



**CITY OF NORTH MIAMI BEACH**  
City Hall, Commission Chambers, 2<sup>nd</sup> Floor  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162  
**Thursday, October 26, 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 5:02pm.  
Present at the meeting were Acting Mayor Jay Chernoff, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Michael Joseph, Commissioner Phyllis Smith, and Commissioner Fortuna Smukler.

Acting Mayor Chernoff led a moment of silence to reflect on the events in Israel.

**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 that Ordinance No. 2023-06 and Ordinance No. 2023-8 will be heard after 6:00pm.

Commissioner Fleurimond requested to table the Discussion items regarding Charitable Donations, Weekly Recycling Service, Solid Waste and Recycling Collection and Disposal Insourcing, City Wide Bus Shelters, and Remote Participation until the Commission Meeting.

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

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. Mubarak Kazan
2. Daniella Adams

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

City Manager Mario Diaz announced that the City received a \$600,000 grant to expand the Freebee service and the funds could be available starting in July of 2024.

### **CITY COMMISSION REPORTS**

Commissioner Fleurimond expressed thoughts for an expedient and cordial meeting and discussed the upcoming Halloween event.

Commissioner Jean expressed thoughts for an expedient meeting.

Commissioner Joseph expressed thoughts for an expedient meeting and discussed an upcoming bulk trash pickup in the Sunray West neighborhood.

Commissioner Smith expressed thoughts regarding the recent incident in Maine and discussed the upcoming Halloween event and Thanksgiving turkey giveaway.

Commissioner Smukler recognized Italian-American Month, thanked the North Miami Beach Library for the Breast Cancer Awareness event and the Parks and Recreation Department for the Farm Share event, expressed appreciation to the Police Department, and expressed thoughts regarding the recent incidents in Maine and Israel.

Acting Mayor Chernoff congratulated City Manager Mario Diaz for his involvement in the City Manager's Association, thanked Dr. Stacy Roskin regarding a property owner's meeting, praised the Farm Share event and Breast Cancer Awareness event, talked about a Halloween store in Eastern Shores, expressed thoughts on the recent incident in Maine, and discussed the upcoming Senior Luncheon.

City Clerk Andrise Bernard announced that the Special Election for Mayor is December 5, 2023, the deadline to register to vote is November 6, 2023, the deadline to request a vote by mail ballot is November 23, 2023, and the Miami-Dade County Ethics and Elections Departments will be hosting a Clean Campaign Class on October 30, 2023.

### **CONSENT AGENDA**

#### **Public Budget Hearing Meeting Minutes of September 27, 2023.**

*The approval of the Public Budget Hearing Meeting Minutes of September 27, 2023 was tabled until the next Commission Meeting.*

### **LEGISLATION**

#### **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.

Director of Human Resources Babette Friedman provided an explanation of Ordinance No. 2023-09 and stated that the item affects one current employee.

The Acting Mayor and Commission discussed the proposed ordinance.

**Motion to table** Ordinance No. 2023-09 made by Commissioner Smith, seconded by Commissioner Smukler.

Roll Call Vote: Fleurimond - **No**, Jean - **No**, Joseph - **No**, Smith - **Yes**, Smukler - **Yes**, Chernoff - **No**  
**MOTION FAILED 4-2** with Acting Mayor Chernoff, Commissioner Fleurimond, Commissioner Jean, and Commissioner Joseph opposed.

**Motion to approve** Ordinance No. 2023-09 made by Commissioner Smith, Jean seconded by Commissioner Fleurimond.

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

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

1. Mubarak Kazan

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

Roll Call Vote: Jean - **Yes**, Joseph - **Yes**, Smith - **No**, Smukler - **Yes**, Fleurimond - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 5-1** on First Reading with Commissioner Smith opposed.

**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, 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.

Chief Information Officer Ricardo Castillo and Chief Procurement Officer Shereece George provided an explanation of Resolution R2023-90 and discussed the products, services, and benefits of the contracts.

**Motion to approve** Resolution R2023-90 made by Commissioner Smith, seconded by Commissioner Smukler.

The Acting Mayor and Commission discussed the proposed resolution.

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

**MOTION PASSED 5-1** with Commissioner Jean opposed.

**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.

City Manager Mario Diaz provided an explanation of Ordinance No. 2023-06 and stated that Miami-Dade County confirmed that approximately 100 homes in North Miami Beach could qualify for the program.

**Motion to approve** Ordinance No. 2023-06 made by Commissioner Joseph, seconded by Commissioner Smith.

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

There were no speakers.

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

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

**Ordinance No. 2023-08 (Second Reading) Stormwater Fee Increase (Samuel Zamacona, 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.

City Manager Mario Diaz, Director of Public Works Samuel Zamacona, and Deputy City Manager David Scott provided an explanation of Ordinance No. 2023-08.

The Acting Mayor and Commission discussed the proposed ordinance.

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

There were no speakers.

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

**Motion to approve** Ordinance No. 2023-08 made by Commissioner Smukler, seconded by Commissioner Joseph.

Roll Call Vote: Smukler - **Yes**, Fleurimond - **Yes**, Jean - **No**, Joseph - **Yes**, Smith - **Yes**, Chernoff - **Yes**  
**MOTION PASSED 5-1** on Second Reading with Commissioner Jean opposed.

**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.

Director of Public Works Samuel Zamacona provided an explanation of Resolution R2023-106 and presented the proposed rate changes/increases.

**Motion to approve** Resolution R2023-106 made by Commissioner Joseph, seconded by Commissioner Smukler.

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

1. Mubarak Kazan

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

Voice Vote: **MOTION PASSED 4-2** with Commissioner Jean and Commissioner Smith opposed.

**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.

**Motion to approve** Resolution R2023-108 made by Commissioner Joseph, seconded by Commissioner Smukler.

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

1. Mubarak Kazan

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

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

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

**DISCUSSION ITEMS**

City Manager Mario Diaz stated that the Business Tax Receipt Department did not send timely invoices to several businesses to renew licenses and the City is requesting to waive late fees.

**Motion to approve** the removal of late fees associated with Business Tax Receipt renewals made by Commissioner Smukler, seconded by Commissioner Joseph.  
Voice Vote: **MOTION PASSED 6-0.**

**CITY ATTORNEY’S REPORT**

City Attorney John Herin stated that the outside counsel (Shubin & Bass, P.A.) representing the City in litigation with Miami Gardens will be increasing the hourly rate.

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

City Attorney John Herin requested authorization to schedule and conduct a shade meeting regarding the litigation case between the City and Miami Gardens.

**Motion to approve** to have a shade meeting made by Commissioner Joseph, seconded by Commissioner Smukler.  
Voice Vote: **MOTION PASSED 5-0** with Commissioner Jean off the dais.

Acting Mayor Chernoff discussed having two Commission Meetings a month.

**NEXT REGULAR CITY COMMISSION MEETING** is Tuesday, November 14, 2023.

**ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 6:59pm.

**ATTEST:**

(SEAL)

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Andrise Bernard, MMC, City Clerk