilman Pierre was absent.

LEGISLATION

Ordinance No. 2014-11(Councilwoman Marlen Martell)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER II OF THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES ENTITLED "STRUCTURE OF CITY GOVERNMENT" TO ADD SECTION 2-34, ENTITLED "EDUCATION COMMITTEE" CREATING AN EDUCATION COMMITTEE AND PROVIDING FOR ITS PURPOSE, POWERS, AND APPOINTMENT; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**

The following persons made comments on the record:

1. Terrance Camenzuli

Mayor Vallejo closed the **PUBLIC HEARING**.

Motion to approve Ordinance No. R2014-11 made by Councilman DeFillipo, seconded by Councilwoman Spiegel.

ROLL CALL VOTE: DeFillipo - **Yes**, Kramer - **Yes**, Martell-**Yes**, Spiegel - **Yes**, Pierre –**Not Present**, Smith - **No**, Vallejo – **Yes (Passes 5 – 1)**

CITY COUNCIL REPORTS

City Clerk Latimore updated Council on the residents on the status of Councilman Pierre who was unable to attend the meeting due to an automobile accident.

Councilman DeFillipo thanked residents for voting and taking part in the election. He thanked the police department and staff for keeping the community safe and secure. He expressed his satisfaction with the production of the Monster Mash Bash. He pointed out the effectiveness of the police department having zero incidents on Halloween. He informed residents of his reelection as president of the North Miami Beach Chamber of Commerce.

Vice Mayor Kramer praised staff for their efforts in preparing the Monster Mash Bash. She urged residents to view the photographs on the City's Facebook page. She wished Councilman Pierre a speedy recovery.

Councilwoman Martell informed residents with the outcome of her Neighbors to Neighbors meeting which had a favorable turnout and cooperation from Miami Dade Police. She thanked the North Miami Beach Chamber of Commerce for putting on the costume contest for the children during Monster Bash. She wished Councilman Pierre well. She invited her colleagues to the farmer's market taking place in the city of Parkland and expressed her desire to host similar events in the City.

Councilwoman Smith spoke about a ride along with a police officer and his professionalism during the outing. She praised the performance of the police department and Parks and R.E.C. in ensuring a safe and successful Monster Mash Bash. She urged residents to attend the Veteran's Day ceremony at the Gwen Margolis amphitheater. She invited residents to participate in a breakfast being hosted by Representative Barbara Watson to promote awareness for safety for the elderly and holiday safety. She thanked residents for voting.

Councilwoman Spiegel reminded residents about the Commission on the Status of Women meeting. She urged them to attend the Veteran's Day ceremony. She reminded residents about recycling.

Mayor Vallejo wished Councilman Pierre a speedy recovery. He encouraged participation in the Veteran's Day ceremony. He praised the police department on a safe and secure Halloween holiday. He noted resident Bruce Lamberto's efforts in procuring a rededication of a plaque for fallen veterans who were residents of the City he urged residents to attend. He urged residents to call in for needy families who may be in need of a meal for Thanksgiving. He wished luck to all of the candidates running for office.

Next Council Meeting Date: November 4, 2014

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:31 p.m.

ATTEST:

(SEAL)

Pamela L. Latimore, CMC

The City of North Miami Beach



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:
DATE: Tuesday, December 2, 2014

RE: Miami Dade County School Improvements Update

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

▣ [Letter from MDC Public Schools](#)



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Alberto M. Carvalho

November 6, 2014

Miami-Dade County School Board

*Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Carlos L. Curbelo
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado*

Ms. Ana Garcia, Manager
Office of the City Manager
City of North Miami Beach
17011 N.E. 19 Avenue
North Miami Beach, FL 33162

Dear Ms. Garcia:

I am in receipt of your correspondence dated October 9, 2014, regarding Greynolds Park Elementary, John F. Kennedy Middle, North Miami Beach Senior High, Gertrude Edelman/Sabal Palm Elementary and Fulford Elementary schools.

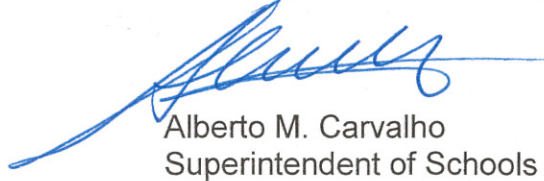
We recognize the value and importance of quality schools in a community. So in 2012, Miami-Dade County Public Schools launched and passed a \$1.2 billion bond referendum to provide the school district the ability to upgrade and modernize all school buildings throughout the county. Enclosed are the project descriptions for the schools highlighted in your letter. Additionally, staff met with you on November 3, 2014, and provided further details.

As you know, School Board Member Dr. Martin Karp is your strong voice on the School Board. He is an ardent advocate for your community's schools, and he led a team of Miami-Dade County Public Schools' administrators to present to the City of North Miami Beach Council on upcoming projects for the schools in your community during the summer. He recently hosted a community town hall meeting to discuss bond referendum progress and serves on the School Board's Facilities and Construction Committee.

As part of the community, we are committed to being responsible and respectful to our neighbors surrounding our schools. We appreciate you bringing your concerns regarding our facility's grounds to our attention. These issues have now been resolved and will continue to be monitored by the North Region Office.

If you have any questions, please contact Ms. Iraida R. Mendez-Cartaya, Associate Superintendent, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, at 305 995-1497.

Sincerely,

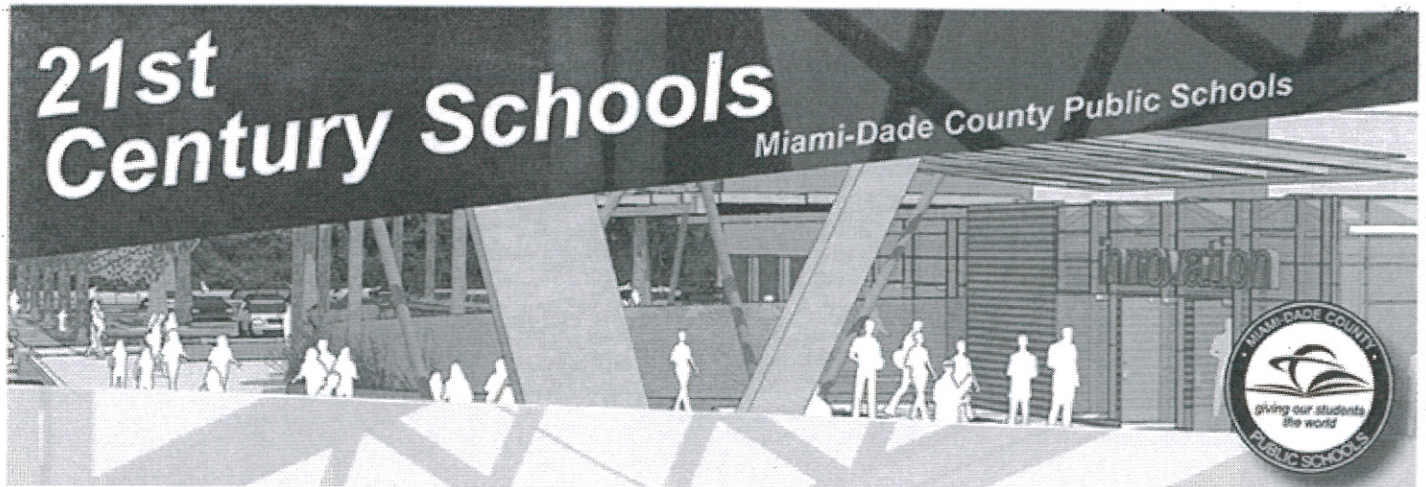


Alberto M. Carvalho
Superintendent of Schools

AMC:lbd
L377(R922)

Attachments

cc: Dr. Martin Karp
Mr. Jose L. Dotres
Ms. Valtena G. Brown
Ms. Iraida R. Mendez-Cartaya
Dr. Pablo G. Ortiz
Ms. Vivian Santiesteban-Pardo
Mr. Candido Sosa-Cruz
Mr. Jose Smith
Ms. Pamela Latimore



School Number: **2081**

August 31, 2012

School Name: **Fulford Elementary School**

Year Opened: **1926**

Board Member District: **Dr. Martin S. Karp, Vice-Chair**

Permanent Area: **54,548 Square Feet**

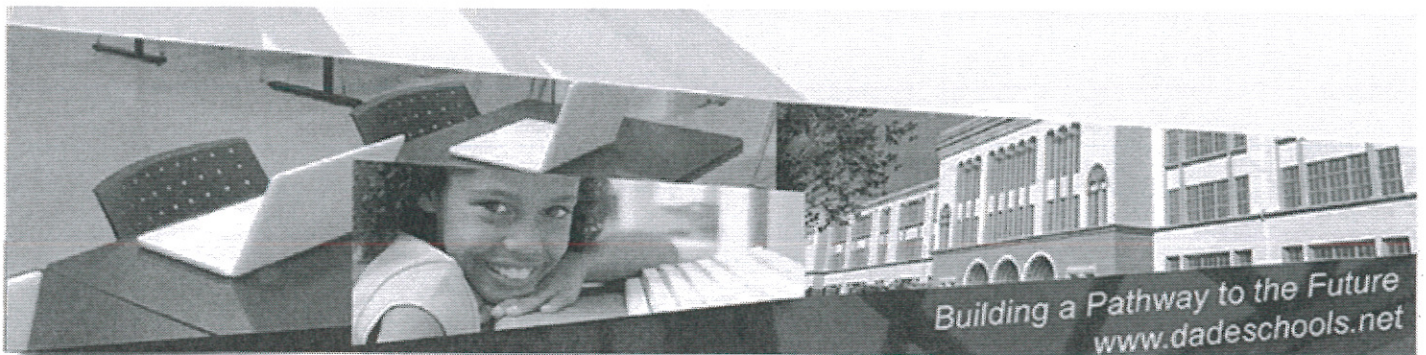
Address: **16140 NE 18th Avenue, North Miami Beach, FL**

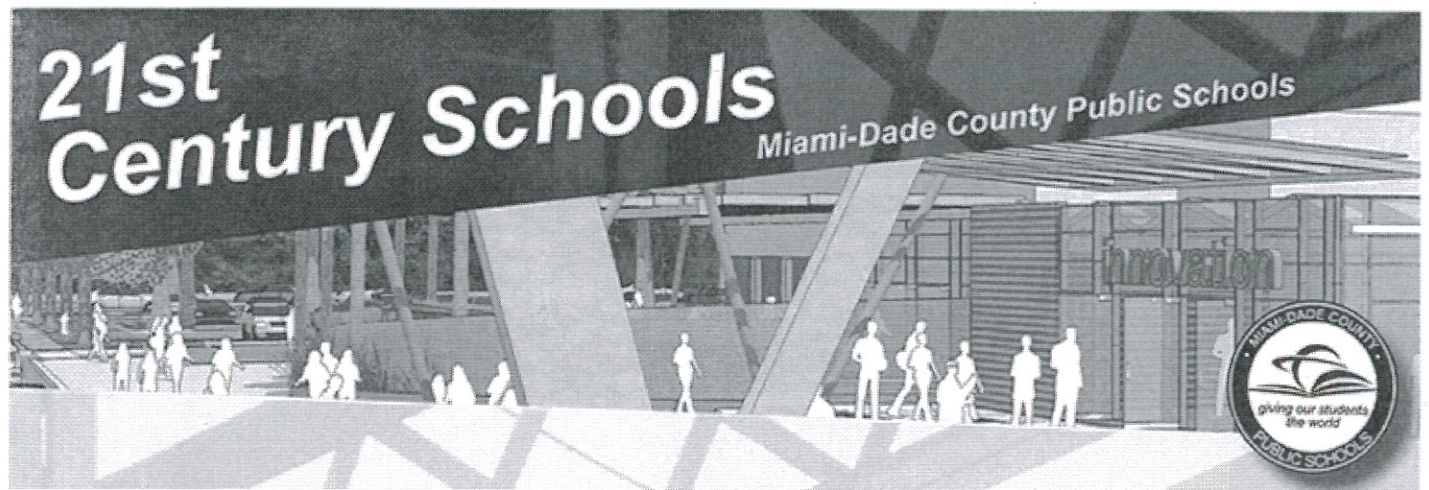
School Capacity: **500**

County/Municipality: **North Miami Beach**

General Obligation Bonds would fund the following improvements:

- Classroom Technology Upgrades
- Renovations of other buildings to include:
 - Air Conditioning and Heating Repair/Improvement
 - Electrical Upgrade
 - Roofing Repair/Replacement
 - Restroom and Plumbing Renovation
 - Exterior Door/Window Repair/Replacement
 - Interior Wall, Ceiling/Flooring Improvement
 - Playground Repair/Replacement
 - Site Drainage/Parking Improvement
 - Fire Alarm/Fire Protection Enhancement
 - Security/Surveillance Enhancement
 - Portable Removal (As Applicable)





School Number: **2281**

August 31, 2012

School Name: **Greynolds Park Elementary School**

Year Opened: **1957**

Board Member District: **Dr. Martin S. Karp, Vice-Chair**

Permanent Area: **71,342 Square Feet**

Address: **1536 NE 179 Street, North Miami Beach, FL**

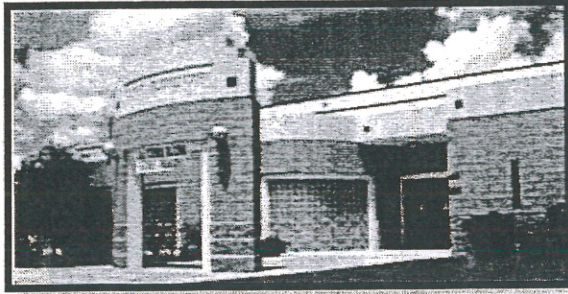
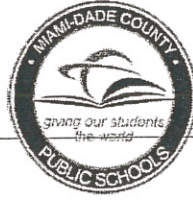
School Capacity: **742**

County/Municipality: **North Miami Beach**

General Obligation Bonds would fund the following improvements:

- Classroom Technology Upgrades
- Replacement of 3 buildings (11,975 SqFt)
- Renovations of other buildings to include:
 - Air Conditioning and Heating Repair/Improvement
 - Electrical Upgrade
 - Roofing Repair/Replacement
 - Restroom and Plumbing Renovation
 - Exterior Door/Window Repair/Replacement
 - Interior Wall, Ceiling/Flooring Improvement
 - Fire Alarm/Fire Protection Enhancement
 - Security/Surveillance Enhancement
 - Portable Removal (As Applicable)





**FULFORD ELEMENTARY
SCHOOL BOARD MEMBER DISTRICT 3
NORTH REGION**

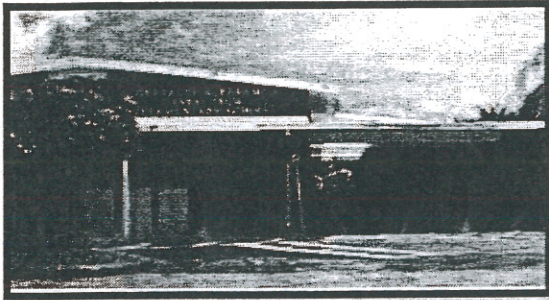
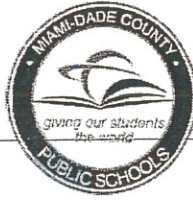
Proposed Project Scope: replace windows; upgrade HVAC system throughout; replace PE shelter roofing; renovate group restrooms to include ADA compliance; upgrade electrical panels; replace flooring in Music Room; replace Closed Circuit Television infrastructure and security cameras; Install new covered walkway install new classroom technology.

Architect: Stantec Consulting Services, Inc.
Contractor: Kalex Construction & Development, Inc.
Delivery Method: CM @Risk Miscellaneous
Project Budget: \$2,452,748
Program Manager: PARSONS BRINCKERHOFF, INC.
Status: Construction

Schedule									
2013		2014				2015			
Summer	Fall	Winter	Spring	Summer	Fall	Winter	Spring	Summer	Fall

 Planning and Design

 Construction



**GERTRUDE EDELMAN/SABAL PALM
ELEMENTARY
SCHOOL BOARD MEMBER DISTRICT 3
NORTH REGION**

Proposed Project Scope: replace windows; replace fire alarm; upgrade security camera system; replace flooring in selected areas; install new playground and new playground surface area; paint exterior and interior in selected areas; install new classroom technology (Promethean boards).

Architect: Rodriguez Architects, Inc.
SBE/MBE and M/WBE Certified

Contractor: T&G Constructors
M/WBE Certified

Delivery Method: CM @Risk Miscellaneous

Project Budget: \$2,028,825

Program Manager: PARSONS BRINCKERHOFF, INC.

Status: Construction

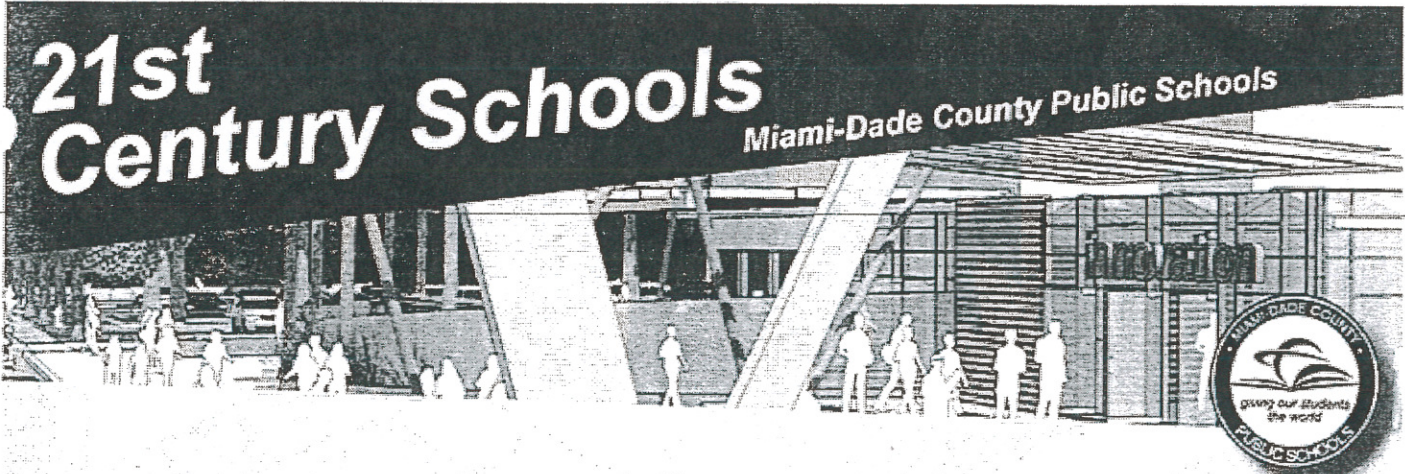
Schedule									
2013		2014				2015			
Summer	Fall	Winter	Spring	Summer	Fall	Winter	Spring	Summer	Fall



Planning and Design



Construction



School Number: 2281

September 2014

School Name: Greynolds Park Elementary School

Year Opened: 1957

Board Member District: Dr. Martin S. Karp

Permanent Area: 71,342 Square Feet

Address: 1536 NE 179 Street, North Miami Beach, FL

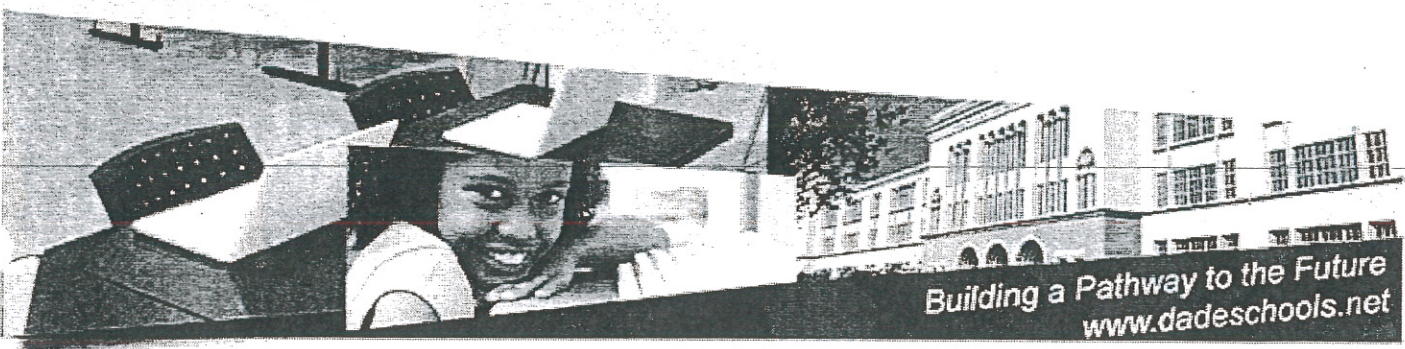
School Capacity: 742

County/Municipality: North Miami Beach

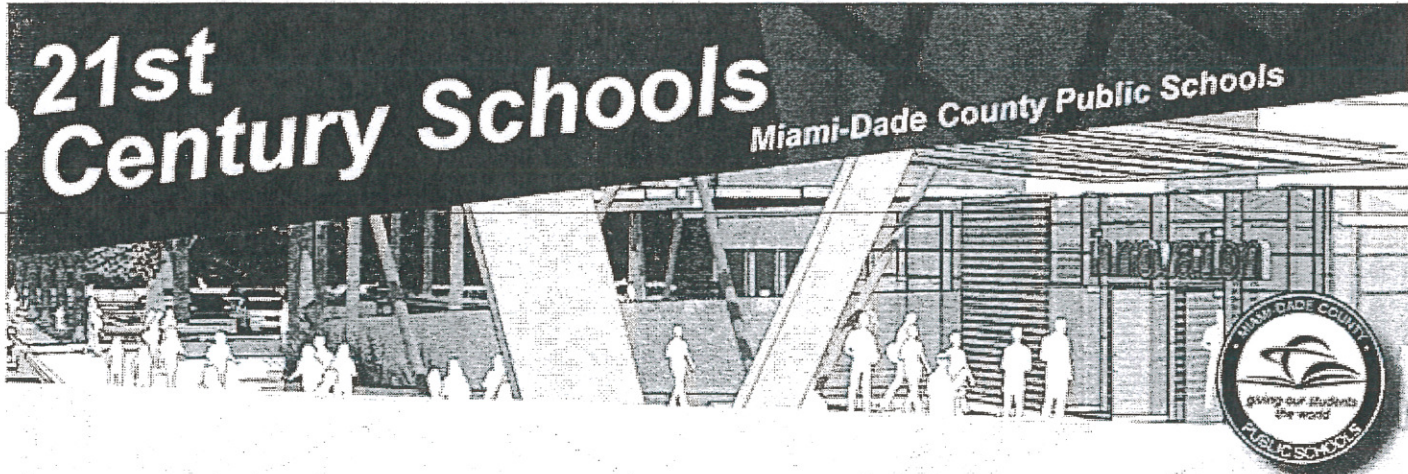
General Obligation Bonds would fund the following improvements:

- Classroom Technology Upgrades
- Replacement of 3 buildings (11,975 SqFt) (Subject to State approval)
- Renovations of other buildings to include:
 - Air Conditioning and Heating Repair/Improvement
 - Electrical Upgrade
 - Roofing Repair/Replacement
 - Restroom and Plumbing Renovation
 - Exterior Door/Window Repair/Replacement
 - Interior Wall, Ceiling/Flooring Improvement
 - Fire Alarm/Fire Protection Enhancement
 - Security/Surveillance Enhancement
 - Portable Removal (As Applicable)

Project	FY 15-16
Partial Replacement/Renovations	\$ 3,211,950



Building a Pathway to the Future
www.dadeschools.net



School Number: **6301**

September 2014

School Name: **John F. Kennedy Middle School**

Year Opened: **1957**

Board Member District: **Dr. Martin S. Karp**

Permanent Area: **130,955 Square Feet**

Address: **1075 NE 167th Street, Miami, FL**

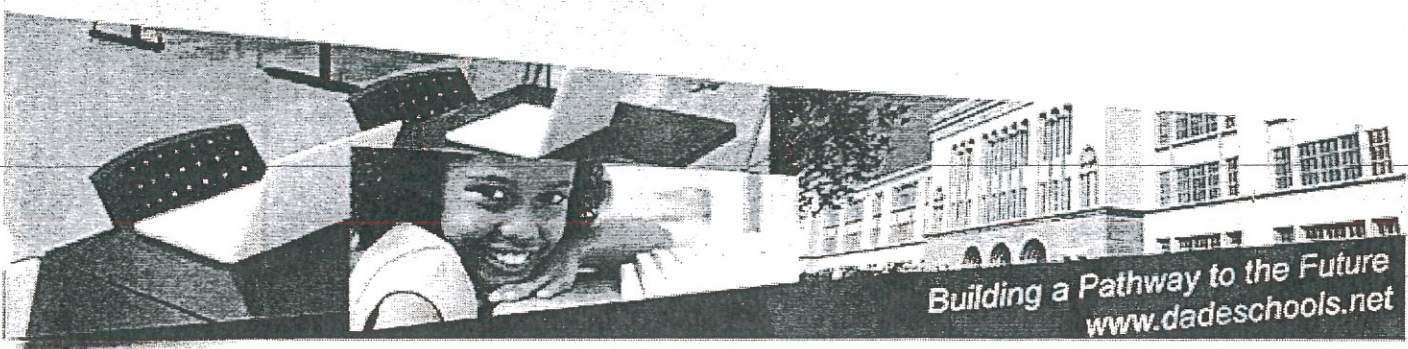
School Capacity: **1349**

County/Municipality: **Miami-Dade County**

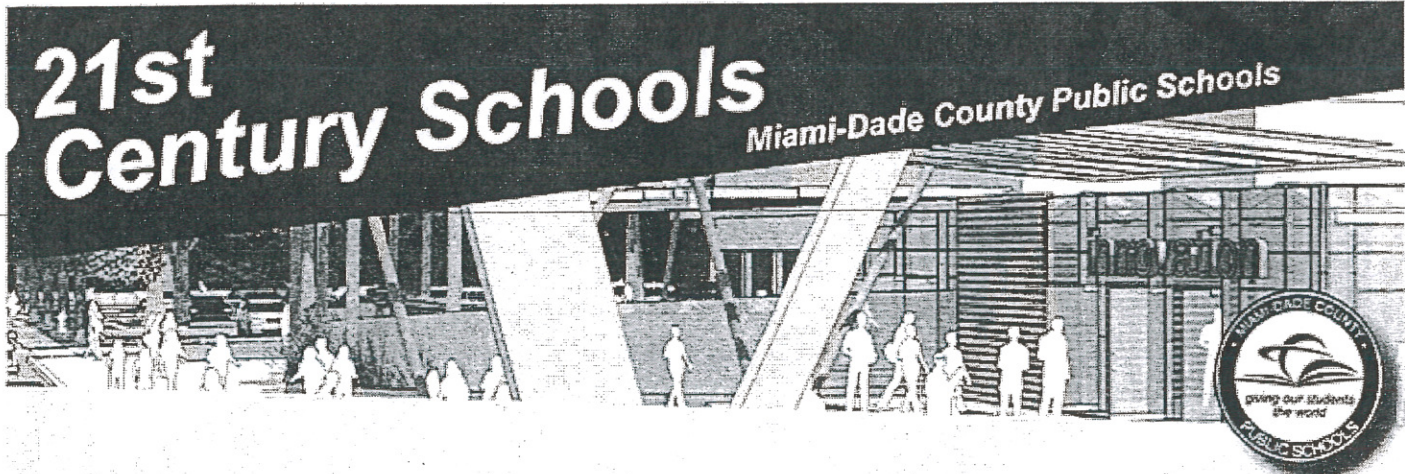
General Obligation Bonds would fund the following improvements:

- Classroom Technology Upgrades
- Renovations of other buildings to include:
 - Air Conditioning and Heating Repair/Improvement
 - Electrical Upgrade
 - Roofing Repair/Replacement
 - Restroom and Plumbing Renovation
 - Exterior Door/Window Repair/Replacement
 - Interior Wall, Ceiling/Flooring Improvement
 - Security/Surveillance Enhancement
 - Portable Removal (As Applicable)

Project	FY 16-17
Renovations	\$ 3,172,664



Building a Pathway to the Future
www.dadeschools.net



School Number: 7541

September 2014

School Name: North Miami Beach Senior High

Year Opened: 1971

Board Member District: Dr. Martin S. Karp

Permanent Area: 297,223 Square Feet

Address: 1247 NE 167th Street, Miami, FL

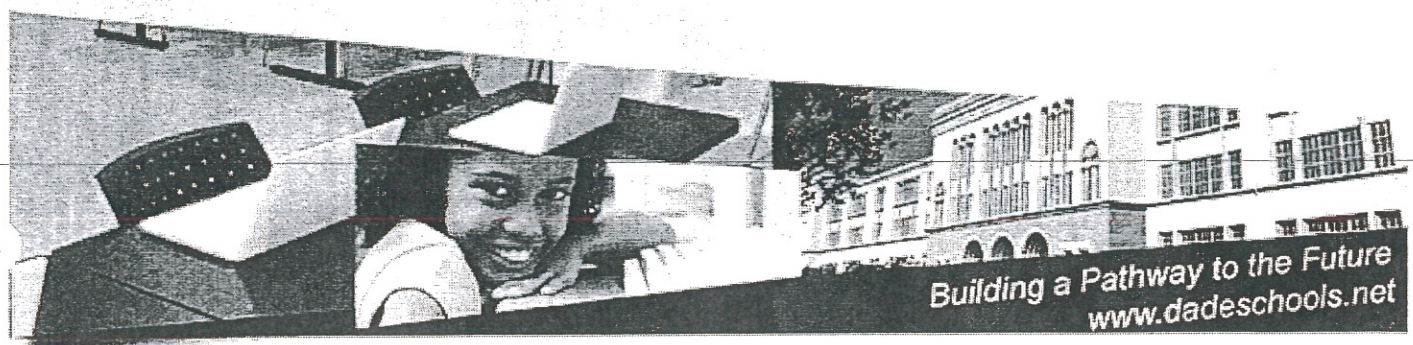
School Capacity: 2457

County/Municipality: Miami-Dade County

General Obligation Bonds would fund the following improvements:

- Classroom Technology Upgrades
- Renovations of other buildings to include:
 - Air Conditioning and Heating Repair/Improvement
 - Electrical Upgrade
 - Restroom and Plumbing Renovation
 - Exterior Wall Finish and Repair
 - Exterior Door/Window Repair/Replacement
 - Playground Repair/Replacement
 - Site Drainage/Parking Improvement
 - Security/Surveillance Enhancement
 - Portable Removal (As Applicable)

Project	FY 15-16
Renovations	\$3,740,048



Building a Pathway to the Future
www.dadeschools.net



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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:
DATE: Tuesday, December 2, 2014

RE: Snow Fest & Holiday Parade

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

▣ [Snow Fest](#)

The City of North Miami Beach Parks & R.E.C. Department in conjunction with the North Miami Beach Police Department
presents

SNOW FEST

SATURDAY, DECEMBER 13, 2014 • 6:00PM - 11:00PM

A FREE FAMILY EVENT FEATURING

COMMUNITY SAFETY DAY PARADE AT 6:00PM

FLOATS • MARCHING BANDS

HOLIDAY CHARACTERS • GIVEAWAYS & MORE

ACTIVITIES INCLUDE:

**SNOW MOUNTAIN • ICE SKATING • PICTURES WITH SANTA
ARTS & CRAFTS • FOOD FOR SALE • BOUNCE HOUSES • MUSIC
RAFFLES • RIDES & SLIDES**

ALONG NE 19TH AVENUE BETWEEN 168TH AND 172ND STREETS

FOR MORE INFORMATION CALL (305) 948-2957 OR VISIT WWW.CITYNMB.COM

Mayor George Vallejo • Councilman Anthony F. DeFillipo • Councilwoman Barbara Kramer • Councilwoman Marlen Martell • Councilman Frantz Pierre
Councilwoman Phyllis S. Smith • Councilwoman Beth E. Spiegel • City Manager Ana M. Garcia • City Attorney Jose Smith • City Clerk Pamela Latimore



The City of North Miami Beach



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

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM:
VIA:
DATE: Tuesday, December 2, 2014

RE: Intern Partnership with Miami Dade County Public Schools

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

▣ [Partnership Letter](#)



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Alberto M. Carvalho



November 10, 2014

Miami-Dade County School Board

Perla Tabares Hantman, Chair

Dr. Lawrence S. Feldman, Vice Chair

Dr. Dorothy Bendross-Mindingall

Susie V. Castillo

Carlos L. Curbelo

Dr. Wilbert "Tee" Holloway

Dr. Martin Karp

Dr. Marta Pérez

Raquel A. Regalado

Ms. Ana Garcia, City Manager
City of North Miami Beach
17050 NE 19 Avenue
North Miami Beach, FL 33162

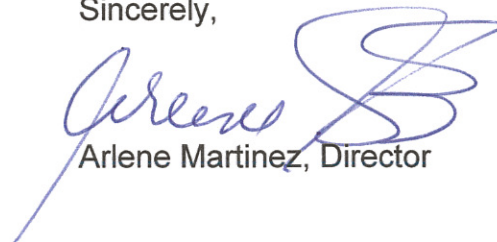
Dear Ms. Garcia:

To give our students the world, it takes partners like you. We thank you for providing internship opportunities for our students. As an internship provider, you play a vital role in helping us prepare our students for the real world that awaits them – in college, in the workplace and the greater society.

The executed Cooperative Agreement is enclosed for your records. If you have any questions, please contact me at 305 995-3050 or 786 525-2824.

We look forward to sharing an enriching internship experience with you!

Sincerely,



Arlene Martinez, Director



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: Jose Smith, City Attorney
VIA:
DATE: Tuesday, December 2, 2014

RE: Litigation List

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

▣ [Litigation List](#)

TO: Mayor and City Council
FROM: Jose Smith, City Attorney
DATE: December 2, 2014

LITIGATION LIST

I. Civil Rights:

II. Personal Injury:

III. Other Litigation:

IV. Forfeitures:

* **CNMB v Natoli, Samuel**
\$4,120.00 in US Currency

V. Mortgage Foreclosures:

Juelle, Perla v CNMB (Rodriguez, M) DISMISSED

* **U.S. Bank v CNMB (Andrade, M)**

Wells Fargo v CNMB (Laird, A) CLOSED/PROPERTY SOLD

VI. Bankruptcies:

*New Cases



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: Carlos M. Rivero, City Planner
DATE: Tuesday, December 2, 2014

RE: Braha-Dixie, LLC Rehearing for Jennings Disclosure

**BACKGROUND
ANALYSIS:**

The Braha-Dixie, LLC project was approved by City Council for site plan and conditional use approvals on August 20, 2013 for the construction of a 10 story, 658,483 square foot mixed-use building on a 188,179 square foot (4.32 acre) vacant parcel of land located at 17400 West Dixie Highway, in the B-2, General Business Zoning District.

Subsequent to the project approval, a lawsuit challenged the City's decision. While the appellate court found that there was competent substantial evidence to support the Council's decision to approve the hotel's site plan and conditional use and that the Oleta River Overlay District did not apply to the property it ruled that Council members failed to identify the persons they spoke with and to fully disclose the specific subject matter of all ex-parte communications.

The legal effect of the ruling is that the matter is being remanded back to the Council for continuation of the public hearing. At such hearing, the appropriate disclosures on ex-parte communications must be made on the record and the Petitioners/Objectors must be given an opportunity to respond to all disclosures and present additional evidence solely related to the disclosures on ex-parte communications.

RECOMMENDATION:

As stated for the City Council meeting of August 20, 2013, the Community Development recommends that the request for site plan and conditional uses be approved subject to the conditions

listed on the staff report.

**FISCAL/BUDGETARY
IMPACT:**

No fiscal impact for FY 2015

ATTACHMENTS:

- ▢ [Original Memo to Planning and Zoning Board](#)
- ▢ [July 22,2013 PZB Minutes](#)
- ▢ [Original Staff Report](#)
- ▢ [August 20,2013 City Council Minutes](#)
- ▢ [Resolution No.R2013-47](#)

CITY OF NORTH MIAMI BEACH
PUBLIC SERVICES DEPARTMENT
INTEROFFICE MEMORANDUM



TO: Planning and Zoning Board

FROM: Shari Kamali, Director of Public Services 

DATE: July 22, 2013

RE: Braha-Dixie, LLC., Site Plan and Conditional Use approvals request.

BACKGROUND

Braha-Dixie, LLC., request site plan and conditional use approvals in order to construct a 10 story, 658,483 square foot mixed-use building on a 188,179 square foot (4.32 acres) vacant parcel of land located at 17400 West Dixie Highway, in the B-2, General Business Zoning District.

RECOMMENDATION

Staff is recommending approval.

CONTACT PERSON(S)

Shari Kamali, Director of Public Services



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, JULY 22, 2013

Attendees:

Members - Chairman Evan Piper Darcee Siegel, City Attorney
 Julian Kreisberg Shari Kamali, Public Services Director
 Joseph Litowich Steven Williams, Board Recorder
 Jeffrey Lynn
 Saul Smukler

Call to Order and Pledge of Allegiance:

Chairman Piper called the meeting to order at 6:10 p.m. The Pledge of Allegiance was recited and roll was called. It was noted that a quorum was present.

NEW BUSINESS

Item 13-545: Site Plan Review & Conditional Use Approval: 17400 West Dixie Highway: Parkview Business Center

City Attorney Darcee Siegel requested that the Board members disclose any contact with the Applicant or the Applicant's representatives in relation to this Item. Mr. Litowich advised that he had been approached by individuals prior to the meeting, but he had informed them he could not comment on the Item until after the meeting had concluded.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well. He also noted that each speaker would be limited to two minutes of speaking time.

Mr. Williams stated that the Applicant, Braha Dixie, requests site plan review and conditional use approval to construct a 10-storey, 658,483 sq. ft. mixed-use building on a 3.2 acre parcel of land. The zoning district for this parcel is B-2, General Business. Conditional uses are requested for the operation of a 275-room hotel, as well as a bar and lounge.

Rod Feiner, representing the Applicant, provided a brief history of the subject property, recalling that a Land Use Plan Amendment had come before the Board two years ago to change the property's land use from RM-23 to Commercial. This Amendment was approved by City Council. The property has since been rezoned to B-2 with a declaration of restrictive covenants, which states a hotel is allowed on the property as a conditional use. The declaration also allows for the construction of a building up to 10 stories in height on the property.

Mr. Feiner continued that the conditional use currently before the Board includes both the hotel use and the accessory use of a lounge that will be part of the hotel. He pointed out that City Staff recommends approval of the Application. The Applicant has also submitted written documentation describing how the Code criteria are satisfied.

A traffic study was performed to analyze whether the hotel's office and retail components would cause nearby roadways to fall below acceptable levels of service for their design capacity. Mr. Feiner asserted that the Applicant's traffic engineer concluded the additional traffic would not overburden the roadways. He advised that the City had also retained a traffic engineer to review the Applicant's methodology and conclusions. This engineer had agreed with the reports submitted by the Applicant's traffic expert.

Mr. Feiner showed a layout of the subject property, explaining that it has exits and entrances off both West Dixie Highway and 163rd Street. The Applicant has designed traffic circles and other calming devices to route traffic away from nearby residential areas. Retail uses are included on the ground floor of the building, with office space located above. The resulting mixed use includes two hotels, one of which is an extended-stay facility; 24,000 sq. ft. of retail; and 81,000 sq. ft. of office use.

At the request of City Staff, additional landscaping was included near the entrance to the property. Staff also requested architectural modifications, including footpaths through the site that connect to the entrance of Greynolds Park. Mr. Feiner stated that the property is compatible with the existing natural environment of other properties within the neighborhood. The hotel will be located near the gateway to the City, with both commercial and multi-family residential properties nearby, and is expected to contribute to the economic development of the area. It is not expected to create any substantial detriment to neighborhood property values, as the surrounding districts are primarily commercial.

Mr. Feiner continued that the proposed use can be accommodated by existing community facilities, such as streets, parks, and utilities. Provisions for vehicular and pedestrian traffic are also adequate, both internally and externally to the site. Drainage systems will be located on-site as required by both the Department of Environmental Resources Management (DERM) and Dade County, and are expected to be adequate, as are setbacks, buffering, and general amenities that control noise, light, dust, and other potential nuisances. The Applicant's photometric plan meets Code requirements for the site plan. There are no expansion plans for the project at this time.

Mr. Feiner concluded that the proposed hotel includes meeting halls and a ballroom, which will necessitate catering on some occasions. He asserted that the Applicant feels this will be positive for the City. The hotel use will create approximately 90 to 110 full-time jobs as well as several part-time jobs. The project meets all architectural requirements.

Mr. Feiner showed a rendering of what the property is expected to look like when complete, including an aerial view. He advised that plans for the site will not affect Greynolds Park, which is adjacent to the subject property. The Applicant feels the hotel use will serve the existing residential and business communities.

Mr. Smukler asked if the plans shown by the Applicant have been finalized. Mr. Feiner confirmed this. Mr. Smukler asked at what point any changes to the Applicant's plans would necessitate bringing the Application before the Board once more. Shari Kamali, Director of Public Services, explained that a 5% change to the site plan would bring the Application back to the Board. Mr. Feiner added that the Applicant did not object to this condition.

Mr. Smukler requested confirmation that the property will include only one bar, noting that one proposed ground floor use was described as "a mercantile/retail and restaurant/drinking establishment." Mr. Feiner stated that while drinking may be associated with a restaurant use, there would be no lounge or bar, as defined by Code, other than the one associated with the hotel.

Chairman Piper asked where the actual bar would be located in the facility. It was clarified that the lounge and bar would be located on the 4th floor rather than the ground floor.

Vice Chairman Kreisberg requested clarification that the Board was being asked to approve the conditional use of the site as a hotel. Ms. Siegel explained that there are two conditional use requests, one for the bar and lounge and one for the hotel.

Vice Chairman Kreisberg asked to know the height of the separate office/retail building. Mr. Feiner replied that this structure would be no higher than 130 ft., which is in compliance with both zoning Code and the declaration of restrictive covenant. The Applicant hopes to attract professional office uses, such as doctors, engineers, architects, attorneys, or other office uses.

Mr. Litowich asked to know the height of the three buildings located immediately to the west of the proposed building, as shown in the aerial view of the property. Mr. Feiner said these buildings are currently three stories high, although existing Code would allow them to be replaced by residential structures up to six stories by right. These buildings, as well as the proposed landscaping, are expected to serve as a buffer for the 10-storey hotel. Mr. Feiner asserted that it would be more accurate to consider the height allowable by Code rather than the existing height of the structures.

Mr. Litowich asked if there were any public facilities, other than the hotel rooms, located above the 4th floor of the proposed hotel. Mr. Feiner replied that amenities for the hotel, including a pool, would be located on the roof of the podium, which is planned for the building's 5th floor. The separate office building would be 9 stories in height.

Mr. Litowich commented that he was concerned with how the peace of the existing single-family residential area, located to the west of the proposed buildings, would be affected by the Application. Mr. Feiner said the Applicant has taken this neighborhood into account by designing the site's traffic flow away from the residential area. Active landscaping will be installed on the western side of the property, and the buildings are located away from the western boundary. The retail and office uses are considered to be non-noise-producing, as they are located inside the buildings. He concluded that the impacts to the single-family neighborhood have been minimized.

Mr. Litowich requested more information regarding the meeting rooms. Mr. Feiner advised that while a client may wish to combine, for example, three meeting rooms in which to hold a wedding, there would no "250-person ballroom" of the type found in other hotels. He declined to estimate the size of a wedding that might be accommodated by the hotel.

Chairman Piper asked if the building's occupancy limit was known at present. Ms. Kamali said that the building official and Fire Department will determine these limits, which are not presently known. She added that the total meeting room space is 9000 sq. ft. The individual meeting rooms are 3000 sq. ft. each and have movable walls so they may be interconnected. These meeting rooms will be located on the ground floor.

Mr. Lynn asked where the restaurant would be located. Jose Fernandez, principal architect for the Applicant, replied that this facility would be on the building's 3rd level. He described the arrival hub for the proposed project, explaining that there are three levels of parking located on top of the ground level and arrival space. The banquet and meeting room facilities are located in the north area of the project. While the full square footage for the meeting room area is 9000 sq. ft., he advised that the rooms themselves are smaller than expected, as the 9000 sq. ft. includes a "spillover" area.

Mr. Fernandez continued that the 3rd level includes a full-service restaurant and lounge area, which provide the restaurant and bar services associated with the hotel function. Both hotels on the site would have their own business meeting areas, including smaller meeting rooms on the upper floors and the 9000 sq. ft. banquet facility or meeting room(s) on the ground level, which are considered to be independent of the hotels.

Chairman Piper asked for a description of the foyer area common to all three meeting rooms. Mr. Fernandez explained that this was "a very large anteroom gallery" facing the northeast, with the three smaller meeting rooms located toward the back. The entire lower-level facility, including the spillover and banquet areas, was calculated to be 9000 sq. ft., although Mr. Fernandez asserted that this did not mean the size of the combined meeting rooms was 9000 sq. ft.

Mr. Feiner estimated that the combined meeting rooms could hold 120 to 140 people, and approximated that the combined square footage of the meeting rooms as "a couple thousand square feet." He characterized the anteroom or spillover area as disproportionate, explaining that this space would be necessary for the rooms to empty

in the event of a fire or other emergency. He noted that the space could include art exhibits or a cocktail area. Mr. Feiner concluded that the space is not intended to serve as a convention center, but as a conference center and meeting room(s).

Mr. Lynn asked how many KPAs would be created by the building or buildings' generator(s). Mr. Feiner replied that the generator area has yet to be designed, but would be located beneath the building and not visible from any adjacent properties.

Mr. Litowich asked to know the proposed public hours of the restaurant. Mr. Feiner said this would be determined by the hotel, but noted that these hours are typically open to the public until 10 or 11 p.m. He advised that the hotel restaurant is not primarily designed to serve the public: unlike other restaurants that may be located in the office/retail complex at street level, it is primarily intended to serve hotel guests.

Chairman Piper asked if any restaurants or other facilities located at street level would have to come before the Board or City Council. Ms. Kamali replied that these uses would not be required to come before the Board, although any extension of hours for the uses would be required to do so. A street-level restaurant would be allowed to remain open until 2 a.m., as it would elsewhere in the City.

Mr. Litowich stated that his primary concern was for noise that might affect the residential neighborhood to the west late at night. Mr. Feiner said the hotel restaurant would be completely enclosed within the building and was not expected to generate noise.

Mr. Litowich recalled that Mr. Feiner had described the Application as a "gateway project" to the City, but pointed out that the Applicant planned to move traffic away from 173rd Street and onto West Dixie Highway. Mr. Feiner said the project would announce the presence of the City when accessed from West Dixie Highway or Biscayne Boulevard. The traffic was designed to flow back onto these roadways in an effort to prevent it from affecting the nearby residential neighborhood to the west.

Chairman Piper commented that 172nd Street, not 173rd Street, was considered to be the gateway to the City. He added that a certain amount of "noise discretion" would be put into place by the hotel in order to prevent its guests' rest from being disturbed. Mr. Feiner asserted that the Applicant would abide by all City noise regulations and did not plan to request variances.

Mr. Litowich asked how long the hotel's proposed lease would remain in place. Mr. Feiner said the Hyatt's typical franchise agreement lasts for 20 years, and is subject to agreement by Hyatt. He characterized the lease as "a done deal," as it has been selected and approved by this company, although the operating agreement has not yet been finalized and signed. The building has been designed according to Hyatt standards.

Chairman Piper opened the floor to public comment.

Cynthia Kern, private citizen, stated that the proposed project did not appear to be compatible with the nearby environmental setting of Greynolds Park. She pointed out that the park is one of the last protected natural areas in Dade County, and that the hotel would bring more people and cars to the area. She concluded that she was concerned regarding her property taxes and the effect of noise on her property.

Lucy Hertz, private citizen, said Greynolds Park is a pristine area that would be adversely affected by the proposed project. She stated that she and other citizens are opposed to the project due to the effect it could have on their homes, and would like to know more “about what is going on with the [City] Council and this development.”

Kim Lumpkin, private citizen, said she regularly visits Greynolds Park and felt it would be wrong to allow a project of the proposed scale to locate next to the park and near the surrounding neighborhood. She asserted that the current site plan would overwhelm the park and have a negative environmental impact, and recalled that the Board had once recommended against the rezoning of the property.

Sandy Henchy, private citizen, stated that the 9000 sq. ft. conference center could be used for events such as weddings, receptions, meetings, and other social events. She asked how the Applicant planned to accommodate large groups of people in the hotel, and to whom the hotel rooms would be targeted and sold. Ms. Henchy added that the 20-year agreement should be in place before the Application is approved in order to ensure that the City knows how the building will be used.

Elena Castro-Moran, private citizen, said Greynolds Park belongs to the County and is one of the few remaining pristine natural areas within Dade County. She asserted that it would be severely affected by the adjacent project due to noise, light, service, runoff, and traffic. She urged the Board to reject the Application and reconsider the size of the building that would be constructed on the subject property.

Maurice Garcia, private citizen, stated that he is the local councilperson for the unincorporated area to the north of Greynolds Park. He advised that the park is beloved by residents throughout the County, and said the Board has a duty to protect the park lands. He felt a project of the proposed height would negatively affect the park and the nearby residents.

Charles Baron, attorney, stated that he represents himself as well as three other clients, and requested up to 14 minutes to address the Board, as this was the amount of time provided to the Applicant’s representative. Ms. Siegel advised that this would be left to the Board’s discretion. Chairman Piper stated that Mr. Baron would be allowed additional time for his presentation.

Mr. Baron asserted that the subject property’s B-2 zoning, which allows up to 15 stories in height, is currently in litigation: if the court approves a petition to quash this zoning, the project would not be allowed to proceed. For this reason, he believed the Board

should table the Application for conditional use and site plan approval until this litigation has been concluded. He noted that should the petition be denied, the decision would be appealed, which would further delay the beginning of any development on the site.

Mr. Baron continued that the clients he represents feel the project would proceed at the expense of Greynolds Park and the nearby residential neighborhood. He urged the Board once more to table the Application in order to allow concerned residents and landowners to meet with the Applicant and arrive at a more satisfactory plan for the subject site. Mr. Baron suggested that the Applicant instead design a four- or two-storey project for the site, which would result in positive revenue for the owners and the City.

Mr. Baron pointed out that the Miami-Dade Department of Parks and Recreation had objected, both verbally and in writing, to the rezoning of the subject parcel, as it could harm the natural and historic characteristics of the park. Regarding the site plan and conditional uses, he stated that a majority vote of the City Council could allow the project to expand to 15 stories in height rather than the 10 expressed in the restrictive covenant.

Mr. Baron asked that the Board deny the site plan portion of the Application, as it would not fit in with other structures in the surrounding neighborhood. He proposed that the project be redesigned in a style that would more closely match other nearby buildings. He asserted that one criterion for approval was that the conditional use be consistent with the existing natural environment, which he did not believe was met by the proposed building. He stated that the neighborhood residents who frequent the park would not want to see a building of the proposed size, and that the structure should be built to a smaller scale.

He pointed out that the Applicant does not yet have a signed contract with the Hyatt company, which meant there was nothing to prevent them from selling the parcel if they wished. Mr. Baron concluded that if the project is restricted to office use only, it would not be used in the evenings or on weekends and would have a less significant impact on the neighborhood.

Ms. Siegel advised that the restrictive covenants filed with regard to the property are legal documents and are recorded in the County records. These restrictions accompany the land. This would prevent the possibility of constructing a building 15 stories in height on the subject parcel.

Chairman Piper added that the height of the proposed building was not the issue before the Board, as the Applicant has the full legal right to construct buildings to the standards of a B-2 zoning district. This meant the Board could not place additional limits on the height allowed by this district.

He also asked if the hotel would be required to seek business tax receipt (BTR) approval on an annual basis for the licensing of uses not strictly related to the hotel's function. Ms. Kamali clarified that while the hotel proper would not have to seek this

approval annually, the conditional uses on the site would have to do so. She offered the restaurant as an example, explaining that the conditional uses must be put into place one year after they are approved. If the restaurant is open until 4 a.m. rather than 2 a.m., the approval would require the City Manager's signature; if it were open until 6 a.m., the Mayor and City Council must sign off on the approval as well. The proposal before the Board at present was for a restaurant that would be open until 2 a.m. only.

Ms. Siegel added that in the event of any problems with businesses on the subject parcel, the City Council may revoke any BTR that has been issued.

Phil Marzo, private citizen, said the traffic on West Dixie Highway is always heavy and can be time-consuming to navigate. He felt the proposed project would exacerbate this situation despite the proposed traffic calming devices; in addition, the building would block the view from surrounding homes and cast a large shadow. He concluded that he agreed with Mr. Baron's argument as presented earlier.

Chairman Piper reiterated that the Board cannot restrict the size of the building to be constructed on the site, as the Applicant has the right to build up to 10 stories according to the parcel's B-2 zoning district.

Bill Campbell, private citizen, said the proposed building is not compatible with the surrounding environment, and recalled that a previous Planning and Zoning Board had voted against the rezoning of the site to B-2. He asserted that the Board had a right to say the project is incompatible with the surrounding neighborhood, and that the traffic and lights brought to the subject site would be damaging to the nearby park. He suggested that the Application should be tabled until the Applicant has met with members of the neighborhood and arrived at a different solution.

Ms. Siegel explained that the previous Planning and Zoning Board had been concerned with the rezoning because it had seemed premature at the time, as there were no site plans accompanying the rezoning application. Chairman Piper confirmed that this was his recollection of the issue as well.

Fred Shepler, private citizen, stated that traffic to nearby apartment buildings on Dixie Highway from the site would be greatly affected by the proposed project. He did not feel Dixie Highway could accommodate this increase in traffic, and urged the Board to table the Application until the pending litigation is concluded, as the project would have a negative effect on the surrounding neighborhood.

Debbi Bacher, private citizen, disagreed with the Applicant's statement that the proposed use would have no substantial detrimental effects on neighborhood property values. She stated that the proposed building's height would place her building in shadow throughout most of the day. She added that while the apartment residents did not own their properties, they are still residents and registered voters who were concerned about their way of life. Ms. Bacher concluded that train schedules already

create traffic backup in the area of 172nd Street, and would be exacerbated by the project.

Bill Ullman, private citizen, said if the proposed project is allowed to proceed, it would result in “the end of” the nearby residential neighborhood, as it was likely to result in the creation and extension of a commercial corridor along the street.

Jack Lieberman, private citizen, said he is a business owner on 163rd Street. He pointed out that no environmental impact study has been done to determine the effects of traffic, noise, and light on the park. He noted that a balloon study has also not been done, and recommended that the Board request these studies before ruling on the Application.

Matthew Anderson, private citizen, said he would be the homeowner most affected by the project, as his home borders the park. He stated that traffic backs up to the front of the park for nine months out of the year; furthermore, school buses stop regularly in the area. He felt the safety of children riding the buses would be adversely affected by delivery trucks and other traffic accessing the hotel. Mr. Anderson concluded that the project was too big to be compatible with the surrounding neighborhood, traffic, and trains.

Marah Lieberman, private citizen, said she had regularly visited the park as a child, and asserted that it was the only space remaining in the area where members of the community could experience nature. She stated the park should be expanded instead of having another hotel placed nearby, and that the environment would suffer from raising another building in the area.

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

Mr. Feiner advised that although there is currently litigation in process regarding the site, this should not restrict the Board from advancing the Application to the City Council. He urged the Board not to table the Application so the project could continue the process of obtaining building permits for the site. He also asserted that the rezoning of the parcel to B-2 is currently valid unless it is overturned through the judicial system.

Mr. Feiner continued that while there had been a request for the Applicant to meet with concerned residents regarding the project, he had met with Mr. Baron and did not feel it was possible to arrive at a middle ground.

He concluded that while some residents had expressed concern that the hotel’s balconies would overlook their properties, there were no balconies planned for the hotel. He also asserted that for all intents and purposes, the agreement with the Hyatt company was complete, although not yet finalized. In addition, Mr. Feiner stated that the residents in nearby multi-family residential properties were renters of these properties rather than owners, and were therefore considered to be “transient.” These properties would serve as a buffer between the subject parcel and the residential neighborhood.

Chairman Piper asked for City Staff's recommendation regarding the Application. Ms. Kamali replied that the City recommends approval of the Application, which requests site plan and conditional use approval of a 658,483 sq. ft. building. Two conditional uses are requested and there are 15 conditions included in the staff report. Mr. Feiner confirmed that the Applicant accepted these conditions.

Vice Chairman Kreisberg remarked that if the project were a 10- to 15-storey office complex, all its employees would arrive and leave at the same time of day, while this would not be the case for a hotel. For this reason, he felt the traffic impacts would be less than what could be expected of an office building. He also felt the descriptions of traffic on West Dixie Highway were not entirely accurate, as the roadways were less backed up than as described.

Vice Chairman Kreisberg continued that while the project would affect the entrance to Greynolds Park, the park itself is very large and underused. He did not believe the project would have a significant ecological impact on the park. He concluded that while it is unfortunate for one individual's property rights to affect the property rights of another, this was not an uncommon occurrence. He felt the project would have a positive effect on the community, and that its tax revenue and facilities would be in the best interests of the City.

Mr. Litowich observed that many of the comments made in opposition to the Application did not address the issues related to the project. He pointed out that the rezoning has been approved and will allow a project of 10 stories in height. Ms. Siegel clarified that while the rezoning could have allowed a 15-storey project, the City Council had attached a restrictive covenant to the parcel which limited the height of any project to 10 stories. She added that the hotel and bar and lounge uses, which are conditional uses, are allowed within a B-2 zoning district. Mr. Litowich concluded that had not yet decided whether or not he felt the project was right for the site.

Mr. Lynn asked if the hotel's lights were expected to affect the park, and whether or not its lighting could be restricted. Chairman Piper advised that the Applicant must submit photometrics as part of their plan, and noted that building Code states site lighting may not spill over onto any abutting properties. Ms. Kamali added that Staff condition #5 requires the submission of a light impact study.

Chairman Piper explained that the Board must operate within certain constraints when recommending a project; in addition, they serve in an advisory capacity to the City Council, and can only make a recommendation. City Council will have the ultimate decision regarding the project. He concluded that it was unlikely that a smaller structure than the one proposed in the Application would be built on the property: with this in mind, he felt the Board should embrace the best possible use for the site. He stated that the proposed use was more likely to be beneficial to the community than another project that could be constructed on the site.

A motion was made by Julian Kreisberg, seconded by Saul Smukler, to approve of Item 13-545, conditional use with 15 conditions. In a roll call vote, the motion passed with a vote of 4-1 (Mr. Litowich dissenting).

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

NEXT MEETING

Ms. Kamali advised that the next Board meeting would be tentatively scheduled for August 12, 2013.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 8:17 p.m.



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

CITY COUNCIL

TUESDAY, AUGUST 20, 2013

ITEM # 13-545	Parkview Business Center
OWNER OF PROPERTY	BRAHA-DIXIE, LLC.
ADDRESS OF PROPERTY	17400 WEST DIXIE HIGHWAY
FOLIO NUMBER	07-2209-015-0010
LEGAL DESCRIPTION	LOTS 1, 2, 3, 4, & 5, LEADER SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 82 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
EXISTING ZONING	B-2, GENERAL BUSINESS ZONING DISTRICT
EXISTING LAND USE	VACANT PARCEL
FUTURE LAND USE DESIGNATION	BUSINESS

The applicant, Braha-Dixie, LLC., requests site plan approval and conditional use approvals in order to construct a 10 story, 658,483 square foot mixed-use building on a 188,179 square foot (4.32 acres) vacant parcel of land located at 17400 West Dixie Highway, in the B-2, General Business Zoning District.

Conditional uses requested are as follows:

1. Request conditional use approval in accordance with Section 24-52(C)(8) for the operation of a 275 room hotel.
2. Request conditional use approval in accordance with Section 24-52(C)(4) for the operation of a bar and/or lounge.

ZONING – The subject property and the properties to the east, on the west side of Biscayne Boulevard, are zoned B-2, General Business Zoning District. The properties to the west and southwest are zoned RM-23, Residential Mid-Rise Multifamily Zoning District. The properties to the south are zoned B-1, Limited Business Zoning District. The property to the north is Greynolds Park, located in Unincorporated Miami-Dade County. (See attached Exhibit #1 for a Zoning Map of the subject property).

EXISTING LAND USE - The subject property is currently vacant. The properties to the west and southwest contain multifamily residential buildings. The properties to the south are a mix of retail and restaurants. The property to the east, on the west side of Biscayne Boulevard, is an adult entertainment establishment. The property to the north is a county park, located in Unincorporated Miami-Dade County. (See attached exhibit #2 for a Land Use Map of the subject property).

◆-----◆
FUTURE LAND USE - The subject property, the properties to the south, and the property to the east have a future land use designation of Business. The properties to the west and southwest have a future land use designation of Residential High Density. The property to the north is located in Unincorporated Miami-Dade County. (See attached exhibit #3 for a Future Land Use Map of the subject property.)

◆-----◆
THE SITE – Subject property is irregularly shaped with approximately 422 feet of frontage along West Dixie Highway and 195 feet of frontage along NE 173 Street. The parcel contains approximately 188,179 square feet, or 4.32 acres.

◆-----◆
THE PROJECT – The project proposes the construction of a 658,483 square foot, 10 story mixed use building. The building consists of a 4 story pedestal, which contains ground floor retail space, a parking garage, and restaurant/lounge space. The pedestal is topped with a 6 story office building fronting NE 173 Street and West Dixie Highway. The balance of the pedestal contains a 6 story hotel building. The hotel provides 160 short stay rooms and 115 extended stay rooms, a total of 275 rooms. The top of the pedestal (5th floor) also contains the hotel amenities, including the swimming pool.

Off-site improvements include the installation of landscaped islands on West Dixie Highway, repair and replacement of sidewalks, installation of curbing, and the installation of five (5) traffic circles.

◆-----◆
REVIEW BY OTHER CITY DEPARTMENTS –

Engineering

A. General

1. West Dixie Highway is a Miami-Dade County right of way. Permit from the County will be required (required at permitting).
2. Curb on right of way must be Type F curb and gutter to match existing (circle area).
3. Drainage system will be required due to elevation or drainage flow line changes in the right-of-way at the location of the circle.
4. Utility clearance letter for the masonry wall along the west property will be required due to the utility easement (required at permitting).
5. Set up meeting with Florida Game and Wildlife due to protected water of Greynolds Park. Adjacent area is wildlife reserve. Modification to the site plan or construction restrictions may be necessary at waters adjacent to Greynolds Park.
6. Listed below are additional permit approval requirements.

B. Engineering (Paving & Drainage) Permit Approval Requirements:

1. Submit two (2) sets of Engineering Plans (Paving, Grading and Drainage). Plans must be signed and sealed by a State of Florida certified Engineer and must be **stamped approved by D.E.R.M. and Miami Dade County Public Works**. Plans must show at least, but not limited to the following:
 - Existing and proposed elevations around the property and adjacent public right-of-way, rim elevations, to indicate that the storm water run-off will be kept within the property and not allowed into the public right-of-way and adjacent properties.
 - Tributary areas for each catch basins or indicate flow of run-off to catch basins.
 - Profile and standard detail drawings of drainage facilities, cross-section showing elevations and dimensions per design calculations.
 - Profile and standard detailed drawings of proposed pavement, curbing, ADA compliant handicap parking stalls, ramps, sidewalk, and driveway constructions.
 - Dimensions of sidewalks, driveways, parking stalls, parking aisles, medians, islands, setbacks per City of North Miami Beach standard specifications.
 - Traffic signs and pavement markings.
 - Locations and points of discharge of rain leaders or connection to catch basins.
2. Submit two (2) sets of Drainage Calculations, signed and sealed by an Engineer. Drainage Calculations must specify design criteria and must include all maps, charts, tables, and sources to support parameters used in calculations. Drainage calculations must be based on minimum of 5-year Storm, 10 minutes time of concentration (Intensity = 6.20 inches/hr.).
3. Submit two (2) sets of S.F.W.M.D Usual-Open-Hole Percolation Test, signed and sealed from an approved testing laboratory, 15' deep test hole at location of proposed exfiltration trench. Percolation rate from this test must be used for the drainage design. This will only be required if an exfiltration trench will be used. Other system such as an injection well can also be used.
4. Minimum exfiltration trench must be 15' deep, 3 feet wide and 25 feet in length.
5. Submit Erosion & Sediment Control Plan. CGP/NOI permits from DEP may be required (for projects 1 acre and above).

Water and Sewer

WATER:

1. Site is within the City of North Miami Beach water service area and is currently served with a 12" water main located along West Dixie Highway and a 6" water main along NE 173 Street.
2. There are three fire hydrants fronting the property, as well as two stub outs with meters for the old nursing home.
3. The existing domestic water service & Fire line will need to be re-evaluated and upgraded to meet current codes with the installation of appropriate backflow protection devices at a minimum. Additional connections are shown to be required. A new 12" water main will need to be extended along NE 173 Street to service the rear of the project.

4. The installation of a separate irrigation meter and backflow device is highly recommended, since the property is on County sewers.
5. The referenced installations will be the responsibility of the owner and must be permitted through the City's Engineering Dept. The City's Engineering Dept. should be contacted for standard requirements of water service connection approvals.
6. Inplant fees for the facility will be computed based on the RER (formerly DERM) criteria, assessed at \$5.22 per GPD. Irrigated areas are also assessed at 0.09 gpd per square foot of irrigated area. A credit for the 200 bed nursing home being demolished is subject to verification, and if approved, will reduce the new gallonage allocated for the site. It will still be a net increase though.
7. A Fireflow Demand charge is assessed for the new construction at a rate of \$1.75 per gross square foot built for the first 100,000 square feet and at a decreasing rate on a sliding scale thereafter. See Engineering Office for details.

SEWER:

1. This site lies within the County's sewer service area.
2. An 8 inch gravity sanitary sewer main is available for connection on NE 173 St.
3. The county must be contacted directly for their requirements and current sewer connection charges.
4. The Land Plan Engineering Group report incorrectly states that the sewer service will come from North Miami Beach and that they have verified with North Miami Beach that there is adequate sewer capacity. Couldn't be!

PLANS:

1. Building plans must also be submitted to the City's Engineering Division for review and assessment of above referenced fees and for sign off after payment of said fees.
2. This process and above referenced approvals must take place prior to a building permit being issued by the City's Building Dept.
3. Utility easements will need to be dedicated to the City for any on site water mains and appurtenances.
4. There is a proposed water line near the water embankment, that appears to be too close to the embankment edge.
5. Plans show connections on NE 173 Street to an existing main. That main is a 6- inch asbestos cement line and must be upsized to meet the fireflow needs of the project.
6. A fire hydrant on NE 173 Street must be relocated as shown on plans

◆-----◆

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

In accordance with Section 24-175 (C) of the Land Development Regulations, Conditional Uses are being sought for the operation of a hotel and bar, which is a common and customary accessory to a hotel.

Section 24-75, entitled Conditional Uses, list eight (8) Conditional Use review standards which are to be considered when determining the appropriateness of garneting the use. They are as follows:

1. *The proposed use will be consistent with the existing natural environment and other properties within the neighborhood.*

The neighborhood is an eclectic mix of single family and low rise multi-family residential, commercial, automobile repair, service stations, a county park, a monastery and a municipal tennis center. To the east, on the side of Biscayne Boulevard, one of two proposed 24 story high rise residential towers is under construction. A mixed use project as that proposed would be a welcome addition to the neighborhood, and a significant upgrade to all of the existing commercial enterprises, as it includes a national brand hotel, class A office space, restaurants and retail activity.

2. *The proposed use will create no substantial detrimental effects on neighborhood property values.*

It is expected that the construction of a major new mixed-use development that includes a national brand hotel and class "A" office space with be enhancement to property values and spur further redevelopment on the West Dixie Highway corridor.

3. *The proposed use can be accommodated by adequate community facilities such as schools, streets, parks and utilities.*

As the proposed project has no residential component, there will be no impact on schools or parks. Adequate utilities are in place to accommodate the project, and the required transportation study finds that the level of service will not be diminished. In addition, the applicant has agreed to provide four traffic-calming roundabouts on NE 174 Street west of the project, between West Dixie Highway and NE 19 Avenue.

4. *The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area which will serve the use.*

Adequate pedestrian access has been provided into the project, and the traffic study indicates that vehicular traffic can be adequately handled by the existing street system.

5. *The proposed use will have adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate runoff and pollution problems.*

A preliminary engineering plan has been submitted with the applicant's plan. A more detailed drainage plan will be submitted and a more in-depth review of drainage will be conducted at the time of submittal for building permit. Adequate drainage, including retention of all storm-

water on site, as well as pollution control is, and will be, a standard condition of project approval.

6. *The proposed use will have adequate setbacks, buffering and general amenities in order to control and adverse effects of noise, light, dust and other nuisances.*

All required setbacks for this project have been met, and no variances are required. Sufficient landscape buffer has been provided, particularly at the north end where the project abuts Greynold's Park,

7. *The proposed use will be located on property which is sufficient, appropriate and adequate for any reasonably anticipated expansion thereof.*

There is no reasonably anticipated expansion.

8. *Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to:*

(a) Limitations on the hours of commercial and industrial operations

By its nature, a hotel is a 24 hour operation, and limitations on hours could not be considered. The hours of operation for a bar are already dictated by the City Code.

(b) Limitations of the number of occupants of any building at any one time.

Both the Building Department, through use of the Florida Building Code, and the Miami-Dade County Fire Department limit the maximum occupancy of a structure.

◆-----◆

Planning & Zoning Board History

This item was heard at the Planning & Zoning Board meeting of July 22, 2013 and received a favorable recommendation with a vote of 4-1.

◆-----◆

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

It is recommended that the request for site plan review and conditional uses be approved, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Survey, Sheet 1 of 1, by Fortin, Leavy, Skiles, Inc., date 10/10/2005, revised 4/12/2010;
 - Site Plan, Sheet SP-1, by Landplan Engineering Group, Inc., dated April 2013, last revised 6/11/2013;
 - Preliminary Engineering Plan, Sheet PE-1, by Landplan Engineering Group, Inc., dated April 2013, last revised 6/11/13;
 - Pavement Marking Plan, Sheet PM-1, by Landplan Engineering Group, Inc., dated April 2013, last revised 6/11/2013;

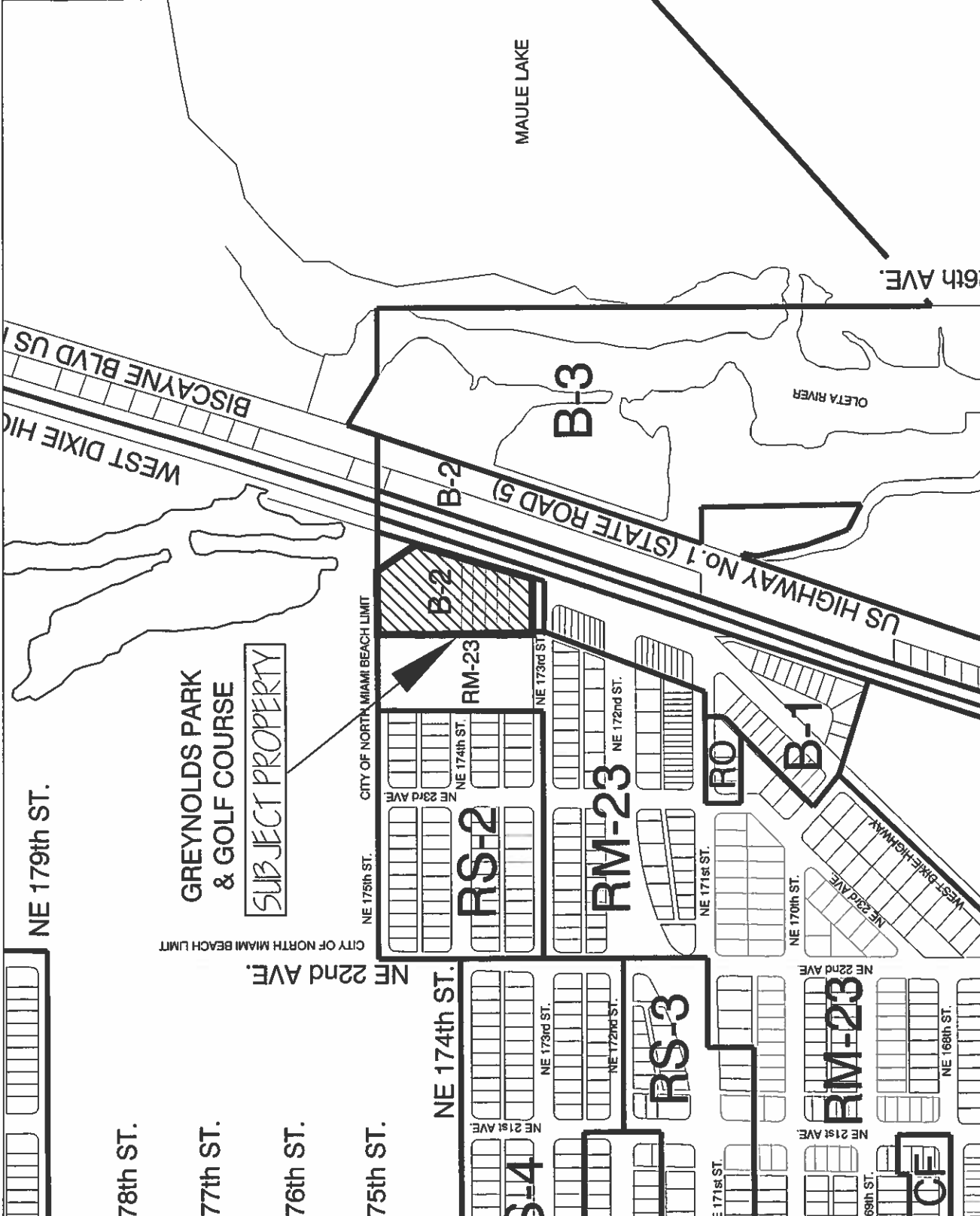
- Site Data Sheet, Sheet A00.01, by Slattery & Associates, dated 5/30/2013;
 - Site Plan Details, Sheet A1.02, by Slattery & Associates, dated 5/30/2013;
 - Ground Floor Plan, Sheet A2.01, by Slattery & Associates, dated 5/30/2013;
 - 2nd Floor Plan, Sheet A2.02, by Slattery & Associates, dated 5/30/2013;
 - 3rd Floor Plan, Sheet A2.03, by Slattery & Associates, dated 5/30/2013;
 - 4th Floor Plan, Sheet A2.04, by Slattery & Associates, dated 5/30/2013;
 - 5th Floor Plan, Sheet A2.05, by Slattery & Associates, dated 5/30/2013;
 - 6th Floor Plan, Sheet A2.06, by Slattery & Associates, dated 5/30/2013;
 - 7th Floor Plan, Sheet A2.07, by Slattery & Associates, dated 5/30/2013;
 - 8th Floor Plan, Sheet A2.08, by Slattery & Associates, dated 5/30/2013;
 - 9th Floor Plan, Sheet A2.09, by Slattery & Associates, dated 5/30/2013;
 - 10th Floor Plan, Sheet A2.10, by Slattery & Associates, dated 5/30/2013;
 - Roof Plan, Sheet A2.11, by Slattery & Associates, dated 5/30/2013;
 - Elevations (East & South), Sheet A3.01, by Slattery & Associates, dated 5/30/2013;
 - Elevations (West & North), Sheet A3.02, by Slattery & Associates, dated 5/30/2013;
 - Sections, Sheet A4.01, by Slattery & Associates, dated 5/30/2013;
 - Landscape Plan, Sheet L-1.3, by James Santiago Landscape Architect, dated 5/29/2013;
 - Landscape Plan, Sheet L-2.3, by James Santiago Landscape Architect, dated 5/29/2013;
 - Landscape Details, Sheet L-3.3, by James Santiago Landscape Architect, dated 5/29/2013;
 - Tree Disposition Plan, Sheet TD-1.2, by James Santiago Landscape Architect, dated 5/29/2013;
 - Tree Disposition Plan, Sheet TD-2.2, by James Santiago Landscape Architect, dated 5/29/2013;
 - Site Photometric Plan, Sheet PH.01, by Slattery & Associates, dated 5/30/2013.
2. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.
 3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.
 4. Building materials and color samples must be submitted to, and approved by, the Director of Public Services prior to the issuance of a building permit for this project.
 5. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property, and, if necessary, the adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. All exterior lighting shall be white lighting only. All lighting shall be contained on-site.
 6. A revised landscape and irrigation plan, signed and sealed by a Florida registered Landscape Architect, shall be submitted to, and approved by, the City Forester. The plan shall be

approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy.

7. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, street furniture, and bicycle racks must be submitted to and approved by the Director of Public Services.
8. Garbage dumpsters shall be constructed of CBS, with roll up over-head doors, be large enough to encompass recycling materials and be equipped with air conditioning, interior light, running water, hose hook-up and a floor drain.
9. All roof top equipment shall be screened form ground view of all surrounding and adjacent properties.
10. All wall signage must be of individual, flush mounted channel letter type only. The number and size of which may not exceed that as permitted in the City's Land Development Regulations (LDRs). All signage requires a separate permit prior to installation.
11. Window signage shall be limited to 25% coverage and windows shall not be framed in neon lights.
12. All off-site improvements including turn-about must be installed prior to the issuance of a Certificate of Occupancy.
13. The installation of the perimeter wall at the west property line must be installed prior to site preparation and building construction.
14. The signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.
15. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution, after it has been recorded, approving this project, including all conditions related to said approval.

Legend:

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



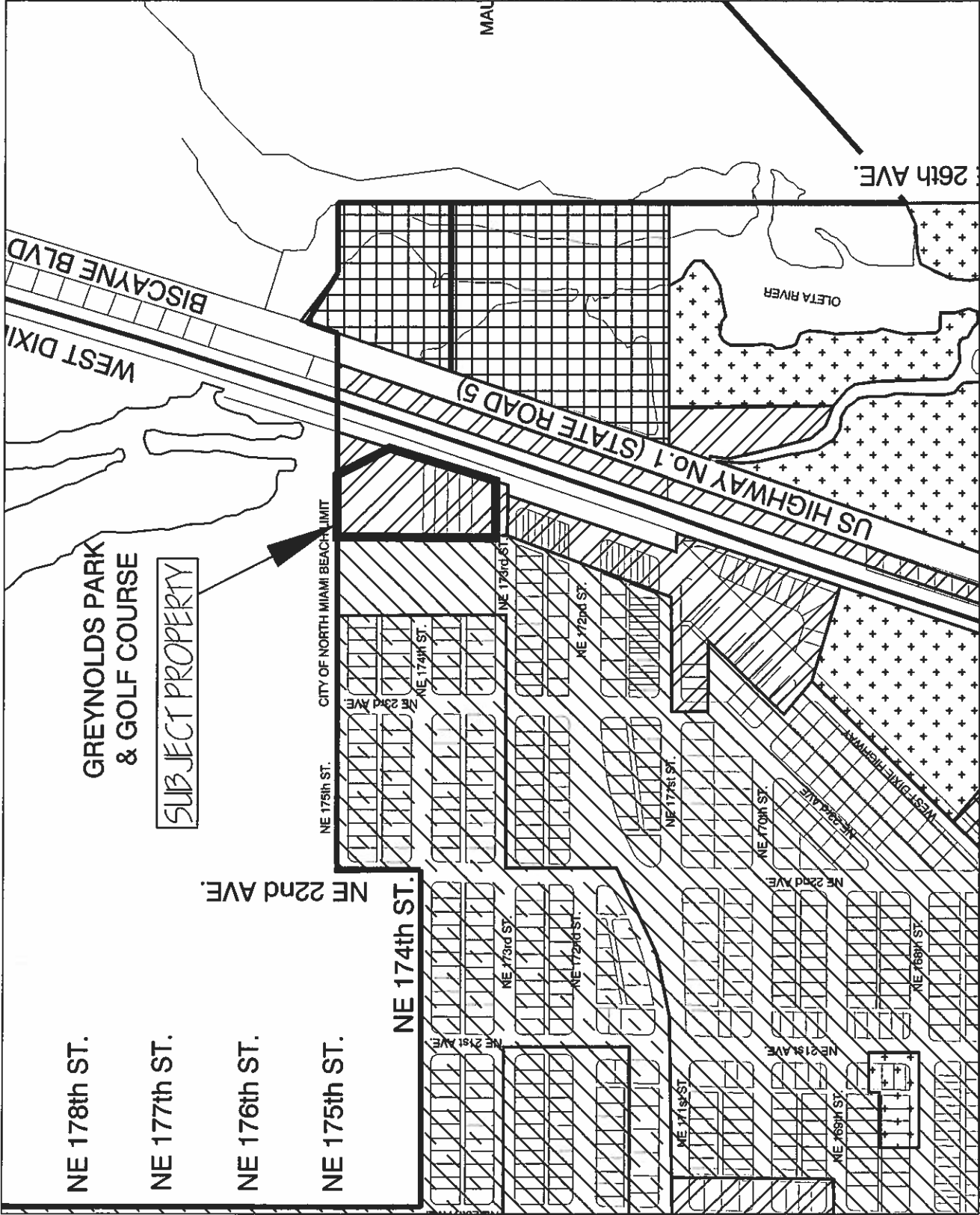
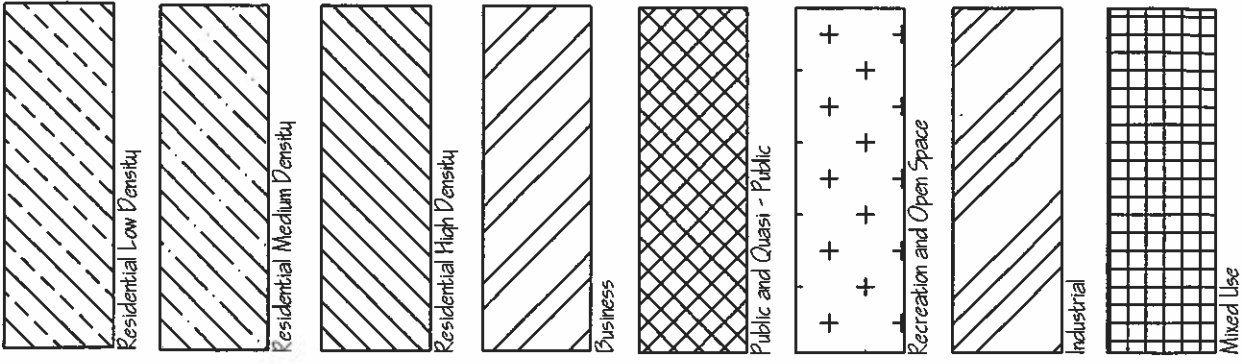
City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

MIXED USE OFFICE & RETAIL
 17400 WEST DIXIE HIGHWAY



Existing Zoning Map
 Exhibit No. 1
 Prepared by CNMP Engineering Division

Legend:



Future Land Use Map
Exhibit No. 3

Prepared by CNMB Engineering Division



MIXED USE OFFICE & RETAIL
17400 WEST DIXIE HIGHWAY

City of North Miami Beach
17050 NE 19th Avenue
North Miami Beach, Florida 33162





CITY OF NORTH MIAMI BEACH
City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, August 20, 2013
7:30 PM

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

Interim City Manager Mac Serda
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

1. ROLL CALL OF CITY OFFICIALS

The meeting was called to order at 7:51 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Anthony F. DeFillipo, and Council Members Barbara Kramer, Marlen Martell, Frantz Pierre, and Phyllis S. Smith, Beth E. Spiegel. Also, present were Interim City Manager Mac Serda, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION given by City Clerk Pamela Latimore.

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

4.1 Withdrawal of Legislative Items 16.2 and 16.3.

4.2 Legislative **Item 16.4** was been moved to the first item of Legislation by Mayor Vallejo on the dais.

5. PRESENTATIONS /DISCUSSIONS

5.1 Police Personnel Retirement Presentation

Chief Gomer honored the following recent police retirees:

- Captain Warren Hardison - Years of Service: 28
- Captain Arthur Lewis - Years of Service: 26

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. Ketley Joachim – 210 NE 170 Street, North Miami Beach, FL
3. Terrence Camazuli – 17151 NE 17 Avenue, North Miami Beach, FL
4. Francoise Bousiquot – 16310 NE 10 Avenue, North Miami Beach, FL
5. Collis Stoner – 16030 NE 18 Place, North Miami Beach, FL
6. Roselaine Joseph – 16050 NE 11 Avenue, North Miami Beach, FL
7. Marie Jean Phillipe – 1070 NE 157 Terrace, North Miami Beach, FL

7. APPOINTMENTS

7.1 Public Utilities Commission - Councilwoman Barbara Kramer

Jaime Miller

A MOTION by Councilwoman Kramer, seconded by Councilman Pierre, to appoint Jaime Miller to the Public Utilities Commission. (**Approved** 7-0)

8. CONSENT AGENDA

8.1 Regular Meeting Minutes of July 16, 2013

8.2 Resolution No. R2013-48

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY, THE AFSCME AGREEMENT RATIFIED AND APPROVED BY THE BARGAINING UNIT ON JULY 29, 2013 COVERING THE TERM AUGUST 6, 2013 THROUGH SEPTEMBER 30, 2015.

A MOTION by Councilman Pierre, seconded by Councilwoman Martell, to approve consent agenda. (**Approved** 5-1, Spiegel - No)

9. CITY MANAGER'S REPORT

Interim City Manager Serda informed that Police Department will be hosting Police and Community Together (PACT) meeting on August 27, 2013 at 7:00p.m on NE 8 Avenue and 163 Street. It is a great way for the community to get to know our police officers and express any concerns they have about crime in their neighborhood. He also made a clarification in regard to the debt millage rate. There was typographical error by the City in the calculation of the debt millage rate. An insert will be included with trim notice that reflects the corrections; the rate should 1.1016 mils instead incorrect amount of 0.8459 mils. This correction only affects non-residential properties in the City. He apologized for any

inconvenience or confusion that this causes. If anyone has any questions please contact the City Manager's office at 305-948-2900. He thanked the staff, Mayor and council, and residents for their support during the transitional period in the City Manager's Office.

10. **CITY ATTORNEY'S REPORT** – *None*
11. **MAYOR'S DISCUSSION** – There was no Mayor's Discussion.
12. **MISCELLANEOUS ITEMS** – There were no miscellaneous items to be heard.
13. **WAIVER OF FEE** – None
14. **BUSINESS TAX RECEIPTS** – None
15. **DISCUSSION ITEMS** – There were no Discussion Items to be heard.
16. **LEGISLATION**

16.4 Ordinance No. 2013-15 - First Reading by Title Only (Taken out of the regular order of business – see above Item 4.2)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; AMENDING SECTION 1.05, AMENDMENT OF THE PLAN; AMENDING ARTICLE II, DEFINITIONS; AMENDING SECTION 6.01, NORMAL RETIREMENT; AMENDING SECTION 6.02, EARLY RETIREMENT AND RETIREMENT INCOME; AMENDING SECTION 6.04, BENEFITS OTHER THAN ON RETIREMENT; DELETING SECTION 6.12, EARLY RETIREMENT INCENTIVE; 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.

A MOTION by Councilman Pierre, seconded by Councilwoman Martell, to adopt **Ordinance No. 2013-15 on first reading by title only.**

City Attorney Darcee Siegel gave a brief explanation of the item.

Mayor Vallejo opened the item for public comment:

There were no speakers for Public Comment on this item.

Public comment closed.

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

16.1 Resolution No. R2013-47

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 10-STORY, 658,483 SQUARE FOOT MIXED-USE BUILDING, ON A 188,179 SQUARE FOOT (4.32 ACRES) VACANT PARCEL OF LAND, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH FOR THE OPERATION OF A 275-ROOM HOTEL, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH FOR THE OPERATION OF A BAR AND/OR LOUNGE, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Lots 1, 2, 3, 4, & 5, Leader Subdivision, according to the Plat thereof, as recorded in Plat Book 82 at Page 17 of the Public Records of Miami-Dade County, Florida. A/K/A 17400 West Dixie Highway, North Miami Beach, Florida (P&Z Item No. 13-545 of July 22, 2013).

MOTION by Councilman Pierre, seconded by Councilwoman Martell, to adopt **Resolution No. R2013-47**.

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

City Clerk Latimore swore in all citizens appearing under public comment.

Public Services Director Shari Kamali gave a brief explanation of the item.

The following representative for the applicant spoke about the project:

1. Rod Feiner, Coker & Feiner – 1404 South Andrews Avenue, Fort Lauderdale, FL
2. Peter Gallo, Land Plan Engineering – 1475 NE 126 Drive, Coral Springs, FL
3. Paul Slattery, Slattery & Associates – 2060 NW Boca Raton Blvd, Ste. 2, Boca Raton, FL
4. Alan Tinter, Tinter Traffic, LLC – 2857 NE 25 Street, Fort Lauderdale, FL
5. Brett Lasher, VP of Development, HYATT Hotels – 5665 New N Side Drive, Ste. 525, Atlanta, GA

Mayor Vallejo opened the item for public comment.

The following person(s) spoke on this item:

1. Marilyn Baumoehl – 18635 NE 20 Court, North Miami Beach, FL

2. Nancy Petroske – 1545 NE 174 Street, North Miami Beach, FL – **Against**
3. Sandra Henchy – 19071 NE 20 Avenue, North Miami Beach, FL – **Against**
4. Tom Gilfoy – 1401 NE 178 Street, North Miami Beach, FL – **Against**
5. John Petroske – 1545 NE 174 Street, North Miami Beach, FL – **Against**
6. Philip Marzo – 2350 NE 174 Street, North Miami Beach, FL – **Against**
7. Charles Baron – 2645 NE 207 Street, Ste. C, North Miami Beach, FL – **Against**
8. Mike Horton, Expert testimony for Mr. Charles Baron – 34 NE 16 Avenue, Oakland Park, FL
9. Denis Rudnev – 16500 Collins Ave, Sunny Isles Beach, FL – Reading remarks from Dr. Janie Greenleaf of the Spanish Monastery – **For**
10. Jack Lieberman – 2040 NE 163 Street, North Miami Beach, FL – **Against**
11. Stuart Reed – 2903 North 35 Terrace, Hollywood, FL – **Against**
12. Amy Werba – 2374 NE 183 Terrace, Miami, FL – **Against**
13. Stephanie Oskie – 19410 NE 22 Road, North Miami Beach, FL – **Against**
14. Deborah Bachar – 2330 NE 174 Street, North Miami Beach, FL – **Against**
15. Kim Lumpkin – 14060 Biscayne Blvd, North Miami Beach, FL – **Against**

Public comment closed.

The item was bought back to Mayor and Council for discussion.

City Clerk Latimore requested a Motion to continue the meetings pass midnight.

A **MOTION** to continue pass midnight was made by Councilwoman Kramer and seconded by Councilwoman Martell. **(Passed 7-0)**

Councilwoman Smith asked that the maker and the seconded of the motion accept a friendly amendment that condition number five (5) be amended to state that all exterior lighting shall be environmentally friendly. The friendly amendment was accepted.

MOTION by Councilwoman Smith, seconded by Councilwoman Martell, to amend Resolution 2013-7 by removing from the resolution the line that reads as follows: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH FOR THE OPERATION OF A BAR AND/OR LOUNGE, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Lots 1, 2, 3, 4, & 5, Leader Subdivision, according to the Plat thereof, as recorded in Plat Book 82 at Page 17 of the Public Records of Miami-Dade County, Florida. **(Passed 6-1)** (Vallejo-No)

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

16.2 Resolution No. R2013-50 WITHDRAWN (see Item 4.1)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN THE CITY OF NORTH MIAMI BEACH;

ESTABLISHING THE RATE OF ASSESSMENT; IMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY OF NORTH MIAMI BEACH; APPROVING THE SOLID WASTE ASSESSMENT ROLL; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

16.3 Resolution No. R2013-51 WITHDRAWN (see Item 4.1)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICE PROVIDED BY THE CITY'S STORMWATER UTILITY; IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST REAL PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH; APPROVING THE STORMWATER ASSESSMENT ROLL; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

16.4 Ordinance No. 2013-15 - First Reading by Title Only MOVED (see above Item 4.2)

17. CITY COUNCIL REPORTS

Vice Mayor DeFillipo – Waived his report.

Councilwoman Kramer announced that she is the new liaison for the Beautification Committee. She is looking forward to the next meeting on September 18, 2013 at 5:30p.m. in the Council Chambers. The Multi-Cultural Committee meetings will resume on September 9, 2013 in the McDonald Center Room 3.

Councilwoman Martell thanked Interim City Manager Mac Serda for his work during this transition period and for keeping her updated. She also thanked Police Chief Gomer for his support and for assisting her with information.

Councilman Pierre waived his report.

Councilwoman Smith thanked the Mayor of Miami Dade County, Carlos Gimenez for keeping the Eastern Shores Rescue Station open. She stated that she would be in attendance at Miami Dade County's next budget meeting. She thanked everyone for coming out to the meeting.

Councilwoman Spiegel stated that the North Miami Beach Library is now open on school nights and weekends for our students to use in the start of the new school year. She announced that she and Councilwoman Kramer attended the Town Hall Meeting. She thanked Mayor Gimenez for keeping the Eastern Shores rescue Station open. Councilwoman Spiegel thanked Interim City Manager Mac Serda for a terrific job, she reminded the public to place their recycling containers out and if they needed larger containers to call 311 and request one. She wished all who were celebrating a Happy Healthy New Year.

Mayor Vallejo thanked all who participated and stay up for the meeting.

18. NEXT REGULAR CITY COUNCIL MEETING Mayor Vallejo announced the next City Council Wednesday, September 11, 2013.

ADJOURNMENT there being no further business to come before the City Council, the meeting was adjourned at 12:37a.m

ATTEST:

(SEAL)



Pamela L. Latimore
City Clerk

RESOLUTION NO. R2013-47

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 10-STORY, 658,483 SQUARE FOOT MIXED-USE BUILDING, ON A 188,179 SQUARE FOOT (4.32 ACRES) VACANT PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH FOR THE OPERATION OF A 275-ROOM HOTEL, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

Lots 1, 2, 3, 4, & 5, Leader Subdivision, according to the Plat thereof, as recorded in Plat Book 82 at Page 17 of the Public Records of Miami-Dade County, Florida.

**A/K/A
17400 West Dixie Highway
North Miami Beach, Florida**

(P&Z Item No. 13-545 of July 22, 2013)

WHEREAS, the property described herein is zoned B-2, General Business Zoning District;
and

WHEREAS, the applicant requests site plan approval in order to construct a ten-story, 658,483 square foot mixed-use building, on a 188,179 square foot (4.32 acres) vacant parcel of land located at 17400 West Dixie Highway; and

WHEREAS, on July 22, 2013 the Planning and Zoning Board recommended approval of the site plan and conditional uses with a vote of 4-1, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:

- Survey, Sheet 1 of 1, by Fortin, Leavy, Skiles, Inc., date 10/10/2005, revised 4/12/2010;
- Site Plan, Sheet SP-1, by Landplan Engineering Group, Inc., dated April 2013, last revised 6/11/2013;
- Preliminary Engineering Plan, Sheet PE-1, by Landplan Engineering Group, Inc., dated April 2013, last revised 6/11/13;
- Pavement Marking Plan, Sheet PM-1, by Landplan Engineering Group, Inc., dated April 2013, last revised 6/11/2013;
- Site Data Sheet, Sheet A00.01, by Slattery & Associates, dated 5/30/2013;
- Site Plan Details, Sheet A1.02, by Slattery & Associates, dated 5/30/2013;
- Ground Floor Plan, Sheet A2.01, by Slattery & Associates, dated 5/30/2013;
- 2nd Floor Plan, Sheet A2.02, by Slattery & Associates, dated 5/30/2013;
- 3rd Floor Plan, Sheet A2.03, by Slattery & Associates, dated 5/30/2013;
- 4th Floor Plan, Sheet A2.04, by Slattery & Associates, dated 5/30/2013;
- 5th Floor Plan, Sheet A2.05, by Slattery & Associates, dated 5/30/2013;
- 6th Floor Plan, Sheet A2.06, by Slattery & Associates, dated 5/30/2013;
- 7th Floor Plan, Sheet A2.07, by Slattery & Associates, dated 5/30/2013;
- 8th Floor Plan, Sheet A2.08, by Slattery & Associates, dated 5/30/2013;
- 9th Floor Plan, Sheet A2.09, by Slattery & Associates, dated 5/30/2013;
- 10th Floor Plan, Sheet A2.10, by Slattery & Associates, dated 5/30/2013;
- Roof Plan, Sheet A2.11, by Slattery & Associates, dated 5/30/2013;
- Elevations (East & South), Sheet A3.01, by Slattery & Associates, dated 5/30/2013;
- Elevations (West & North), Sheet A3.02, by Slattery & Associates, dated 5/30/2013;
- Sections, Sheet A4.01, by Slattery & Associates, dated 5/30/2013;
- Landscape Plan, Sheet L-1.3, by James Santiago Landscape Architect, dated 5/29/2013;
- Landscape Plan, Sheet L-2.3, by James Santiago Landscape Architect, dated 5/29/2013;
- Landscape Details, Sheet L-3.3, by James Santiago Landscape Architect, dated 5/29/2013;
- Tree Disposition Plan, Sheet TD-1.2, by James Santiago Landscape Architect, dated 5/29/2013;
- Tree Disposition Plan, Sheet TD-2.2, by James Santiago Landscape Architect, dated 5/29/2013;
- Site Photometric Plan, Sheet PH.01, by Slattery & Associates, dated 5/30/2013.

2. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.

3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.
4. Building materials and color samples must be submitted to, and approved by, the Director of Public Services prior to the issuance of a building permit for this project.
5. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property, and, if necessary, the adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. All exterior lighting shall be white lighting only. All lighting shall be contained on-site.
6. A revised landscape and irrigation plan, signed and sealed by a Florida registered Landscape Architect, shall be submitted to, and approved by, the City Forester. The plan shall be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy.
7. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, street furniture, and bicycle racks must be submitted to and approved by the Director of Public Services.
8. Garbage dumpsters shall be constructed of CBS, with roll up over-head doors, be large enough to encompass recycling materials and be equipped with air conditioning, interior light, running water, hose hook-up and a floor drain.
9. All roof top equipment shall be screened form ground view of all surrounding and adjacent properties.
10. All wall signage must be of individual, flush mounted channel letter type only. The number and size of which may not exceed that as permitted in the City's Land Development Regulations (LDRs). All signage requires a separate permit prior to installation.
11. Window signage shall be limited to 25% coverage and windows shall not be framed in neon lights.
12. All off-site improvements, including turn-about, must be installed prior to the issuance of a Certificate of Occupancy.
13. The installation of the perimeter wall at the west property line must be installed prior to site preparation and building construction.
14. The signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.

15. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution, after it has been recorded, approving this project, including all conditions related to said approval.

NOW, THEREFORE,

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

Section 1. Site plan approval in order to construct a 10-story, 658,483 square foot mixed-use building on a 188,179 square foot (4.32 acres) vacant parcel of land, on property legally described as:

Lots 1, 2, 3, 4, & 5, Leader Subdivision, according to the Plat thereof, as recorded in Plat Book 82 at Page 17 of the Public Records of Miami-Dade County, Florida.

**A/K/A
17400 West Dixie Highway
North Miami Beach, Florida**

is hereby granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:

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3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.

4. Building materials and color samples must be submitted to, and approved by, the Director of Public Services prior to the issuance of a building permit for this project.

5. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property, and, if necessary, the adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. All exterior lighting shall be environmentally friendly. All lighting shall be contained on-site.

6. A revised landscape and irrigation plan, signed and sealed by a Florida registered Landscape Architect, shall be submitted to, and approved by, the City Forester. The plan shall be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy.

7. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, street furniture, and bicycle racks must be submitted to and approved by the Director of Public Services.

8. Garbage dumpsters shall be constructed of CBS, with roll up over-head doors, be large enough to encompass recycling materials and be equipped with air conditioning, interior light, running water, hose hook-up and a floor drain.
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12. All off-site improvements, including turn-about, must be installed prior to the issuance of a Certificate of Occupancy.
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14. The signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.
15. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution, after it has been recorded, approving this project, including all conditions related to said approval.


Section 2. Conditional use approval in accordance with Section 24-52(C)(8) of the Code of Ordinances of the City of North Miami Beach for the operation of a 275-room hotel, as proposed, on property legally described as aforesaid, is hereby granted subject to the aforementioned conditions.

Section 3. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Council prior to its expiration.

Section 4. Pursuant to Section 24-175(C) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a Business Tax Receipt within one year of the issuance of a Certificate of Occupancy or within one year of conditional use approval, whichever is longer. This may be extended administratively for good cause for one six-month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this **20th day of August, 2013**.

ATTEST:




PAMELA L. LATIMORE
CITY CLERK



GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:



DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council



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

MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Ana Garcia, City Manager
VIA: Councilwoman Marlen Martell
DATE: Tuesday, December 2, 2014

RE: Ordinance No. 2014-11 (Councilwoman Marlen Martell)

**BACKGROUND
ANALYSIS:**

Education is an issue of the utmost importance to the residents of North Miami Beach, an issue in which the City of North Miami Beach has been playing an increasingly larger role, and the quality of education offered in the North Miami Beach Public Schools has a substantial impact on the City.

RECOMMENDATION: Approval is recommended.

**FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

- ☐ [Ordinance No. 2014-11](#)

ORDINANCE NO. 2014-11

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER II OF THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES ENTITLED “STRUCTURE OF CITY GOVERNMENT” TO ADD SECTION 2-34, ENTITLED “EDUCATION COMMITTEE” CREATING AN EDUCATION COMMITTEE AND PROVIDING FOR ITS PURPOSE, POWERS, AND APPOINTMENT; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, education is an issue of the utmost importance to the residents of North Miami Beach, and an issue in which the City of North Miami Beach has been playing an increasingly larger role; and

WHEREAS, the quality of education offered in the North Miami Beach Public Schools has a substantial impact on the City; and

WHEREAS, the City Manager and City Attorney met with Dr. Martin Karp, the Miami-Dade County School Board representative and Miami-Dade County School Board staff who are enthusiastic about working with the City of North Miami Beach on improving public schools; and

WHEREAS, an Education Committee that assists the City Council efforts in improving the quality of education provided in the City will serve a useful role in developing partnerships, facilitating relationships and communication, and maximizing resources for children who reside in North Miami Beach and attend Miami-Dade County Public Schools; and

WHEREAS, the City Council considered this issue at the October 7, 2014 Council Conference meeting; and

ORDINANCE NO. 2014-11

WHEREAS, the City Council recommended approval, by a vote of 5 to 1, for first reading at the November 4, 2014 City Council meeting; and

WHEREAS, the Mayor and the City Council wish to create an Education Committee to assist the City Council in matters related to the quality of the North Miami Beach public schools.

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.

Section 2: Code Amendment. That Chapter II of the Code of the Ordinances of the City of North Miami Beach, entitled “Structure of City Government” is hereby amended as follows:

2-34 EDUCATION COMMITTEE

2-34.1 ESTABLISHED.

There is hereby established the Education Committee for North Miami Beach.

2-34.2 PURPOSE.

The purpose of the Education Committee is to assist in the City Council’s efforts to insure that high quality education and state of the art facilities are provided to children who reside in North Miami Beach and attend Miami-Dade County Public Schools.

2-34.3 POWERS AND DUTIES.

The Education Committee shall be an advisory committee authorized to conduct public hearings, prepare reports and make written recommendations, on a quarterly basis, to the City Council in matters related to the Miami-Dade County Public Schools attended by children who reside in North Miami Beach.

3-34.4 COMPOSITION.

The Education Committee shall consist of nine (9) voting members comprised of the following:

- one (1) member, to be appointed by the City Council at large, shall be a Parent Teacher Association President or designee from a Miami-Dade County Public School serving children who reside in North Miami Beach; and
- one (1) member, to be appointed by the City Council at large, shall be a Principal or designee of a Miami-Dade County Public School serving children who reside in North Miami Beach; and
- seven (7) members, to be appointed by each of the City Council members, shall be a resident of the City of North Miami Beach with experience and expertise with regard to education and whose term shall be consistent with the duration of the term of the appointing City Council member; and
- one (1) non-voting ex-officio member, to be a City staff member, designated by the City Manager; and
- one (1) non-voting ex-officio member, to be appointed by the City Council at large, shall be a City Council member.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held invalid by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Repealing Clause. All other City ordinances and resolutions or parts thereof in conflict with the provisions of this Ordinance are hereby superseded and repealed.

Section 5. 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 6. Effective Date. This Ordinance shall be effective upon its adoption by the City Council.

APPROVED BY TITLE ONLY on first reading this 4th day of November, 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, LANGUAGE
AND FOR EXECUTION

JOSÉ SMITH
CITY ATTORNEY

Sponsored by: Councilwoman Marlen Martell
Mayor & Council

Note: Proposed additions to existing City Code text are indicated by underline.