



**CITY OF NORTH MIAMI BEACH**  
City Commission Meeting  
City Hall, Commission Chambers, 2nd Floor  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162

**Thursday, February 25, 2021**

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

Interim City Manager Horace McHugh

Interim City Attorney Hans Ottinot  
Ottinot Law, P.A.

City Clerk Andrise Bernard, CMC

**City Commission Meeting Minutes**

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**ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 5:09 p.m. Present at the meeting in the Theatre were Mayor Anthony F. DeFillipo, Commissioner Daniela Jean, Commissioner Barbara Kramer, and Commissioner Fortuna Smukler. Present at the meeting via zoom were Vice Mayor Michael Joseph, Commissioner McKenzie Fleurimond, and Commissioner Paule Villard. Interim City Manager Horace McHugh, Interim City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present.

**INVOCATION** Mayor DeFillipo asked for a moment of meditation for those who have passed away from COVID-19 and for those having such difficult times of crisis with their families due to the pandemic.

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

City Attorney Ottinot announced that this meeting is a continuation of the February 16, 2021 Regular City Commission Meeting that was adjourned due to technical difficulties.

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

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

- a. Per the City Manager's Office, a Consent Item entitled "Resolution No. R2021-26 Solid Waste Management One-Year Extension and Agreement" is to be added to the agenda, which will now be Consent item 9.9.
- b. Per the request of Vice Mayor Joseph, item 15.1 entitled "Special Counsel" is to be removed from the agenda.

- c. Per the request of Commissioner Kramer, an item entitled “Process for Recruitment and Selection of City Attorney” is to be added to the agenda, which will now be Discussion item 15.1.
- d. Per the request of Commissioner Smukler, an item entitled “Discussion on Hiring Process for Permanent City Attorney and Permanent City Manager” is to be added to the agenda, which will now be Discussion item 15.2.
- e. Per the request of Vice Mayor Joseph, an item entitled “COVID Response and Vaccination Site Support” is to be added to the agenda, which will now be Discussion item 15.3.

**Motion to approve** the amended agenda made by Commissioner Kramer, seconded by Commissioner Smukler.

**Voice Vote**

**MOTION PASSED 7-0.**

**PRESENTATIONS / DISCUSSIONS - None**

**ANNOUNCEMENTS**

Greg Williams, Public Affairs Manager, announced recent and upcoming City events to the Mayor and Commission: Heart and Health week is occurring from February 21 through 27, 2021 with many events during February’s Heart month with the Commission on the Status of Women, Commissioner Smukler, liaison, in order for the public to get moving, with a MoveSpring app with movement challenges, an activity tracker, and the distribution of pedometers; A Snake Creek Canal walk occurs on Tuesday mornings at 10:30 a.m. meeting at the Library; COVID-19 Food Distributions continue every Friday at 4 p.m. on a first come, first served basis behind Victory Pool; The Multi-Cultural Committee and Commissioner Barbara Kramer, liaison, present an African Celebration of musical history on February 25, 2021 at 7 p.m.; Commissioners Paule Villard and Daniela Jean present Amazing Contributors honoring community leaders airing on February 26, 2021 at 11 a.m.; Commissioners McKenzie Fleurimond and Daniela Jean present virtual Jazz on the Canal airing on February 28, 2021 12 p.m.; Commissioners Paule Villard and Daniela Jean present NMB Unsung Women Heroes on March 10, 2021; and a Sisters National Women’s Day art exhibit will occur at the library on March 4, 2021 from 7-8 p.m.

**PUBLIC COMMENT**

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

City Clerk Andrise Bernard read the rules of public comment and the following individuals made comments on the record:

- 1. Irlande Cole
- 2. Yoly Zephyr
- 3. Francine Francois
- 4. Debbie Unmuth
- 5. Yvonne Saint Gerard

6. Margie Love
7. Lauren Rios
8. Angel Morales
9. Rebecca Roth
10. Alejandro Madrigo
11. Stephanie Kienzle
12. Lynn Su
13. Mubarak Kazan
14. Annette DiTommaso
15. Kimberly Scott

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

### **CITY COMMISSION REPORTS**

Commissioner Fleurimond asked that civility be stressed for everyone and that the Commission work together for a successful meeting.

Commissioner Jean reminded the public to stay safe, wear masks, wash hands, and maintain social distancing; she announced that February is Heart Health and Black History month and encouraged the public to connect with the City via social media, and to reach out to Commissioners if residents need any assistance.

Commissioner Kramer announced that the Multi-Cultural Committee has a musical celebration of African Influence in America event tonight to celebrate Black History month, and that she'll need to leave the meeting at 7 p.m. in order to participate. She apologized for her behavior at the prior meetings but shared that she has freedom of speech, thinks that what is occurring in the City is outrageous, and asked for resident support and involvement.

Commissioner Smukler displayed a picture of herself with Hank Aaron in her background, shared happy birthday wishes to a list of individuals, and thanked the Police Department for keeping the community safe. She stated that she is excited to see the Police Department pilot program of body worn cameras starting, announced the Library Board meetings in person and virtually on March 23, 2021 at 6:30 p.m., the Commission on the Status of Women meetings in person and virtually on March 8, 2021 at 7 p.m., and there is a walk every Tuesday at 10:30 a.m. around the canal and pedometers are still being given away. She announced the new MoveSpring challenge app, that she was appointed to Miami-Dade Florida League of Cities Neat Streets Miami Advisory Board, and she wished those celebrating a Happy Purim.

Commissioner Villard thanked the residents who took the time to write their letters supporting her and she thanked Acting Chief Rand for visiting Washington Park yesterday starting the Community Policing program there, walking the beat, and talking to the residents. She participated in the food drive at C.G. Bethel High School, visited the classrooms, and addressed the school as a liaison to the Education Committee.

Vice Mayor Joseph wished those celebrating a Happy Purim, thanked Acting Chief Rand on engaging the community and for his hard work, and reminded the public to wear their masks, stay safe, and to continue social distancing.

Mayor DeFillipo welcomed residents to the meeting, wished those celebrating a Happy Purim, thanked the police department for the Washington Park community patrolling event that has been on hold since COVID, and will be coming into other areas soon, and invited the residents to visit the police officers command center

and the Mayor and Commissioners when those events occur, and he reminded the public about the food drives that occur on Fridays at 4 p.m. by Victory Pool, and he thanked all of the sponsors for those events.

## **CONSENT AGENDA**

### **Regular Commission Meeting Minutes of January 19, 2021 (Andrise Bernard, CMC, City Clerk)**

#### **Resolution No. R2021-17 Agreement with Garland/DBS, Inc. for City Hall Roof Replacement (Frank Ruiz, Capital Improvements Manager)**

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 GARLAND/DBS INC. FOR PHASE II ROOF REPLACEMENT AT CITY HALL IN AN ESTIMATED BUDGETED ANNUAL AMOUNT OF \$359,022, AS APPROVED IN THE BUDGET APPROPRIATION PROCESS.

#### **Resolution No. R2021-18 Agreement with Universal Protection Services d/b/a Allied Universal Security Services for Citywide Security Services (William Hernandez, Chief of Police)**

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 UNIVERSAL PROTECTION SERVICE, LLC D/B/A ALLIED UNIVERSAL SECURITY SERVICES, LLC., FOR THE PURCHASE OF SECURITY SERVICES IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$338,000 AND AS APPROVED IN THE BUDGET APPROPRIATION PROCESS.

#### **Resolution No. R2021-19 Agreement with DISINFX, Inc. for COVID-19 Sanitizing and Disinfection Services (Andrew Bejel, Risk Manager)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID ITB-21-004-DR "COVID-19 SANITIZING AND DISINFECTION SERVICES" AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH DISINFX, INC. AND EXPEND AN ESTIMATED ANNUAL BUDGETED AMOUNT NOT TO EXCEED \$120,000; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **Resolution No. R2021-20 Agreement with Computers at Work, Inc. for Managed Cyber Threat Detection Services (Gil Sosa, Senior IT Manager)**

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 COMPUTERS AT WORK!, INC. FOR THE RENEWAL OF THE MANAGED CYBERSECURITY THREAT DETECTION AND RESPONSE SERVICES IN AN ESTIMATED BUDGETED ANNUAL AMOUNT OF \$86,798.25, AND AS APPROVED IN THE BUDGET APPROPRIATION PROCESS.

#### **Resolution No. R2021-23 RFQ-20-035-MC Design of Eastern Shores Water-Main Rehab Project (Jafeth Baez, P.E., MSCE, Director of NMB Water)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER WHO CONCURS WITH THE EVALUATION COMMITTEE AND APPROVING THE RANKING OF THE FOUR (4) MOST HIGHLY QUALIFIED FIRMS THAT RESPONDED TO REQUEST FOR QUALIFICATIONS RFQ-20-035-MC DESIGN OF EASTERN SHORES WATER MAIN SYSTEM REHABILITATION PROJECT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO

NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED, MOST QUALIFIED FIRM AND, IF NEGOTIATIONS ARE UNSUCCESSFUL, WITH THE NEXT HIGHEST RANKED FIRM SUCCESSIVELY, UNTIL AN ACCEPTABLE AGREEMENT CAN BE RECOMMENDED FOR CITY COMMISSION APPROVAL.

**Resolution No. R2021-24 Change Order to Waste Management Purchase Order (Judeen Johnson, Director of Public Works)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER TO THE PURCHASE ORDER BETWEEN THE CITY OF NORTH MIAMI BEACH AND WASTE MANAGEMENT INC. TO PROVIDE SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE CHANGE ORDER #1 AND TO EXPEND BUDGETED FUNDS, IN FURTHERANCE THEREOF; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2021-25 Police Department Security Surveillance System (William Hernandez, Chief of Police)**

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 SECURITAS ELECTRONIC SECURITY, INC., FOR THE PURCHASE OF A SECURITY SURVEILLANCE SYSTEM IN AN ESTIMATED BUDGETED AMOUNT OF \$105,031.00 AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2021-26 Solid Waste Management One-Year Extension and Agreement (Judeen Johnson, Director of Public Works)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE EXISTING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND WASTE MANAGEMENT INC. TO PROVIDE SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES FOR AN APPROXIMATE AMOUNT OF FOURTEEN (14) MILLION DOLLARS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND TO EXPEND BUDGETED FUNDS, IN FURTHERANCE THEREOF; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Fleurimond asked for clarification about the consent agenda solid waste management one-year extension and agreement, and the City Manager’s solid waste update. City Manager McHugh clarified the difference between the items.

**MOTION to approve** the amended Consent Agenda made by Commissioner Kramer, seconded by Mayor DeFillipo.

**Voice Vote**

**MOTION PASSED 7-0.**

**QUASI-JUDICIAL - None**

**LEGISLATION - None**

**BUSINESS TAX RECEIPTS – None**

## **APPOINTMENTS**

**Appointing Marianne Napolitano to the Multi-Cultural Committee (Andrise Bernard, CMC, City Clerk)**

**MOTION to approve** the appointment of Marianne Napolitano to the Multi-Cultural Committee made by Commissioner Kramer, seconded by Commissioner Smukler.

### **Voice Vote**

**MOTION PASSED 7-0.**

**MISCELLANEOUS ITEMS - None**

## **DISCUSSION ITEMS**

**Special Counsel (Vice Mayor Michael Joseph)** – This item was removed from the agenda.

**Process for Recruitment and selection of City Attorney (Commissioner Barbara Kramer)**

Commissioner Kramer stated that she wants the Commission to establish a process to hire not only the City Manager but also the City Attorney, and would like to direct the manager to work with Human Resources and use other available resources to conduct an executive search for both charter officer positions, City Manager and City Attorney. She provided an ICMA recruitment handbook and best practices information to the City Clerk to circulate. Commissioner Kramer stated that the City has two interim employees in the positions, and that the process to hire both open positions should proceed simultaneously.

**MOTION** for the hiring process to proceed with the City Manager position hired first, and then to hire the City Attorney position next, made by Commissioner Villard, seconded by Vice Mayor Joseph.

Mayor DeFillipo stated that the City will soon be going into budget season, and that it is important that both charter officer positions are hired in order to have affirmed and stable officers in place.

Commissioner Jean asked for clarification on the hiring process that Commissioner Kramer suggested. Commissioner Kramer reviewed the steps taken by the Commissioners in a typical hiring process for a charter officer that includes establishing criteria and qualifications, creating an advertisement, receiving applications, and going through the process of hiring the positions.

Commissioner Smukler suggested that her agenda item be incorporated into the current discussion. She stated that she wants the process to be transparent with advertisements for both positions going to the Florida League of Cities, Miami-Dade League of Cities, professional journals, with proper vetting through Human Resources, and she asked to know how the process was conducted in the past in the City when a team helped to choose the position finalists.

Commissioner Kramer responded that in the past, a workshop was held to discuss the position criteria and qualifications, a committee was formed by the City Manager, with a protocol outlined, and she asked for the

Human Resources Director to guide the Commissioners through the process. Mayor DeFillipo also responded that the process for the former City Attorney's position was announced through the South Florida Business Journal, Florida League of Cities, and other publications, and that a panel from the Florida League of Attorneys helped to narrow the pool of candidates who met the criteria, and that the hire of former City Managers went through a volunteer panel from the City Manager's Association who helped to vet the applications and brought finalist applications to the Commission for review.

Commissioner Villard stated that she wants to start with the hiring of the City Manager in order to allow for the current City Attorney to help to review the process and applications with Human Resources.

Commissioner Fleurimond stated that he was prepared to review the process to hire a City Manager tonight, stated that applications should go to Human Resources and then to the Mayor and Commissioners, and that he wants to complete the hiring of the City Manager position first before going forward with the City Attorney hiring process.

Commissioner Jean stated that these hiring processes are ones used by most municipalities, that the City Attorney sent the Commissioners a memo outlining possible hiring process options that are all transparent, that the public will also has access to the applications, and that she wants to finish hiring one position first before proceeding to the next one.

Commissioner Kramer stated that the process used to hire the City Manager position is also a good process to use to hire the City Attorney position, that she wants to be a part of the hiring process, to move the City forward with the hiring of both positions, and that she doesn't see where an expedited hiring pace makes any sense to move the City forward.

Commissioner Smukler asked for transparency in the hiring process and asked if any Commissioners had spoken to Duke Surrey prior to the last meeting.

Commissioner Fleurimond reminded the Commission that there should be two comments made for a maximum time of ten minutes per comment by each elected official on an item.

Commissioner Smukler stated that she discussed a possible process for hiring the City Manager that she discussed with City Manager McHugh that she'd like for him to share.

Commissioner Villard called the question. Mayor DeFillipo asked for a super majority vote in order to call the question according to Robert's Rules of Order. City Attorney Ottinot stated that there was no legal basis to require a super majority vote in order to call the question.

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

1. Karen Harrold
2. Mubarak Kazan
3. Stephanie Kienzle
4. Sandra Douglas

5. Karina Venenzula
6. Lynn Sui

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

Mayor DeFillipo stated that he runs the meeting and read from Robert's Rules of Order that calling the question requires a two-thirds vote to close debate.

Vice Mayor Joseph stated that he wants to move forward with the City Manager hiring process first, and then after that, move forward with the City Attorney hiring process next, and he thinks that the City Manager hiring process can be done quickly as soon as the advertising proceeds.

Commissioner Smukler corrected Mr. Kazan whose public comment referenced City Manager Ana Garcia, but that it pertained to a prior City Manager, and she asked City Manager McHugh to comment on the hiring process.

City Manager McHugh recounted that he had spoken to Commissioner Smukler regarding the recruitment for the City Manager position, stated that he has participated in past City Manager recruitments, and he asked Jim Hanson, Florida City and County Management Association volunteer, Senior Adviser on recruitment, to address the Mayor and Commission. Mr. Hanson addressed the Mayor and Commission with recruitment options for the Commission to consider.

Commissioner Fleurimond stated that there was Commission direction made at last meeting for the Commission to discuss the hiring parameters and advertising so that the hiring process would not exceed 45 days to hire a new City Manager. He stated that he prefers that all the applications come through Human Resources and then be given to the Commission.

Commissioner Jean stated that this is a very serious decision for the Commission to make and that maybe an executive search firm could assist in an expedited way with the help of Human Resources and Procurement.

Mayor DeFillipo suggested that a professional firm be involved through Human Resources to ensure there is no bias in the selection process to hire the most important position in the City, and that the City should focus on hiring the City Manager position first and then focus on hiring the City Attorney position next.

Commissioner Fleurimond clarified that he doesn't think that the City needs to hire a professional recruiting firm, when Human Resources and the City Attorney can review the applications, and that the Commissioners can see all of the applications and are capable of hiring the positions.

Commissioner Kramer stated that she thinks the Commissioners needs an impartial, professional recruitment firm and doesn't think the City will receive many applications. She stated that she thinks the City needs a complete outsider and not Human Resources that is in-house, and thinks that funds will be well spent, that the Commissioners will see all of the applications, that this is a volatile time for the City, she doesn't trust what the other Commissioners will do and doesn't think there's transparency, where some of the Commissioners



can't even answer a simple question posed by Commissioner Smukler, that there should be no rush in the process, and that she wants the public to see the hiring process in action.

Commissioner Jean asked for an update from the City Attorney on the hiring process as directed from the last meeting.

City Attorney Ottinot stated that he spoke to Procurement and the Interim City Manager, and he drafted a memo outlining a process and timeline options to the Commission which he read aloud.

Mayor DeFillipo asked for an amendment to include an executive search firm to help to expedite the search and process, so that the process is not be politicized and is transparent.

Commissioner Jean also feels that it's a viable option for Human Resources to collect all the applications and for the Commission to oversee the process.

Commissioner Fleurimond stated that he is interested in a state but not national search, and that if the Commission wants to hire a specific person for the position, that it might hurt others to submit their applications and thus announce their intent to leave their current job site.

Commissioner Smukler stated that the Commission hired the Interim City Manager and Interim City Attorney, and that it could be said that the Commission has undue influence over them; She stated that Human Resources can receive the applications, that the Commissioners are not supposed to be reaching out to and talking to Human Resources unless it's with the knowledge of the Charter Officers, and she doesn't have a concern with Human Resources being involved in the hiring process since the Commissioners didn't hire anyone in Human Resources.

Commissioner Kramer is concerned that a City Manager could later fire a Human Resources Director if the Director didn't support hiring that candidate, and she stated that having the assistance of a professional firm would be a more transparent process.

Mayor DeFillipo asked if the motion can be amended to hire an executive search firm and expedite the process for the hiring of a City Manager. Commissioner Villard was not amenable to the amendment.

Commissioner Jean stated that based on the City Attorney's memo, she feels that there will be a transparent process with the timeline outlined in the memo and thinks that the Commission can work with Human Resources in house if the memo was vetted through the City Manager's Office.

Commissioner Kramer asked to also hear from procurement and the Interim City Manager.

Purchasing Manager Donna Rockfeld stated that has not had the opportunity to speak to the City Manager or City Attorney regarding the matter since she is on leave, and that she recommended also including the Chief Financial Officer in the discussion.

City Attorney Ottinot clarified that he spoke to the City Manager about the process, that Human Resources should be included, and that the departments should work as a team.

Mayor DeFillipo stated that a process was started but that staff doesn't have a process to recommend since Human Resources and Procurement have not provided input.

Commissioner Kramer stated that she is concerned about transparency and trust and thinks that an outside consultant will provide that, that she doesn't trust a process if it will be done in house, and that it would be a well spent expenditure.

Commissioner Smukler stated that although she doesn't like to spend funds on consultants, that she thinks that a firm should be used in this case, and that the firm will do the right thing in order to have a transparent process.

Commissioner Fleurimond stated that he feels that Human Resources receiving applications is a transparent process, where the Commission and the public see all the applications, and that Human Resources is not making any selections, but is just receiving and forwarding the applications.

Mayor DeFillipo asked Mr. Hansen if a statewide search is conducted, if a search firm is recommended to screen applications first. Mr. Hansen responded that he feels that using a search firm is the best option, and that he would also first send a questionnaire to the Commission to hear their priorities for the City, and present the priorities to the Commission to then rank the candidates. He suggested not selling the City short by only having a statewide recruitment, placing a community profile on the City website in order to receive the best candidates for the Commission to consider, and that the recommended timeframe be extended.

Mayor DeFillipo stated that he would be willing to contribute his salary in order to help to pay for a recruitment firm fee, and that Mr. Hansen's recommendations should be followed.

Commissioner Kramer stated that the City Attorney should have advised the Commission that a 45-day hiring timeframe is too short a period. She stated that she doesn't understand what the rush is to hire a City Manager since a qualified City Manager is in place, and she would also be willing to contribute some of her discretionary funds to help to pay for a search firm.

Commissioner Jean stated that she feels that the process can be conducted in-house, that she would like to include a survey of the Commission to hear their priorities, and that the timeline should be extended to 70 days as a compromise.

Commissioner Smukler asked if a search firm won't cost the City anything, as well as the point of not using employee staff time for the search, if the Commissioners would agree to use a search firm.

Commissioner Fleurimond stated that he is not just concerned about the funds but rather stated that the referenced process could easily be handled by Human Resources, that he wants to see every application, does not want Human Resources to vet the applications, and that there was a vote taken at the last meeting to have a 45-day hiring process. He made a friendly amendment for the hiring process not to exceed 60 days to select

a City Manager, to use Human Resources to vet the City Manager position applications, and to accept the City Attorney's memo recommendation.

Commissioner Villard stated that she feels that 60 days is enough time for the hiring framework and accepted the friendly amendment.

Commissioner Kramer asked what occurs if the motion fails and asked the Commissioners why they are in such a hurry to hire a City Manager, and she recommended a timeframe of up to an additional two weeks up to 70 days.

Commissioner Fleurimond stated that he would be willing to consider a hiring timeframe of up to 70 days.

Commissioner Villard did not accept the friendly amendment of a hiring timeframe of up to 70 days.

Commissioner Smukler stated that Mr. Hanson participated in the meeting as a favor to the City, which should be appreciated.

Commissioner Jean thanked Mr. Hanson for providing viable options to the Commission to consider.

City Manager McHugh stated that it is the City's target to complete the hiring process as soon as possible, and to accept the Commission's 60-day target as a general timeline while also balancing Human Resources' staff vacations, sick days, holidays, and current workload.

**MOTION**, as amended, for the hiring process to proceed with the City Manager position hired first, and then to hire the City Attorney position next, not to exceed 60 days to select a City Manager, using Human Resources to vet the City Manager position applications, and to accept the City Attorney's memo recommendation, made by Commissioner Villard, seconded by Vice Mayor Joseph.

#### **Roll Call Vote**

**Fleurimond - Yes; Jean - Yes; Kramer - No; Smukler - No; Villard - Yes; Joseph - Yes; DeFillipo - No.**

**MOTION PASSED 4-3.** Commissioners Kramer, Smukler and Mayor DeFillipo voted no.

**Discussion on Hiring Process for permanent City Attorney and permanent City Manager (Commissioner Fortuna Smukler)** – This item was incorporated into the above item.

#### **COVID Response and Vaccination Site Support (Vice Mayor Michael Joseph)**

Vice Mayor Joseph stated that he would like for the City to contract services to help homebound senior residents to receive their COVID vaccines at home and that time is of the essence.

Mayor DeFillipo shared that the City of Miami, which is an entitlement City, receives funding for this service, and that Chen Medical Center is giving shots to those 65 years old and older, including the homebound.

Commissioner Smukler asked if County Commissioners could assist the City.

City Manager McHugh responded that he feels it's a worthy proposal if the City meets the program criteria, that the City had previously reached out to the County and other agencies seeking funding, which the City will continue to do, and that while more vaccine sites are opening, it doesn't include the homebound.

Commissioner Kramer stated that she thinks it is an important issue, that there may a huge cost involved, and that such a service should only be made available for the homebound and not for those who cannot leave their home for other reasons. She suggested that the City contact Chen Medical and Jackson Memorial to explore if costs can be split and a partnership formed.

Commissioner Villard stated that she feels this is very important for the homebound seniors, that the City be conservative as much as possible with the funding amount and asked for the City to investigate options.

Mayor DeFillipo stated that he wants to ensure that there are criteria established defining the term "homebound".

Commissioner Fleurimond commended Vice Mayor Joseph for presenting the item, stated that COVID is real, that people in the City are suffering, and that the City needs to take a stance to help residents.

Commissioner Jean shared that she spoke to Representative Benjamin who stated that he would facilitate vaccination distributions if the City has an available site.

Commissioner Smukler suggested that the Office of Representative Joe Geller should also be contacted, that the Fire Department may be able to help to vaccinate the homebound, that it should be well advertised if that service becomes available, and recommended that everyone be vaccinated when possible.

Mayor DeFillipo asked City Manager McHugh to return to the Commission with an update. City Manager McHugh responded that the City will research additional information on the topic and the needed criteria, and that there may also be legal issues to consider when providers are entering individual's homes to administer vaccines.

**MOTION** to allocate not to exceed \$200,000 for a North Miami Beach homebound, elderly residents' vaccination program with community partner agencies, made by Vice Mayor Joseph, seconded by Mayor DeFillipo.

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

1. Mubarak Kazan

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

## Voice Vote

**MOTION PASSED 7-0.**

## CITY MANAGER'S REPORT

### **Solid Waste Update**

City Manager McHugh provided a Solid Waste Management Update to the Mayor and Commission. He reported that the City had entered into an extension with Waste Management through the end of February, and started negotiations with Waste Pro, but that the negotiations were unsuccessful due to the terms, that the Commission approved an up to one-year extension with Waste Management, and that a future rate hike discussion to pay for the additional services and future service options will return to the Commission.

Commissioner Fleurimond asked about the contract term of up to one year, would have been interested in the option of incremental rate increases if they had been previously suggested, stated that sanitation rates should be creative once a contract is approved, and asked where additional funds will be found, what programs may need to be cut, and for the City to examine other options in the budget to help mitigate rate hike impacts on the residents.

Mayor DeFillipo stated that he had also posed the question of incremental rate increases to staff and that Chief Financial Officer Smith had previously responded that an incremental rate increase was not possible. City Manager McHugh responded that staff will explore the option of an incremental rate increase and make a presentation at the next meeting with options for the Commission to consider.

Commissioner Fleurimond is disappointed to hear if the rate can be incrementally increased, as that maybe the rates to fund the WastePro contract would have been previously approved by the Commission. City Manager McHugh clarified that WastePro did not walk away from the table because of the proposed rates but rather because of the terms.

Commissioner Jean stated that she had discussed with City Manager McHugh where possible funds may be found, and that hurricane funds could be an option to assist to mitigate the solid waste contract rates, and she asked staff to provide options that will help to alleviate residents of burdensome expenses during the pandemic.

Commissioner Fleurimond asked if the County must immediately pick up trash in a municipality if there is no service provider. Judeen Johnson, Director of Public Works, responded that it depends on whether the situation is an emergency or not, but that it probably would not be an emergency if the City has a contract that it can't fund or does not have a contract in place. Commissioner Fleurimond stated that City funds are the people's money, that he wants to provide residents relief from rate hikes, and he also requested to have a conversation about the City's reserves.

Mayor DeFillipo shared that the next budget season is anticipated to be difficult due to the pandemic, as the financial impacts haven't been fully realized yet.

Commissioner Smukler clarified that WastePro walked away from the contract negotiation because of the terms, and she suggested holding a workshop on the budget reserves, and there was Commission consensus for this to occur.

Commissioner Jean asked who provides hurricane debris management for the City. Public Works Director Johnson responded that the City uses both a debris management company as well as public works staff having

some capacity for hurricane debris removal. Commissioner Jean requested a deeper inspection into that solid waste account and asked for prior year hurricane expenses. Director Johnson also reported that the City has not received anticipated FEMA reimbursements from Hurricane Irma yet.

### **MAYOR'S DISCUSSION**

Mayor DeFillipo thanked all the organizations who have been helping the community by giving back in so many ways during the pandemic. He reported on Helping Florida's humanitarian efforts and kindness both now and during the holiday season, that they weekly donate over \$500,000.00 to help residents with food boxes, and that he knows that the residents are very grateful. He is donating \$1,000.00 to Helping Florida from his contingency fund. He asked other Commissioners if they would also be willing to donate. Other Commissioner contributions from their contingency funds are: Commissioner Jean \$1,000.00, Commissioner Kramer \$1,000.00, Commissioner Villard \$500.00, Commissioner Fleurimond will check his available budget and then determine a donation amount, Commissioner Smukler will check her available budget and then determine a donation amount, and Vice Mayor Joseph will check his available budget and then determine a donation amount.

### **CITY ATTORNEY'S REPORT**

City Attorney Ottinot reported that Vice Mayor Joseph asked the City Attorney to conduct additional research into a previous Commission Ordinance regarding the reimbursement of attorney's fees.

### **CITY COMMISSION REPORTS**

Commissioner Fleurimond thanked the residents for participating in the meeting and reminded the public to stay safe.

Commissioner Jean thanked the police for the PACT (Police and Community Together) meeting that occurred on February 24, 2021 that provided the Commission with the opportunity to walk alongside the officers to meet and speak with residents, and she looks forward to future such events.

Commissioner Kramer apologized for not attending the PACT meeting, and she stated that she was disappointed that she and the other Commissioners had to miss the Black History Month Multi-Cultural Committee event tonight, that the program was recorded for later viewing, and she reminded the public to stay safe.

Commissioner Smukler stated that she was sorry that she missed the Multi-Cultural Committee event this evening; She apologized to Mr. Hanson for the comment made during the meeting that insulted him and to Donna Rockfeld for sharing that she is on leave; She announced that the MoveSpring app is on the City website, and she wished a Happy Purim to those celebrating the holiday.

Commissioner Villard invited the public to watch the City's "Amazing Contributors" event on February 26, 2021, and she congratulated all of event honorees for their contributions.

Vice Mayor Joseph reminded the public to stay safe and wear their masks.

Mayor DeFillipo thanked his colleagues for trying to come and work together, asked the Commission to remember that they are a team who will work together for many years, with a lot of passion and heated arguments during the meetings, and for the Commissioners to understand and respect others concerns so all

can participate in the meetings. He announced that there is a food distribution every Friday behind Victory Pool from 4-6 p.m. or until supplies last.

**THE NEXT REGULAR CITY COMMISSION MEETING** is Tuesday, March 16, 2021 at 6:00 p.m.

**ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 9:57 p.m.

**MOTION to adjourn** made by Vice Mayor Joseph, seconded by Commissioner Fleurimond.

**Voice Vote**

**MOTION PASSED 7-0.**

**ATTEST:**

**(SEAL)**

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Andrise Bernard, CMC, City Clerk