



CITY OF NORTH MIAMI BEACH
City Commission Meeting
City Hall, Commission Chambers, 2nd Floor
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Thursday, September 13, 2018
6:00pm

Mayor Beth E. Spiegel
Vice Mayor Barbara Kramer
Commissioner Anthony F. DeFillipo
Commissioner Ingrid C. Forbes
Commissioner Evan S. Piper
Commissioner Phyllis S. Smith
Commissioner Fortuna Smukler

Interim City Manager Esmond K. Scott
Interim City Attorney Sarah Johnston
City Clerk Pamela L. Latimore, MMC

City Commission Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:00pm. Present at the meeting were Mayor Beth E. Spiegel, Vice Mayor Barbara Kramer (arrived after roll call), Commissioner Anthony F. DeFillipo, Commissioner Ingrid C. Forbes, Commissioner Evan S. Piper, Commissioner Phyllis S. Smith, and Commissioner Fortuna Smukler. Interim City Manager Esmond Scott, Interim City Attorney Sarah Johnston, and City Clerk Pamela L. Latimore were also present.

Mayor Spiegel led a moment of silence to honor the heroes and victims of September 11, 2001 and the heroes and victims of childhood cancer.

PLEDGE OF ALLEGIANCE was led by the Mayor and Commission.

REQUESTS FOR WITHDRAWALS, DEFERMENTS, AND ADDITIONS TO THE AGENDA

City Clerk Latimore announced that the item regarding the Sickie Cell Walk will be moved from the City Manager's Report to Presentations/Discussions and Interim City Manager Esmond Scott stated that Ordinance 2018-9 and Resolution 2018-89 will be moved to the end of Legislation.

PRESENTATIONS/DISCUSSIONS

Executive Director of the Sickie Cell Miami Foundation Harold Ford provided a presentation regarding sickie cell disease and discussed the upcoming Sickie Cell Awareness Month event on September 29, 2018 at Challenger Park and Snake Creek Canal with registration starting at 7:00am and the walk beginning at 8:00am.

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

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

1. Mark Sussman

Director of NMB Water Jeffrey Thompson and the Mayor and Commission discussed implementing future upgrades and improving the notification process to alert and contact customers regarding water usage issues.

2. Volney Nerette - P.O. 611354, North Miami Beach, FL.
3. Marilyn Baumoehl - 18635 N.E. 20th Ct., North Miami Beach, FL.

The meeting was closed for **PUBLIC COMMENT**.

CONSENT AGENDA

Special Commission Meeting Minutes of August 14, 2018 (Pamela L. Latimore, City Clerk)

Regular Commission Meeting Minutes of August 21, 2018 (Pamela L. Latimore, City Clerk)

Resolution 2018-84 Purchase and Replacement of Four HVAC Condenser Coils at City Hall (Fernando Rodriguez, Director of Public Works)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH TRANE U.S. INC., FOR THE PURCHASE AND REPLACEMENT OF HVAC CONDENSER COILS AT CITY HALL IN AN ESTIMATED BUDGETED AMOUNT OF \$68,916.00.

Resolution 2018-85 Paving and Grading Services and Purchase and Installation of Sod at Hazel Fazzino Park (Fernando Rodriguez, Director of Public Works)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH MULLINGS ENGINEERING SERVICES, INC., FOR PAVING AND DRAINAGE SERVICES, AND THE PURCHASE AND INSTALLATION OF SOD IN AN ESTIMATED BUDGETED AMOUNT OF \$75,765.00.

Resolution 2018-88 Addendum to the Memorandum of Understanding for the Placement of School Based Law Enforcement Officers (William Hernandez, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN ADDENDUM TO THE PREVIOUSLY APPROVED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE SCHOOLS POLICE DEPARTMENT, REGARDING THE PLACEMENT OF SCHOOL BASED LAW ENFORCEMENT OFFICERS AT MIAMI-DADE COUNTY PUBLIC SCHOOLS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ALL ACTION NECESSARY TO EXECUTE THE ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING.

Motion to approve the Consent Agenda made by Commissioner Smith, seconded by Commissioner Smukler.
MOTION PASSED 6-0 with Vice Mayor Kramer absent.

LEGISLATION

Resolution 2018-86 Variance Application Approval for Grenadines Residence (Richard Lorber, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-44.1(B)(1) OF THE ZONING AND LAND DEVELOPMENT CODE, CHAPTER XXIV, ARTICLE V, ENTITLED "RS-5 RESIDENTIAL SINGLE FAMILY DISTRICT" TO PERMIT A SINGLE FAMILY RESIDENTIAL DWELLING OF NON-CBS CONSTRUCTION, WHERE ONLY SINGLE FAMILY RESIDENTIAL DWELLINGS OF CBS CONSTRUCTION ARE ALLOWED; AND GRANTING A VARIANCE FROM SECTION 24-44.1(D)(4) OF THE ZONING AND LAND DEVELOPMENT CODE, CHAPTER XXIV, ARTICLE V, ENTITLED "RS-5 RESIDENTIAL SINGLE FAMILY DISTRICT" TO PERMIT A BUILDING HEIGHT OF THREE STORIES ON A SINGLE LOT, WHERE THE MAXIMUM HEIGHT FOR STRUCTURES ON SINGLE LOTS IS ONE STORY OR FIFTEEN FEET; AND GRANTING A VARIANCE FROM SECTION 24-4.1(D)(5)(a) OF THE ZONING AND LAND DEVELOPMENT CODE, CHAPTER XXIV, ARTICLE V, ENTITLED "RS-5 RESIDENTIAL SINGLE FAMILY DISTRICT" TO PERMIT A GROSS FLOOR AREA OF 1,249 SQUARE FEET, WHERE A MAXIMUM FLOOR AREA OF FIVE HUNDRED SQUARE FEET IS PERMITTED ON ONE LOT; VARIANCES ARE SUBJECT TO STANDARDS IN SECTION 24-176(C) ENTITLED VARIANCE REVIEW STANDARDS; ON PROPERTY LOCATED AT 2324 NE 137th STREET, NORTH MIAMI BEACH, FLORIDA.

Motion to approve Resolution 2018-86 made by Commissioner DeFillipo, seconded by Commissioner Smith.

Assistant City Attorney Geovanni Denis explained that the subject matter of any ex-parte communications, together with the identity of the person, group, or entity making the communication, shall be disclosed and made a part of the record on file with the City prior to final action on the matter.

Commissioner DeFillipo stated that he had no communication with anybody regarding this item, attended a community gathering in Highland Village several years ago when this project was introduced, and confirmed that he will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Forbes stated that she had no communication with anybody regarding this item and confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Smukler stated that she attended the Planning and Zoning Board Meeting when this item was presented and had no recollection of speaking to anybody regarding the item. Commissioner Smukler confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Smith stated that she spoke to Interim City Manager Esmond Scott regarding this item, drove by the vacant property site, and spoke to Trish from Highland Village about the project and to a resident about the non-CBS construction. Commissioner Smith confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Piper stated that he was the Chairman of the Planning and Zoning Board when this item was presented and confirmed that he will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Mayor Spiegel stated that she attended the Planning and Zoning Board Meeting when this item was presented, reviewed the plans, and spoke to several residents including Rolland Veilleux and City staff about the project.

Mayor Spiegel confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

City Clerk Latimore asked anyone who will be speaking and providing testimony on this item to raise their right hand and be sworn in.

Director of Community Development Richard Lorber provided an explanation regarding three variances that the applicant is requesting in order to permit the development of a three story single-family home of non-CBS construction on a vacant lot. Mr. Lorber stated that the Planning and Zoning Board recommended approval of the three variances and the Community Development Department recommended approval subject to the conditions included in the resolution.

Carl Blencowe of 290 N. Biscayne River Dr. in Miami appeared before the Mayor and Commission and discussed the construction process and variance requests regarding the Grenadines Residence of Highland Village development project.

Mayor Spiegel asked and Mr. Lorber replied that notices were sent to the surrounding neighbors of the proposed property site.

Mayor Spiegel opened the meeting for **PUBLIC HEARING**.

There were no speakers.

The meeting was closed for **PUBLIC HEARING**.

Mr. Blencowe provided additional information regarding the proposed development and the Mayor and Commission discussed the item and expressed support for the project.

Mayor Spiegel thanked the members of the Planning and Zoning Board for their very thorough and in-depth review of this project and encouraged City staff and future Commissioners to rezone Highland Village.

Roll Call Vote

DeFillipo - **Yes**, Forbes - **Yes**, Piper - **Yes**, Smith - **Yes**, Smukler - **Yes**, Spiegel - **Yes**

MOTION PASSED 6-0 with Vice Mayor Kramer absent.

Resolution 2018-87 Site Plan and Variance Application Approval for Sanchez Apartments (Richard Lorber, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 3,725 SQUARE FOOT, TWO-STORY MULTIFAMILY RESIDENCE, ON APPROXIMATELY .176 ACRE LOT, CONSISTING OF 4 RESIDENTIAL UNITS; AND GRANTING THREE VARIANCES FROM ARTICLE V "RM-23, RESIDENTIAL MID-RISE MULTIFAMILY (HIGH DENSITY) DISTRICT, SECTION 24-48(D) OF THE ZONING AND LAND DEVELOPMENT CODE, TO PERMIT THE BUILDING TO HAVE A LOT AREA OF 7,650 SQUARE FEET, WHERE 15,000 SQUARE FEET IS REQUIRED; AND TO PERMIT MINIMUM LOT WIDTH OF FIFTY FEET, WHERE ONE HUNDRED FEET IS REQUIRED; AND TO PERMIT THE BUILDING TO HAVE A SIDE SETBACK OF TEN FEET FOR EAST AND WEST INTERIOR SIDES, WHERE A SIDE SETBACK OF TWENTY FEET IS REQUIRED; ON PROPERTY LOCATED AT 2131 NE 167th STREET, NORTH MIAMI BEACH, FLORIDA.

Motion to approve Resolution 2018-87 made by Commissioner DeFillipo, seconded by Commissioner Smukler.

Assistant City Attorney Geovanni Denis stated that this item requires a Jennings Disclosure.

Commissioner DeFillipo stated that he had no communication with anybody regarding this item and confirmed that he will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Forbes stated that she had no communication with anybody regarding this item and confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Smukler stated that she had no communication with anybody regarding this item, attended the Planning and Zoning Board Meeting when the item was presented, and confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Smith stated that she informed Interim City Manager Esmond Scott that she drove by the property site and confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Commissioner Piper stated that he was the Chairman of the Planning and Zoning Board when this item was presented and confirmed that he will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Mayor Spiegel stated that she attended the Planning and Zoning Board Meeting when this item was presented and confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

City Clerk Latimore asked anyone who will be speaking and providing testimony on this item to raise their right hand and be sworn in.

At this point in the meeting, Vice Mayor Kramer arrived and provided her Jennings Disclosure for this item.

Vice Mayor Kramer stated that she had no communication with anybody regarding this item and confirmed that she will be able to make a decision based only on the substantial competent evidence presented at this meeting.

Assistant Planner Ana Parada provided an explanation regarding the site plan and three variances that the applicant is requesting in order to construct a four unit, two story apartment building on a vacant lot. Ms. Parada presented location, aerial, and zoning maps and a landscape plan and stated that the Planning and Zoning Board recommended approval of the site plan and the three variances and the Community Development Department recommended approval subject to the conditions included in the resolution.

Mayor Spiegel recognized and thanked former North Miami Beach Councilman David Templer for attending the meeting.

Fred Endara appeared before the Mayor and Commission on behalf of the applicant and discussed the proposed development project.

Mayor Spiegel opened the meeting for **PUBLIC HEARING**.

There were no speakers.

The meeting was closed for **PUBLIC HEARING**.

The Mayor and Commission discussed the item and expressed support for the development project and Mayor Spiegel thanked the members of the Planning and Zoning Board for their very thorough review of this project.

Roll Call Vote

Forbes - Yes, Kramer - Yes, Piper - Yes, Smith - Yes, Smukler - Yes, DeFillipo - Yes, Spiegel - Yes
MOTION PASSED 7-0.

Resolution 2018-90 Fiscal Year 2017-2018 CRA Budget (Patrick Brett, CRA Administrator)

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTING THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FISCAL YEAR 2017-2018 BUDGET WITH A \$100,000.00 APPROPRIATION CHANGE AS REQUESTED BY THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS IN MIAMI-DADE COUNTY RESOLUTION R-335-18; RESCINDING RESOLUTION 2017-89; AUTHORIZING THE CITY MANAGER TO TRANSMIT THE CRA FISCAL YEAR 2017-2018 BUDGET TO MIAMI-DADE COUNTY; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTION NECESSARY TO COMPLETE THE APPROVAL PROCESS FOR THE CRA FISCAL YEAR 2017-2018 BUDGET WITH MIAMI-DADE COUNTY.

Motion to approve Resolution 2018-90 made by Commissioner DeFillipo, seconded by Commissioner Smukler.

Community Redevelopment Agency (CRA) Administrator Patrick Brett explained that the Fiscal Year 2017-2018 CRA budget requires an appropriation change regarding the line item for Land Acquisition Opportunities to reflect \$292,422.00 instead of \$192,422.00 as a result of removing \$100,000.00 for the development of a future passenger rail station.

Voice Vote: MOTION PASSED 7-0.

Ordinance 2018-11 Amendment to Chapter III Purchasing of the Code of Ordinances of the City of North Miami Beach (First Reading) (Donna Rockfeld, Chief Procurement Officer)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER III OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "PURCHASING" BY CHANGING ALL REFERENCES TO "CITY COUNCIL" TO "CITY COMMISSION"; AMENDING SECTION 3-1.4 "DEFINITIONS", SECTION 3-2.2 "SCOPE OF PURCHASING AUTHORITY", SECTION 3-3.3 "SALES OF PROPERTY", SECTION 3-3.4 "NOTICE INVITING BIDS", SECTION 3-3.6 "SEALED BIDS", 3-4.3 "USE OF GOVERNMENTAL ENTITIES' CONTRACTS", SECTION 3-4.5 "EXEMPTIONS FROM BIDDING", AND ADDING SECTION 3-3.20 "CHANGE ORDERS", SECTION 3-4.6 "DONATIONS/IN-KIND SERVICES", AND SECTION 3-5 "PUBLIC-PRIVATE PARTNERSHIPS"; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Motion to approve Ordinance 2018-11 made by Commissioner DeFillipo, seconded by Commissioner Smukler.

Chief Procurement Officer Donna Rockfeld explained proposed changes to the Purchasing Ordinance of the City of North Miami Beach including references to 'City Commission' instead of 'City Council'; combining 'Surplus, Obsolete, or Broken Stock or Equipment' and 'Sales of Property' into one section; adding language governing change orders; amending noticing/advertising requirements; amending exemptions from competitive bidding; allowing information for potential vendors/suppliers to be posted on the City's website;

allowing for acceptance of donations and in-kind services consistent with the spending authority of the City Manager; and creating a section on 'Public-Private Partnerships'.

Interim City Attorney Sarah Johnston announced that Section 3-3.20 'Change Orders' should state that the scope of any project may not be changed without prior approval of the individual(s) with the initial authority to approve the contract and discussed the section on 'Public-Private Partnerships' regarding solicited and unsolicited proposals.

Interim City Manager Esmond Scott thanked Interim City Attorney Sarah Johnston and Chief Procurement Officer Donna Rockfeld for their hard work and diligence.

Mayor Spiegel passed the gavel to Vice Mayor Kramer.

Motion to amend the language in Section 3-4.6 'Donations/In-Kind Services' to reflect that the City Manager is authorized to accept donations/in-kind services for city sponsored events up to \$25,000 and donations/in-kind services not for city sponsored events in excess of \$10,000 and donations/in-kind services for city sponsored events in excess of \$25,000 must come before the City Commission for approval made by Mayor Spiegel, seconded by Commissioner Smith.

Voice Vote: MOTION PASSED 5-1 with Commissioner DeFillipo opposed and Commissioner Forbes abstained.

Motion to reconsider the previous vote made by Commissioner Smukler, seconded by Commissioner Smith.
MOTION PASSED 7-0.

Interim City Manager Esmond Scott requested that the Mayor and Commission increase the amount that the City Manager is authorized to accept donations/in-kind services for city sponsored events from \$25,000 to \$50,000

Mayor Spiegel expressed that there is a quantitative and qualitative difference between the City Manager expending funds and receiving donations. Mayor Spiegel stated that expending funds have already been budgeted and approved by the Commission whereas receiving donations can have implications and not be within the control or policy of the Commission.

Voice Vote: MOTION PASSED 5-2 with Commissioner DeFillipo and Commissioner Forbes opposed.

Vice Mayor Kramer passed the gavel back to Mayor Spiegel.

Motion to amend the language in Section 3-3.3 'Sales of Property/Surplus, Obsolete, or Broken Stock or Equipment' to reflect that an appraisal of all real property being sold by the City is required made by Commissioner Smith, seconded by Commissioner Smukler.

MOTION PASSED 7-0.

Commissioner Smith asked and Chief Procurement Officer Donna Rockfeld discussed the process of piggybacking regarding bids and contracts and explained that the determination is based on time and budgetary constraints and economies of scale.

Roll Call Vote

Kramer - Yes, Piper - Yes, Smith - Yes, Smukler - Yes, DeFillipo - Yes, Forbes - Yes, Spiegel - Yes
MOTION PASSED 7-0 as amended on First Reading.

Ordinance 2018-12 Amending the General Employees Retirement Plan (First Reading) (Sarah Johnston, Interim City Attorney)

AN ORDINANCE AMENDING THE GENERAL EMPLOYEES RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE II, DEFINITIONS, PROVIDING FOR THE MOST CURRENT MORTALITY TABLE AND MODEL FOR MEASURING CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve Ordinance 2018-12 made by Commissioner DeFillipo, seconded by Vice Mayor Kramer.

Interim City Attorney Sarah Johnston stated that the ordinance was recommended by the Pension Counsel and Pension Board of the City and amends the definition of actuarial equivalent.

Interim Assistant City Manager Janette Smith stated that the General Employees Retirement Plan needs to update the mortality table and interest rate.

Commissioner Smith asked and Interim City Attorney Sarah Johnston stated that the actuary and outside counsel of the City determined that the ordinance should have no impact on the City's pension contributions.

Roll Call Vote

Piper - **Yes**, Smith - **Yes**, Smukler - **Yes**, DeFillipo - **Yes**, Forbes - **Yes**, Kramer - **Yes**, Spiegel - **Yes**

MOTION PASSED 7-0 on First Reading.

Mayor Spiegel asked Interim City Attorney Sarah Johnston to provide the email from the City's outside counsel regarding this item to the Commission before Second and Final Reading.

Commissioner Smith suggested and the Mayor and Commission agreed to move the items regarding Business Tax Receipts to this point in the meeting.

Mayor Spiegel announced that the meeting will take a recess.
Approximately eight minutes later, the meeting was resumed.

BUSINESS TAX RECEIPTS

G5ive, LLC D/B/A G5ive

Location of applicant requesting the 4:00am-6:00am extension of hours:

337 N.W. 170th Street, North Miami Beach, FL. 33169

Deputy City Manager Candido Sosa-Cruz stated that the applicant has provided licenses from the Department of Business and Professional Regulation, Permanent Food Service, and Alcohol, Beverage, and Tobacco and a call for service history was conducted over the last twelve months and there were fifty-nine calls for service during that time frame.

Chief of Police William Hernandez discussed the call for service history at the adult entertainment establishment and Deputy City Manager Candido Sosa-Cruz expressed that the City administration recommends approval of the request for the 4:00am-6:00am extension of hours.

Arthur Jones appeared before the Mayor and Commission on behalf of the applicant and requested the renewal of the 4:00am-6:00am extension of hours and discussed the call for service history, parking, and individuals selling food and merchandise outside the establishment.

Deputy City Manager Candido Sosa-Cruz stated that the North Miami Beach Police Department has formed a task force with the Building and Code Compliance Manager and Code Compliance Officers to address any illegal business activity outside the establishment.

The Mayor and Commission discussed the call for service history and Chief of Police William Hernandez provided additional information regarding incidents and security.

Robert Holland appeared before the Mayor and Commission on behalf of the applicant and discussed the call for service history, the security, and the location of the establishment.

The Mayor and Commission continued to discuss and consider the request for the 4:00am-6:00am extension of hours.

Motion to approve the 4:00am-6:00am extension of hours subject to certain conditions made by Commissioner Piper, seconded by Vice Mayor Kramer.

The Mayor and Commission discussed the proposed motion regarding the request for the 4:00am-6:00am extension of hours subject to additional conditions.

A friendly amendment was made to the motion to approve the 4:00am-6:00am extension of hours subject to the requirements of installing extra cameras, extra lighting, and signage within thirty days.

Voice Vote: MOTION FAILED 3-4 with Commissioner DeFillipo, Commissioner Forbes, Commissioner Smith, and Commissioner Smukler opposed.

BUSINESS TAX RECEIPTS

Platinum South, Inc. D/B/A Dean's Gold

Location of applicant requesting the 4:00am-6:00am extension of hours:
2355 N.E. 163rd Street, North Miami Beach, FL. 33160

Deputy City Manager Candido Sosa-Cruz stated that the applicant has provided licenses from the Department of Business and Professional Regulation, Permanent Food Service, and Alcohol, Beverage, and Tobacco and a call for service history was conducted over the last twelve months and there were eighteen calls for service during that time frame.

Motion to approve the 4:00am-6:00am extension of hours made by Vice Mayor Kramer, seconded by Commissioner DeFillipo.

Chief of Police William Hernandez discussed the call for service history at the adult entertainment establishment and Deputy City Manager Candido Sosa-Cruz expressed that the City administration recommends approval of the request for the 4:00am-6:00am extension of hours.

The Mayor and Commission discussed and considered the request for the 4:00am-6:00am extension of hours.

Mayor Spiegel recognized and thanked State Senator-elect Jason Pizzo for attending the meeting.

Alan Rosenthal appeared before the Mayor and Commission on behalf of the applicant and requested the renewal of the 4:00am-6:00am extension of hours.

Voice Vote: MOTION PASSED 4-3 with Mayor Spiegel, Commissioner Forbes, and Commissioner Smith opposed.

State Senator-elect Jason Pizzo appeared before the Mayor and Commission and expressed that he is looking forward to being sworn in on November 20, 2018 and stated that North Miami Beach is his hometown.

Ordinance 2018-9 Amending Section 19-12.6 of Chapter XIX (Transition to Monthly Utility Billing) (Second and Final Reading) (Jeffrey Thompson, Director of NMB Water)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER XIX, "WATER AND SEWERS," SECTION 19-12.6 "RESIDENTIAL ACCOUNTS TO BE BILLED QUARTERLY", TO AMEND THE BILLING FREQUENCY FOR RESIDENTIAL CUSTOMERS FROM QUARTERLY TO MONTHLY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Motion to approve Ordinance 2018-9 made by Commissioner DeFillipo, seconded by Commissioner Forbes.

Interim City Manager Esmond Scott introduced the ordinance and stated that the item was approved on first reading at a previous Commission Meeting.

Director of NMB Water Jeffrey Thompson presented the benefits of the transition to monthly utility billing for residential customers including lower monthly bills vs. larger quarterly bills, improving the ability to track water/wastewater expenses and identify leaks, and providing consistent billing. The Mayor and Commission considered the proposed ordinance and transition to monthly billing. Director of NMB Water Jeffrey Thompson discussed the NMB water and sewer service area and provided population totals of single-family homes and multi-family units and expressed the potential risks without monthly billing. Interim City Manager Esmond Scott, Deputy City Manager Candido Sosa-Cruz, and Interim Assistant City Manager Janette Smith provided additional information regarding the item and the Mayor and Commission continued discussing the proposed ordinance.

Mayor Spiegel opened the meeting for **PUBLIC HEARING**.

1. Muriel Kemp - 1479 N.E. 178th St., North Miami Beach, FL.

The meeting was closed for **PUBLIC HEARING**.

The Mayor and Commission expressed interest in providing monthly billing for sanitation and placing it on the utility billing statement and Interim City Attorney Sarah Johnston stated that she will research the issue and present the process to the Commission at a later date.

Roll Call Vote

Piper - **Yes**, Smith - **Yes**, Smukler - **No**, DeFillipo - **Yes**, Forbes - **Yes**, Kramer - **Yes**, Spiegel - **No**
MOTION PASSED 5-2 on Second and Final Reading with Mayor Spiegel and Commissioner Smukler opposed.

Mayor Spiegel announced that the meeting will take a recess.
Approximately five minutes later, the meeting was resumed.

Resolution 2018-89 Policy to Allow Time Extension for Payment of Final Quarterly Billing (Jeffrey Thompson, Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE TO EXECUTE AND IMPLEMENT A POLICY ALLOWING NMB WATER CUSTOMERS AN EXTENDED PAYMENT PERIOD IMMEDIATELY FOLLOWING THE TRANSITION FROM QUARTERLY TO MONTHLY UTILITY BILLING.

Motion to approve Resolution 2018-89 made by Vice Mayor Kramer, seconded by Commissioner DeFillipo.

Director of NMB Water Jeffrey Thompson provided an explanation of the resolution that implements a policy to allow a limited extended payment period for utility customers impacted by the transition from quarterly billing to monthly billing and discussed the process of informing customers about the transition and the extended payment period.

Motion to approve to extend the Commission Meeting past midnight made by Commissioner DeFillipo, seconded by Commissioner Smukler.

MOTION PASSED 7-0.

Voice Vote: MOTION PASSED 7-0.

Commissioner Smith expressed that a City of North Miami Beach employee should answer phone calls regarding customer service issues instead of an NMB Water employee and City staff stated that calls are transferred to the appropriate City departments.

APPOINTMENTS

Motion to appoint Allison Robie to the Public Utilities Commission made by Vice Mayor Kramer, seconded by Commissioner Smith.

MOTION PASSED 7-0.

Mayor Spiegel encouraged individuals to apply and volunteer for the Public Utilities Commission.

CITY MANAGER'S REPORT

Interim Director of Parks and Recreation Julio Magrisso announced the upcoming free Hispanic Heritage Month concert featuring TIMBALIVE at the Littman Theater on September 15, 2018.

Chief of Police William Hernandez announced the upcoming Walk Against Domestic Violence on October 6, 2018 and discussed recent and upcoming FBI and internal affairs development courses at the North Miami Beach Police Department.

Mayor Spiegel expressed appreciation to all the police officers that participated at the recent Heroes Hangout event.

Interim City Manager Esmond Scott and Interim Chief of Staff Greg Williams discussed the upcoming Joshua's Heart Foundation community distribution event behind the North Miami Beach City Hall on October 12, 2018.

CITY ATTORNEY'S REPORT

Interim City Attorney Sarah Johnston reported that two forfeiture cases were closed and there is one new mortgage foreclosure case.

MAYOR'S DISCUSSION

Mayor Spiegel stated that replacing the water pipes in Eastern Shores and providing sewer service to the business district are legislative priorities for North Miami Beach and Interim City Manager Esmond Scott stated that replacing the stormwater pipes in Eastern Shores will also be a legislative priority for the City. The Mayor and Commission gave direction to City staff to start preparing the priorities to be presented to legislators.

CITY COMMISSION REPORTS

Commissioner DeFillipo encouraged individuals to join the Recreation Committee, recognized the North Miami Beach Police Department and City staff for their work, thanked his Commission colleagues for moving the City forward, and advised everyone to know when and where to vote in the upcoming election.

Commissioner Forbes thanked the City staff for their work, announced the upcoming 'One Language Many Accents' event at the North Miami Beach Library, and discussed the recent Heroes Hangout event and expressed support for the Mystic Force Foundation.

Commissioner Piper thanked the City staff for their work regarding the budget and NMB water items, recognized Greg Williams for his service, and encouraged civility among the candidates during the upcoming election.

Commissioner Smith wished an easy fast and a happy and healthy new year to the Jewish community, thanked the City staff for their work, and recognized the Vanni family for their efforts regarding childhood cancer.

Commissioner Smukler thanked Silvia Vanni for her work with the Mystic Force Foundation and the Heroes Hangout event during Childhood Cancer Awareness Month, discussed the upcoming TIMBALIVE event, the Sickle Cell Awareness Walk, and the Walk Against Domestic Violence, encouraged residents to join a City Board/Committee, thanked City staff and the North Miami Beach Police Department for their work, and wished a happy new year and an easy fast to the Jewish community.

Vice Mayor Kramer recognized Childhood Cancer Awareness Month and praised Silvia Vanni, thanked Victor Dante for providing space to have the Heroes Hangout event, discussed the upcoming Multi-Cultural Committee event for Hispanic Heritage Month featuring TIMBALIVE and a highway beautification grant for landscape projects on 167th street between N.E. 3rd Avenue and N.E. 8th Avenue, announced an upcoming palm

frond giveaway at Hazel Fazzino Park, and wished an easy fast and a happy and healthy new year to the Jewish community.

Mayor Spiegel thanked the North Miami Beach Police Department and City staff for their work, acknowledged the recent Heroes Hangout event, announced the Second and Final Public Budget Hearing on September 27, 2018 and the next Regular City Commission Meeting on October 16, 2018, and discussed the upcoming Sickle Cell Awareness Walk, Walk Against Domestic Violence, and TIMBALIVE event.

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 12:34am.

ATTEST:

(SEAL)



Pamela L. Latimore, MMC, City Clerk