



CITY OF NORTH MIAMI BEACH
City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, August 17, 2021
6:00pm

Mayor Anthony F. DeFillipo
Vice Mayor Paule Villard
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Michael Joseph
Commissioner Barbara Kramer
Commissioner Fortuna Smukler

City Manager Arthur H. Sorey III
Interim City Attorney Hans Ottinot
Ottinot Law, P.A.
City Clerk Andrise Bernard, CMC

Regular Commission Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:05pm.

Present at the meeting in the Littman Performing Arts Theater were Mayor Anthony F. DeFillipo, Vice Mayor Paule Villard, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Michael Joseph, Commissioner Barbara Kramer, and Commissioner Fortuna Smukler.

City Manager Arthur Sorey, Interim City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present in the theater.

PLEDGE OF ALLEGIANCE was led by the Mayor and Commission.

Mayor DeFillipo led a moment of silence and reflection for people suffering around the world affected by recent tragedies.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

Motion to **defer** the discussion item regarding the City Clerk's contract renewal until the next Commission Meeting made by Vice Mayor Villard, seconded by Commissioner Joseph.

Mayor DeFillipo did not recognize the motion receiving a second and the item was not voted on.

City Manager Arthur Sorey announced that the presentation/discussion item regarding the Haitian American Nurses Association (HANA) will be heard along with Resolution 2021-78 during Legislation.

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

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

1. Marilyn Baumoehl
2. Keith Myers

3. Stephanie Kienzle
4. Mubarak Kazan
5. Margie Love
6. Lesley Kaplan

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

ANNOUNCEMENTS

A video was presented regarding upcoming events in the City including a free mammogram service at the Highland Village Community Center on August 21, 2021, an end of summer event at the North Miami Beach Library on August 22, 2021, a senior luncheon at the McDonald Center on August 27, 2021, and a Town Hall Meeting at Eden Isles Condominiums on August 31, 2021.

CITY COMMISSION REPORTS

Commissioner Fleurimond discussed attending the recent Florida League of Cities Conference and encouraged his colleagues to show respect to each other.

Commissioner Jean expressed thoughts regarding everyone around the world affected by recent tragedies and wished a safe upcoming school year to Miami-Dade County students.

Commissioner Joseph wished a safe upcoming school year to Miami-Dade County students and their parents and encouraged everyone to get vaccinated.

Commissioner Kramer expressed thoughts regarding everyone around the world affected by recent tragedies and encouraged civility among her colleagues.

Commissioner Smukler wished her grandson a happy birthday and announced that she has a new grandson, talked about food drives throughout North Miami Beach, discussed the upcoming holidays of Ashura, Rosh Hashanah, and Yom Kippur, expressed condolences to anyone affected by the tragedy in Surfside and everyone around the world, and announced the upcoming free mammogram service event.

Vice Mayor Villard expressed thoughts regarding everyone around the world affected by recent tragedies, discussed attending the recent Florida League of Cities Conference, and talked about the importance of cohesion among her colleagues.

Mayor DeFillipo discussed the upcoming holidays of Rosh Hashanah and Yom Kippur, expressed thoughts regarding everyone around the world affected by recent tragedies, and offered face masks for the upcoming school year.

CONSENT AGENDA

Edward Byrne Memorial Justice Assistance Grant (Richard Rand, Chief of Police)

Resolution R2021-81 Purchase of Geographic Information System Mapping Tool (ESRI) (Samuel Zamacona, Interim Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. FOR GEOGRAPHIC INFORMATION SYSTEM MAPPING TOOLS AND SOFTWARE FOR A THREE YEAR TERM IN A TOTAL ESTIMATED BUDGETED AMOUNT OF \$75,000.00; AND PROVIDING AN EFFECTIVE DATE.

Resolution R2021-82 Award of ITB-21-035-MC Honey Hill Watermain System Rehabilitation Construction (Samuel Zamacona, Interim Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID ITB-21-035-MC - HONEY HILL WATERMAIN SYSTEM REHABILITATION CONSTRUCTION PROJECT TO MASTER ROAD FINISHERS CORP; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH MASTER ROAD FINISHERS CORP AND EXPEND A BUDGETED AMOUNT NOT TO EXCEED \$1,234,519.60; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-83 Award of ITB-21-014-MC NE 35th Avenue Roadway & Water Main Improvements Construction (Samuel Zamacona, Interim Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID ITB-21-014-MC - NE 35th AVENUE ROADWAY & WATER MAIN IMPROVEMENTS CONSTRUCTION PROJECT TO DAVID MANCINI & SONS, INC; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH DAVID MANCINI & SONS, INC AND EXPEND A BUDGETED AMOUNT NOT TO EXCEED \$4,700,288.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve the Consent Agenda made by Commissioner Fleurimond, seconded by Mayor DeFillipo.
MOTION PASSED 7-0.

LEGISLATION

Resolution R2021-78 HANA Lease Agreement (Gedel Merzius, Assistant City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND HAITIAN AMERICAN NURSES ASSOCIATION OF FLORIDA, INC. (“HANA”) TO LEASE SURPLUS PROPERTY TO PROVIDE SERVICES OF PUBLIC HEALTH, PUBLIC EDUCATION, SOCIAL AND COMMUNITY SERVICES TO RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, ATTACHED HERETO AS EXHIBIT “A IN SUBSTANTIALLY THE SAME FORM; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Rose Valcin, President of the Haitian American Nurses Association of Florida (HANA), provided a presentation regarding the proposed resolution and lease agreement for the use of the property located at 1870 N.E. 171st Street and discussed the mission, vision, goals, objectives, and benefits of HANA.

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

1. Stephanie Kienzle
2. Mubarak Kazan
3. Tricia Harris
4. Pauline Magiste
5. Marilyn Baumoechl

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

City Manager Arthur Sorey provided additional information regarding the resolution and the Mayor and Commission discussed the terms of the lease agreement and the condition of the property.

Motion to table Resolution 2021-78 made by Commissioner Smukler, seconded by Mayor DeFillipo.
Roll Call Vote: Fleurimond - No, Jean - No, Joseph - No, Kramer - Yes, Smukler - Yes, Villard - No, DeFillipo - Yes

MOTION FAILED 3-4 with Vice Mayor Villard, Commissioner Fleurimond, Commissioner Jean, and Commissioner Joseph opposed.

The Mayor and Commission continued to discuss and consider the proposed resolution.

Motion to approve Resolution 2021-78 made by Commissioner Fleurimond, seconded by Commissioner Joseph.
Roll Call Vote: Jean - Yes, Joseph - Yes, Kramer - No, Fleurimond - Yes, Villard - Yes, DeFillipo - No
MOTION PASSED 4-2 with Mayor DeFillipo and Commissioner Kramer opposed and Commissioner Smukler did not vote.

Resolution R2021-84 Sister City Relationships (Mayor Anthony F. DeFillipo)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING SISTER CITY RELATIONSHIPS BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA AND ELEVEN MUNICIPALITIES ALSO KNOWN AS CANTONS IN THE COUNTRY OF ECUADOR; PROVIDING FOR AN EFFECTIVE DATE.

Mayor DeFillipo discussed his recent visit to Ecuador and provided an explanation of the resolution to establish an information sharing and cultural exchange relationship with several municipalities.

Motion to table Resolution 2021-84 and bring the item back at a future date with a policy regarding Sister Cities International made by Commissioner Fleurimond, seconded by Vice Mayor Villard.

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

1. Mubarak Kazan
2. Stephanie Kienzle

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

Voice Vote: MOTION PASSED 7-0.

Ordinance No. 2021-03 (First Reading) Chapter III Purchasing Ordinance Amendment Local Business Preference and Local Hiring Requirements (Donna Rockfeld, Chief Procurement Officer)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION AMENDING THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER III ENTITLED "PURCHASING," SECTION 3-4 ENTITLED "MISCELLANEOUS PROVISIONS," CREATING A NEW SECTION 3-4.13, ENTITLED "LOCAL BUSINESS PREFERENCE AND LOCAL HIRING REQUIREMENTS IN CITY CONTRACTS," AND AMENDING SECTION 3-3.15 ENTITLED "AWARD OF THE BIDS; LOCAL PREFERENCE" PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Chief Procurement Officer Donna Rockfeld provided an explanation of the proposed ordinance regarding a preference to vendors, supplies, and contractors that have a business within the City.

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

1. Mubarak Kazan

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

Motion to approve Ordinance 2021-03 made by Commissioner Joseph, seconded by Commissioner Jean.

Roll Call Vote: Kramer - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Villard - **Yes**, DeFillipo - **Yes**

MOTION PASSED 7-0 on First Reading.

Ordinance No. 2021-04 (First Reading) Prohibiting the Docking of Commercial Boats/Watercrafts in Residential Districts (Commissioner Fortuna Smukler)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XXIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING SECTION 24-84, ENTITLED “BOATS, DOCKS AND PIERS” TO PROHIBIT THE DOCKING, PARKING, AND STORAGE OF COMMERCIAL BOATS AND WATERCRAFTS IN RESIDENTIAL DISTRICTS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Smukler requested to include the terms ‘mooring, rafting, and tying’ and discussed the use of the term ‘right-of-way’ in the ordinance.

Director of Community Development Kent Walia provided an explanation of the proposed ordinance regarding the use of residential facilities for commercial purposes.

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

1. Marteen Longo
2. Emilio Alfonso
3. Tricia Harris
4. Margie Love

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

The Mayor and Commission discussed the ordinance and Interim City Attorney Hans Ottinot provided additional details concerning the item.

Motion to approve Ordinance 2021-04 made by Commissioner Smukler, seconded by Mayor DeFillipo.

Roll Call Vote: Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Kramer - **Yes**, Villard - **Yes**, DeFillipo - **Yes**

MOTION PASSED 7-0 on First Reading.

Motion to approve to move the appointment of Commissioner Jean as Vice Mayor to this point in the Commission Meeting made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

Voice Vote: MOTION PASSED 7-0.

Motion to approve the appointment of Commissioner Jean as Vice Mayor made by Mayor DeFillipo, seconded by Commissioner Fleurimond.

Voice Vote: MOTION PASSED 7-0.

Ordinance No. 2021-05 (First Reading) Living Wage (Commissioner Michael Joseph)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER V OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY CREATING A NEW SECTION ENTITLED “LIVING WAGE REQUIREMENTS FOR CITY EMPLOYEES AND SERVICE CONTRACTS”; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Joseph provided an explanation regarding the proposed ordinance. The Mayor and Commission discussed and considered the ordinance. City Manager Arthur Sorey requested 60 days between the first and second reading. The Mayor and Commission continued to discuss the ordinance.

Motion to approve Ordinance 2021-05 made by Commissioner Joseph, seconded by Commissioner Jean.

Roll Call Vote: Fleurimond - Yes, Jean - Yes, Joseph - Yes, Kramer - Yes, Smukler - Yes, Villard - Yes, DeFillipo - No

MOTION PASSED 6-1 with Mayor DeFillipo opposed on First Reading.

Ordinance No. 2021-06 (First Reading) Chapter IX Offenses and Miscellaneous Provisions Creation of Code of Ordinances Section 9-37 entitled "Storm Shutter Regulations" (Kent Walia, Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER IX OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO CREATE A NEW SECTION ENTITLED “STORM SHUTTERS REGULATIONS” TO ESTABLISH GUIDELINES FOR THE PLACEMENT AND REMOVAL OF STORM SHUTTERS OR HURRICANE PROTECTION DEVICES SUBSEQUENT TO A HURRICANE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Director of Community Development Kent Walia provided an explanation of the proposed ordinance to establish regulations and guidelines regarding the placement and removal of storm shutters subsequent to a hurricane.

The Mayor and Commission discussed the ordinance and Interim City Attorney Hans Ottinot provided additional details concerning the item.

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

1. Tricia Harris
2. Mubarak Kazan

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

Motion to approve Ordinance 2021-06 made by Commissioner Joseph, seconded by Commissioner Fleurimond.

Roll Call Vote: Jean - Yes, Joseph - Yes, Kramer - Yes, Smukler - Yes, Fleurimond - Yes, Villard - Yes, DeFillipo - Yes

MOTION PASSED 7-0 on First Reading.

Motion to approve to continue the Commission Meeting past midnight made by Commissioner Joseph.

The motion died for lack of a second.

Ordinance No. 2021-07 (First Reading) Recertification of Engineering Reports

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XIV, “BUILDING AND HOUSING” OF THE CODE OF ORDINANCES, BY CREATING A NEW SECTION 14-1.30 “DELIVERY OF ENGINEERING REPORTS” TO ENHANCE

REQUIREMENTS RELATED TO RECERTIFICATION OF BUILDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot provided an explanation of the ordinance regarding requirements related to the recertifications of buildings throughout the City.

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

1. Mubarak Kazan

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

Commissioner Smukler requested to include the terms ‘original signed and embossed seal’ in the ordinance.

Motion to amend Ordinance 2021-07 to remove the term ‘imprisonment’ and change the term ‘president’ to ‘board of directors’ made by Commissioner Smukler, seconded by Commissioner Kramer.

The Mayor and Commission discussed the proposed ordinance and amended language.

Roll Call Vote: Joseph - **No**, Kramer - **Yes**, Smukler - **Yes**, Fleurimond - **No**, Jean - **No**, Villard - **No**, DeFillipo - **No**

MOTION FAILED 2-5 with Mayor DeFillipo, Vice Mayor Villard, Commissioner Fleurimond, Commissioner Jean, and Commissioner Joseph opposed.

Motion to approve Ordinance 2021-7 made by Commissioner Joseph, seconded by Commissioner Kramer.

Roll Call Vote: Kramer - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Villard - **Yes**, DeFillipo - **Yes**

MOTION PASSED 7-0 on First Reading.

APPOINTMENTS

Motion to approve the appointment of Evans St. Fort to the Commission on Aging/Senior Citizens Advisory Board made by Vice Mayor Villard, seconded by Commissioner Joseph.

The Mayor and Commission discussed the proposed appointment and the item was not voted on.

The following items were on the agenda and not heard before the Commission Meeting was adjourned.

APPOINTMENTS

Appointing Rachelle Michel to the Commission on the Status of Women

Appointing A. Silver to the Commission on the Status of Women

Appointing Belkis Pimentel to the Commission on the Status of Women

Appointing Marcela Invernizzi as an Ex Officio Member to the Commission on the Status of Women

Appointing Donard St. Jean to the Economic Development Commission

DISCUSSION ITEMS

City Clerk's Contract Renewal

Multicultural Festival

Community Policing

Constituent Aides

Criminal Background Checks of Board Members and Resignation Upon Arrest or Arrest for Felony

Procedure on Promoting City Funded Events

Revival of the Civil Service Board

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 11:59pm.

ATTEST:

(SEAL)

Andrise Bernard, CMC, City Clerk