

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, PROVIDING SALARY AND INSURANCE PARAMETERS FOR THE POSITION OF CITY MANAGER BY AMENDING SECTION 33, "PERSONNEL POLICIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CORINA S. ESQUIJAROSA)**

WHEREAS, Article IV of the City Charter provides that the City Commission is charged with appointing a City Manager; and

WHEREAS, the City of North Bay Village's Position Classification and Job Description Manual set forth the minimum desired qualifications for the City Manager's position; and

WHEREAS, the City Commission desires to set additional parameters for the position of City Manager within the City Code; and

WHEREAS, Chapter 33, "Personnel Policies," of the City Code provides various regulations and requirements for City employment.

**NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:**

**Section 1.** **Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

**Section 2.** **City Code Amended.** That Chapter 33, "Personnel Policies" of the Code is amended to create a new Section, 33.088, to read as follows:

**CITY MANAGER**

**Section 33.088 Salary and insurance.**

**(A) Compensation and Review.**

- (1) A newly hired City Manager shall not be awarded a base salary in excess of \$115,000 for the first year of service.**

- (2) The City Commission shall set achievement goals at the beginning of each fiscal year and review said goals semi-annually to evaluate goal attainment efforts and goal revisions which may be desired.
- (3) Annual salary increases, not to exceed ten percent (10%), may be awarded to the City Manager by the City Commission upon annual review of the City Manager's performance and goal achievement.
- (4) Notwithstanding the provisions of Subsection (A)(3), the City Manager's base salary shall be capped at \$150,000. The salary cap may be waived upon motion of the Mayor or a Commissioner, and only if approved by a four-fifths vote of the City Commission.

(B) Insurance.

- (1) The City shall provide the City Manager with life insurance at the City's expense in an amount equal to the City Manager's base salary, as adjusted from time to time, or in the same amount provided to other non-union employees of the City, whichever is higher.
- (2) The City shall provide the City Manager with workers' compensation and disability insurance at the City's expense in the same manner as provided to other non-union employees of the City.
- (3) The City Manager shall be entitled to health and dental insurance benefits for the employee and his/her spouse and dependents during his or her service with the City.

- (4) If the City offers more than one health or dental insurance plan to its Employees, the City Manager may select the plan that he or she will participate in.
- (5) The City Manager may elect not to utilize the City's insurance benefits. Should the City Manager not utilize the City's insurance benefits, the City Manager shall be entitled to a monthly payment to reimburse the City Manager's out-of-pocket expenses for privately provided insurance, provided that the payment shall not exceed the cost of the City's applicable insurance policy for which the City Manager would otherwise be eligible for. The City Manager shall notify the City of any changes in familial status immediately upon change of status.
- (6) Prior to termination of employment with the City, the City Manager may utilize accrued sick and vacation time in lieu of a cash payout, as calculated for post-employment payout in accordance with then-existing City policies, in the form of leave with pay to maintain insurance benefits, at full cost to the employee.
- (7) Following termination of employment with the City, insurance benefits may continue in accordance with applicable laws and regulations related to COBRA coverage.

**Section 3. Repeal of Conflicting Provisions.** Applicable provisions of any resolutions, administrative policies, ordinances and provisions of the Code of the City of North Bay Village that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, since the legislative intent is that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Code.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of North Bay Village, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The motion to approve the foregoing Ordinance on first reading was made by \_\_\_\_\_, seconded by \_\_\_\_\_.

**THE VOTES WERE AS FOLLOW:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**APPROVED ON FIRST READING** during a regular session of the City Commission of North Bay Village this \_\_\_\_ day of \_\_\_\_\_ 2011.

The motion to adopt the foregoing Ordinance on final reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**PASSED AND ENACTED BY THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Corina S. Esquijarosa, Mayor

**ATTEST:**

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Yvonne Hamilton, City Clerk

**APPROVED AS TO FORM FOR THE USE OF  
THE CITY OF NORTH BAY VILLAGE ONLY:**

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City Attorney  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Resolution: Salary and Insurance Parameters for the position of City Manager.



## City of North Bay Village

### Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM City of North Bay Village

**DATE:** July 20, 2011

**TO:** Robert Daniels  
Interim City Manager

**FROM:** Corina S. Esquijarosa  
Mayor

**SUBJECT:** Introduction of Ordinance

---

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Ordinance:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, PROVIDING SALARY AND INSURANCE PARAMETERS FOR THE POSITION OF CITY MANAGER BY AMENDING SECTION 33, "PERSONNEL POLICIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; SETTING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

CSE:yph

11B(6)

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH BAY VILLAGE TO PROVIDE SEVERANCE GUIDELINES BY AMENDING CHAPTER 33, "PERSONNEL POLICIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MAYOR CORINA S. ESQUIJAROSA)**

WHEREAS, Chapter 33 of the Code of the City of North Bay Village (the "Code") provides for guidelines for employment and benefits for City personnel; and

WHEREAS, the Florida Legislature has, by the adoption of Senate Bill 88 during the 2011 session, adopted limitations and requirements for the provision of severance by municipal governments; and

WHEREAS, the City Commission previously adopted and revised severance policies for various employees in Resolution Numbers 97-32, 98-10, 2002-01, and 2003-70; and

WHEREAS, the City Commission desires to provide current guidelines for the negotiation, award and contract for severance applicable to all future City employees; and

WHEREAS, the City Commission deems the adoption of this Ordinance to be in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS<sup>1</sup>:**

**Section 1. Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

**Section 2. City Code Amended.** That Chapter 33, "Personnel Policies" of the Code is amended to create a new Section 33.087, to read as follows:

**SEVERANCE**

**Section 33.087 Severance guidelines.**

<sup>1</sup> Proposed additions to existing City Code text are indicated by an underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

11C(1)

- (3) Notwithstanding the requirements of subsections (1) and (2) above, the City Commission may, regardless of whether provided by agreement or contract, award severance, in an amount not to exceed six weeks base salary, if the severance pay represents the settlement of an employment dispute.
- (4) To the extent this Section conflicts with any provision of any collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.
- (B) The provisions of this Section shall not apply to any employment contract or agreement entered into prior to [date of adoption].
- (C) In the event of a conflict between these provisions and State Law, the State Law shall apply.

**Section 3. Repeal of Conflicting Provisions.** All resolutions, including applicable portions of Resolution Numbers 97-32, 98-10, 2002-01, and 2003-70, administrative policies, ordinances and provisions of the Code of the City of North Bay Village that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, since the legislative intent is that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Code.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of North Bay Village, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The motion to approve the foregoing Ordinance on first reading was made by \_\_\_\_\_, seconded by \_\_\_\_\_.

**THE VOTES WERE AS FOLLOW:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**APPROVED ON FIRST READING** during a regular session of the City Commission of North Bay Village this \_\_\_ day of \_\_\_\_\_ 2011.

The motion to adopt the foregoing Ordinance on final reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**PASSED AND ENACTED BY THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Corina S. Esquijarosa, Mayor

**ATTEST:**

\_\_\_\_\_  
Yvonne Hamilton, City Clerk

**APPROVED AS TO FORM FOR THE USE OF THE CITY OF NORTH BAY VILLAGE ONLY:**

\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Resolution: Severance – 7-26-2011

11C(4)



## City of North Bay Village

### Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM City of North Bay Village

**DATE:** July 20, 2011  
**TO:** Robert Daniels  
Interim City Manager  
**FROM:** Corina S. Esquijarosa  
Mayor  
*Corina Esquijarosa*  
**SUBJECT:** Introduction of Ordinance

---

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Ordinance:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH BAY VILLAGE TO PROVIDE SEVERANCE GUIDELINES BY AMENDING CHAPTER 33, "PERSONNEL POLICIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

CSE:yph

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

11C(5)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH BAY VILLAGE TO PROVIDE A TAKE HOME VEHICLE POLICY BY AMENDING CHAPTER 33, "PERSONNEL POLICIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MAYOR CORINA S. ESQUIJAROSA)**

**WHEREAS**, Chapter 33 of the Code of the City of North Bay Village (the "Code") provides for guidelines for employment and benefits for City personnel; and

**WHEREAS**, the use of City-owned vehicles for personal use through take home programs creates additional fuel, maintenance and insurance costs for the City; and

**WHEREAS**, the City Commission desires to prohibit the authorization of take home vehicles in order to avoid increased vehicle expenses; and

**WHEREAS**, the City Commission deems the adoption of this Ordinance to be in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS<sup>1</sup>:**

**Section 1. Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

**Section 2. City Code Amended.** That Chapter 33, "Personnel Policies" of the Code is amended to create a new, Section 33.089, read as follows:

**TAKE HOME VEHICLES**

**Section 33.089 Take Home Vehicles Prohibited.**

**(A) No City employee may utilize a City-owned vehicle for personal use or as a take-home vehicle.**

<sup>1</sup> Proposed additions to existing City Code text are indicated by an underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

11D(1)

(B) To the extent this Section conflicts with any provision of any collective bargaining agreement, the provisions of the collective bargaining agreement, as amended from time to time, shall prevail.

(C) The provisions of this Section shall not apply to any employment contract or agreement entered into prior to [date of adoption].

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the City of North Bay Village that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, since the legislative intent is that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Code.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of North Bay Village, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The motion to approve the foregoing Ordinance on first reading was made by \_\_\_\_\_, seconded by \_\_\_\_\_.

**THE VOTES WERE AS FOLLOW:**

Mayor Corina S. Esquijarosa	_____
Vice Mayor Connie Leon-Kreps	_____
Commissioner Eddie Lim	_____
Commissioner Frank Rodriguez	_____
Commissioner Paul Vogel	_____

**APPROVED ON FIRST READING** during a regular session of the City Commission of North Bay Village this \_\_\_ day of \_\_\_\_\_ 2011.

The motion to adopt the foregoing Ordinance on final reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**PASSED AND ENACTED BY THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Corina S. Esquijarosa, Mayor

**ATTEST:**

\_\_\_\_\_  
Yvonne Hamilton, City Clerk

**APPROVED AS TO FORM FOR THE USE OF THE CITY OF NORTH BAY VILLAGE ONLY:**

\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Ordinance-Take Home Vehicles

11D(3)



## City of North Bay Village

### Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM City of North Bay Village

**DATE:** July 19, 2011  
**TO:** Robert Daniels  
Interim City Manager  
**FROM:** Corina S. Esquijarosa  
Mayor  
**SUBJECT:** Introduction of Ordinance

---

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Ordinance:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH BAY VILLAGE TO PROVIDE A TAKE HOME VEHICLE POLICY BY AMENDING CHAPTER 33, "PERSONNEL POLICIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

CSE:yph

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

110(4)



## City of North Bay Village

### Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

## CITY OF NORTH BAY VILLAGE MEMORANDUM

### PUBLIC HEARING JULY 26, 2011 CITY COMMISSION

**DATE:** July 26, 2011

**TO:** City Commission  
City of North Bay Village

**FROM:** Planning and Zoning Board  
City of North Bay Village

**SUBJECT:** Consideration of Proposed Revision to Section 70.02 –  
Parking of Boats and Boat Trailers

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### BACKGROUND

The applicant, the City of North Bay Village, is requesting a revision to the above referenced Code Section to clarify that boat trailers or boats and trailers are prohibited from being parked in the public right-of-way. Additionally, language needed to be added to define the term "boat" include all types of water vessels. This section of the code was last amended in 2002 and the recommendation for revision was put forth by the City's Planning and Zoning Board.

**11E(1)**

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Section 70.02 Boat and Boat Trailer Parking  
July 26, 2011

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Page 1  
Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

**AUTHORITY**

Under the City Charter, Article III, *Legislative*, the City Commission shall be vested with the power to amend or repeal any ordinance previously adopted.

**FISCAL IMPACT**

None

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board recommends **approval** of the requested revisions to the City Code to clarify that boat trailers or boats and trailers are prohibited from being parked in the public right-of-way. Additionally, language was added to define the term "boat" include all types of water vessels.

**APPROVAL MOTION**

**Approve** the request by the City of North Bay Village for the revision to Section 70.02 of the City Code.



## City of North Bay Village

### Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM City of North Bay Village

**DATE:** July 19, 2011

**TO:** Yvonne P. Hamilton, CMC  
City Clerk

**FROM:** Robert Daniels  
Interim City Manager 

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Resolution:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH BAY VILLAGE TO REVISE BOAT AND WATER VESSEL TRAILER PARKING REQUIREMENTS, BY AMENDING CHAPTER 70, "TRAFFIC AND PARKING REGULATIONS"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

RD:yph

**11E(3)**

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH BAY VILLAGE TO REVISE BOAT AND WATER VESSEL TRAILER PARKING REQUIREMENTS, BY AMENDING CHAPTER 70, "TRAFFIC AND PARKING REGULATIONS"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY INTERIM CITY MANAGER ROBERT DANIELS)

WHEREAS, Chapter 70, Section 70.02 of the Code of the City of North Bay Village (the "Code") provides for regulations for the parking of boats and boat trailers on public right-of-way and on private property; and

WHEREAS, the City Commission finds that the parking of boat trailers on the public right-of-way impedes traffic and deteriorates neighborhood aesthetics; and

WHEREAS, the City Commission deems it to be in the best interest and welfare of the residents of the City to restrict boat trailer parking in the public right-of-way.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS<sup>1</sup>:

**Section 1. Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

**Section 2. City Code Amended.** That Chapter 70 "Traffic and Parking Regulations" of the Code is amended by amending Section 70.02 "Parking of boats and boat trailers prohibited" to read as follows:

**§ 70.02 Parking of boats and boat trailers prohibited.**

One boat of over 16 feet in length may be kept, stored, or parked on private property in the front or side yard provided that:

- (1) Such boats shall at all times be kept on and secured to a transporting trailer. Such trailers shall be in good working order;

<sup>1</sup> Proposed additions to existing City Code text are indicated by an underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

11E(4)

- (2) All boats shall have a decal and the boat trailer must have a current license tag and registration.
- (3) Boats and boat trailers and the place where they are kept shall be maintained in a clean, neat, and presentable condition;
- (4) Such boat shall not be used for sleeping or living quarters while kept on such premises.
- (5) No boats, boat or personal watercraft trailers of any length, or any combination thereof, shall be parked in the public right-of-way;
- (6) No boats shall be kept, stored, or parked within two feet of the public right-of-way;
- (7) No repairs of boats except those of a minor nature shall be made or performed on the premises, the making of which will not tend to disturb the neighbors, especially with noise from the boat's motor;
- (8) No empty boat/water vessel trailers shall be stored in the front or side yard of the property for more than seven days;
- (9) Displaying a "for sale" sign on such boats is prohibited;
- (10) Boats and boat trailers shall not be parked parallel to the property.

**Section 5. Repeal of Conflicting Provisions.** All provisions of the Code of the City of North Bay Village that are in conflict with this Ordinance are hereby repealed.

**Section 6. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, since the legislative intent is that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 7. Inclusion in the Code.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of North Bay Village, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 8. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The motion to approve the foregoing Ordinance on first reading was made by \_\_\_\_\_, seconded by \_\_\_\_\_.

**THE VOTES WERE AS FOLLOW:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**APPROVED ON FIRST READING** during a regular session of the City Commission of North Bay Village this \_\_\_\_ day of \_\_\_\_\_ 2011.

The motion to adopt the foregoing Ordinance on final reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**PASSED AND ENACTED BY THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Corina S. Esquijarosa, Mayor

**ATTEST:**

\_\_\_\_\_  
Yvonne Hamilton, City Clerk

**APPROVED AS TO FORM FOR THE USE OF THE CITY OF NORTH BAY VILLAGE ONLY:**

\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Resolution: Boat Trailer Parking

11E(6)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE COMMISSION MEETING AND AGENDA PROCEDURES TO PROVIDE FOR A SERGEANT-AT-ARMS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CORINA S. ESQUIJAROSA)**

**WHEREAS**, Section 3.09 A., “Meeting Procedures”, of the Charter of the City of North Bay Village, Florida (“City”) provides that the City Commission may establish its own rules of procedure and order of business; and

**WHEREAS**, Section 30.05, “Agenda Meeting procedures”, of the City’s Code of Ordinances provides that the “City Commission shall establish meeting and agenda procedures by Resolution”; and

**WHEREAS**, the City Commission adopted Resolution No. 2011-17 providing for such City Commission Meeting and Agenda Procedures; and

**WHEREAS**, the City Commission desires to amend the City Commission Meeting and Agenda Procedures to provide for a Sergeant-At-Arms; and

**WHEREAS**, the City Commission finds the adoption of these procedures is in the best interest of the City of North Bay Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:**

**Section 1.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

**Section 2.** The City Commission Meeting and Agenda Procedures are amended as follows:

**6. Presiding officer.**

A. *Who may preside.* The Mayor, or in the Mayor’s absence, the Vice-Mayor act as the presiding officer and shall take the chair at the hour appointed for the meeting and call the City Commission to order. In the absence of the Mayor and Vice-Mayor, the City Manager or Acting City Manager shall call the Commission to order, whereupon an acting chairman shall be elected by the members of the Commission present. Upon the arrival of the Mayor or Vice-Mayor, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Commission. Where appropriate, references to the Mayor will be considered references to the Presiding Officer

11 F(1)

- B. *Decorum; Questions of order.* The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Commission. He or she shall state every question coming before the Commission, announce the decision of the Commission on all subjects and decide all questions of order, subject however to an appeal to the Commission, in which event a majority vote of the Commission shall govern and conclusively determine such question of order. Should a member of the audience become unruly, or behave in any manner that disrupts the orderly and efficient conduct of the meeting, the Presiding Officer is given the right and the authority to require such person to leave the Commission Chambers to be accompanied, if necessary, by the Sergeant-At-Arms.
- C. Sergeant-At-Arms: A City of North Bay Village police officer shall serve as the Sergeant-At-Arms and carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at City Commission meetings.

**Section 3.** Effective Date. This Resolution shall take effect immediately upon its adoption.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION:**

Mayor Corina S. Esquijarosa	_____
Vice Mayor Connie Leon-Kreps	_____
Commissioner Eddie Lim	_____
Commissioner Frank Rodriguez	_____
Commissioner Paul Vogel	_____

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Corina S. Esquijarosa, Mayor

11F(2)

**ATTEST:**

---

Yvonne P. Hamilton  
City Clerk

**APPROVED AS TO FORM FOR USE ONLY BY  
THE CITY OF NORTH BAY VILLAGE:**

---

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Resolution: Sergeant At Arms.

11F(3.)



## City of North Bay Village

### Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM City of North Bay Village

**DATE:** July 19, 2011

**TO:** Robert Daniels  
Interim City Manager

**FROM:** Corina S. Esquijarosa  
Mayor

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE COMMISSION MEETING AND AGENDA PROCEDURES TO PROVIDE FOR A SERGEANT-AT-ARMS; AND PROVIDING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

CSE:yph

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

11F(4)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE COMMISSION MEETING AND AGENDA PROCEDURES TO CHANGE THE TIME OF REGULAR MEETINGS AND TO PROVIDE FOR TWO GOOD AND WELFARE SESSIONS DURING REGULAR MEETINGS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CORINA S. ESQUIJAROSA)**

**WHEREAS**, Section 3.09 A., "Meeting Procedures", of the Charter of the City of North Bay Village, Florida ("City") provides that the City Commission may establish its own rules of procedure and order of business; and

**WHEREAS**, Section 30.05, "Agenda Meeting procedures", of the City's Code of Ordinances provides that the "City Commission shall establish meeting and agenda procedures by Resolution"; and

**WHEREAS**, the City Commission adopted Resolution No. 2011-17 providing for such City Commission Meeting and Agenda Procedures; and

**WHEREAS**, Resolution No. 2011-17 provided temporary procedures to commence City Commission Meetings at 7:00 p.m. and to have two Good and Welfare Sessions, which procedures have been used for two months; and

**WHEREAS**, the trial procedures have proven to be satisfactory and have accomplished the Commission's goals such that the City Commission desires to make them permanent; and

**WHEREAS**, the City Commission finds that the adoption of these procedures is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

**Section 2.** The City Commission Meeting and Agenda Procedures are amended as follows<sup>1</sup>:

**North Bay Village City Commission Meeting and Agenda Procedures**

**1. Regular meetings; notice.**

<sup>1</sup> Additions to the City Commission Meeting and Agenda Procedures are shown in underline. Deletions to the City Commission Meeting and Agenda Procedures are shown in ~~strikethrough~~.

11G(1)

A. *Meetings.* The City Commission shall hold one regular meeting per month on the second Tuesday at 7:00~~30~~ pm, unless the Commission, by majority vote, elects not to have a regular meeting in the month of July or the month of August for the purposes of allowing summer vacations. The City Commission may hold a second regular meeting each month, called by the City Manager or Acting City Manager whenever in his or her opinion the public business may require it or at the express written request of the Mayor or any two members of the Commission, as necessary for the orderly conduct of City business. Quasi judicial matters, as defined in Chapter 29, Section 29.02(a) of the Code of Ordinances,<sup>2</sup> may be heard at any regular or special meeting of the Commission.

\* \* \*

**14. Good and welfare presentations to commission.**

~~Unless extended by the Commission,~~ The first Good and Welfare session shall begin one (1) hour after the meeting is scheduled to begin, or as soon as the item being discussed at that time is finished. Unless extended by the Commission, the first Good and Welfare session shall be limited to a combined total of 30 minutes. The second Good and Welfare session shall be limited to persons not having spoken at the first Good and Welfare session and shall not be limited in total duration. Any person desiring to address the City Commission shall first secure the permission of the presiding officer to do so.

**Section 3.** Effective Date. This Resolution shall take effect immediately upon its adoption.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

<sup>2</sup> **Section 29.02(a): Quasi-judicial.** Refers to an action or proceeding by the City Commission for a site-specific rezoning, variance, conditional use permit, design review approval, or other request (other than a comprehensive plan amendment) which has impact on a limited number of persons or property owners, on identifiable parties interests, where the decision is contingent on a fact or facts arrived from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, or as may otherwise be defined by case law.

11G(2)

---

Corina S. Esquijarosa, Mayor

**ATTEST:**

---

Yvonne P. Hamilton  
City Clerk

**APPROVED AS TO FORM FOR USE ONLY BY  
THE CITY OF NORTH BAY VILLAGE:**

---

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Resolution: Time of Holding City Commission Meetings/Good and Welfare



**City of North Bay Village**

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**MEMORANDUM**  
City of North Bay Village

**DATE:** July 19, 2011

**TO:** Robert Daniels  
Interim City Manager

**FROM:** Corina S. Esquijarosa  
Mayor

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AMENDING THE COMMISSION MEETING AND AGENDA PROCEDURES TO CHANGE THE TIME OF REGULAR MEETINGS AND TO PROVIDE FOR TWO GOOD AND WELFARE SESSIONS DURING REGULAR MEETINGS; AND PROVIDING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

CSE:yph

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

116(4)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE URBAN QUALIFICATION COOPERATION AGREEMENT WITH MIAMI-DADE COUNTY ALLOWING FOR THE OPTION TO PARTICIPATE IN VARIOUS FEDERAL GRANT PROGRAMS; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM CITY MANAGER, CHIEF BOB DANIELS)**

**WHEREAS**, Miami-Dade County provides coordination for the implementation of several Federal grant programs for small cities who choose to participate with them, who would not independently be eligible for such grants; and

**WHEREAS**, The City of North Bay Village (the "City") is not independently eligible for such grant programs and would be required to develop and administer independent programs in order to participate in similar programs with the State; and

**WHEREAS**, the Miami-Dade Urban Qualification Cooperation Agreement provides opportunities to apply and participate in the following grant programs through the County:

- A. The Community Development Block Grant ("CDBG") Program, authorized by the Housing and Community Development Act of 1974, as amended, with the primary objective of promoting and development of viable urban communities; and
- B. The Home Investment Partnerships program ("HOME"), authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended; and
- C. The Emergency Shelter Grant ("ESG") program, authorized by the McKinney-Vento Homeless Assistance Act, as amended; and

11H(1)

WHEREAS, the City desires to have the opportunity to participate in the CDBG, HOME and ESG programs as a participating municipality in the County's jurisdiction; and

WHEREAS, the County is desirous of the City participating in the CDBG, HOME and ESG programs as part of the County's Entitlement jurisdiction; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has indicated that the County and City may cooperate as an Urban County Joint Entitlement Recipient in administration of CDBG, HOME and ESG; and

WHEREAS, City and County are required to execute a cooperation agreement, for the City's participation in the County's jurisdiction for Federal Funds for a three-year qualification period; and

WHEREAS, the City Commission finds that approval of the Urban Qualification Cooperation Agreement between the City and Miami-Dade County is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Approval of the Agreement.** The Urban Qualification Cooperation Agreement between Miami-Dade County and the City of North Bay Village (the "Agreement") for participation as an Urban County Joint Entitlement Recipient in the administration of CDBG, HOME and ESG grant funding, a copy of which is attached as Exhibit "1," together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is approved.

**Section 3. Authorization of City Officials.** The City Manager and/or his designee and the City Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement and any amendments thereto and to submit grant applications or any other documents required by the County, State and/or the Federal government. For purposes of this Resolution, references to the City Manager shall include the Interim City Manager.

**Section 4. Execution of the Agreement.** The Mayor is authorized to execute the Agreement on behalf of the City. The City Manager is authorized to execute required agreements, any amendments thereto, and/or documents to implement the terms and conditions of the Agreement, subject to the approval as to form and legality by the City Attorney.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION:**

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Corina S. Esquijarosa, Mayor

11-4(3)

**ATTEST:**

---

Yvonne P. Hamilton, CMC  
City Clerk

**APPROVED AS TO FORM FOR THE USE OF  
THE CITY OF NORTH BAY VILLAGE:**

---

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
City Attorney

City of North Bay Village Resolution: Urban Qualification Cooperation Agreement with Miami-Dade County/participation in the various federal grant programs.



## City of North Bay Village

### Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141  
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM City of North Bay Village

**DATE:** July 20, 2011

**TO:** Yvonne P. Hamilton, CMC  
City Clerk

**FROM:** Robert Daniels  
Interim City Manager 

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE URBAN QUALIFICATION COOPERATION AGREEMENT WITH MIAMI-DADE COUNTY ALLOWING FOR THE OPTION TO PARTICIPATE IN VARIOUS FEDERAL GRANT PROGRAMS; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM CITY MANAGER ROBERT DANIELS)**

Accordingly, please place the item on the next available agenda.

RD:yph

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

114(5)



miamidade.gov

**Housing and Community Development**

701 N.W. 1st Court, 14th Floor

Miami, Florida 33136

T 786-469-2100 F 786-469-2236

July 11, 2011

The Honorable Corina S. Esquijarosa, Mayor  
City of North Bay Village  
1700 Kennedy Causeway, Suite 132  
North Bay Village, FL 33141

**Re: Urban County Qualification Cooperation Agreement for participation in the  
Community Development Block Grant (CDBG) Program for Fiscal Year 2012 - 2014**

Dear Mayor Esquijarosa:

This is a follow-up to the Miami-Dade County Department of Housing and Community Development (DHCD) recent correspondence pertaining to The Housing and Community Development Act of 1974 requiring that every three years, all counties participating in the U.S. Department of Housing and Urban Development (US HUD), Community Development Block Grant (CDBG), Home Investment Partnerships (HOME) and Emergency Solutions Grant (ESG) programs must undergo US HUD's Urban County Qualification process, which includes inviting local jurisdictions to participate.

We have received your confirmation to opt-into Miami-Dade County's Urban Qualification process and to participate in its federal CDBG, HOME and ESG Programs.

Your jurisdiction's election to participate requires the execution of a Cooperation Agreement with the County, approval of the Cooperation Agreement by your governing body, execution of the Cooperation Agreement by the chief executive officer, and other documents and certifications required by US HUD. For your reference, a copy of the US HUD Urban County Qualification CPD-11-02 Notice (4/28/2011 through 4/28/2012) is attached. Please execute the agreement and return the document to DHCD by Friday, July 8, 2011.

As a reminder, in reviewing the Qualification Notice, please note that if the City of North Bay Village elects to be included in Miami-Dade County's configuration, your municipality will not be eligible to apply for grants under the State Small Cities or the federal CDBG or HOME programs. As part of the urban county configuration, the City of North Bay Village may receive an allocation from Miami-Dade County through the County's annual competitive Request For Application (RFA) process.

Please address your notifications to the following:

Ms. Maria R. Ortiz, Director  
Community Planning and Development Division  
U.S. Department of Housing and Urban Development  
Region IV, Miami Field Office  
Brickell Plaza Federal Building  
909 SE 1<sup>st</sup> Avenue, Room 500  
Miami, Florida 33131-3042

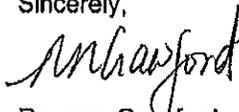
*Delivering Excellence Every Day*

114 (6)

Mrs. Rowena Crawford  
Assistant Director  
Miami-Dade County  
Department of Housing and Community Development  
701 N.W. 1<sup>st</sup> Court, 14<sup>th</sup> Floor  
Miami, FL 33136

If you need further information regarding this request or on the Urban County Qualification Process, please contact Rickert Glasgow, Manager, Community Planning and Outreach Division, at (786) 469-2130 or my office at (786) 469-2100.

Sincerely,



Rowena Crawford  
Assistant Director

Enclosures: Cooperation Agreement  
CPD Notice – 11-02

cc: Howard Piper, Special Assistant to the County Manager  
Rickert Glasgow, Manager, Community Planning and Outreach Division, DHCD

11 H(7)

Resolution Number # \_\_\_\_\_  
Awarded Amount \$ \_\_\_\_\_

**URBAN QUALIFICATION COOPERATION AGREEMENT FOR THE MIAMI-DADE COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS  
PROGRAM FUNDS FOR FISCAL YEARS 2012 , 2013 AND 2014**

**BETWEEN  
MIAMI-DADE COUNTY  
AND  
CITY OF NORTH BAY VILLAGE**

This Agreement (hereinafter referred to as "Agreement" or "Contract"), by and between Miami-Dade County, a political subdivision of the State of Florida through its Department of Housing and Community Development hereinafter referred to as "DHCD" and having its principal offices at 701 N.W. 1 Court, 14<sup>th</sup> Floor, Miami, Florida 33136, hereinafter referred to as "County", and City of North Bay Village, hereinafter referred to as "City" and having offices at 1700 Kennedy Causeway, Suite 132, North Bay Village, FL, 33141, collectively referred to as the "Parties", states, conditions and covenants for the participation of City in the Community Development Block Grant, Home Investment Partnerships and Emergency Solutions Grant programs, which are administered by the Department of Housing and Urban Development ("HUD"), as part of the County's jurisdiction.

WHEREAS, the Home Rule Charter authorizes Miami-Dade County to provide for the uniform health and welfare of the residents throughout the County and further provides that all functions not otherwise specifically assigned to others under the charter shall be performed under the supervision of the Miami-Dade County Mayor; and

WHEREAS, the Community Development Block Grant ("CDBG") Program is authorized by the Housing and Community Development Act of 1974, as amended, with the primary objective of promoting and development of viable urban communities. Program regulations are at 24 CFR Part 570; and

WHEREAS, the Home Investment Partnerships program ("HOME") is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. Program regulations are at 24 CFR Part 92; and

WHEREAS, the Emergency Solutions Grant ("ESG") program is authorized by the McKinney-Vento Homeless Assistance Act, as amended. Program regulations are at 24 CFR Part 576.

WHEREAS, the CDBG, HOME and ESG programs shall collectively be referred to as the "Federal Funds"; and

WHEREAS, the City desires to participate in the CDBG, HOME and ESG programs as a participating municipality in the County's jurisdiction; and

WHEREAS, the County is desirous of the City participating in the CDBG, HOME and ESG programs as part of the County's Entitlement jurisdiction; and

WHEREAS, it is mutually beneficial to each of the Parties hereto for the County to administer and execute the provisions of this Agreement in accordance with the terms and conditions hereinafter provided and subject to local ordinances and state and federal law; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has indicated that the County and City may cooperate as an Urban County Joint Entitlement Recipient in administration of CDBG, HOME and ESG; and

WHEREAS, County and City are required to execute a cooperation agreement, or renew an existing cooperation agreement, for the City's participation in the County's jurisdiction for Federal Funds for each three-year qualification period ("Qualification Period"); and

WHEREAS, the governing bodies of the County and the City have authorized the execution of this Agreement by the Chief Executive Officer of the County and City, respectively; and

WHEREAS, this Agreement shall be accompanied by a legal opinion from the County's counsel that the terms and provisions of this Agreement are fully authorized under State and local law and that the Agreement provides full legal authority for the County; and

WHEREAS, the County intends to further include within the Urban County the City of North Bay Village

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The City, by executing this Agreement, agrees that:
  - a. City may receive an allocation under the CDBG and HOME Programs through the County's Request for Application Process. The County does not receive a HOME formula allocation, City cannot form a HOME consortium with other local governments. (Note: this does not preclude the County or the City from applying for State HOME funds.); and
  - b. City may not apply for grants from appropriations under the State CDBG Program for the fiscal years City participates in the County's CDBG program; and
  - c. City may receive an allocation under the ESG program only through the County, However, City may apply to the State for ESG funds, if the State allows.
2. This Agreement shall cover the County Qualification Period for Fiscal Years 2012, 2013, and 2014 for which the County is to qualify to receive Federal Funds. This Agreement shall remain in effect until the Federal Funds and program income received (with respect to the three-year qualification period and any successive qualification periods pursuant to automatic renewal of this Agreement) are expended and the funded activities completed, and the County and the City cannot terminate or withdraw from this Agreement while the Agreement remains in effect.
3. This Agreement may be automatically renewed for successive three-year Qualification periods at the discretion of the County unless the County or the City provides written notice that it elects not to extend City's participation for the new Qualification Period. The City and County agree that a copy of such notice shall be timely sent to the HUD Field Office.
4. By the date specified in the HUD's Urban County Qualification Notice for each Qualification Period, the County will notify the City in writing of its right not to participate. A copy of the County's notification to City shall be sent to the HUD Field Office by the date specified in the Urban County Qualification schedule located in any applicable Urban County Qualification Notice for a Qualification Period.
5. The Parties agree that they will timely execute any amendments to the Agreement necessary to comply with the requirements for cooperation agreements set forth in the Urban County Qualification Notice, attached as referenced (Exhibit A), for any Qualification Period governed by this Agreement. The Parties further agree that any amendment so executed will be timely submitted to HUD as required by the Urban County Qualification CPD Notice 11-02 (04/28/2011 - 04/28/2012). (See Attachment A, Section IV.E; Documents To Be Submitted To HUD). Failure to comply with the requirements of this section will void the automatic renewal for the applicable qualification period.

11H(9)

6. The County and City agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities.
7. The County and City shall take all actions necessary to assure compliance with the County's certification required by Section 104(b) of Title I of the Housing and Urban Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws.
8. Under no circumstances shall the Federal Funds be used for activities in, or in support of, any participating municipality, including City, that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with the County's fair housing certification.
9. The City acknowledges that the County has final responsibility and authority for selecting activities to fund with the Federal Funds and submitting the Consolidated Plan to HUD. The City agrees that during the term of this Agreement, the City will fully support the implementation of the County's Consolidated Plan and any amendments.
10. The City affirms that it has adopted and is enforcing:
  - a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
  - b. A policy of enforcing applicable State and local Laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within the City.
11. Pursuant to 24 CFR 570.503, the City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503.
12. The County shall take the final responsibility and assume all the obligation of application for assistance under the provisions of the Housing and Community Development Act of 1974 and subsequent amendments, including the analysis of needs, the setting of objectives, the development of a HUD and Consolidated Plan, the HUD Consolidated Plan and Action Plans, and any other documents, assurances, or certificates as required by HUD, subject to change in legislation or regulations.
13. Funds for housing and community development activities shall be expended in a manner to reflect the needs of low to moderate-income groups pursuant to the Housing and Community Development Act 1974, as amended.
14. All records of the County or City related to this Agreement and any projects undertaken pursuant thereto shall, upon reasonable notice, be available for inspection by HUD, County and/or City auditors during the normal business hours.
15. This agreement shall be binding upon the Parties hereto and their successors and assigns.
16. The City and the County acknowledge that it may be necessary to dispose of real property that was originally acquired or improved in whole or in part using Federal Funds. The City agrees that it shall notify the County within thirty (30) days regarding any proposed modification or change in the use of real property from that planned at the time of acquisition or improvement, including disposition. The City acknowledges that federal regulations may require a public hearing or other process prior to modifying, changing the use or disposing of such real property.

17. **Indemnification.** The County shall not assume any liability for the acts, omissions to act or negligence of the City, its agent, servants, or employees; nor shall the City exclude liability for its own acts, omissions to act, or negligence arising out of the City's performance pursuant to this Agreement. The City shall indemnify and hold harmless the County and its officers, employees and agents or instrumentalities from any and all liabilities, losses or damages, agents or of any kind nature arising out of, relating or resulting from performance of this Agreement by the Awardee shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind of nature in the name of the County, where applicable, including appellate proceedings, and shall pay all cost, judgments, and attorney's fees which may issue thereon. The City expressly understands and agrees that any insurance protection required by this agreement or otherwise provided by the Awardee shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided. Nothing herein is indented to serve as a waiver of sovereign immunity by the County nor shall anything herein be construed as consent by the County to be sued by third parties in any matter arising out of this Agreement. The provisions of this section survive the termination or expiration of this Agreement.

IN WITNESS THEREOF, the parties hereto have caused this five (5) page contract to be executed by their undersigned officials as duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

**AWARDEE:**  
City of North Bay Village

**MIAMI-DADE COUNTY**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

NAME: Alina Tejeda Hudak

TITLE: Mayor

TITLE: County Manager

DATE: \_\_\_\_\_

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_

**ATTEST**

NAME: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: County Attorney

DATE \_\_\_\_\_

TITLE: Clerk, Board of County Commissioners

Passed, Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2011

**ATTEST**

BY: \_\_\_\_\_  
(Signature)

**CITY OF NORTH BAY VILLAGE:**

\_\_\_\_\_  
Type or Print Name  
City Clerk

\_\_\_\_\_  
Mayor

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_  
City Attorney

AGREEMENT IS NOT VALID UNTIL SIGNED AND DATED BY ALL PARTIES

11.H(12)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, ESTABLISHING AN ADVISORY CHARTER REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR CONNIE LEON-KREPS)**

**WHEREAS**, Article 10, Section 10.13, of the Charter of the City of North Bay Village provides for review of the City Charter once every six years; and

**WHEREAS**, the Charter was last amended by the Charter Review Advisory Committee in 2006 and approved by the voters in the same year, becoming effective on December 11, 2006; and

**WHEREAS**, the City Commission wishes to activate and appoint the Advisory Charter Review Board in preparation for the regularly scheduled 2012 municipal election pursuant to Section 10.13 of the City Charter.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA:**

**Section 1.** Recitals. The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Resolution.

**Section 2.** Establishment of Advisory Charter Review Board. An Advisory Charter Review Board shall be established and appointed to review the Charter and make recommendations to the City Commission.

**Section 3.** Qualifications. To the extent possible, the Board shall be comprised of residents with current or past professional planning, zoning, legal, finance and business experience from within the City, who shall specifically meet the following qualifications:

1. Have been a resident of the City of North Bay Village for a minimum of five (5) years; and

111 (1)

2. Be actively engaged in:
  - a. activities within the City; or
  - b. employment, or past employment, in one of the identified fields of expertise.

**Section 4.** Appointment and Composition of Board. The Board shall consist of five (5) voting members and two (2) non-voting members. The Mayor and Commissioners shall each nominate one voting member, who shall be from the district the Commissioner represents. Two (2) additional non-voting members shall be appointed from outside governmental or governmental support organizations selected from a list of candidates and volunteers provided by the City Manager. All appointments shall be subject to a majority vote by the Commission. Nominees shall be a minimum of 18 years of age. Should a vacancy occur on the Board, the original nominating Commissioner shall nominate a replacement, subject to majority vote of the Commission, or if the Vacancy is for one (1) of the governmental members, the Commission shall, by majority vote, select an additional member from the list provided by the City Manager.

**Section 5.** Duties. The Advisory Charter Review Board shall:

1. Appoint its own chair and vice-chair;
2. Appoint a secretary, who shall keep an accurate record of the Board's meetings;
3. Review the City Charter to evaluate the Charter and identify proposed revisions;
4. Make periodic reports to the City Commission of the progress of their review; and
5. Submit a report of final recommendations no later than May 2012.

**Section 6.** Meetings. The Board shall meet monthly and at the call of the Chairperson and all meetings shall be open to the public. The Secretary shall keep minutes of the Board meetings. The approved minutes shall be filed with the City Clerk.

**Section 7.** Attendance. In the event a Board member fails to attend three (3) regularly scheduled meetings, the Board member shall automatically be removed from the Board. The vacancy shall be filled pursuant to Section 3 of this Resolution.

**Section 8.** Staffing. The City Manager and the City Clerk shall serve as staff to the Board.

**Section 9.** Board Termination. The Board shall be dissolved upon providing its final recommendations to the City Commission, who may approve, reject or modify the recommendations.

**Section 10.** Effective Date. That this Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_. The votes were as follows:

Mayor Corina S. Esquijarosa \_\_\_\_\_  
Vice Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_  
Commissioner Frank Rodriguez \_\_\_\_\_  
Commissioner Paul Vogel \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_ day of June, 2011.

\_\_\_\_\_  
CORINA S. ESQUIJAROSA  
MAYOR

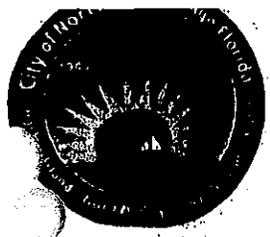
**ATTEST:**

\_\_\_\_\_  
YVONNE P. HAMILTON, CMC  
CITY CLERK

APPROVED AS TO FORM FOR USE BY  
THE CITY OF NORTH BAY VILLAGE ONLY:

\_\_\_\_\_  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
City Attorney

111(3)



**City of North Bay Village**

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**MEMORANDUM**  
**City of North Bay Village**

**DATE:** April 29, 2011

**TO:** Robert Pushkin  
City Manager

**FROM:**   
Vice Mayor Connie Leon-Kreps

**SUBJECT:** Introduction of Resolution

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Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF NORTH BAY VILLAGE, FLORIDA,  
ESTABLISHING AN ADVISORY CHARTER REVIEW  
BOARD; PROVIDING FOR AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

CLK:yph

Mayor  
Corina S. Esquijarosa

Vice Mayor  
Connie Leon-Kreps

Commissioner  
Frank Rodriguez

Commissioner  
Eddie Lim

Commissioner  
Dr. Paul Vogel

11I(4)

# Memo

To: Honorable Mayor and Commissioners, City of North Bay Village

From: Kathy Mehaffey, City Attorney

CC: Robert Daniels, Interim City Manager  
Nina Boniske, City Attorney  
Michael Popok, City Attorney

Date: July 26, 2011

Re: West Drive Rezoning Applications/Updated Memorandum

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The City Commission directed staff to review and provide a report pertaining to the City Commission's voting history for the real property known as Bayshore Yacht and Tennis Club ("the Yacht Club.") We presented our report at the City Commission's June meeting and subsequently met with the owner of the Indigo and his legal counsel. Based upon the information provided during our follow up meeting with Indigo property owner, additional information is provided below for your consideration. In preparing the report, we have relied on documentation application history provided by City staff and recordings of the meetings.

**Recommendation: Provide staff direction for proceeding on any or all of the relevant parcels.**

## **Background Facts:**

The Yacht Club parcel located at 7904 West Drive is designated under the Future Land Use Map (the "FLUM") of the City's Comprehensive Plan as one-half Commercial and one-half Residential. The zoning for the property is split, one part is zoned CG (General Commercial) and the other part is zoned RM-70 (High Density Multiple-Family Residential). The current configuration of the Yacht Club structure itself is composed of retail establishments on the first floor, individually owned residential condominium units on floors 2 through 10 and three (3) penthouse units, located on the 11<sup>th</sup> floor. There are a total of 174 residential and commercial units. The building straddles two (2) lots. The southeastern lot is zoned CG and the northwestern lot is zoned RM-70, splitting the zoning of the building down the middle vertically.

The City initiated a rezoning of the northwestern parcel of the Yacht Club from RM-70 to CG during the summer of 2010, at the direction of Commissioner Kane, who later added two (2) additional parcels to the application; an apartment building located on 7910 West Drive, (the "Gator") and a vacant parcel (the "Indigo") located north of the Gator, (collectively the "Parcels").

13A(1)

On August 20, 2010 the City Clerk provided notice of the proposed rezoning of the Parcels as required by law for a meeting of the Planning and Zoning Board on September 21, 2010 and two (2) public hearings before the City Commission on September 28, 2010 and October 12, 2010.

The Planning and Zoning Board met on September 21, 2010 and reviewed the application as noticed. However, staff's recommendation was to deny the request because the proposed zoning was inconsistent with the FLUM designation. Under Florida law, the zoning on a property must be consistent with the FLUM designation. The Planning and Zoning Board voted two-two and provided no recommendation.

On September 28, 2010 the City Commission conducted legally noticed first readings of two separate ordinances rezoning the Parcels and was informed of the FLUM incompatibility. The Commission approved the ordinance pertaining to the Yacht Club rezoning contingent upon the processing of a Comprehensive Plan Amendment to change the incompatible FLUM from Residential to Commercial. The Commission deferred the ordinance rezoning for the Gator and Indigo properties until such time as the Comprehensive Plan Amendment was processed.

At the direction of the Commission, the public hearing for the rezoning of the Yacht Club only was next heard at a Special Call Commission Meeting on November 1, 2010. Statutory notice requirements, as well as the City Code require ten (10) day published notice and 30 days mailed notice to affected property owners (F.S. 166.041(2)(C)1, North Bay Village Code Section 152.096(a)(2)). The published notice was properly advertised in the Miami Herald. However, the mailed individual notice did not meet the 30 day requirement. The action taken by the City Commission at this November 1, 2011 meeting, adopting the ordinance approving the rezoning, would be considered void as the proper statutory notice was not provided prior to the vote.

**Procedural Options:** The parcels may be considered individually or as a group as discussed below. Consideration of the parcels as one group will consolidate notice and advertising expenses. Each of the options will require additional hearings before the City's Planning and Zoning Board and City Commission.

#### **Yacht Club Parcel.**

The second public hearing for the rezoning ordinance should be properly noticed and presented to the City Commission for consideration. Because the FLUM designation of the Yacht Club Parcel is inconsistent with the proposed rezoning, the proper procedure would be to either 1) direct staff to prepare an application for a Comprehensive Plan Amendment for the property and hold the required hearings for the Plan Amendment simultaneously with the second public hearing for the rezoning Ordinance, or 2) hold the second public hearing for the rezoning ordinance, but condition any approval (if the City Commission chose to approve the application) of the rezoning Ordinance upon the subsequent approval of a Comprehensive Plan Amendment to achieve consistency between the Comprehensive Plan and the zoning of the parcel.

#### **Gator and Indigo Parcels.**

The Gator and Indigo parcels were included in the initial rezoning without application from, or consultation with the property owners. However, during the process both property owners

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consented to the rezoning and legal counsel for the Indigo and Gator property owners actively supported approval of the rezoning, with the appropriate FLUM amendment. Subsequent meetings with the owner of the Indigo and his legal counsel, confirmed their desire that the rezoning and FLUM amendments proceed. At this time, the City Commission may direct staff to 1) take no further action at this time on these parcels, 2) proceed with the processing of a Comprehensive Plan Amendment and rezoning or 3) wait for the individual property owners to apply at a future date for any changes to their parcels.

**Joinder of All Three Parcels into One Application/Ordinance.**

If the City Commission desires to move forward with a City initiated FLUM amendment and rezoning on all three (3) contiguous parcels (Yacht Club, Indigo and Gator), the properties could be consolidated into a single FLUM and rezoning application. The consolidated application would be prepared as one (1) ordinance for the FLUM amendment and another ordinance for the rezoning of the three (3) parcels. The parcels would be noticed together and the public hearings combined to include all three parcels.

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