



**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, September 19, 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 6:43pm. 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.

**INVOCATION** by Pastor Ariel Vaquez of 3<sup>rd</sup> Day Church.

**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 Resolution R2023-77 will be deferred to the next Commission Meeting per the request of the City Manager's Office and the Appointments will be moved up and heard after the Consent Agenda per the request of Commissioner Smith.

City Manager Mario Diaz stated that a discussion item regarding a pension plan will be on the next Commission Meeting agenda.

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

**PRESENTATIONS/DISCUSSIONS**

Chief of Police Harvette Smith presented a video highlighting the initiatives, achievements, and accomplishments of the North Miami Beach Police Department.

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. Dianne Doolity
2. David Zapen
3. Terrence Camenzuli
4. Jeb Handwerger
5. Yona Lunger
6. Mubarak Kazan
7. Lynn Su

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

### **ANNOUNCEMENTS**

Chief Communications Officer David Jeannot presented a video featuring the Nursing Assistant Scholarship Program, We Care to Share bill payment assistance program, legislative update and discussion with State Representative Christopher Benjamin, recent and upcoming Senior Luncheon, PACT meeting, Police Department swearing-in ceremony, Farm Share event at Victory Pool, groundbreaking ceremony at Mishcon Field, author event with Max Fleischer at the North Miami Beach Library, Farm Share event at Uleta Park, Rosh Hashanah, mobile diaper event, movie event at Hazel Fazzino Park, Google business event at the McDonald Center, Hispanic Heritage Month event, Citizenship Program information session, Sukkot distribution event, Senior Health and Wellness Fair, and Memorial Bench Dedication at Snake Creek Canal.

Commissioner Smukler announced the upcoming mobile mammogram event and advised to register in advance.

### **CITY COMMISSION REPORTS**

Commissioner Fleurimond discussed the Enterprise Funds of water and sanitation, expressed holiday wishes to the Jewish community, and recognized Hispanic Heritage Month.

Commissioner Jean discussed a report regarding Black and Veatch, encouraged everyone to attend the Google business workshop, promoted National Voter Registration Day, recognized Hispanic Heritage Month, and expressed holiday wishes to the Jewish community.

Commissioner Joseph recognized Hispanic Heritage Month, expressed holiday wishes to the Jewish community, and discussed the importance of good health.

Commissioner Smith discussed the upcoming Senior Health and Wellness Fair, talked about the City budget process, and expressed holiday wishes to the Jewish community.

Commissioner Smukler announced the upcoming mobile mammogram, mobile diaper, and Farm Share events, recognized Deputy Police Chief Ford for his service, expressed holiday wishes to the Jewish community, thanked the Police Department for keeping everyone safe, and recognized Hispanic Heritage Month.

Acting Mayor Chernoff discussed the Farm Share event in Uleta, talked about collecting palm fronds, expressed holiday wishes to the Jewish community, and recognized Hispanic Heritage Month.

**CONSENT AGENDA**

**Regular Commission Meeting Minutes of August 15, 2023**

**Resolution No. R2023-77 Approval to Extend Interlocal Agreement with City of Aventura for Trolley Services: Route E from ProTransportation, Inc. (Kerlyne McHenry, Interim Public Works Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT EXTENSION FOR NORTH MIAMI BEACH TROLLEY SERVICES ROUTE E WITH PRO TRANSPORTATION, INC D/B/A PROKEL MOBILITY; 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 R2023-77 was deferred to the next Commission Meeting.*

**Resolution No. R2023-78 Purchase of Additional External Auditing Services from Caballero Fierman Llerena & Garcia, LLP (Sophia Taylor, Finance Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A ONE YEAR EXTENSION TO THE CONTRACT BETWEEN THE CITY AND CABALLERO, FIERMAN, LLERENA & GARCIA LLP FOR THE PROVISION OF INDEPENDENT AUDITING 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. R2023-79 Purchase of Additional Hauling and Disposal of Liquid Slime Sludge from Prolime Corporation (Andrea Suarez-Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INCREASE IN ANNUAL EXPENDITURE IN THE AMOUNT OF \$258,000.00 WITH PROLIME CORPORATION FOR LOADING, HAULING AND DISPOSAL OF LIQUID LIME SLUDGE; 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. R2023-80 Approval of Continuing Services Agreement Task Order from Hazen & Sawyer (Andrea Abastida-Suarez, 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 PUMP STATION UPGRADES AND MODERNIZATION IN THE AMOUNT OF \$179,350.00, 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; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2023-81 Purchase of Additional Construction Services at the Norwood Water Treatment Plant by PCL Construction (Andrea Abastida-Suarez, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INCREASE IN EXPENDITURE FOR THE NORWOOD TREATMENT PLANT RENOVATION PROJECT IN THE AMOUNT OF \$222,128.00, WITH PCL CONSTRUCTION, INC, FOR RELOCATION OF FPL POWER LINES; 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. R2023-82 Purchase of Lightening Suppression Technology from Avanti Company (Andrea Suarez-Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT WITH THE AVANTI COMPANY FOR LIGHTNING SUPPRESSION TECHNOLOGY; 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. R2023-83 Approval of Continuing Services Agreement Task Order from Calvin, Giordano & Associates, 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 FOR THE NORTH MIAMI BEACH LIBRARY GENERATOR PROJECT IN THE AMOUNT OF \$80,720.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH CALVIN, GIORDANO AND ASSOCIATES, INC FOR PROFESSIONAL ELECTRICAL AND CIVIL ENGINEERING 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. R2023-84 Local Option Gas Tax Interlocal Agreement (Kerlyne McHenry, Interim Public Works Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA TO RE-LEVY THE SIX CENT LOCAL OPTION FUEL TAX FOR A PERIOD OF 30 YEARS BEGINNING JANUARY 1, 2024; 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 Agenda made by Commissioner Smith, seconded by Commissioner Smukler.

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

**APPOINTMENTS**

**Motion to approve** the appointment of Commissioner Smith to the Management Pension Board made by Commissioner Jean, seconded by Commissioner Smukler.

Commissioner Smith declined the nomination.

**Motion to approve** the appointment of Acting Mayor Chernoff to the Management Pension Board made by Commissioner Smukler, seconded by Commissioner Smith.

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

**Motion to approve** the reappointment of Toni Diaz to the Eastern Shores Security Guard Special Taxing District made by Commissioner Smith, seconded by Commissioner Smukler.

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

**Motion to approve** the appointment of Ruth Smith to the Education Committee made by Commissioner Smith, seconded by Commissioner Smukler.

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

**Motion to approve** the appointment of Patricia Miller to the Education Committee made by Commissioner Smith, seconded by Commissioner Smukler.

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

**Motion to approve** the appointment of Lynn Su to the Education Committee made by Commissioner Smith, seconded by Commissioner Smukler.

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

**Motion to approve** the appointment of Lynn Su to the Economic Development Commission made by Commissioner Smith, seconded by Commissioner Smukler.

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

**Motion to approve** the appointment of Louise Harkness to the Library Board made by Commissioner Smith, seconded by Commissioner Smukler.

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

**Motion to approve** the appointment of Philip Balbi to the Commission on Aging/Senior Advisory Board made by Commissioner Smith, seconded by Commissioner Smukler.

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

## **QUASI-JUDICIAL**

### **Resolution No. R2023-85 The Helios Site Plan and Five (5) 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 FIVE NON-USE VARIANCES FOR THE CONSTRUCTION OF A 634,190 GROSS SQUARE FEET, MIXED-USE DEVELOPMENT WITH 378 RESIDENTIAL UNITS, AND APPROXIMATELY 15,600 SQUARE FEET OF GROUND FLOOR COMMERCIAL AND RETAIL SPACE AND 485 PARKING SPACES ON A 1.16-ACRE PARCEL LOCATED AT 1700 NE 164<sup>th</sup> STREET; GRANTING A VARIANCE TO REDUCE THE REQUIRED LOADING SPACES TO FOUR; GRANTING A VARIANCE TO EXTEND THE LENGTH OF THE BUILDING TO 425 FEET 6 INCHES; GRANTING A VARIANCE TO REDUCE THE REQUIRED LENGTH OF HANDICAPPED PARKING SPACES TO EIGHTEEN FEET; GRANTING A VARIANCE TO PERMIT TWO PARKING GARAGE ACCESSWAYS ON NE 164<sup>th</sup> STREET; GRANTING A VARIANCE TO INCREASE THE MAXIMUM PERMITTED LOT WIDTH TO 465 FEET; 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 Acting Mayor Chernoff and Commissioner Jean submitted their disclosure forms regarding the item.

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

Commissioner Smukler disclosed the individuals that she spoke to regarding the item and confirmed that she 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.

Interim Director of Community Development Edward Ng presented an overview of Resolution R2023-85 for a mixed-use development project consisting of residential units and ground floor commercial space and requesting five non-use variances regarding the building length, off-street loading spaces, handicapped parking space size, parking garage points of access, and lot width. Mr. Ng provided photos of the current existing site conditions and renderings of the proposed 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 is consistent with the City's Comprehensive Plan and meets the purpose and intent of the designated zoning district.

Ethan Wasserman appeared before the Acting Mayor and Commission on behalf of the applicant and provided additional information regarding the proposed project.

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

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

1. David Zapen
2. Mubarak Kazan
3. Dianne Doolity
4. Hackman (no first name given)
5. Maria (no last name given)
6. Terrence Camenzuli

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

The Acting Mayor and Commission discussed the proposed project and Interim Director of Community Development Edward Ng and Ethan Wasserman provided further information.

**Motion to approve** Resolution R2023-85 with conditions made by Commissioner Smith, seconded by Commissioner Fleurimond.

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

**Resolution No. R2023-86 Prestige Boardwalk Vacation of Alleyway (Edward Ng, Interim Community Development Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE VACATION AND ABANDONMENT OF A 20 FOOT ALLEY TOTALING 8,311 SQUARE FEET LOCATED SOUTH OF NE 167<sup>th</sup> STREET BETWEEN LOTS 1 THROUGH 8 AND 14 THROUGH 21, IN BLOCK 66, OF FULFORD BY THE SEA SECTION "F", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, AT PAGE 64 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, 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 disclosed the individuals that he spoke to 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 the individuals that he spoke to 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 the individuals that she spoke to 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 the individuals that she spoke to 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 disclosed the individuals that he spoke to 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.

Interim Director of Community Development Edward Ng presented an overview of Resolution R2023-86 for a request to vacate an existing alley that will not impact the property's access or connectivity to the surrounding area. Mr. Ng provided a boundary survey map, aerial and location map, and photo of the current

existing site conditions and stated that the design, layout, compatibility, traffic impact, and levels of service and capacities will be consistent with the goals, objectives, and policies of the City's Comprehensive Plan.

Pedro Gassant appeared before the Acting Mayor and Commission on behalf of the applicant and provided additional information regarding the proposed project.

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

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

1. Terrence Camenzuli
2. Mubarak Kazan

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

The Acting Mayor and Commission discussed the proposed project and Interim Director of Community Development Edward Ng and Pedro Gassant provided further information.

**Motion to approve** Resolution R2023-86 made by Commissioner Smith, seconded by Commissioner Smukler.

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

## **LEGISLATION**

### **Ordinance No. 2023-06 (First 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 it will take effect on December 1, 2023.

The Acting Mayor and Commission discussed the proposed ordinance.

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

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

1. David Zapen
2. Terrence Camenzuli
3. Lynn Su



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

**Motion to approve** Ordinance No. 2023-06 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** on First Reading.

**Ordinance No. 2023-07 (First 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 NE 167 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 NE 167 AND 168 STREETS AND NE 17 AND 18 AVENUES IN THE EDGE SUBDISTRICT OF THE MU/TC; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of Ordinance No. 2023-07 and the proposed changes.

Matthew Amster appeared before the Acting Mayor and Commission and provided additional information and renderings of the property and surrounding area.

The Acting Mayor and Commission discussed the proposed ordinance.

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

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

1. Terrence Camenzuli

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

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

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

**Ordinance No. 2023-08 (First Reading) Stormwater Fee Increase (Kerlyne McHenry, Interim 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.

Interim Director of Public Works Kerlyne McHenry provided an explanation of Ordinance No. 2023-08 and the fiscal impact.

City Manager Mario Diaz provided additional information regarding the proposed ordinance.

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

There were no speakers.

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

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

Roll Call Vote: Smukler - **Yes**, Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Chernoff - **Yes**

**MOTION PASSED 5-0** on First Reading with Commissioner Fleurimond off the dais.

**Resolution No. R2023-58 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.

City Manager Mario Diaz provided an explanation of Resolution R2023-58.

Chief Information Officer Ricardo Castillo presented the benefits, challenges, and key components of a Smart City including infrastructure, technology, sustainability and environment, and governance and citizen engagement and discussed developing an action plan with goals, strategic alignment of initiatives, and allocating funding to implement.

The Acting Mayor and Commission discussed the proposed resolution.

**Motion to approve** Resolution R2023-58 made by Commissioner Joseph, seconded by Commissioner Jean.

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

**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 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.

City Manager Mario Diaz and Interim City Attorney John Herin provided an explanation of Resolution R2023-64.

The Acting Mayor and Commission discussed the proposed resolution.

**Motion to approve** Resolution R2023-64 made by Commissioner Fleurimond, seconded by Acting Mayor Chernoff.

Voice Vote: **MOTION FAILED 3-3** with Acting Mayor Chernoff, Commissioner Smith, and Commissioner Smukler opposed.

City Manager Mario Diaz asked for Resolution R2023-92 to be moved up and heard next.

**Resolution No. R2023-92 Community Development Block Grant (CDBG) Urban County Qualification (Mario Diaz, City Manager)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH APPROVING AN URBAN QUALIFICATION COOPERATION AGREEMENT WITH MIAMI-DADE COUNTY TO PARTICIPATE IN THE URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEARS 2024, 2025, AND 2026; 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 R2023-92.

The Acting Mayor and Commission discussed the proposed resolution.

**Motion to approve** Resolution R2023-92 made by Commissioner Smith, seconded by Commissioner Fleurimond.

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

**Resolution No. R2023-87 Purchase of Additional FreeBee Transportation Services from BeeFree, Inc. (Kerlyne McHenry, Interim Public Works Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND BEEFREE, LLC D/B/A FREEBEE TO PROVIDE FREE ON-DEMAND TRANSPORTATION SERVICES; 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 Procurement Officer Shereece George and Deputy City Manager David Scott provided an explanation of Resolution R2023-87.

The Acting Mayor and Commission discussed the proposed resolution.

Evan Ross appeared before the Acting Mayor and Commission on behalf of FreeBee and provided additional information.

**Motion to approve** Resolution R2023-87 made by Commissioner Smith, seconded by Commissioner Smukler.

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

**Resolution No. R2023-88 Budget Resolution Amendment (John Herin, Interim City Attorney)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2022, TO SEPTEMBER 30, 2023, FOR THE CITY ATTORNEY'S OFFICE;

PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney John Herin provided an explanation of Resolution R2023-88 and City Manager Mario Diaz stated that the Unassigned Fund Balance would be used to cover the budget amendment.

The Acting Mayor and Commission discussed the proposed resolution and gave direction to receive a report regarding outside legal counsel billing every 60 days.

**Motion to approve** Resolution R2023-88 made by Commissioner Fleurimond, seconded by Acting Mayor Chernoff.

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

**Motion to approve** extending the Commission Meeting to 12:05am made by Commissioner Smukler.

The motion died for lack of a second.

**Motion to approve** to continue the Commission Meeting on September 28, 2023 made by Commissioner Smith, seconded by Commissioner Smukler.

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.

*The following items were not heard at this Commission Meeting:*

**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.

**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. R2023-91 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 ONGOING 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.

**DISCUSSION ITEMS**

Weekly Recycling Service  
Solid Waste and Recycling Collection and Disposal Insourcing  
Frequency of Commission Meetings  
City Wide Bus Shelter Project  
Business Tax Receipt Fees  
Charitable Donations

**ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 12:06am.

**ATTEST:**

(SEAL)

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Andrise Bernard, MMC, City Clerk