



CITY OF NORTH MIAMI BEACH
City Hall, Commission Chambers, 2nd Floor
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, August 15, 2023
6:00pm

Mayor
Acting Mayor Jay Chernoff
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Michael Joseph
Commissioner Phyllis S. Smith
Commissioner Fortuna Smukler

City Manager Mario A. Diaz
Interim City Attorney John Herin
City Clerk Andrise Bernard, MMC

City Commission Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:16pm.

Present at the meeting were Acting Mayor Jay Chernoff, Commissioner McKenzie Fleurimond (arrived after roll call), Commissioner Daniela Jean, Commissioner Michael Joseph, Commissioner Phyllis Smith, and Commissioner Fortuna Smukler.

INVOCATION by City Clerk Andrise Bernard.

PLEDGE OF ALLEGIANCE was led by the Acting Mayor and Commission.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

City Clerk Andrise Bernard announced the following changes to the agenda:

- The first presentation will be about the summer camp library program, the second presentation will be by State Senator Jason Pizzo, and the third presentation will be about recycling.
- At the request of Commissioner Smith, Resolution R2023-64 will be deferred to a future meeting and Resolution R2023-58 and Resolution R2023-59 will be moved from the Consent Agenda to Legislation.
- Resolution R2023-70 will be moved from Legislation and introduced after the Consent Agenda.
- The items regarding Commission approval to pay attorney fees will be discussed before the Consent Agenda.

PRESENTATIONS/DISCUSSIONS

NMB Library Director Edenia Hernandez recognized several participants of the summer reading camp program.

State Senator Jason Pizzo provided a legislative report.

Interim Director of Public Works Kerlyne McHenry introduced a representative from Coastal Waste to provide information on recycling.

Motion to approve the agenda as amended made by Commissioner Smukler, seconded by Commissioner Smith. **MOTION PASSED 5-0** with Commissioner Joseph off the dais.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

City Clerk Andrise Bernard read the rules of public comment and the pledge of civility into the record.

The following person(s) made comments on the record:

1. Lynn Su
2. Former Commissioner Barbara Kramer
3. David Zapen
4. Irene Pilinger
5. Sir Diego
6. Mubarak Kazan
7. Keith Myers

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

The Commission meeting took a recess at 7:31pm and resumed at 7:39pm.

ANNOUNCEMENTS

Chief Communications Officer David Jeannot presented a video highlighting August as Black Business Month, a nursing assistant scholarship program, and the We Care to Share payment assistance program. The video included the recent tour of the water treatment plant, meeting at Washington Park Community Center, mobile diaper distribution event, grand opening of Lowe's store, financial literacy lesson event for children, community clean up event in the Uleta neighborhood, swim cap giveaway at Victory Pool, ceremony for Police Explorers, Senior Luncheon, National Night Out event, mental health event for children, end of summer camp show, community event at Dunkin' Donuts, back to school supplies giveaway, end of summer event at the NMB Library. The video announced upcoming events including the career online high school commencement ceremony at the NMB Library, Hispanic Heritage Month event at the NMB Library and Amphitheater, Senior Health, Wellness, and Fitness event at the McDonald Center, and a legislative update with State Representative Christopher Benjamin at Washington Park Community Center.

CITY COMMISSION REPORTS

Commissioner Fleurimond thanked everyone for attending and watching the meeting, talked about Jamaica Independence Day, discussed the recent Florida League of Cities event, and expressed support for continuity in the Police Department.

Commissioner Joseph directed staff to schedule a check presentation with Congresswoman Wilson, encouraged everyone to maintain their air conditioners, and expressed the importance of staying hydrated.

Commissioner Jean expressed appreciation to all City departments that helped service youth during the summer and discussed legislative items that she has sponsored.

Commissioner Smith congratulated Ketley's daughter for her career accomplishments, discussed the recent Florida League of Cities event, wished a happy birthday to her husband, talked about a colleague consulting for other municipalities, encouraged residents to participate, and talked about a local medical clinic offering free services.

Commissioner Smukler thanked the Commission on the Status of Women and the Parks and Recreation Department for the recent back to school event, expressed condolences to the family of Meghan Bennett, announced an upcoming Farm Share event and a mammogram mobile, thanked the North Miami Beach Police Department, and discussed the upcoming Hispanic Heritage Month event.

Acting Mayor Chernoff thanked everyone for attending the meeting, announced an upcoming health fair at Walmart, discussed the recent dinner event with Police Chiefs, the Police Explorers program, recent Senior Luncheon, recent Peruvian independence event, and upcoming school year, and advised everyone to stay hydrated.

Resolution No. R2023-70 Calling for a Special Election (Andrise Bernard, MMC, City Clerk)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SCHEDULING A SPECIAL ELECTION TO FILL THE OFFICE OF MAYOR; SETTING _____ AS THE DATE OF SUCH ELECTION AND ESTABLISHING _____ AT 8:00 A.M. THROUGH _____ AT 5:00 P.M. AND _____ FROM 8:00 A.M. TO 12:00 P.M. AS THE TIME TO QUALIFY THEREFORE; DESCRIBING PERSONS QUALIFIED TO VOTE IN SAID ELECTION; DESCRIBING THE REGISTRATION BOOKS AND RECORDS TO BE USED FOR THE ELECTION; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE WITH RESPECT TO THE USE OF SUCH REGISTRATION BOOKS AND RECORDS; DIRECTING THE CITY CLERK TO GIVE NOTICE OF THIS RESOLUTION'S ADOPTION AND TRANSMIT A CERTIFIED COPY TO THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS.

City Clerk Andrise Bernard stated that the two proposed dates for a Special Election are November 7, 2023 and December 5, 2023.

Motion to approve Resolution R2023-70 and select November 7, 2023 as the date of the Special Election made by Commissioner Smith, seconded by Commissioner Smukler.

The Acting Mayor and Commission discussed the proposed dates for the Special Election.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

The following person(s) made comments on the record:

1. Irene Pilinger
2. Wrendly Mesidor
3. Sir Diego

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

City Attorney John Herin provided an explanation of the resolution regarding the Special Election.

City Clerk Andrise Bernard stated that if the Special Election was held on November 7, 2023, a Run-Off Election (if needed) would be held on December 5, 2023 and if the Special Election was held on December 5, 2023, a Run-Off Election (if needed) would be held on January 23, 2024.

The Acting Mayor and Commission continued to discuss the proposed dates for the Special Election.

Roll Call Vote

Fleurimond - **No**, Jean - **No**, Joseph - **No**, Smith - **Yes**, Smukler - **Yes**, Chernoff - **Yes**

MOTION FAILED 3-3 with Commissioner Fleurimond, Commissioner Jean, and Commissioner Joseph opposed.

Motion to approve Resolution R2023-70 and select December 5, 2023 as the date of the Special Election made by Commissioner Fleurimond, seconded by Commissioner Jean.

The Acting Mayor and Commission discussed the proposed date for the Special Election.

Roll Call Vote

Jean - **Yes**, Joseph - **No**, Smith - **Yes**, Smukler - **No**, Fleurimond - **Yes**, Chernoff – **Yes**

MOTION PASSED 4-2 with Commissioner Joseph and Commissioner Smukler opposed.

City Attorney John Herin stated that the qualifying period dates for the Special Election will be October 16, 2023 to October 21, 2023.

Commission Approval to Pay Attorneys' Fees to Brodsky, Fotiu-Wojtowicz, PLLC. regarding Commissioner McKenzie Fleurimond

Commissioner Joseph recused himself and left the dais.

Motion to approve to pay attorneys' fees to Brodsky, Fotiu-Wjtowiz on behalf of Commissioner Fleurimond made by Commissioner Smith, seconded by Commissioner Jean.

City Attorney John Herin stated that the payment amount would be \$26,272.96.

Commissioner Smukler requested to see the opinion that Commissioner Joseph received that caused him to refrain from taking part in this discussion and City Attorney John Herin stated that will be taken as a public records request.

Voice Vote: **MOTION PASSED 4-1** with Commissioner Smukler opposed and Commissioner Joseph off the dais.

Commission Approval to Pay Attorneys' Fees to Brodsky, Fotiu-Wotjtowicz, PLLC. regarding Commissioner Michael Joseph

Executive Director of the Miami-Dade Commission on Ethics and Public Trust Jose Arrojo appeared before the Acting Mayor and Commission and discussed the item.

Motion to defer the item until January 25, 2024 (after the Special Election) made by Commissioner Smith, seconded by Commissioner Jean.

The Acting Mayor and Commission discussed the item and revised the motion.

Motion to defer the item until a later date made by Commissioner Smith, seconded by Commissioner Fleurimond.

Voice Vote: **MOTION PASSED 3-2** with Commissioner Jean and Commissioner Smukler opposed and Commissioner Joseph off the dais.

City Attorney John Herin recommended that the City Commission authorize the hiring of outside counsel to represent the City in the case regarding Commissioner Joseph because he has been listed as a fact witness and can not be the advocate for one of the parties.

Executive Director of the Miami-Dade Commission on Ethics and Public Trust Jose Arrojo explained the local ethics ordinance regarding conflicts of interest.

Motion to approve the hiring of outside counsel to represent the City in the case regarding Commissioner Joseph made by Commissioner Smith, seconded by Commissioner Jean.
Voice Vote: **MOTION PASSED 5-0** with Commissioner Joseph off the dais.

CONSENT AGENDA

Regular Commission Meeting Minutes of July 18, 2023

Resolution No. R2023-48 State Attorney Office Reimbursement Agreement for Certain Municipal Violations (Mario A. Diaz, City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COST OF THE STATE ATTORNEY PROSECUTION OF CERTAIN VIOLATIONS OF THE CITY CODE OF ORDINANCES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-54 Purchase of Additional Maintenance & Technical Support from Azteca Systems (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN THE ANNUAL EXPENDITURE WITH AZTECA SYSTEMS, LLC. FOR MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR CITYWORKS ASSET MANAGEMENT SOFTWARE PLATFORM; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-55 Purchase of Cloud Based GIS Hosting Services from ROK Technologies, Inc (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING TO EXECUTE AN AGREEMENT WITH ROK TECHNOLOGIES, LLC FOR A CLOUD BASED GEOGRAPHIC INFORMATION SYSTEM HOSTING SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-56 Approval to Increase the Continuing Services Agreement Task Order from Atkins North America, Inc (Kerlyne McHenry, Interim Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER INCREASE FOR THE CITY HALL FIRST FLOOR RENOVATION PROJECT IN THE AMOUNT OF \$18,300.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH ATKINS NORTH AMERICA, INC., FOR PROFESSIONAL CONSULTING SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-57 Purchase of Citywide Pavement & Sidewalk Assessment Services from WGI Consulting, Inc (Kerlyne McHenry, Interim Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A PIGGYBACK PROFESSIONAL SERVICES AGREEMENT WITH WGI, INC., IN THE AMOUNT OF \$149,950.00, FOR A CITYWIDE PAVEMENT AND SIDEWALK CONDITION ASSESSMENT; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. 2023-58 North Miami Beach SMART City Initiatives (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DIRECTING CITY STAFF TO ADOPT AND DEVELOP THE NECESSARY POLICIES AND PLANS, IDENTIFY FUNDING SOURCES, MAKE RECOMMENDATIONS FOR PROGRAMS AND STRATEGIES SPECIFIC TO INCREASING THE CITY’S BUSINESSES AND RESIDENTS ACCESS TO TECHNOLOGY RESOURCES AND LITERACY AND TRAINING PROGRAMS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2023-58 was moved from the Consent Agenda to Legislation.

Resolution No. 2023-59 Partnership between Career Source South Florida and North Miami Beach (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING AND AUTHORIZING A PARTNERSHIP BETWEEN THE CITY OF NORTH MIAMI BEACH AND CAREERSOURCE SOUTH FLORIDA TO JOINTLY PROMOTE WORKFORCE DEVELOPMENT, CAREER ADVANCEMENT, AND ECONOMIC PROSPERITY WITHIN THE CITY AND THE SURROUNDING REGION; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2023-59 was moved from the Consent Agenda to Legislation.

Resolution No. R2023-60 Purchase of Additional Furnish, Delivery and Discharge Services from Lhoist North America of Alabama, LLC (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN EXPENDITURE WITH LHOIST NORTH AMERICA OF ALABAMA, LLC FOR THE FURNISHING, DELIVERY AND DISCHARGE OF QUICKLIME TO THE NORTH MIAMI BEACH WATER UTILITY; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-61 Purchase of Additional Well and Pump Repair Services from A.C. Shultes of Florida, Inc (Andrea Suarez- Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN THE ANNUAL EXPENDITURE WITH A.C. SCHULTES OF FLORIDA, INC. FOR MAINTENANCE AND REPAIR SERVICES FOR WATER SUPPLY WELLS AND WELL PUMPS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-62 Purchase of Stem and Robotics from Augmented Intelligence Academy (Edenia Hernandez, NMB Library Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING TO EXECUTE A PURCHASE ORDER WITH AUGMENTED INTELLIGENCE ACADEMY INC. FOR YOUTH DEVELOPMENT SERVICES THROUGH STEM AND ROBOTICS PROGRAMMING, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-63 Award of ITB-22-056-SG Citywide Janitorial Services from Star Building Service, Inc (Kerlyne McHenry, Interim Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE AWARD OF INVITATION TO BID NO. ITB-22-056-SG - "CITYWIDE JANITORIAL SERVICES"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, STAR BUILDING SERVICES INC., AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET

APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-64 Implementation of Live Local Act (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DIRECTING CITY STAFF TO REVIEW, ANALYZE, AND DEVELOP WORKFORCE HOUSING RECOMMENDATIONS, PROGRAMS, AND STRATEGIES SPECIFIC TO NORTH MIAMI BEACH TO IMPLEMENT SENATE BILL 102 (2023) A/K/A THE “LIVE LOCAL ACT”; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2023-64 was deferred to a future Commission meeting.

Resolution No. R2023-65 Purchase of Additional Sodium Hydroxide Delivery from Brenntag Mid-South (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH BRENNTAG MID-SOUTH, INC., TO FURNISH AND DELIVER SODIUM HYDROXIDE 50% BY WEIGHT IN AN ESTIMATED ANNUAL AMOUNT OF \$271,000.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-66 Approval of Continuing Services Agreement Task Order from Chen Moore & Associates (Kerlyne McHenry, Interim Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER FOR NE 12th AVENUE ROUNDABOUT DESIGN PROJECT IN THE AMOUNT OF \$119,751.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH CHEN MOORE AND ASSOCIATES FOR PROFESSIONAL CONSULTING SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-67 Interlocal Agreement between Miami- Dade County and the City of North Miami Beach (Harvette Smith, NMB Police Chief)

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 MIAMI-DADE COUNTY TO REIMBURSE THE COUNTY FOR COSTS ASSOCIATED WITH THE CITY'S ENFORCEMENT OF SECTIONS 7-1(C), 7-3, 7-4, 7-22.1, 7-26, 7-26.1, 7-33, 7-34, 7-35, 7-37, 8A-52, 8A-172, 8A-276(B), 21-21, 21-21.2(B), 21-21.3, 21-24.1, 21-27.1, 21-27.2, 21-28, 21-29(B), 21-29.1, 21-31.1, 21-31.2(B)(1), 21-31.2(B)(2), 21-31.4(B), 21-35(D), 21-36, 21-36.1, 21-36.3(C), 21-38(A), 21-51, 21-56, 21-57, 21-81(D), 21-118, 21-133, 21-136, 21-287, 26-1, 26A-2A, AND 31-105 OF THE CODE OF MIAMI-

DADE COUNTY THROUGH CHAPTER 8CC OF THE COUNTY CODE OF THE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve the Consent Agenda made by Commissioner Smukler, seconded by Commissioner Smith. Voice Vote: **MOTION PASSED 5-1** with Commissioner Joseph opposed.

QUASI-JUDICIAL

Resolution No. 2023-68 Prestige Boardwalk Site Plan (Edward Ng, Interim Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN APPLICATION FOR THE CONSTRUCTION OF A MIXED-USE RESIDENTIAL DEVELOPMENT CONSISTING OF A FIFTEEN (15) STORY BUILDING (172'-0") WITH 409 LUXURY RENTAL UNITS INCLUDING A MIX OF STUDIOS, ONE, TWO, AND THREE BEDROOM UNITS, 11,151 SQUARE FEET OF GROUND FLOOR RETAIL AND A SEVEN (7) LEVEL PARKING GARAGE CONSISTING OF 642 PARKING SPACES AND 18 ON-STREET PARKING SPACES FOR A TOTAL OF 660 PARKING SPACES ON A 2.48 ACRE PARCEL OF LAND LOCATED AT 16651 NE 18th AVENUE; PROVIDING FOR FINDINGS OF FACT; CONDITIONS OF APPROVAL; EXPIRATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney John Herin asked anyone who will be providing testimony regarding the item to raise their right hand and be sworn in.

City Clerk Andrise Bernard stated that the subject matter of any ex-parte communication, 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 because it is a quasi-judicial item and requires a Jennings Disclosure.

City Clerk Andrise Bernard stated that Commissioner Jean submitted her disclosure form regarding the item.

Commissioner Fleurimond confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Joseph stated that he spoke to the attorney for the developer and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smith stated that she did not speak to anyone regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smukler stated that she spoke to the City Manager regarding the item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Acting Mayor Chernoff stated that he did not speak to anyone regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Interim Director of Community Development Edward Ng presented an overview of Resolution R2023-68 requesting site plan approval and vacating of an existing alleyway located at 16651 N.E. 18th Avenue; stated that the item was recommended for approval by the Planning and Zoning Board subject to the conditions set forth in the resolution; and discussed the current zoning district, existing site conditions, and proposed site plan.

Mr. Ng provided 3D renderings of the property and confirmed that City staff reviewed the project for compliance with the site plan review criteria including the natural environment of the site, parking and circulation, adequate community service and utilities, building and structures orientation and design, signage, crime prevention, landscaping, and lighting. Mr. Ng expressed that the proposed development and design, layout, compatibility with surrounding land uses, and traffic impact will be consistent with the goals, objectives, and policies of the City's Comprehensive Plan and the Zoning and Land Development Regulations and City staff recommended approval.

Pedro Gassant of Holland and Knight and Manuel Del Monte of Zyscovich provided a presentation regarding Resolution R2023-68, stated that there were no requests for variances, and discussed the estimated impact fees.

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

The following person(s) made comments on the record:

1. Keith Myers
2. Mubarak Kazan

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

Commissioner Smukler discussed an impact fee for the North Miami Beach Library and parking availability for electric cars. Commissioner Smith discussed art in public places for development projects. Commissioner Jean discussed art in public places, a greenway project regarding the canal, and workforce housing. Commissioner Fleurimond discussed the canal project, walkway connectivity, allocating commercial space and use at the property, and sidewalk widening. Acting Mayor Chernoff discussed relocation time for the current tenants and hurricane security measures such as impact windows and generators.

City Attorney John Herin announced that one of the conditions for approval has been requested to be modified.

Motion to approve Resolution R2023-68 made by Commissioner Smith, seconded by Commissioner Smukler. Roll Call Vote: Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Chernoff - **Yes**
MOTION PASSED 6-0.

Resolution No. 2023-69 Feder Residence Pool Variance (Edward Ng, Interim Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A NON-USE VARIANCE FROM SECTION 24-85 (A) OF THE ZONING AND LAND DEVELOPMENT CODE TO PERMIT A SWIMMING POOL IN THE SIDE YARD WHERE THE CODE REQUIRES THAT A POOL BE LOCATED IN ANY REAR YARD; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng presented an overview of Resolution R2023-69 regarding a non-use variance to permit a swimming pool at the property located at 853 N.E. 164th Street and stated that the item was recommended for approval by the Planning and Zoning Board; discussed the current zoning district; provided an aerial and location map and 3D renderings of the property; expressed that the Planning and Zoning staff recommended approval; and confirmed that the project was in compliance with the Zoning and Land Development Regulations.

Commissioner Smith stated that she spoke to the City Manager regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Commissioner Fleurimond stated that he did not speak to anyone regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Joseph stated that he did not speak to anyone regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smukler stated that she spoke to the City Manager regarding the item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Acting Mayor Chernoff stated that he might have received an email regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

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

The following person(s) made comments on the record:

1. Mubarak Kazan

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

Motion to approve Resolution R2023-69 made by Commissioner Smith, seconded by Commissioner Smukler. Roll Call Vote: Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Chernoff - **Yes**
MOTION PASSED 6-0.

LEGISLATION

Resolution No. R2023-71 Purchase of Emergency Response Software from Carbyne (Chief Harvette Smith, NMB Police Department)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND CARBYNE, INC. FOR PUBLIC SAFETY SOFTWARE SOLUTIONS, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Chief of Police Harvette Smith provided an explanation of Resolution R2023-71 and Shawn Barnes and Bianca Caviglia from Carbyne discussed the features of the emergency response software and technology.

The Acting Mayor and Commission discussed the proposed resolution.

Motion to approve Resolution R2023-71 made by Commissioner Smith, seconded by Commissioner Joseph. Roll Call Vote: Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Chernoff - **Yes**
MOTION PASSED 6-0.

Resolution No. R2023-72 Purchase of Additional Field Turf Services at Mishcon Park from Fieldturf, Inc. (Andrew Plotkin, Parks & Recreation Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN THE EXPENDITURE WITH FIELD TURF USA, INC. FOR THE CONSTRUCTION OF SYNTHETIC TURF AND SITE REMEDIATION OF MISHCON PARK FIELD; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET

APPROPRIATION AND AVAILABILITY OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Director of Parks and Recreation Andrew Plotkin provided an explanation of Resolution R2023-72 and stated that the item is in line with the strategic priorities of the City and the Parks and Recreation Master Plan and the change order request is due to the increase in the construction industry regarding raw materials, civil costs, and freight.

The Acting Mayor and Commission discussed the proposed resolution.

Motion to approve Resolution R2023-72 made by Commissioner Smith, seconded by Commissioner Joseph.
Voice Vote: **MOTION PASSED 6-0.**

Resolution No. R2023-74 Purchase of Health Insurance Coverage from Aetna, Inc. (Jacob Newman, Interim Human Resources Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING RENEWAL OF AETNA, INC. AS THE PROVIDER FOR HEALTH INSURANCE COVERAGE FOR CITY EMPLOYEES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Human Resources Jacob Newman provided an explanation of Resolution R2023-74 regarding the purchase and renewal of health insurance (medical, dental, and vision) coverage from Aetna.

The Acting Mayor and Commission discussed the proposed resolution.

A representative from Aetna appeared before the Acting Mayor and Commission and discussed 90 day prescriptions from pharmacies and the difference between being fully insured and self-insured.

Motion to approve Resolution R2023-74 made by Commissioner Smukler, seconded by Commissioner Joseph.
Voice Vote: **MOTION PASSED 5-0** with Commissioner Jean off the dais.

Motion to approve to not extend the Commission Meeting past midnight made by Commissioner Smukler, seconded by Commissioner Smith.
Voice Vote: **MOTION PASSED 6-0.**

Resolution No. 2023-73 City of North Miami Beach Amended and Restated Declaration of Restrictions (Edward Ng, Interim Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF RESTRICTIONS, GRANT OF EASEMENTS AND COMMON AREA MAINTENANCE AGREEMENT FOR NORTH MIAMI BEACH VILLAGE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of Resolution R2023-73 and discussed the amendment to the agreement.

Eduardo Robayna appeared before the Acting Mayor and Commission on behalf of one of the owners of the property and discussed the proposed resolution.

Motion to approve Resolution R2023-73 made by Commissioner Smith, seconded by Commissioner Fleurimond.
Voice Vote: **MOTION PASSED 6-0.**

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 11:58pm.

ATTEST:

(SEAL)

Andrise Bernard, MMC, City Clerk

The following items will be placed on the agenda for the next Regular Commission Meeting:

Legislation

Resolution No. 2023-58 North Miami Beach SMART City Initiatives (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DIRECTING CITY STAFF TO ADOPT AND DEVELOP THE NECESSARY POLICIES AND PLANS, IDENTIFY FUNDING SOURCES, MAKE RECOMMENDATIONS FOR PROGRAMS AND STRATEGIES SPECIFIC TO INCREASING THE CITY’S BUSINESSES AND RESIDENTS ACCESS TO TECHNOLOGY RESOURCES AND LITERACY AND TRAINING PROGRAMS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2023-58 was moved from the Consent Agenda to Legislation.

Resolution No. 2023-59 Partnership between Career Source South Florida and North Miami Beach (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING AND AUTHORIZING A PARTNERSHIP BETWEEN THE CITY OF NORTH MIAMI BEACH AND CAREERSOURCE SOUTH FLORIDA TO JOINTLY PROMOTE WORKFORCE DEVELOPMENT, CAREER ADVANCEMENT, AND ECONOMIC PROSPERITY WITHIN THE CITY AND THE SURROUNDING REGION; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2023-59 was moved from the Consent Agenda to Legislation.

APPOINTMENTS

Appointing Ruth Smith to the Education Committee
Appointing Patricia Miller to the Education Committee
Appointing an Elected Official to the Management Pension Board
Appointing Wena Sutjapojnukul to the Education Committee
Appointing Wena Sutjapojnukul to the Economic Development Commission

DISCUSSION ITEMS

Consideration: Weekly Recycling Service (Kerlyne McHenry, Interim Public Works Director)
Solid Waste and Recycling Collection and Disposal Insourcing (Kerlyne McHenry, Interim Public Works Director)

CITY MANAGER'S REPORT

Improvements to NMB Community Development Department and Planning Division
Fiscal Year 2022 Annual Comprehensive Financial Report
Fiscal Year 2023-2024 Budget Draft
Manager's Monthly Report
City Wide Bus Shelter Project