



**CITY OF NORTH MIAMI BEACH**  
City Hall, Commission Chambers, 2<sup>nd</sup> Floor  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162  
**Tuesday, October 17, 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**

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**ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 6:00pm. Present at the meeting were Acting Mayor Jay Chernoff, Commissioner McKenzie Fleurimond (arrived after roll call), Commissioner Daniela Jean, Commissioner Michael Joseph (arrived after roll call), Commissioner Phyllis Smith, and Commissioner Fortuna Smukler.

The City Commission presented an award to Alan Rosenthal for his donation towards the 2023 Heart Health Walk.

**INVOCATION** by North Miami Beach Police Chaplain Mark Rosenberg.

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

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

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

1. Kyle Gibson
2. Barbara Kramer
3. Mubarak Kazan
4. Rabbi Ariel Yeshurun
5. Irelene King Allen

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

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA**

City Clerk Andrise Bernard announced the following:  
The alternate meeting date of December 26, 2024 will be removed from Resolution R2023-95.

The Public Budget Hearing Minutes of September 27, 2023 on the Consent Agenda will be deferred. Per the request of City Manager Mario Diaz, Resolution R2023-110 under Legislation will be moved up and heard at the time of the arrival of the involved individuals.

Per the request of City Manager Mario Diaz, Resolution R2023-59 under Legislation will be moved up and heard after the Consent Agenda.

Per the request of City Manager Mario Diaz, the Discussion item regarding Business Tax Receipt Fees will be moved up and heard after the Business Tax Receipt item.

Per the request of City Manager Mario Diaz, the Polyfluoroalkyl Substances Litigation item in the City Attorney's Report will be moved up and heard after the Consent Agenda.

Per the request of Commissioner Joseph, a Discussion item regarding the Washington Park project will be added.

Per the request of Commissioner Smith, Resolution R2023-101 will be pulled from the Consent Agenda and moved to Legislation.

Acting Mayor Chernoff requested that the Business Tax Receipt item is moved up before the Consent Agenda.

Commissioner Fleurimond requested that Resolution R2023-108 under Legislation be moved up.

**Motion to approve** the agenda made by Commissioner Smukler, seconded by Commissioner Fleurimond.  
**MOTION PASSED 6-0.**

Commissioner Smith requested to add a Discussion item regarding Quasi-Judicial presentations if time permits.

Rabbi Noach Peled appeared before the Acting Mayor and Commission and expressed appreciation to the City of North Miami Beach and the Police Department and discussed recent events in Israel.

### **ANNOUNCEMENTS**

Chief Communications Officer David Jeannot announced that Miami-Dade County will be modifying transit routes effective November 13, 2023 and presented a video featuring information about the special election for Mayor on December 5, 2023, 'We Care To Share' bill payment assistance program, National Pancake Day event, palm frond giveaway for Sukkoth, Senior Health and Wellness Fair, Memorial Bench Dedication along Snake Creek Canal, Police Department promotional ceremony, forums to discuss the new permitless carry law, retirement of Deputy Police Chief Ervens Ford, Childhood Cancer Awareness Month event, National Coffee with a Cop Day, CRA Google workshop, National Hispanic Heritage Month event, Mobile Mammography event, Domestic and Gun Violence Youth Symposium, Art and Jewelry exhibit at the Library, Breast Cancer Awareness Month event, Gold Passport presentation for seniors riding public transit, Senior Luncheon at the McDonald Center, and Monster Mash Bash and Halloween event.

### **CITY COMMISSION REPORTS**

Commissioner Fleurimond thanked everyone for attending the meeting, discussed recent events in Israel and expressed support and solidarity for the Jewish community, and extended condolences for the passing of the founding Mayor of Miami Gardens Shirley Gibson.

Commissioner Jean agreed with the sentiments of Commissioner Fleurimond, thanked the North Miami Beach Police Department, expressed support for Breast Cancer Awareness and Domestic Violence Awareness, and recognized the American Red Cross and Miami-Dade Fire Rescue.

Commissioner Joseph agreed with the previous sentiments and announced upcoming recycling in the Sunray West neighborhood.

Commissioner Smith expressed condolences for the passing of Shirley Gibson and Abraham Hankin, thanked the North Miami Beach Police Department and all the rabbis in the City, discussed an event for the youth to promote peace, prayer, and understanding, wished a happy birthday to her grandson and a happy anniversary to her husband, and expressed support for Israel.

Deputy Consul General of Israel for Florida Mike Driquez appeared before the Acting Mayor and Commission and discussed recent events in Israel.

**Resolution No. R2023-110 Supporting Israel and Condemning Hamas (Commissioner Fortuna Smukler)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE STATE OF ISRAEL AND DENOUNCING THE TERRORIST ACTIONS OF HAMAS; PROVIDING FOR DISTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to approve** Resolution R2023-110 made by the City Commission, seconded by the City Commission.

Roll Call Vote: Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 6-0.**

**CITY COMMISSION REPORTS** (continued)

Acting Mayor Chernoff expressed support for Israel, extended condolences for the passing of Shirley Gibson, and thanked the North Miami Beach Police Department.

**CONSENT AGENDA**

**Public Budget Hearing Meeting Minutes of September 13, 2023**

**Regular Commission Meeting Minutes of September 19, 2023**

**Resolution No. R2023-95 City Commission Meeting Dates for the 2024 Calendar Year (Andrise Bernard, MMC, City Clerk)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SETTING THE DATES FOR THE CITY COMMISSION MEETINGS FOR THE 2024 CALENDAR YEAR; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2023-96 Approval of Contract Renewal with ODP Business Solutions for Office Supplies, Products and Related Services (Sherece George, Chief Procurement Officer)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A RENEWAL OF THE PIGGYBACK CONTRACT BETWEEN THE CITY AND ODP BUSINESS SOLUTIONS DIVISION, LLC FOR THE PURCHASE OF OFFICE SUPPLIES, PRODUCTS AND RELATED SERVICES IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$150,000.00; 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 No. R2023-97 Approval of Continuing Services Agreement Task Order Change Order for Wellfield Inspection and Reporting Services with Hazen & Sawyer (Andrea Suarez-Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER INCREASE FOR ENGINEERING SERVICES FOR ONGOING WELLFIELD INSPECTION AND REPORT DEVELOPMENT PROJECT IN THE AMOUNT OF \$121,552.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH HAZEN AND SAWYER 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. R2023-98 Approval of Continuing Services Agreement Task Order from Hazen & Sawyer for Wastewater Transmission System Updates (Andrea Suarez-Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER FOR ENGINEERING SERVICES FOR WASTEWATER TRANSMISSION SYSTEM MODEL UPDATES IN THE AMOUNT OF \$114,300.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH HAZEN AND SAWYER FOR PROFESSIONAL CONSULTING SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2023-99 Approval of Change Order for Baffle Curtain Repair & Maintenance from the Crom Corporation (Andrea Suarez-Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER INCREASE IN THE EXPENDITURE OF FUNDS WITH CROM CORPORATION FOR THE PURCHASE AND INSTALLATION OF BAFFLE CURTAINS FOR A 800,000 GALLON GROUND STORAGE TANK IN AN AMOUNT OF \$48,700.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER’S ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2023-100 State Aid Grant to Libraries (Edenia Hernandez, Library Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A GRANT AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA DEPARTMENT OF STATE DIVISION OF LIBRARY SERVICES FOR THE NORTH MIAMI BEACH LIBRARY TO PROVIDE FUNDING FOR LIBRARY PROGRAMS, OPERATIONS AND SERVICES; 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 No. R2023-101 Approval of Continuing Services Agreement Task Order from The Corradino Group, Inc., for Upper Level Management Staff (Mario Diaz, City Manager)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER BETWEEN THE CITY AND THE CORRADINO GROUP, INC. FOR PROFESSIONAL CONSULTING SERVICES FOR UPPER LEVEL

MANAGEMENT STAFF OF THE COMMUNITY DEVELOPMENT DEPARTMENT IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$324,480.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH THE CORRADINO GROUP, 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 SCRIVENER’S ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Resolution R2023-101 was pulled from the Consent Agenda and moved to Legislation.*

**Resolution No. R2023-102 Approval to Extend Route E Trolley Operations & Maintenance Services with Pro Transportation Inc. dba Prokel Mobility (Sam Zamacona, Public Works Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND PRO TRANSPORTATION, INC D/B/A PROKEL MOBILITY EXTENDING THE AGREEMENT FOR SEVEN MONTHS IN A BUDGETED EXPENDITURE OF \$163,800.00; 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.

**Motion to approve** the Consent Agena made by Commissioner Fleurimond, seconded by Commissioner Jean.

**MOTION PASSED 6-0.**

**CITY COMMISSION REPORTS** (continued)

Commissioner Smukler extended condolences for the passing of Shirley Gibson, thanked the North Miami Beach Police Department and the City Manager’s Office, recognized Breast Cancer Awareness Month and Domestic Violence Awareness Month, and expressed support for Israel.

**BUSINESS TAX RECEIPTS**

Interim Community Development Director Edward Ng and Chief of Police Harvette Smith discussed the proposed 4:00am-6:00am extension of hours for Platinum South Inc. dba Dean's Gold.

**Motion to approve** the 4:00am-6:00am extension of hours by Commissioner Smukler, seconded by Commissioner Fleurimond.

Alan Rosenthal appeared before the City Commission to represent the business.

Roll Call Vote: Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 5-1** with Commissioner Jean opposed.

**Resolution No. 2023-59 Partnership between CareerSource South Florida and City of 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.

City Manager Mario Diaz provided an explanation of Resolution R2023-59 and Rick Beasley of CareerSource discussed the employment services, resources, and programs provided.

**Motion to approve** Resolution R2023-59 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

**MOTION PASSED 6-0.**

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

There were no speakers.

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

The following item was moved up in the agenda from the City Attorney's Report:

City Attorney John Herin discussed the Polyfluoroalkyl Substances (PFAS) litigation and James Ferraro of the Ferraro Law Firm presented the history of the firm, current clients (municipalities) and defendants involved in the case, and the prevalence and dangers of PFAS chemicals.

**Motion to approve** authorization to engage the Ferraro Law Firm as outside counsel to represent the City regarding PFAS litigation made by Commissioner Smith, seconded by Commissioner Smukler.

**MOTION PASSED 6-0.**

### **QUASI-JUDICIAL**

#### **Resolution No. R2023-103 Lanaar Academy Site Plan and Seven (7) Non-Use Variances (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 AND SEVEN NON-USE VARIANCES FOR THE DEVELOPMENT OF A PRIVATE SCHOOL FACILITY FOR ELEMENTARY AND MIDDLE SCHOOL STUDENTS WITH 47 PARKING SPACES, 41+ STAFF MEMBERS, AND A MAXIMUM OF 396 STUDENTS ON A 2.5 ACRE PARCEL OF LAND LOCATED AT 1998, 2000, 2054, AND 2065 NE 161 STREET AND 2051 NE 160 STREET; GRANTING A VARIANCE FOR THE MAXIMUM LOT WIDTH; GRANTING A VARIANCE FOR THE MINIMUM NUMBER OF PARKING SPACES; GRANTING A VARIANCE TO PERMIT THE GYMNASIUM AT 30'-0" WHERE 20'-0" IS THE MAXIMUM ALLOWED GROUND LEVEL HEIGHT; GRANTING A VARIANCE FOR HEIGHT OF THE SECURITY WALL AND FENCE; GRANTING A VARIANCE FOR THE BUILDING GLAZING REQUIREMENTS FOR THE NORTH GROUND LEVEL ELEVATION; GRANTING A VARIANCE FOR THE FENESTRATION REQUIREMENTS FOR THE NORTH GROUND LEVEL ELEVATION; GRANTING A VARIANCE FOR THE MAXIMUM BUILDING SETBACK FROM N.E. 19<sup>th</sup> PLACE PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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 disclosed that he spoke to Matthew Amster regarding the 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 the item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

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

Commissioner Smukler disclosed that she spoke to Mitch Edelstein and Matthew Amster regarding the item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Vice Mayor Chernoff disclosed that he spoke to Matthew Amster and Mitch Edelstein regarding the item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

City Clerk Andrise Bernard asked anyone who will be providing testimony regarding the item to raise their right hand and be sworn in.

Matt Amster represented the applicant/property owner and presented a land use map, zoning designations map, flood map, and aerial view rendering of the proposed development project.

Brandon Kaller of Kaller Architecture provided an overview of the project and the site plan, vehicular and pedestrian circulation plan, pick-up and drop-off area plan, open area calculation, dedication area plan, and elevation plans.

Matt Amster explained the requested variances and stated that the applicant is in agreement with the conditions in the resolution.

Interim Director of Community Development Edward Ng provided an overview of Resolution R2023-103 and discussed the property size, existing land use, and proposed land use for the construction of a private educational facility for elementary and middle school grade levels. Mr. Ng stated that the Planning and Zoning Board recommended approval of the project; presented a zoning district map, aerial/location map, and photos/images of the existing site conditions; and discussed the vehicular and pedestrian circulation plan, parking lot configurations, traffic study review and findings, and seven requested variances. Mr. Ng 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.

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

1. David Zapen

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

**Motion** to **approve** Resolution R2023-103 made by Commissioner Smith, seconded by Commissioner Smukler.

The Acting Mayor and Commission discussed and considered the proposed project.

Roll Call Vote: Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 6-0.**

**Resolution No. R2023-104 Univida Medical Center Conditional Use Request (Edward Ng, Interim Community Development Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-175 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A 4,447 SQUARE FOOT MEDICAL OFFICE, LOCATED AT 17100 N.E. 19<sup>th</sup> AVENUE, NORTH MIAMI BEACH, FLORIDA, WITHIN THE RESIDENTIAL OFFICE ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

Vice Mayor Chernoff disclosed that he spoke to Javier Vazquez regarding the 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 the item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

City Clerk Andrise Bernard asked anyone who will be providing testimony regarding the item to raise their right hand and be sworn in.

Javier Vazquez represented the applicant/property owner and stated that the applicant is in agreement with the conditions in the resolution.

Interim Director of Community Development Edward Ng provided an overview of Resolution R2023-104 and discussed the building and property size, current zoning, existing and future land use, and proposed conditional use to operate a medical office within an existing commercial building. Mr. Ng stated that the



Planning and Zoning Board recommended approval of the project and presented a boundary survey and zoning district map, photo/image of the existing site conditions, existing and proposed floor plans, proposed exterior modifications, traffic impact and concurrency analysis, and conditional use review standards.

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

1. David Zapen

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

The Acting Mayor and Commission discussed and considered the proposed project.

**Motion to approve** Resolution R2023-104 made by Commissioner Smith, seconded by Commissioner Joseph.

Roll Call Vote: Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 6-0.**

**Resolution No. R2023-105 Palm Aire Site Plan and Sixteen (16) Non-Use Variances (Edward Ng, Interim Community Development Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-58(K)(2)b.i. TO ALLOW DECORATIVE SCREENING OF THE NORTH PARKING GARAGE ELEVATION FRONTING N.E. 168<sup>th</sup> STREET (SECONDARY STREET FRONTAGE) IN LIEU OF THE REQUIRED HABITABLE LINER BUILDING; GRANTING A VARIANCE FROM SECTION 24- 58(K)(2)b.i. TO ALLOW DECORATIVE SCREENING OF THE SOUTH PARKING GARAGE ELEVATION FRONTING NE 167 STREET (SECONDARY STREET FRONTAGE) IN LIEU OF THE REQUIRED HABITABLE LINER BUILDING; GRANTING A VARIANCE FROM SECTION 24-58(K)(2)b.ii TO PROVIDE A THIRTY-SIX (36) FOOT WIDE ENTRANCE WITH ONE INGRESS AND TWO EGRESS LANES IN THE SOUTH GARAGE; GRANTING A VARIANCE FROM SECTION 24-58(R)(2)(a), TO ALLOW PORTIONS OF THE GROUND FLOOR IN BUILDING 3 TO BE TWENTY-FOUR (24) FEET AND FOUR (4) INCHES IN HEIGHT, WHERE TWENTY FEET IS THE MAXIMUM HEIGHT ALLOWED; GRANTING A VARIANCE FROM SECTION 24-58(R)(2)(a), TO ALLOW PORTIONS OF THE GROUND FLOOR IN THE NORTH GARAGE TO BE TWENTY-FOUR (24) FEET AND FOUR (4) INCHES IN HEIGHT, WHERE TWENTY (20) FEET IS THE MAXIMUM HEIGHT ALLOWED; GRANTING A VARIANCE FROM SECTION 24-58(R)(2)(a), TO ALLOW PORTIONS OF THE GROUND FLOOR IN THE SOUTH GARAGE TO BE TWENTY-FOUR (24) FEET AND FOUR (4) INCHES IN HEIGHT, WHERE TWENTY (20) FEET IS THE MAXIMUM HEIGHT ALLOWED; GRANTING A VARIANCE FROM SECTION 24-58(S)(1)(a), TO ALLOW THE SOUTH SIDE OF BUILDING 1 TO HAVE A LENGTH OF FOUR HUNDRED FIVE (405) FEET AND NINE (9) INCHES WHERE THE MAXIMUM BUILDING LENGTH ALLOWED BY CODE IS THREE HUNDRED (300) FEET; GRANTING A VARIANCE FROM SECTION 24-58(S)(2)(a). TO ALLOW LOT 1 TO HAVE A BLOCK LENGTH OF EIGHT HUNDRED TWENTY-FIVE (825) FEET AND A PERIMETER OF APPROXIMATELY TWO THOUSAND (2,000) FEET, WHEN THE MAXIMUM BLOCK LENGTH IS SIX HUNDRED (600) FEET AND THE MAXIMUM PERIMETER ALLOWED IS ONE THOUSAND NINE HUNDRED (1,900) FEET; GRANTING A VARIANCE FROM SECTION 24-58.1(I)(2)(g) FIGURE MU/TC-17 TO PROVIDE A CANAL GREENWAY TYPE 6, WITH A LANDSCAPE AREA BETWEEN THE CANAL GREENWAY AND THE MULTIPURPOSE TRAIL HAVING A WIDTH LESS THAN FIFTEEN (15) FEET ALONG PORTIONS OF THE GREENWAY THAT FRONT BUILDING 2, WHERE THE CANAL GREENWAY TYPE 6 REQUIRES A FIFTEEN (15) FOOT LANDSCAPED AREA BETWEEN THE CANAL WATERS AND THE MULTI-USE TRAILS; GRANTING A VARIANCE FROM SECTION 24-58.1(I)(2)(g)ii FIGURE MU/TC-17 TO PROVIDE A

MINIMUM WIDTH OF ELEVEN (11) FEET ALONG PORTIONS OF THE CANAL GREENWAY MULTI-PURPOSE TRAIL THAT FRONT THE SOUTHWEST CORNER OF BUILDING 2, WHERE THE CANAL GREENWAY TYPE 6 REQUIRES CONSISTENCY IN THE MULTIPURPOSE TRAIL WITH A MINIMUM OF FIFTEEN (15) FEET; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(1) TABLE MU/TC-4 TO ALLOW FOR A MAXIMUM SETBACK OF SEVENTEEN (17) FEET AND ELEVEN (11) INCHES FOR BUILDING 1 ALONG A PORTION OF THE BUILDING THAT FRONTS THE CANAL GREENWAY, WHERE A MAXIMUM SETBACK OF FIFTEEN (15) FEET IS REQUIRED; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(1) TABLE MU/TC-4 TO PROVIDE A TWENTY (20) PERCENT BUILDING FRONTAGE ALONG THE CANAL GREENWAY FOR BUILDING 2, WHERE A MINIMUM OF NINETY (90) PERCENT OF BUILDING FRONTAGE IS REQUIRED; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(1) TABLE MU/TC-4 TO ALLOW FOR A MAXIMUM SETBACK OF ONE HUNDRED FIFTEEN (115) FEET AND ELEVEN (11) INCHES FOR BUILDING 2 ALONG THE PORTIONS OF THE BUILDING THAT FRONT THE CANAL GREENWAY, WHERE A MAXIMUM SETBACK OF FIFTEEN (15) FEET IS REQUIRED; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(1) TABLE MU/TC-4 TO PROVIDE A FOURTEEN (14) PERCENT BUILDING FRONTAGE ALONG THE CANAL GREENWAY FOR THE SOUTH PARKING GARAGE, WHERE A MINIMUM OF NINETY (90) PERCENT OF BUILDING FRONTAGE IS REQUIRED; GRANTING A VARIANCE FROM SECTION 24-58.1 (K)(1) TABLE MU/TC-4 TO ALLOW FOR A MAXIMUM SETBACK OF EIGHTEEN (18) FEET FOR THE SOUTH PARKING GARAGE ALONG THE PORTIONS OF THE BUILDING THAT FRONT THE CANAL GREENWAY, WHERE A MAXIMUM SETBACK OF FIFTEEN (15) FEET IS REQUIRED; GRANTING A VARIANCE FROM SECTION 24-93(C)(2)(a) TO ALLOW FOR HANDICAP PARKING SPACES TO BE TWELVE (12) FEET IN WIDTH AND EIGHTEEN (18) INCHES IN LENGTH, WHERE STANDARD HANDICAP PARKING SPACES ARE REQUIRED TO HAVE A MINIMUM OF TWELVE (12) FEET IN WIDTH AND TWENTY (20) FEET IN LENGTH; AND APPROVING THE SITE PLAN APPLICATION WITH CONDITIONS FOR THE CONSTRUCTION OF A MULTI-FAMILY, MIXED-USE DEVELOPMENT WITH SEVEN HUNDRED TWENTY-EIGHT (728) RESIDENTIAL UNITS, WITH TWO PARKING GARAGES OF A TOTAL OF TWO HUNDRED TWO (202) ON-STREET PARKING SPACES, FOUR HUNDRED (400) SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND SEVEN HUNDRED EIGHTY-FOUR (784) OFF-STREET PARKING SPACES ON A FOUR (4) PARCEL SITE CURRENTLY OCCUPIED BY THREE, 4-STORY EDUCATIONAL BUILDINGS, A PARKING DECK, AND A SURFACE PARKING LOT PREVIOUSLY HOSTING NOVA SOUTHEASTERN UNIVERSITY LOCATED AT 1699, 1750, AND 1755 N.E. 167<sup>th</sup> STREET; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to approve** Resolution R2023-105 made by Commissioner Smith, seconded by Commissioner Smukler.

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 disclosed that he spoke to Matt Amster regarding the item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Joseph disclosed that he spoke to the developer of the project regarding the item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smith disclosed that she spoke to Matt Amster, Mitch Edelstein, and City Manager Mario Diaz regarding the item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smukler disclosed that she spoke to Mitch Edelstein and Matt Amster regarding the item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Vice Mayor Chernoff disclosed that he spoke to Kobi Karp regarding the item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

City Attorney John Herin stated that Ordinance No. 2023-07 is a corresponding legislative item needed for Resolution R2023-105 to proceed and both items can be presented at the same time with separate votes.

City Clerk Andrise Bernard asked anyone who will be providing testimony regarding the item to raise their right hand and be sworn in.

Matt Amster represented the applicant/property owner and discussed the proposed development project.

Kobi Karp presented the master site plan, pedestrian circulation diagram, landscape plan, roof plan, and renderings of the project.

Matt Amster explained the requested variances, proposed ordinance text amendment, and conditions of approval regarding public art, safety lighting, and supporting youth sports programs and the North Miami Beach Library.

Interim Director of Community Development Edward Ng provided an overview of Resolution R2023-105 and discussed the property size, current zoning, existing and future land use, and proposed use for five residential buildings and two parking garages. Mr. Ng stated that the Planning and Zoning Board recommended approval of the project 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 explained the landscape plan, shadow study, vehicular circulation, variance requests, and site plan conditions.

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

There were no speakers.

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

The Acting Mayor and Commission discussed and considered the proposed project.

**Motion to amend** Resolution R2023-105 to include a condition that the property maintain the nearby portion of Snake Creek Canal subject to approval of the appropriate agencies made by Commissioner Smith, seconded by Commissioner Smukler.

The Commission Meeting took a recess at 10:05pm and resumed at 10:17pm.

Chief of Police Harvette Smith stated that security guards and North Miami Beach Police Department officers patrol Snake Creek Canal and Matt Amster stated that the property will have 24/7 security at the site.

**Motion to amend** Resolution R2023-105 to include a condition that the property owner implement an updated security plan based on the recommendation and review of the North Miami Beach Police Department prior to the issuance of a certificate of occupancy.

**Motion to approve** Resolution R2023-105 made by Commissioner Smith, seconded by Commissioner Smukler.

Roll Call Vote: Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 6-0** as amended.

**Ordinance No. 2023-07 (Second Reading) Text Amendment for Street Standards for West End of Edge Sub-Area of MU-TC (Edward Ng, Interim Community Development Director)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH CODE BY AMENDING CHAPTER XXIV, ENTITLED "ZONING AND LAND DEVELOPMENT," ARTICLE V "ZONING USE DISTRICTS," SECTION 24-58 "MIXED USE (MU) DISTRICT," TO PROVIDE AN EXCEPTION FOR A CUL-DE-SAC T-TURNAROUND ON THE EXISTING DEAD-END STREET OF N.E. 167<sup>th</sup> STREET AT THE SNAKE CREEK CANAL AND AMENDING SECTION 24-58.1 ENTITLED "FULFORD MIXED-USE TOWN CENTER DISTRICT (MU/TC)," SUBSECTION (H) ENTITLED "STREET NETWORK CONNECTIVITY REGULATING PLAN AND STREET STANDARDS," TO PROVIDE SPECIFIC STREET SECTIONS AND STANDARDS FOR ON-STREET PERPENDICULAR PARKING, DROP-OFF AREAS, AND A CUL-DE-SAC T-TURNAROUND FOR N.E. 167<sup>th</sup> AND 168<sup>th</sup> STREETS AND N.E. 17<sup>th</sup> AND 18<sup>th</sup> AVENUES IN THE EDGE SUBDISTRICT OF THE MU/TC; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to approve** Ordinance No. 2023-07 made by Commissioner Smith, seconded by Commissioner Fleurimond.

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

There were no speakers.

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

Roll Call Vote: Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 6-0**.

**LEGISLATION**

**Resolution No. R2023-108 Approving CIP and CIP Reappropriations (Mario Diaz, City Manager)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING, AUTHORIZING, AND RE-APPROPRIATING CAPITAL OUTLAY ITEMS CONTAINED IN THE CAPITAL IMPROVEMENT PROGRAM (CIP) AUTHORIZED AS PART OF THE FY 2023-2024 FINAL BUDGET FOR THE SPECIFIC PURPOSES IDENTIFIED IN THE CIP; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Mario Diaz provided an explanation of Resolution R2023-108 and stated that the item restricts funds allocated in the budget for Capital Improvement Program (CIP) projects to only be used for

designated projects whether or not there is a purchase order, and a Commission vote would be required for any other use.

The Acting Mayor and Commission discussed the proposed resolution and the Washington Park project.

**Motion to table** Resolution R2023-108 made by Commissioner Smith, seconded by Commissioner Fleurimond.

Roll Call Vote: Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Chernoff - **No**  
**MOTION PASSED 5-1** with Acting Mayor Chernoff opposed.

**Resolution No. R2023-101 Approval of Continuing Services Agreement Task Order from The Corradino Group, Inc., for Upper Level Management Staff (Mario Diaz, City Manager)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER BETWEEN THE CITY AND THE CORRADINO GROUP, INC. FOR PROFESSIONAL CONSULTING SERVICES FOR UPPER LEVEL MANAGEMENT STAFF OF THE COMMUNITY DEVELOPMENT DEPARTMENT IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$324,480.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH THE CORRADINO GROUP, 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 SCRIVENER’S ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2023-101 was pulled from the Consent Agenda and moved to Legislation.

City Manager Mario Diaz provided an explanation of Resolution R2023-101 and stated that the item will help reorganize the Community Development Department.

Commissioner Smith expressed that the contract should be terminated when someone is permanently hired and City Attorney John Herin stated there is a provision that the City has the right to terminate the agreement for convenience and for any reason upon fifteen days of written notice.

The Acting Mayor and Commission discussed the proposed resolution.

Motion to approve Resolution R2023-101 made by Commissioner Smith, seconded by Commissioner Fleurimond.

**MOTION PASSED 5-0** with Commissioner Joseph off the dais.

**Motion to approve** to have a Commission Meeting on October 26, 2023, to rollover the items that were not heard at this meeting made by Commissioner Smukler, seconded by Commissioner Smith.

Roll Call Vote: Joseph - **No**, Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Jean - **No**, Chernoff – **Yes**

**MOTION PASSED 4-2** with Commissioner Jean and Commissioner Joseph opposed.

**Resolution No. R2023-89 Award of RFP-22-059-MC Oleta River Crossing Watermain Replacement Project from David Mancini & Sons, Inc. (Andrea Suarez-Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A DESIGN BUILD AGREEMENT BETWEEN THE CITY AND DAVID MANCINI & SONS, INC. IN AN ESTIMATED BUDGETED AMOUNT OF \$1,500,000.00 FOR THE OLETA RIVER CROSSING WATER MAIN REPLACEMENT PROJECT SUBJECT TO BUDGET

APPROPRIATION AND AVAILABILITY OF FUNDS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to approve** Resolution R2023-89 made by Commissioner Smith, seconded by Commissioner Smukler.

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

There were no speakers.

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

NMB Water Director Andrea Suarez-Abastida provided an explanation of Resolution R2023-89 and stated that the item was part of the Capital Improvement Program pre-approved projects.

Voice Vote: **MOTION PASSED 6-0**.

**Resolution No. R2023-91 Purchase of Additional Program Management Support Services from Black & Veatch for NMB Water Department (Andrea Suarez-Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING WORK ORDER #4 AND AUTHORIZING THE ISSUANCE OF A NOTICE TO PROCEED RELATING TO WORK ORDER #4 TO BLACK & VEATCH CORPORATION TO PROVIDE ON-GOING PROGRAM MANAGEMENT AND STAFF AUGMENTATION IN AN AMOUNT NOT TO EXCEED \$4,222,763.00; 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.

**Motion to approve** Resolution R2023-91 made by Commissioner Smukler, seconded by Commissioner Smith.

NMB Water Director Andrea Suarez-Abastida provided an explanation of Resolution R2023-91 and stated that there was a reduction in the original cost regarding the item.

Charles Moseley of Black and Veatch explained the work order.

The Acting Mayor and Commission discussed the proposed resolution.

Voice Vote: **MOTION PASSED 5-1** with Commissioner Joseph opposed.

**Resolution No. R2023-107 Approval of NMB Police Department Fleet Replacement through Enterprise Fleet Management Inc. (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 ENTERPRISE FLEET MANAGEMENT, INC., TO FURNISH AND FACILITATE A FLEET REPLACEMENT PROGRAM FOR THE NMB POLICE DEPARTMENT IN AN ESTIMATE ANNUAL BUDGETED AMOUNT OF \$595,743.00; 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.

**Motion to approve** Resolution R2023-107 made by Commissioner Smith, seconded by Commissioner Smukler.

City Manager Mario Diaz provided an explanation of Resolution R2023-107 and stated that the City will own the vehicles at the end of the agreement.

Voice Vote: **MOTION PASSED 6-0.**

**Resolution No. R2023-109**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE IN THE LITIGATION STYLED JENNIE PIERRE AS PARENT AND NEXT FRIEND OF MINOR Z.D. v. CITY OF NORTH MIAMI BEACH PENDING IN THE IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY FLORIDA CASE NO.: 19-15012-CA-01 (04); AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE SAID SETTLEMENT AGREEMENT AND MUTUAL RELEASE; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney John Herin provided an explanation of Resolution R2023-109 regarding a settlement agreement in the amount of \$11,000.

**Motion to approve** Resolution R2023-109 made by Commissioner Smith, seconded by Commissioner Smukler.

**MOTION PASSED 6-0.**

**APPOINTMENTS**

**Motion to reappoint** Stanley Brown to the Eastern Shores First Addition Security Guard Special Taxing District made by Commissioner Smith, seconded by Commissioner Fleurimond.

**MOTION PASSED 6-0.**

**Motion to appoint** Alicia Costa Devito to the Education Committee made by Commissioner Smith, seconded by Commissioner Smukler.

**MOTION PASSED 6-0.**

*The remaining items were tabled and will be moved to the Commission Meeting on October 26, 2023:*

**Ordinance No. 2023-06 (Second Reading) Long Term Resident Senior Homestead Exemption (Mario Diaz, City Manager)**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN LOW INCOME QUALIFYING SENIOR CITIZENS WHO ARE LONG TERM RESIDENTS OF THE CITY PURSUANT TO ARTICLE VII, SECTION 6(D), FLORIDA CONSTITUTION AND SECTION 196.075, FLORIDA STATUTES, TO BE APPLIED TO REAL ESTATE TAXES LEVIED BY THE CITY IN ACCORDANCE WITH STATE LAW; AND FURTHER PROVIDING THAT A COPY OF THIS ORDINANCE BE FILED WITH MIAMI-DADE COUNTY PROPERTY APPRAISER; PROVIDING FOR THE ANNUAL SUBMISSION OF A SWORN STATEMENT TO THE PROPERTY APPRAISER; ALLOWING SUPPORTING DOCUMENTATION; PROVIDING FOR WAIVER OF

EXEMPTION; PROVIDING FOR COMMENCEMENT OF EXEMPTION; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**Ordinance No. 2023-08 (Second Reading) Stormwater Fee Increase (Samuel Zamacoma, Public Works Director)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XX, "STORMWATER," SECTION 20-2.2 "MONTHLY UTILITY RATE" OF THE CODE OF ORDINANCES CITY OF NORTH MIAMI BEACH, FLORIDA BY INCREASING THE MONTHLY RATE FOR EQUIVALENT RUNOFF UNIT (ERU); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Ordinance No. 2023-09 (First Reading) Amendment Regarding Restoration of Certain Pension Benefits (Babette Friedman, Human Resources Director)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; RESTORING PENSION BENEFITS FOR A CERTAIN GENERAL MANAGEMENT EMPLOYEE WHO WAS A MEMBER OF THE PLAN ON JANUARY 31, 2013 AND HAS REMAINED CONTINUOUSLY EMPLOYED AS A MANAGEMENT EMPLOYEE; RESTORING THE 3% MULTIPLIER; RESTORING THE AUTOMATIC COST OF LIVING ADJUSTMENT; RESTORING THE NORMAL RETIREMENT DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2023-90 Purchase of Information Technology Products, Services and Maintenance Through Cooperative Purchasing (Ricardo Castillo, Chief Information Officer)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE UTILIZATION OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, NATIONAL COOPERATIVE PURCHASING ALLIANCE AND GSA CONTRACTS AND OTHER COOPERATIVES FOR THE PURCHASE OF THE CITY'S INFORMATION TECHNOLOGY HARDWARE, SOFTWARE, AND MAINTENANCE AND SERVICE; 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. R2023-106 Solid Waste CPI Increase (Samuel Zamacona, Public Works Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY AND COASTAL WASTE AND RECYCLING OF FLORIDA, INC. TO CHANGE THE ANNUAL CPI INCREASE FROM JUNE 1<sup>ST</sup> TO OCTOBER 1<sup>ST</sup> FOR SOLID WASTE AND RECYCLING SERVICES; 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.

**Ordinance No. 2023-09 (First Reading) Amendment Regarding Restoration of Certain Pension Benefits (Babette Friedman, Human Resources Director)**



AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; RESTORING PENSION BENEFITS FOR A CERTAIN GENERAL MANAGEMENT EMPLOYEE WHO WAS A MEMBER OF THE PLAN ON JANUARY 31, 2013 AND HAS REMAINED CONTINUOUSLY EMPLOYED AS A MANAGEMENT EMPLOYEE; RESTORING THE 3% MULTIPLIER; RESTORING THE AUTOMATIC COST OF LIVING ADJUSTMENT; RESTORING THE NORMAL RETIREMENT DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**DISCUSSION ITEMS**

Business Tax Receipt Fees (Edward Ng AICP, Interim Community Development Director)  
Charitable Donations (David Jeannot, Chief Communications Officer)  
Weekly Recycling Service (Samuel Zamacona, Public Works Director)  
Solid Waste and Recycling Collection and Disposal Insourcing (Samuel Zamacona, Public Works Director)  
City Wide Bus Shelter, (Samuel Zamacona, Public Works Director)  
Remote Participation (Commissioner Phyllis Smith)

**CITY MANAGER'S REPORT**

Targeted Crimes Report

**CITY ATTORNEY'S REPORT**

Request of Outside Counsel (Shubin & Bass, P.A.)

**ADJOURNMENT**

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

**ATTEST:**

(SEAL)

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Andrise Bernard, MMC, City Clerk