



CITY OF NORTH MIAMI BEACH
City Hall, Commission Chambers, 2nd Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, March 19, 2024
6:00 PM

Mayor Evan S. Piper
Vice Mayor Fortuna Smukler
Commissioner Jay R. Chernoff
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Michael Joseph
Commissioner Phyllis S. Smith

City Manager Mario A. Diaz
Interim City Attorney John Herin
City Clerk Andrise Bernard, MMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Commission.

City Commission Meeting Agenda

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- 1. ROLL CALL OF CITY OFFICIALS**
 - 2. INVOCATION**
Rabbi Mario Rojzman (Beth Torah Benny Rok Campus)
 - 3. PLEDGE OF ALLEGIANCE**
 - 4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA**
 - 5. PRESENTATIONS / DISCUSSIONS**
 - 5.1. Better Bus Network (Linda Morris, Miami Dade County Department of Transportation and Public Works)**
 - 5.2. Live Local Act (Joseph Corradino, The Corradino Group)**
 - 5.3. Smart City NMB (David E. Scott, Deputy City Manager)**
 - 6. PUBLIC COMMENT**

To All Citizens Appearing Under Public Comment

The Commission has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Commission must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Commission may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Commission meeting you may have one of the Commissioners introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

Speaking Before the City Commission

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Commission Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

Pledge of Civility

A resolution was adopted by the Mayor and City Commission of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

Unattended Personal Items Notice

Please be advised that personal belongings and electronic devices cannot be left unattended. All unattended personal belongings and electronic devices will be confiscated.

7. ANNOUNCEMENTS

8. CITY COMMISSION REPORTS

9. CONSENT AGENDA

9.1. City Commission Conference Minutes of February 20, 2024 (Andrise Bernard, MMC, City Clerk)

9.2. Regular City Commission Meeting Minutes of February 20, 2024

(Andrise Bernard, MMC, City Clerk)

- 9.3. Resolution No. R2024-39 to Approve Continuing Services Agreement Task Order from Chen Moore and Associates. (Sam Zamacona, Public Works 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 THE PROJECT MANAGEMENT OF A TROLLEY ROUTE OPTIMIZATION STUDY IN AN ESTIMATED AMOUNT OF \$107,330.00, UNDER THE "CONTINUING SERVICES AGREEMENT" WITH CHEN MOORE AND ASSOCIATES FOR PROFESSIONAL CONSULTING SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- 9.4. Resolution No. R2024-40 to Approve Change Order with Axon Enterprise, Inc. (Nelson Camacho, Acting Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE PIGGYBACK CONTRACT WITH AXON ENTERPRISE INC., FOR THE PURCHASE OF FORTY TASER 7 ENERGY WEAPONS; INCREASING THE ESTIMATED BUDGETED AMOUNT BY \$151,229.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

10. QUASI-JUDICIAL LEGISLATION - None

11. LEGISLATION

- 11.1. Ordinance No. 2023-10 (Second Reading) Handicapped Parking Space Dimensions Amendment (Edward Ng, AICP, 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 IX "OFF-STREET PARKING AND LOADING," SECTION 24-93 "PARKING LOT DESIGN STANDARDS," TO AMEND SUBSECTION (C) ENTITLED

“PARKING REQUIREMENTS FOR THE HANDICAPPED” AND SUBSECTION (D) ENTITLED “SPACE DIMENSIONS” TO DECREASE THE REQUIRED LENGTH OF THE HANDICAPPED PARKING STALL FROM 20 FEET TO 18 FEET; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

11.2.Ordinance No. 2024-01 (Second Reading) Text Amendment

Ordinance for Mobile Vendors (Commissioner Daniela Jean)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA 2008, BY AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS” BY CREATING A NEW SECTION 12-8 ENTITLED “MOBILE VENDORS”, AND AMENDING SECTION 12-9 “PEDDLERS AND SOLICITORS” TO MODIFY THE DEFINITION OF PEDDLERS; AMENDING CHAPTER XXIV ENTITLED “ZONING AND LAND DEVELOPMENT,” ARTICLE IX ENTITLED “OFF-STREET PARKING AND LOADING,” SECTION 24-92(C) “RESTRICTIONS” TO ALLOW FOR THE PARKING OF MOBILE VENDING VEHICLES IN OFF-STREET PARKING AREAS SUBJECT TO CERTAIN STANDARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

11.3.Ordinance No. 2024-02 (Second Reading) Text Amendment

Ordinance for Animal Hotel Boarding (Edward Ng, AICP, Interim Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV “ZONING AND LAND DEVELOPMENT,” SPECIFICALLY SECTION 24-22, “DEFINITION” TO MODIFY THE EXISTING DEFINITION “KENNEL” AND TO ADD THE TERM “ANIMAL BOARDING”; AMENDING ARTICLE V “ZONING USE DISTRICTS” TO STREAMLINE AND CORRECT PERMITTED AND CONDITIONAL USES TO BE CONSISTENT WITH THE DEFINITION, ADDING “ANIMAL BOARDING” TO THE PERMITTED AND CONDITIONAL USES LISTED IN THE B-1 LIMITED BUSINESS DISTRICT, B-2 GENERAL BUSINESS DISTRICT, B-3 INTENSIVE BUSINESS DISTRICT, B-4 DISTRIBUTION BUSINESS DISTRICT, B-5 DISTRIBUTION BUSINESS AND MEDIUM INDUSTRIAL DISTRICT, FULFORD MIXED-USE TOWN CENTER DISTRICT (MU/TC), MIXED-USE EMPLOYMENT CENTER DISTRICT (MU/EC), MIXED-USE

NEIGHBORHOOD CENTER DISTRICT (MU/NC), ARCH CREEK MIXED-USE CORRIDOR DISTRICT (MU/C), SOUTHERN MIXED-USE WATERFRONT DISTRICT (MU/SWF), NORTHERN MIXED-USE WATERFRONT DISTRICT (MU/NWF), EASTERN MIXED-USE WATERFRONT DISTRICT (MU/EFW), AND INTERNATIONAL BOULEVARD DISTRICT (MU/IB) AS A CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

11.4.Ordinance No. 2024-03 (Second Reading) Text Amendment

Ordinance for Electric Vehicles Parking and Charging (Edward Ng, AICP, Interim Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA 2008, BY AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS” BY AMENDING CHAPTER XXIV, ENTITLED “ZONING AND LAND DEVELOPMENT,” ARTICLE IX “OFF-STREET PARKING AND LOADING”, SECTION 24-100 “ELECTRIC VEHICLE (EV) PARKING AND CHARGING STATIONS”, TO PROVIDE SPECIFIC REQUIREMENTS, AND TO PROVIDE UNIFORM STANDARDS FOR EV PARKING SPACES AND STATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

11.5.Ordinance No. 2024-04 (Second Reading) Drop Tier Benefits

Amendment for Ordinance 2022-10 (John R. Herin, Jr., Interim City Attorney)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, BY AMENDING SECTION 6.01(b) & (c), NORMAL RETIREMENT DATE AND COST OF LIVING ADJUSTMENTS; AMENDING SECTION 6.01A, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CONFLICTS, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

11.6.Ordinance No. 2024-05 (First Reading) Approving Changing

Candidate Qualifying Dates and Run-Off Election Date (Andrise Bernard, MMC, City Clerk)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING

- SECTION 4.3 OF THE CITY CHARTER, TO REVISE THE QUALIFYING REGISTRATION PERIOD FOR CITY COMMISSION ELECTIONS, AND AMENDING SECTION 4.1 OF THE CITY CHARTER TO CHANGE THE RUN-OFF ELECTION DATE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**
- 11.7. Resolution No. R2024-44 to Approve a One Year Contract Renewal for Trolley Operations and Maintenance Services (Sam Zamacona, Public Works Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A ONE-YEAR CONTRACT RENEWAL TO THE PREVIOUSLY APPROVED CONTRACT WITH PRO TRANSPORTATION, INC. D/B/A PROKEL MOBILITY FOR THE PROVISION OF TROLLEY OPERATIONS AND MAINTENANCE SERVICES IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$1,925,688.00; AND 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.

- 11.8. Resolution No. R2024-45 Marketing Agreement for Service Line Warranties (Andrea Suarez Abastida, NMB Water Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A MARKETING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND UTILITY SERVICE PARTNERS PRIVATE LABEL, INC., D/B/A/ SERVICE LINE WARRANTIES OF AMERICA AUTHORIZING THE USE OF THE CITY'S LOGO AND OTHER MARKETING TOOLS TO ADVERTISE TO THE CITY'S RESIDENTS WARRANTY PLANS FOR REPAIRS OF EXTERNAL WATER LINES, EXTERNAL SEWER LINES, AND IN-HOME PLUMBING ON RESIDENTIAL PROPERTY; AND 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.

- 11.9. Resolution No. R2024-46 Approving an Agreement for Emergency Interconnect and Sewer Billing Services between Miami-Dade County and the City (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 BETWEEN THE CITY AND MIAMI-DADE COUNTY REGARDING EMERGENCY WATER INTERCONNECTION AND BILLING OF SANITARY SEWER SERVICE CHARGES; 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.

12. BUSINESS TAX RECEIPTS - None

13. APPOINTMENTS

13.1.Appointing Patricia Abiera to the Commission on the Status of Women (Andrise Bernard, City Clerk)

13.2.Appointing Pamela Watson to the Commission on the Status of Women (Andrise Bernard, City Clerk)

13.3.Appointing Lynae Remondino to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

13.4.Appointing Dov Katz to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

13.5.Appointing Rosa Lopez to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

13.6.Appointing Ellis Keeter to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

14. MISCELLANEOUS ITEMS - None

15. DISCUSSION ITEMS

15.1.North Miami Beach Trolley (Commissioner Phyllis S. Smith)

15.2.Remote Participation (Commissioner Phyllis S. Smith)

15.3.Proclamations and Keys to the City (Vice Mayor Fortuna Smukler)

15.4.Civility (Vice Mayor Fortuna Smukler)

15.5.Increasing the Number of Members on the Beautification Committee (Commissioner Jay Chernoff)

15.6.The Recission/Repeal of Resolution R2022-33 (Commissioner Jay Chernoff)

16. CITY MANAGER'S REPORT

16.1.City Manager's Monthly Report (February 2024)

16.2.NMB Water Updates & Highlights (February 2024)

16.3.NMBPD Monthly Report (February 2024)

17. CITY ATTORNEY'S REPORT

17.1.Authorization to Initiate Legal Action Against Property Owner & Property Located at 2151 NE 163rd St. a/k/a the “Graffiti Building.”

17.2.Commission Approval to Pay Attorneys’ Fees & Costs to Brodsky Fotiu-Wojtowicz, PLLC Law Firm for Legal Services provided on Behalf of Comm. Michael Joseph (Prevailing Party under Thornber v. City of Fort Walton Beach, 568 So.2d 914 (1990)).

18. CITY COMMISSION REPORTS

19. MAYOR'S DISCUSSION

20. NEXT REGULAR CITY COMMISSION MEETING

Tuesday, April 16, 2024

21. ADJOURNMENT



**Consent Agenda
9.1.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: City Commission Conference Minutes of February 20, 2024 (Andrise Bernard, MMC, City Clerk)

Description

BACKGROUND None.
ANALYSIS:

RECOMMENDATION: Approval.

FISCAL/ BUDGETARY None.
IMPACT:

ATTACHMENTS:

Description

- ☐ City Commission Conference Minutes of February 20, 2024



CITY OF NORTH MIAMI BEACH
City Hall, Commission Chambers, 2nd Floor
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, February 20, 2024
5:00pm

Mayor Evan S. Piper
Vice Mayor Fortuna Smukler
Commissioner Jay Chernoff
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Michael Joseph
Commissioner Phyllis S. Smith

City Manager Mario A. Diaz
Interim City Attorney John Herin
City Clerk Andrise Bernard, MMC

City Commission Conference Minutes

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 5:06pm.

Present at the meeting were Mayor Evan Piper, Vice Mayor Fortuna Smukler, Commissioner Jay Chernoff, Commissioner Daniela Jean, Commissioner Michael Joseph, and Commissioner Phyllis Smith. Commissioner McKenzie Fleurimond was not present.

PRESENTATIONS

Proclamation Recognizing Colorectal Cancer Awareness Month (Vice Mayor Fortuna Smukler)

The Mayor and Commission presented a proclamation recognizing Colorectal Cancer Awareness Month to Commissioner Michael Stern of the City of Aventura.

Proclamation Recognizing Dr. Petteway-Tyler (Commissioner Daniela Jean)

The Mayor and Commission presented a proclamation.

Proclamation Recognizing Katrevia Campbell (Commissioner Daniela Jean)

The Mayor and Commission presented a proclamation.

Proclamation Recognizing Christ-Ann Magloire (Commissioner Daniela Jean)

The Mayor and Commission presented a proclamation.

Proclamation Recognizing Jean Auguste (Commissioner Daniela Jean)

The Mayor and Commission presented a proclamation.

Proclamation Recognizing Melonie Burke (Commissioner Daniela Jean)

The Mayor and Commission presented a proclamation.

ADJOURNMENT

The City Commission Conference was adjourned at 5:38pm.

ATTEST:

(SEAL)

Andrise Bernard, MMC, City Clerk



**Consent Agenda
9.2.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Regular City Commission Meeting Minutes of February 20, 2024 (Andrise Bernard, MMC, City Clerk)

Description

BACKGROUND None.
ANALYSIS:

RECOMMENDATION: Approval.

FISCAL/ BUDGETARY None.
IMPACT:

ATTACHMENTS:

Description

📎 February 20, 2024 - Regular Commission Meeting Minutes



CITY OF NORTH MIAMI BEACH
City Hall, Commission Chambers, 2nd Floor
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, February 20, 2024
6:00pm

Mayor Evan S. Piper
Vice Mayor Fortuna Smukler
Commissioner Jay Chernoff
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Michael Joseph
Commissioner Phyllis S. Smith

City Manager Mario A. Diaz
Interim City Attorney John Herin
City Clerk Andrise Bernard, MMC

City Commission Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

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

Present at the meeting were Mayor Evan Piper, Vice Mayor Fortuna Smukler, Commissioner Jay Chernoff, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Michael Joseph, and Commissioner Phyllis Smith.

INVOCATION by Ariel Vazquez of 3rd Day Church.

PLEDGE OF ALLEGIANCE was led by the Mayor and Commission.

The Mayor and Commission presented a proclamation to Dr. Jordan Jones.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

City Clerk Andrise Bernard announced that Robert Meyers will be providing a presentation regarding Form 6 and a discussion about joining litigation to declare it unconstitutional will be heard under Presentations/Discussions.

Commissioner Fleurimond asked for the City Manager's Report and City Attorney's Report to be moved up and the items will be heard after the Consent Agenda.

PRESENTATIONS/DISCUSSIONS

Robert Meyers discussed Form 6 and the recently filed lawsuit that seeks injunctive relief and to make it invalid for local elected officials.

Interim City Attorney John Herin discussed joining litigation seeking to declare Form 6 requirements unconstitutional and read the following resolution into the record:

Resolution No. R2024-41

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING PARTICIPATION IN LITIGATION SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID, 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 Resolution R2024-41 made by Vice Mayor Smukler. seconded by Commissioner Smith.

Mayor Piper opened the item for **PUBLIC COMMENT**.

1. Karen Harrold
2. David Zapen
3. Barbara Kramer

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

Voice Vote: **MOTION PASSED 6-1** with Commissioner Joseph opposed.

Florida Department of Transportation (FDOT) Golden Glades Interchange (GGI) Project

Sergies Duarte provided an overview of the Golden Glades Interchange Project which is part of the Moving Florida Forward Infrastructure Initiative focusing on critical improvements to ensure that transportation infrastructure can meet the demands of current and future residents and visitors and enhance regional mobility by revitalizing the transportation interchange which included connections to five essential roadway systems (I-95, Palmetto Expressway, Florida Turnpike, State Road 9, and US 441).

Manny Espinal and Raj Rangaswamy discussed the benefits of the project including the construction of new bridges to enhance mobility and provide direct connections between communities; updating lighting and improving emergency access and incident response times via new lanes and ramps; widening, repaving, and restriping lanes; installing new drainage pipe; serving as a major freight connector with access to airports and seaports; installing vehicle detection systems and traffic monitoring cameras; and creating employment opportunities and enhancing economic activity.

Fiscal Year (FY) 2023-2024 1st Quarterly Financial Report

Budget Administrator Sharon Stewart provided a quarterly financial analysis for the first quarter of Fiscal Year 2023-2024 ending December 31, 2023 and stated that the report was prepared on a cash basis of accounting with unaudited funds; the City has an overall net favorable variance of approximately \$20.5 million primarily driven by the budgeted revenues and timing of operating expenses; and mostly all funds contribute to the variance including the general fund, Community Redevelopment Agency (CRA), water fund, sewer fund, building permit fund, solid waste fund, and customer service fund.

Legislative Updates

City Manager Mario Diaz provided an update regarding the current legislative session and discussed several issues and bills of interest that are being considered.

Mayor Piper 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. Karren Harrold
2. Irene Pilinger
3. David Zopen
4. Kyle Gibson
5. Maria Hauck
6. Barbara Kramer
7. Leslie Sardinia
8. Lynn Su
9. Barbara Pearson
10. Mubarak Kazan

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

ANNOUNCEMENTS

City Manager Mario Diaz announced the upcoming Heart Health Walk, Bike 305, Black History Month and Women's History Month events at the NMB Library, and a youth college tour.

CITY COMMISSION REPORTS

Commissioner Chernoff discussed the upcoming Bike 305 event and praised the Chinese New Year event at the NMB Library.

Commissioner Fleurimond discussed the resolution regarding the Capital Improvement Program (CIP) and praised the resurfaced fields at Mishcon Park.

Commissioner Jean praised the Chinese New Year and Black History Month events, talked about a recent visit of middle school students to City Hall, discussed a recent PACT meeting in Uleta and announced the next PACT meeting in Washington Park, and mentioned outstanding fees regarding water service bills.

Commissioner Joseph commended the NMB Police Department for a recent incident of crime prevention and encouraged everyone to stay safe.

Commissioner Smith announced the upcoming Senior Luncheon and inquired about the progress of the Senior Center, discussed attending a recent seminar about recruiting and retaining employees, praised the Chinese New Year event, wished a happy birthday to Herbert Dube, talked about the financial report that was presented earlier in the meeting, and expressed the importance of traffic issues in the City.

Vice Mayor Smukler praised the Black History Month and Chinese New Year events, announced the upcoming Heart Health Walk, invited everyone to attend a Florida League of Cities event and a Women's History Month event at the NMB Library, wished a happy birthday to Herbert Dube, Mubarak Kazan, Tricia Harris, Danny Ozuna, and Adele Garber, and expressed gratitude to the Florida League of Cities, talked about attending a recent leadership seminar and recruiting volunteers, and thanked the NMB Police Department.

Mayor Piper discussed attending the recent U.S. Mayor's Conference in Washington, D.C., praised the Black History Month and Chinese New Year events, expressed the importance of unity in the City, talked about attending a recent Florida League of Mayors event and a NMB Chamber of Commerce grand opening event.

CONSENT AGENDA

Regular Commission Meeting Minutes of January 16, 2024

Resolution No. R2024-23 Approve Change Order with Harrington Industrial Plastics for the Purchase of OEM Repair/Replacement Parts (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE PIGGYBACK CONTRACT WITH HARRINGTON INDUSTRIAL PLASTICS FOR THE PURCHASE OF ASAHI OEM REPAIR AND REPLACEMENT PARTS; INCREASING THE ESTIMATED BUDGETED AMOUNT BY \$100,000.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2024-24 Approve and Authorize a Change Order Piggyback Contract with Shaw Industries Group, Inc for Flooring Products and Services (Sam Zamacona, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE PREVIOUSLY APPROVED PIGGYBACK CONTRACT WITH SHAW INDUSTRIES, INC., FOR THE PURCHASE OF FLOORING MATERIALS AND RELATED SUPPLIES AND SERVICES; AND INCREASING THE ESTIMATED BUDGETED AMOUNT BY \$350,000.00; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2024-25 Approve and Authorize a Change Order with Thyssenkrupp Elevator for the Purchase of Elevator Equipment, Service, Repair and Related Services (Sam Zamacona, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE PREVIOUSLY APPROVED PIGGYBACK CONTRACT WITH THYSENKRUPP ELEVATOR CORPORATION FOR THE PURCHASE OF ELEVATOR EQUIPMENT, SERVICE, REPAIR AND RELATED SERVICES FOR ALL CITY FACILITIES; AND INCREASING THE ESTIMATED BUDGETED AMOUNT BY \$200,000.00; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2024-26 Approve and Authorize a Change Order to Piggyback Contract with World Electric Supply Co, Inc. for Lighting and Electrical Supplies and Services (Sam Zamacona, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE PIGGYBACK CONTRACT WITH WORLD ELECTRIC SUPPLY CO. LTD. FOR THE PURCHASE OF LIGHTING AND ELECTRICAL SUPPLIES; INCREASING THE ESTIMATED BUDGETED AMOUNT BY \$130,000.00; AUTHORIZING THE CITY MANAGER OR

DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2024-27 Approve Continuing Services Agreement Task Order from WSP USA, Inc. (Andrea Abastida-Suarez, NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER FOR ENGINEERING SERVICES FOR THE PROJECT MANAGEMENT OF SYSTEM-WIDE WATER MAIN REPLACEMENT AT PINE TREE NORTH, MIAMI GARDENS IN AN ESTIMATED AMOUNT OF \$492,609.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH WSP USA, INC. 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. R2024-28 Approve and Authorize a Change Order to the Previously Approved Piggyback Contract with Xylem Water Solutions USA, Inc. for Flygt Pumps, Parts and Repairs (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE PREVIOUSLY APPROVED PIGGYBACK CONTRACT WITH XYLEM WATER SOLUTIONS, INC FOR THE PURCHASE OF FLYGT PUMPS, PARTS AND REPAIRS; AND INCREASING THE ESTIMATED BUDGETED AMOUNT BY \$357,000.00; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2024-29 Approve a Piggyback Contract Between the City and AAA Automated Door Repair, Inc. for Door Related Repair, Replacement and Preventative Maintenance Services (Sam Zamacona, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PIGGYBACK CONTRACT BETWEEN THE CITY AND AAA AUTOMATED DOOR REPAIR, INC., FOR THE PURCHASE OF DOOR RELATED REPAIR, REPLACEMENT, AND PREVENTIVE MAINTENANCE SERVICES IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$110,000.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2024-30 Approve Piggyback Contract Between the City and Environmental Products Group (Sam Zamacona, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PIGGYBACK CONTRACT BETWEEN THE CITY AND ENVIRONMENTAL PRODUCTS GROUP FOR THE PURCHASE AND DELIVERY OF A VACTOR TRUCK IN AN ESTIMATED BUDGETED AMOUNT OF \$148,000.00; AUTHORIZING THE CITY MANAGER OR

DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2024-31 Supporting Initiatives of the State Attorney Office Regarding the Hiring and Retaining of Attorneys and Staff (Vice Mayor Fortuna Smukler)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE INITIATIVE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT, KATHERINE FERNANDEZ RUNDLE, TO BRING PAY EQUITY FOR PROSECUTORS AND STAFF WORKING FOR HER OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve the Consent Agenda made by Commissioner Chernoff, seconded by Vice Mayor Smukler.
MOTION PASSED 7-0.

CITY MANAGER'S REPORT

City Manager Mario Diaz stated that the City is in the process of having the annual independent audit with finance and the state mandated audit, provided a Local Government Hispanic Network Biannual Conference summary report, and discussed a new financial transparency portal on the City website.

CITY ATTORNEY'S REPORT

Interim City Attorney John Herin read the following resolution into the record:

Resolution R2024-42

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE EASEMENT AGREEMENT BETWEEN THE CITY AND THE JEWISH WAR VETERANS POST #682 TO SUBSTITUTE THE 3rd DAY CHURCH, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AS THE GRANTEE AND BENEFICIARY OF THE GRANT OF EASEMENT; 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.

Interim City Attorney John Herin provided an explanation regarding the resolution.

Motion to approve Resolution R2024-42 made by Commissioner Chernoff, seconded by Commissioner Joseph.

Michael Snyder appeared before the Mayor and Commission on behalf of 3rd Day Church and provided additional information.

Mayor Piper opened the item for **PUBLIC COMMENT**.

There were no speakers.

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

Voice Vote: **MOTION PASSED 7-0.**

Interim City Attorney John Herin requested to schedule a shade meeting for an attorney-client session to meet with legal counsel to discuss settlement negotiations or strategy related to litigation expenditures in the matter of City of Miami Gardens vs. City of North Miami Beach.

Motion to approve to schedule a shade meeting made by Commissioner Chernoff, seconded by Commissioner Smith.

Voice Vote: **MOTION PASSED 7-0.**

City Manager Mario Diaz stated that the presentations for the RFP regarding the City Attorney position could be on the same day and the Mayor and Commission reached a consensus to agree on a date and times.

Interim City Attorney John Herin read the following resolution into the record:

Resolution R2024-43

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND NMB PLACE OWNER, LLC. GRANTING BUILDING PERMIT CREDITS IN THE AMOUNT OF \$500,000.00 IN LIEU OF REIMBURSEMENT OF FUNDS; 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 Resolution R2024-43 made by Commissioner Smith, seconded by Commissioner Chernoff.

Mayor Piper opened the item for **PUBLIC COMMENT**.

1. Norman Powell

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

Interim Director of Community Development Edward Ng and Interim City Attorney John Herin provided an explanation regarding the resolution.

Voice Vote: **MOTION PASSED 7-0.**

Interim City Attorney John Herin discussed pending litigation regarding the former City Manager and stated that a shade meeting might need to be scheduled.

QUASI-JUDICIAL

Resolution No. R2024-32 16950 NE 17th Ave. Zolezzi Residence Pool Variance (Edward Ng, Interim Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A NON-USE VARIANCE FROM SECTION 24-85(A) OF THE ZONING AND LAND DEVELOPMENT CODE TO PERMIT A SWIMMING POOL IN THE SIDEYARD, WHERE THE CODE REQUIRES THAT A POOL BE LOCATED IN ANY REAR YARD AND ALLOWING A CORNER SIDE SETBACK OF SEVEN FEET AND SIX INCHES, WHERE FIFTEEN FEET IS REQUIRED; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Andrise Bernard announced that she received a Jennings Disclosure form from Commissioner Jean and 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 part of the record on file prior to final action on the matter.

Commissioner Chernoff, Commissioner Fleurimond, Commissioner Joseph, Commissioner Smith, Vice Mayor Smukler, and Mayor Piper disclosed if they had any communication regarding this item and confirmed their ability 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 discussed the existing site conditions and presented a boundary survey.

Luis Zolezzi, the owner of the property, appeared before the Mayor and Commission and provided additional information.

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

There were no speakers.

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

The Mayor and Commission discussed the proposed resolution.

Motion to approve Resolution R2024-32 made by Commissioner Smith, seconded by Commissioner Joseph.

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

MOTION PASSED 7-0.

Resolution No. R2024-33 Washington Park Site Plan & Three 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 THREE NON-USE VARIANCES FOR THE CONSTRUCTION OF A 121,000 GROSS SQUARE FEET COMMUNITY CENTER, PARK, AND POOL AND 71 PARKING SPACES ON A 2.85-ACRE PARCEL LOCATED AT 15280 NE 15th CT.; GRANTING A VARIANCE TO ALLOW A TEN FOOT FENCE SURROUNDING A BASKETBALL COURT; GRANTING A VARIANCE TO ALLOW A SIX FOOT METAL FENCE IN LIEU OF A REQUIRED SIX FOOT HIGH SOLID MASONRY WALL ALONG THE REAR COMMERCIAL PROPERTY LINES THAT ARE CONTIGUOUS TO THE RESIDENTIALLY ZONED PROPERTIES; GRANTING A VARIANCE TO PERMIT BACKOUT PARKING ON TO THE RIGHT OF WAY; 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 part

of the record on file prior to final action on the matter and announced that she received a Jennings Disclosure form from Commissioner Jean.

Commissioner Chernoff, Commissioner Fleurimond, Commissioner Joseph, Commissioner Smith, Vice Mayor Smukler, and Mayor Piper disclosed if they had any communication regarding this item and confirmed their ability 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.

A representative from KCI Technologies appeared before the Mayor and Commission and presented the site plan, variances, floor plan, building elevations, drainage, and landscape.

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

There were no speakers.

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

The Mayor and Commission discussed the proposed resolution.

Motion to approve Resolution R2024-33 made by Commissioner Joseph, seconded by Commissioner Smith.

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

MOTION PASSED 7-0.

LEGISLATION

Ordinance No. 2023-10 (First Reading) Handicapped Parking Space Dimensions Amendment (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 IX "OFF-STREET PARKING AND LOADING," SECTION 24-93 "PARKING LOT DESIGN STANDARDS," TO AMEND SUBSECTION (C) ENTITLED "PARKING REQUIREMENTS FOR THE HANDICAPPED" AND SUBSECTION (D) ENTITLED "SPACE DIMENSIONS" TO DECREASE THE REQUIRED LENGTH OF THE HANDICAPPED PARKING STALL FROM 20 FEET TO 18 FEET; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of the ordinance.

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

There were no speakers.

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

Motion to approve Ordinance 2023-10 made by Commissioner Smith, seconded by Commissioner Chernoff.

Roll Call Vote: Jean - **Yes**, Smith - **Yes**, Chernoff - **Yes**, Fleurimond - **Yes**, Piper - **Yes**

MOTION PASSED 5-0 with Vice Mayor Smukler and Commissioner Joseph off the dais.

Ordinance No. 2024-01 (First Reading) Text Amedment for Mobile Vendors (Commissioner Daniela Jean)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XII ENTITLED "LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS" BY CREATING A NEW SECTION 12-8 ENTITLED "MOBILE VENDORS", AND AMENDING SECTION 12-9 "PEDDLERS AND SOLICITORS" TO MODIFY THE DEFINITION OF PEDDLERS; AMENDING CHAPTER XXIV ENTITLED "ZONING AND LAND DEVELOPMENT," ARTICLE IX ENTITLED "OFF-STREET PARKING AND LOADING," SECTION 24-92(C) "RESTRICTIONS" TO ALLOW FOR THE PARKING OF MOBILE VENDING VEHICLES IN OFF-STREET PARKING AREAS SUBJECT TO CERTAIN STANDARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of the ordinance.

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

There were no speakers.

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

Motion to approve Ordinance 2024-01 made by Commissioner Smith, seconded by Commissioner Joseph.

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

MOTION PASSED 7-0.

Ordinance No. 2024-02 (First Reading) Text Amendment for Animal Hotel Boarding (Edward Ng, Interim Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV "ZONING AND LAND DEVELOPMENT," SPECIFICALLY SECTION 24-22, "DEFINITION" TO MODIFY THE EXISTING DEFINITION "KENNEL" AND TO ADD THE TERM "ANIMAL BOARDING"; AMENDING ARTICLE V "ZONING USE DISTRICTS" TO STREAMLINE AND CORRECT PERMITTED AND CONDITIONAL USES TO BE CONSISTENT WITH THE DEFINITION, ADDING "ANIMAL BOARDING" TO THE PERMITTED AND CONDITIONAL USES LISTED IN THE B-1 LIMITED BUSINESS DISTRICT, B-2 GENERAL BUSINESS DISTRICT, B-3 INTENSIVE BUSINESS DISTRICT, B-4 DISTRIBUTION BUSINESS DISTRICT, B-5 DISTRIBUTION BUSINESS AND MEDIUM INDUSTRIAL DISTRICT, FULFORD MIXED-USE TOWN CENTER DISTRICT (MU/TC), MIXED-USE EMPLOYMENT CENTER DISTRICT (MU/EC), MIXED-USE NEIGHBORHOOD CENTER DISTRICT (MU/NC), ARCH CREEK MIXED-USE CORRIDOR DISTRICT (MU/C), SOUTHERN MIXED-USE WATERFRONT DISTRICT (MU/SWF), NORTHERN MIXED-USE WATERFRONT DISTRICT (MU/NWF), EASTERN MIXED-USE WATERFRONT DISTRICT (MU/EFW), AND INTERNATIONAL BOULEVARD DISTRICT (MU/IB) AS A CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of the ordinance.

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

There were no speakers.

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

Motion to approve Ordinance 2024-02 made by Commissioner Chernoff, seconded by Commissioner Fleurimond.

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

MOTION PASSED 7-0.

Ordinance No. 2024-03 (First Reading) Text Amendment for Electric Vehicles Parking and Charging (Edward Ng, Interim Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XII ENTITLED "LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS" BY AMENDING CHAPTER XXIV, ENTITLED "ZONING AND LAND DEVELOPMENT," ARTICLE IX "OFF-STREET PARKING AND LOADING", SECTION 24-100 "ELECTRIC VEHICLE (EV) PARKING AND CHARGING STATIONS", TO PROVIDE SPECIFIC REQUIREMENTS, AND TO PROVIDE UNIFORM STANDARDS FOR EV PARKING SPACES AND STATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of the ordinance.

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

There were no speakers.

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

Motion to approve Ordinance 2024-03 made by Commissioner Joseph, seconded by Commissioner Chernoff.

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

MOTION PASSED 7-0.

Ordinance No. 2024-04 (First Reading) Drop Tier Benefits Amendment for Ordinance 2022-10 (John Herin, Interim City Attorney)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, BY AMENDING SECTION 6.01(b) & (c), NORMAL RETIREMENT DATE AND COST OF LIVING ADJUSTMENTS; AMENDING SECTION 6.01A, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CONFLICTS, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There were no speakers.

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

Interim City Attorney John Herin and City Manager Mario Diaz provided an explanation of the ordinance.

Motion to approve Ordinance 2024-04 made by Commissioner Joseph, seconded by Commissioner Chernoff.

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

MOTION PASSED 7-0.

Resolution No. R2023-108 Approve 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 the resolution.

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

There were no speakers.

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

The Mayor and Commission discussed the proposed resolution.

Motion to approve Resolution R2023-108 made by Commissioner Chernoff, seconded by Commissioner Smith.

Voice Vote: **MOTION PASSED 6-0** with Commissioner Joseph off the dais.

Resolution No. R2024-34 Approve and Authorize a Contract Extension with Invoice Cloud for the Purchase of Electronic Billing and Payment Software Solution (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CONTRACT EXTENSION TO THE PREVIOUSLY APPROVED CONTRACT WITH INVOICE CLOUD, INC. FOR THE PURCHASE OF AN ELECTRONIC BILLING AND PAYMENT SOFTWARE SOLUTION IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$612,000.00; AND 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 NMB Water Andrea Suarez-Abastida provided an explanation of the resolution.

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

There were no speakers.

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

Motion to approve Resolution R2024-34 made by Commissioner Smith, seconded by Commissioner Chernoff.

Voice Vote: **MOTION PASSED 7-0.**

Resolution No. R2024-35 Approve a Piggyback Contract Between the City and Rexel USA Inc. for the Purchase of Allen Bradley and Rockwell Automation Equipment (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PIGGYBACK CONTRACT BETWEEN THE CITY AND REXEL USA INC. FOR THE PURCHASE OF ALLEN BRADLEY AND ROCKWELL AUTOMATION EQUIPMENT IN AN ESTIMATED BUDGETED AMOUNT OF \$595,000.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Director of NMB Water Andrea Suarez-Abastida provided an explanation of the resolution.

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

There were no speakers.

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

Motion to approve Resolution R2024-35 made by Commissioner Smith, seconded by Vice Mayor Smukler.

Voice Vote: **MOTION PASSED 7-0.**

Resolution No. R2024-36 Approve a Piggyback Contract Between the City and Trane U.S. Inc., for the Purchase and Delivery of HVAC Products and Services (Sam Zamacona, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PIGGYBACK CONTRACT BETWEEN THE CITY AND TRANE U.S., INC. FOR THE PURCHASE AND DELIVERY OF HVAC PRODUCTS, INSTALLATION, LABOR BASED SOLUTIONS AND RELATED PRODUCTS IN A TOTAL ESTIMATED BUDGETED AMOUNT OF \$625,000.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Director of Public Works Sam Zamacona provided an explanation of the resolution.

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

There were no speakers.

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

Motion to approve Resolution R2024-36 made by Commissioner Smith, seconded by Commissioner Chernoff.

Voice Vote: **MOTION PASSED 7-0.**

Resolution No. R2024-37 Approve and Authorize the Award of Invitation to Bid No. ITB-23-027-SG Operations Center Pump Station Improvements (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE AWARD OF INVITATION TO BID NO. ITB-23-027-SG "OPERATIONS CENTER PUMP CENTER STATION IMPROVEMENTS" TO FLORIDA DESIGN DRILLING, LLC. IN AN ESTIMATED AMOUNT NOT TO EXCEED \$1,150,000.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Director of NMB Water Andrea Suarez-Abastida provided an explanation of the resolution.

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

There were no speakers.

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

Motion to approve Resolution R2024-37 made by Commissioner Chernoff, seconded by Commissioner Smith.

Voice Vote: **MOTION PASSED 7-0.**

Resolution No. R2024-38 Approve Piggyback Contract Between the City and Multiple Vendors through Broward County Request for Qualifications for Executive Professional Search Services (Babette Friedman, Human Resources Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PIGGYBACK CONTRACT BETWEEN THE CITY AND MULTIPLE VENDORS FOR THE PURCHASE OF EXECUTIVE PROFESSIONAL SEARCH SERVICES IN AN ESTIMATED BUDGETED AMOUNT OF \$200,000.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There were no speakers.

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

Director of Human Resources Babette Friedman provided an explanation of the resolution.

Motion to approve Resolution R2024-38 made by Commissioner Smith, seconded by Commissioner Fleurimond.

Voice Vote: **MOTION PASSED 7-0.**

APPOINTMENTS

Motion to approve the appointment of Tricia Harris to the Multi-Cultural Committee made by Commissioner Smith, seconded by Vice Mayor Smukler.

Voice Vote: **MOTION PASSED 7-0.**

Motion to approve the appointment of Phyllis Poulos to the Public Utilities Commission made by Commissioner Smith, seconded by Vice Mayor Smukler.

Voice Vote: **MOTION PASSED 7-0.**

DISCUSSION ITEMS

Interim Director of Community Development Edward Ng discussed current parking requirements and proposed changes to the City Code and stated that parking utilization in multi-family residential buildings is at or near capacity and minimum parking requirements of the mixed-use districts are insufficient to meet demand.

Chief of Staff Marline Monestime discussed applications that were submitted for non-Commission discretion donation requests for the Night of Excellence event sponsored by Gertrude K. Edelman/Sabal Palm Elementary PTA, the Humane Society of Greater Miami-Dade County to assist with operating expenses, and the Ancient Spanish Monastery Foundation to assist with payment of staff salaries and operating expenses.

Motion to approve a charitable donation of \$10,000 out of Fiscal Year 2024 to be equally split between the Humane Society and the Ancient Spanish Monastery made by Commissioner Smith, seconded by Commissioner Joseph.

Voice Vote: **MOTION PASSED 7-0.**

Acting Chief of Police Nelson Camacho and Orlando Torres of Verra Mobility discussed the usage of automated cameras for speed enforcement in school zones.

Motion to approve to direct staff to expand the existing contract with the Red Light Camera service provider to include school zone speed infractions made by Commissioner Smith, seconded by Commissioner Fleurimond.

Voice Vote: **MOTION PASSED 7-0.**

ADJOURNMENT

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

ATTEST:

(SEAL)

Andrise Bernard, MMC, City Clerk



**Consent Agenda
9.3.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Sam Zamacona, Public Works Director
VIA:	City Manager Mario A. Diaz
DATE:	March 19, 2024

RE: Resolution No. R2024-39 to Approve Continuing Services Agreement Task Order from Chen Moore and Associates. (Sam Zamacona, Public Works Director)

Description

**BACKGROUND
ANALYSIS:**

This City of North Miami Beach (NMB) operates a local trolley service, the NMB Line, that services NMB as well as a stop outside of the City limits in Aventura. There are currently five routes and six trolleys in continuous operation. Routes A, B, C, and E are operated with one trolley and Route D is serviced by two trolleys. NMB is interested in reviewing ridership data to determine if there are optimizations that can be made to the route map, trolley routes, and number of trolleys running throughout the day in effort to optimize the service and improve the overall experience for the end users, the residents of and visitors to NMB. Ridership data and trolley cycle times are currently being collected by NMB.

RECOMMENDATION: The City Manager and the Chief Procurement Officer recommend that the City Commission approve and authorize the City Manager or designee to enter into a Task Order with Chen Moore in the amount of \$107,330.00 for the trolley route optimization study.

FISCAL/ BUDGETARY As approved in the adopted FY24 budget appropriation.
IMPACT:

ATTACHMENTS:

Description

- ▣ Resolution
- ▣ Exhibit A - Task Order

RESOLUTION NO. R2024--

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A TASK ORDER FOR ENGINEERING SERVICES FOR THE PROJECT MANAGEMENT OF A TROLLEY ROUTE OPTIMIZATION STUDY IN AN ESTIMATED AMOUNT OF \$107,330.00, UNDER THE “CONTINUING SERVICES AGREEMENT” WITH CHEN MOORE AND ASSOCIATES FOR PROFESSIONAL CONSULTING SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, on July 21, 2020, the City Commission approved Resolution R2020-62 for RFQ 19-082-MC “Continuing Services Agreement for Architectural/Engineering, Landscape Architect and Surveying Services.” Subsequently, the City executed agreements with the ranked firms that met the qualifications and provided firm pricing under the solicitation specifications – including an agreement with Chen Moore and Associates (“Chen Moore”) on December 21, 2020, for a term of three (3) years, with two, one (1) year options to renew (“Continuing Services Agreement”). The first renewal year has been executed through December 21, 2024; and

WHEREAS, City staff is recommending the City Commission approves a new Task Order with Chen Moore to provide project management, administration, coordination, and related services in the amount of \$107,330.00 to perform a trolley route optimization study (“Project”); and

WHEREAS, Section 3-3.14 of the Code of Ordinances City of North Miami Beach, Florida, 2008 (“Code”) provides that contracts more than fifty thousand dollars (\$50,000.00) shall be awarded by the City Commission; and

WHEREAS, the City Manager and the Chief Procurement Officer recommend that the City Commission approve and authorize the City Manager or designee to enter into a Task Order with Chen Moore in the amount of \$107,330.00 for the Project; and

WHEREAS, the Mayor and City Commission believe it is in the best interests of the City to authorize the City Manager or designee to enter into a Task Order with Chen Moore and Associates in the amount of \$107,330.00 for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. The foregoing whereas clauses are true and correct and adopted as the

RESOLUTION NO. R2024

legislative and administrative findings of the City Commission and made a specific part of this Resolution; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. The Task Order with Chen Moore and Associates in the amount of \$107,330.00 for the Project, attached as Exhibit “A,” is approved and the City Manager or designee is authorized to sign the Task Order on behalf of the City.

Section 3. The City Manager or designee is authorized to do all things necessary to effectuate this Resolution.

Section 4. All Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 7. This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **19th day of March 2024**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: Mayor & Council

RESOLUTION NO. R2024

3150 SW 38th Avenue, Suite 950
Miami, FL 33146
Office: +1 (786) 497-1500

EXHIBIT A



December 18, 2023

SENT VIA E-MAIL (Samuel.Zamacona@citynmb.com)

Sam Zamacona | Public Works Director
City of North Miami Beach
Public Works Department
17011 NE 19th Avenue,
North Miami Beach, FL 33162

**Subject: City of North Miami Beach – Trolley Route Optimization Study
CMA Proposal No. 23-0083.P0001.007**

Dear Mr. Scott:

Chen Moore and Associates (CMA) is pleased to submit the attached Agreement for Professional Services and Scope of Services to provide a Trolley Route Optimization Study located within the City of North Miami Beach, Miami-Dade County, Florida.

SCHEDULE A

SCOPE OF SERVICES

PROJECT INTRODUCTION

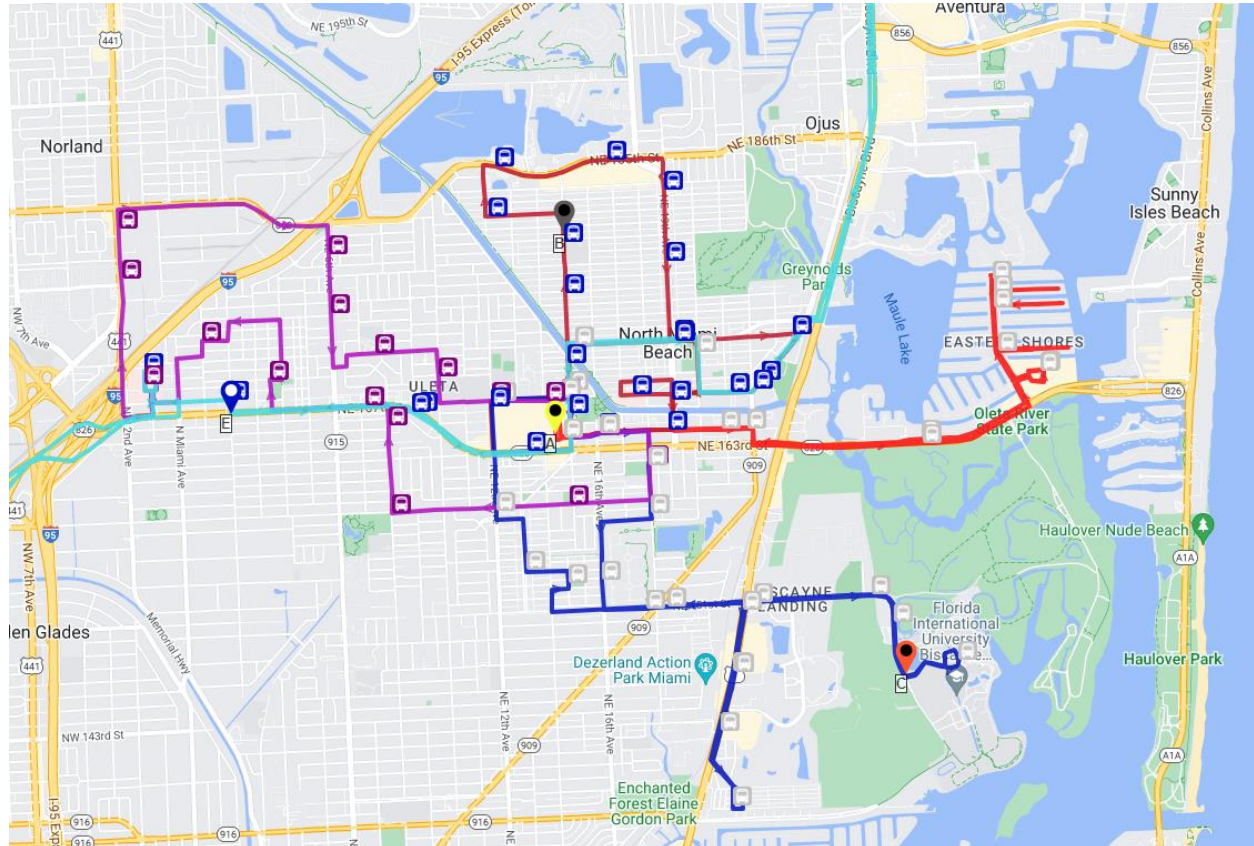
This City of North Miami Beach (NMB) operates a local trolley service, the NMB Line, that services NMB as well as a stop outside of the City limits in Aventura. There are currently five routes and six trolleys in continuous operation. Routes A, B, C, and E are operated with one trolley and Route D is serviced by two trolleys. NMB is interested in reviewing ridership data to determine if there are optimizations that can be made to the route map, trolley routes, and number of trolleys running throughout the day in effort to optimize the service and improve the overall experience for the end users, the residents of and visitors to NMB. Ridership data and trolley cycle times are currently being collected by NMB.

It is anticipated that the route and stop optimization study will be accomplished in two components. Task 1 will encompass review of the NMB collected ridership information and trolley stop cycles, operating cost analysis, review of the City Master Plan and Proposed Zoning Map, and data collection for alternative route and stops development.

Task 2 will involve rider interviews and review of planned developments in and around NMB to determine if there is a need for trolley stop location configuration changes. Ranking route optimization alternatives, and recommendation for route and trolley density changes, a workshop at the City to review alternatives, and prepare report.

PROJECT LOCATION

The project is located in the City of North Miami Beach, across several transit routes throughout the city. Below is a map, that can be found at [Public Transportation Web Tracker \(tsomobile.com\)](http://PublicTransportationWebTracker.tsomobile.com). One route extends beyond the limits of the City. These stops outside the City limits will be included in the study area. However, we do not anticipate studying adding additional Trolley stops outside the City limits.



PROJECT STAFFING

Our staff and team are ready and prepared to work on this project. CMA staff project roles shall be as follows:

Principal – Peter Moore, P.E., President
Project Director – Gregory Mendez, P.E.
Project Manager – Yulet Miguel, P.E.

Engineering Staff includes the following:

- Patrick Kaimrajh, P.E., Senior Engineer
- Arnaldo Roman, E.I., Civil Engineer
- Kobie Lynch, Staff Engineer
- Jorge Nunez, Staff Engineer
- Joseph Hall, CAD Technician

Subconsultants:

- N/A

SCOPE OF SERVICES

The scope of services our firm shall provide as per our recent discussions is as follows:

Task 1 – Data Analysis, Gathering and Research

Route maps, trolley cycle data, and ridership information provided by NMB will be collated, organized, and analyzed to determine trends and patterns within the data set. Consultant will undergo a grassroots effort to conduct interviews with NMB Line riders. As part of this data gathering and research, Consultant will visit existing Trolley stop locations at various times of day for each route at peak and off-peak times to observe rider movements to gain a deeper understanding of popular origin and destination information. Consultant will also work with NMB to review proposed zoning and redevelopment plans for purposes of pre-planning modifications to Trolley stop network and/or routes.

Task 2 – Route & Stop Optimization Alternative Development

Consultant will develop multiple alternatives for route and stop optimization based on the observations made regarding the ridership data, existing route cycle times, and zoning and proposed redevelopment plans. These alternatives may include route reconfiguration, adjusting times when one or more trolleys are running on a given route, and potential for individual trolleys servicing multiple routes. These alternatives could include the elimination of an existing trolley stop should ridership data reveal underutilization. Additional stop(s) and/or routes may be considered as well based on projected development within the City. This task will conclude with the development of a report outlining the trends in the ridership data, presentation of alternatives, ranking of alternatives, and a recommendation for implementation to improve the end user experience with the NMB Line. CMA will develop the optimization report to a preliminary level and then hold a workshop with NMB staff to review and solicit feedback. The report will then be finalized and delivered to the City.

Preliminary Schedule (Subject to coordination with the Client)

<u>Task</u>	<u>Phase Description</u>	<u>Estimated Time</u>
1	Data Analysis, Gathering, and Research	4 weeks
2	Route & Stop Optimization Alternative Development	12 weeks
	Total	16 weeks

BASIS OF SCOPE

The basis for the above scope of services and associated fee(s) are based on the following:

- Project does not include any final design services or services associated with environmental assessment and/or permitting for proposed improvements.
- Street lighting analysis is not included in this proposal.
- Bidding assistance is not included in this scope of services.
- Construction administration services, including, but not limited to items such as pre-construction meetings, shop drawing review, site visits, reviewing Requests For Information (RFIs), punch list, and certification, as not included in this scope of services.

INFORMATION TO BE PROVIDED BY CLIENT:

- Copies of all relevant data, including correspondence, trolley ridership data, prior research on existing stop siting, traffic reports, and plans or information in Client's possession which may be beneficial to the work effort performed by Consultant.
- Previous reports and assessments.

FEES

Consultant shall schedule work upon receipt of signed approval and shall provide construction documents and services in accordance with City of North Miami Beach Multimodal Transportation Master Plan.

The total lump sum fee for this project will be divided as follows:

<u>Task(s)</u>	<u>Task Description</u>	<u>Lump Sum Fees</u>	<u>Total Fees</u>
Task 1	Data Analysis, Gathering and Research	\$ 46,000.00	\$ 46,000.00
Task 2	Route & Stop Optimization Alternative Development	\$ 58,930.00	\$ 58,930.00
	<i>Subtotal</i>	\$ 104,930.00	\$ 104,930.00
	Reimbursable Expenses	\$ 2,400.00	\$ 2,400.00
	<i>PROJECT TOTAL</i>	\$ 107,330.00	\$ 107,330.00

Reimbursable expenses requested by the Client, including delivery of additional copies of items shall be invoiced as defined in our Professional Services Agreement for General Engineering Services.

This proposal is based on our understanding of the requirements for engineering services as itemized under the anticipated tasks listed above. Accordingly, we reserve the right to modify this proposal due to any changes in scope.

Should you have any questions, please do not hesitate to contact me at, my cell phone at +1 (786) 218-4858 or send me an electronic message at ymiguel@chenmoore.com.

Respectfully submitted,



CHEN MOORE AND ASSOCIATES
Yulet Miguel, P.E.
Project Manager

Cc: Gregory Mendez, P.E., Chen Moore and Associates

City of North Miami Beach - NMB Line Route Optimization Study
Fee Estimate

Chen Moore and Associates, Inc.

CMA Project No. 23-0083.P0001-007

	Project Principal	Project Director	Project Manager	Senior Engineer	Associate Engineer	Staff Engineer	CADD Technician	Total
Hourly Rate	\$360.00	\$275.00	\$225.00	\$185.00	\$135.00	\$125.00	\$110.00	

ROUTE & STOP OPTIMIZATION STUDY

TASK 1 – DATA ANALYSIS, GATHERING AND RESEARCH

Field Visits, Trolley Stop Review, & Ridership outreach program		4	40		60	60		\$25,700.00
Document Review: route maps, route cycle times, existing ridership data			4		16			\$3,060.00
Operating cost analysis		2	4		8			\$2,530.00
City Master Plan & Proposed Zoning Map reivew		2	4		8			\$2,530.00
Collate data for use in alternative development	1	8	8		24	24		\$10,600.00
Project Kickoff Meeting and Project Setup	1	2	2				2	\$1,580.00
SUBTOTAL	2	18	62	0	116	84	2	\$46,000.00

TASK 2 – ROUTE & STOP OPTIMIZATION ALTERNATIVE DEVELOPMENT

Route and Stop Optimization brainstorming session with NMB		8	8		8	8		\$6,080.00
Route and Stop alternative development	2	12	40		40	32	42	\$27,040.00
Develop method for ranking of alternatives		4	4		4			\$2,540.00
Preliminary Route & Stop optimization report		4	16		16		16	\$8,620.00
Workshop with NMB Staff to review preliminary report and alternatives		8	8		8			\$5,080.00
Update alternatives and Finalize report		2	8		8	8		\$4,430.00
QA/QC	2	4	8		8		4	\$5,140.00
SUBTOTAL	4	42	92	0	92	48	62	\$58,930.00

TOTAL	6	60	154	0	208	132	64	\$104,930.00
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REIMBURSEABLE EXPENSES

Data Collection Site Visits - Assume 12 days of site visits at \$200/day								\$2,400.00
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Reimbursable Expenses Total								\$2,400.00
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TOTAL FEES								\$107,330.00
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FEE SUMMARY

TASK	Total Hours	Total Fee
TASK 1 – DATA ANALYSIS, GATHERING AND RESEARCH	284	\$46,000.00
TASK 2 – ROUTE & STOP OPTIMIZATION ALTERNATIVE DEVELOPMENT	340	\$58,930.00
REIMBURSEABLE EXPENSES		\$2,400.00
TOTAL	624	\$107,330.00



Consent Agenda 9.4.

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Acting Chief Nelson Camacho, NMB Police Department
VIA:	City Manager Mario A. Diaz
DATE:	March 19, 2024

RE: Resolution No. R2024-40 to Approve Change Order with Axon Enterprise, Inc. (Nelson Camacho, Acting Chief of Police)

Description

Axon Enterprise Inc provides Public Safety Video Surveillance Solutions with related Equipment, Software and Accessories. The City Commission approved Resolution R2021-95 to execute a Sourcewell Piggyback contract RFP# 010720 with Axon Enterprise Inc to purchase Body Worn Cameras, Tasers and related equipment in an amount not to exceed \$1,082,727.77 expiring on February 21, 2024. The contract has been extended through February 21, 2025.

BACKGROUND ANALYSIS:

PD would like to purchase an additional 40 Taser 7's Energy Weapon Bundles. Taser 7 is the first Energy Weapon to be wirelessly connected to the Axon network. New rapid arc technology outperforms all previous energy weapons. Spiral darts fly straighter and faster with nearly double the kinetic energy to compress loose and hanging clothing.

A change order is required to add the necessary funds of \$151,228.80 to purchase the additional Tasers.

RECOMMENDATION: The City Manager and Chief Procurement Officer recommend that the City Commission approve and authorize the City Manager or designee to execute the Change Order to the previously approved Piggyback Contract

to increase the approved expenditure by \$151,229.00 for a total expenditure of \$1,233,957.00.

FISCAL/ BUDGETARY As approved in the adopted FY24 budget appropriation.
IMPACT:

ATTACHMENTS:

Description

- ▣ Resolution
- ▣ Exhibit A - Change Order

RESOLUTION NO. 2024-

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE PIGGYBACK CONTRACT WITH AXON ENTERPRISE INC., FOR THE PURCHASE OF FORTY TASER 7 ENERGY WEAPONS; INCREASING THE ESTIMATED BUDGETED AMOUNT BY \$151,229.00; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, *Florida Statutes* and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, on September 23rd, 2021, the City adopted Resolution R2021-95 approving a piggyback contract between the City and Axon Enterprises, Inc. (“Axon”) through the Sourcewell Contract No. 010720-AXN for the purchase of body worn cameras, tasers, and related equipment in a budgeted amount of \$1,082,727.77; and

WHEREAS, the Police Department desires to purchase an additional forty (40) Taser 7 Energy Weapon Bundles from Axon with a corresponding increase of \$151,229.00 to the previously approved piggyback contract (“Change Order”); and

WHEREAS, Section 3-3.20 of the Code of Ordinances City of North Miami Beach, Florida, 2008 (“Code”) requires that change orders exceeding 10% or \$50,000.00, whichever is less, shall be approved by the City Commission; and

WHEREAS, the City Manager and Chief Procurement Officer recommend that the City Commission approve the Change Order and authorize the City Manager or designee to execute the Change Order to the previously approved Piggyback Contract to increase the approved expenditure by \$151,229.00 for a total expenditure of \$1,233,957.00; and

WHEREAS, the Mayor and City Commission believe it is in the best interests of the City to authorize the Change Order to increase the previously approved Piggyback Contract expenditure by \$151,229.00 for a total expenditure of \$1,233,957.00, for the purchase of forty (40) Taser 7 Energy Weapon Bundles.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, THAT:

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this

Resolution; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. The Change Order, attached as Exhibit “A,” to the previously approved Piggyback Contract with Axon Enterprises, Inc., thereby increasing the total expenditure to \$1,233,957.00, for the purchase of forty (40) Taser 7 Energy Weapon Bundles is approved.

Section 3. The City Manager or designee is authorized to do all things necessary to effectuate this Resolution.

Section 4. All Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 7. This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **19th day of March 2024**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
CITY ATTORNEY

Sponsored by: Mayor & Commission



EXHIBIT A

CHANGE ORDER FORM

PROCUREMENT MANAGEMENT DIVISION
(Revised 5.1.23)

Title:	Contract No.: _____ Purchase Order No.: _____
Vendor:	Change Order No.:
Contract Award Date:	Completion Date:
Revised Completion Date (prior to this change):	Extension(s) of Time Previously Approved: days
Revised Completion Date (including this change):	

Summary of Amount	
<i>Original Amount</i>	\$
Change Orders Previously Approved	\$
Adjusted Value Prior to this Change Order	\$
Cost of Changes in this Change Order	\$
<i>Adjusted Amount Including this Change</i>	\$
Percentage Increase this Change Order	%
Total Percent Increase to Date	%
Extension of Time Allowed by this Change -	days

Description of Change:

Procurement Notes:

Account Number: _____

Code of Ordinances – Chapter III Purchasing, 3-3.20 Change Orders

The City Manager may approve any change orders so long as the total sum of all change orders does not exceed the total amount awarded by the City Commission by more than either ten percent of the contract cost or \$50,000.00, whichever is less. The scope of any project may not be changed without prior approval of the City Commission. No increase in contract price shall be approved unless there are sufficient funds available for such purpose.

This change order is hereby incorporated into and becomes a part of the Contract.

RECOMMENDED:

(Project Manager / Preparer)

By:

(Division Approval)

(Signature) (Date)

By:

(Department Head) (Date)

APPROVED:

By:

(Finance Department) (Date)

By:

(Procurement Department) (Date)

By:

(Mario A. Diaz, City Manager) (Date)



Axon Enterprise, Inc.
17800 N 85th St
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-523992-45302.570AP

Issued: 01/11/2024

Quote Expiration: 02/29/2024

Estimated Contract Start Date: 03/01/2024

Account Number: 109795

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
North Miami Beach Police Dept. - FL 16901 NE 19th Ave North Miami Beach, FL 33162-3109 USA	North Miami Beach Police Dept. - FL 16901 NE 19th Ave North Miami Beach FL 33162-3109 USA Email:	Brendan Rome Phone: Email: brome@axon.com Fax:	Alexander Capote Phone: (305) 948-2929 Email: alexander.capote@nmbpd.org Fax: (305) 787-6047

Quote Summary

Program Length	33 Months
TOTAL COST	\$151,228.80
ESTIMATED TOTAL W/ TAX	\$151,228.80

Discount Summary

Average Savings Per Year	\$29,841.60
TOTAL SAVINGS	\$82,064.40

Payment Summary

Date	Subtotal	Tax	Total
Feb 2024	\$45,091.16	\$0.00	\$45,091.16
Nov 2024	\$53,068.82	\$0.00	\$53,068.82
Nov 2025	\$53,068.82	\$0.00	\$53,068.82
Total	\$151,228.80	\$0.00	\$151,228.80

Quote Unbundled Price: \$233,293.20
 Quote List Price: \$151,228.80
 Quote Subtotal: \$151,228.80

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
20245	TRUE UP - TASER 7 CERTIFICATION PLAN TRUE UP	40	27		\$51.00	\$51.00	\$55,080.00	\$0.00	\$55,080.00
C00008	BUNDLE - TASER 7 CERTIFICATION	40	33	\$135.01	\$72.84	\$72.84	\$96,148.80	\$0.00	\$96,148.80
Total							\$151,228.80	\$0.00	\$151,228.80

Delivery Schedule

Hardware

Bundle		Item	Description	QTY	Estimated Delivery Date
BUNDLE - TASER 7 CERTIFICATION		20008	AXON TASER 7 - HANDLE - HIGH VIS GRN LASER CLASS 3R YLW	40	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		20008	AXON TASER 7 - HANDLE - HIGH VIS GRN LASER CLASS 3R YLW	1	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		20018	AXON TASER - BATTERY PACK - TACTICAL	48	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		20050	AXON TASER 7 - HOOK-AND-LOOP TRAINING (HALT) SUIT	1	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		20160	AXON TASER 7 - HOLSTER - SAFARILAND RH+CARD CARRIER	36	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		20161	AXON TASER 7 - HOLSTER - SAFARILAND LH+CARD CARRIER	4	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22175	AXON TASER 7 - CARTRIDGE - LIVE STANDOFF (3.5-DEGREE) NS	120	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22175	AXON TASER 7 - CARTRIDGE - LIVE STANDOFF (3.5-DEGREE) NS	80	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22176	AXON TASER 7 - CARTRIDGE - LIVE CLOSE QUART (12-DEGREE) NS	120	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22176	AXON TASER 7 - CARTRIDGE - LIVE CLOSE QUART (12-DEGREE) NS	80	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22177	AXON TASER 7 - CARTRIDGE - HALT STANDOFF NS	80	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22178	AXON TASER 7 - CARTRIDGE - HALT CLOSE QUART NS	80	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22179	AXON TASER 7 - CARTRIDGE - INERT STANDOFF (3.5-DEGREE) NS	40	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22181	AXON TASER 7 - CARTRIDGE - INERT CLOSE QUART (12-DEGREE) NS	40	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		70033	AXON - DOCK WALL MOUNT - BRACKET ASSY	1	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		71019	AXON BODY - DOCK POWERCORD - NORTH AMERICA	1	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		74200	AXON TASER - DOCK - SIX BAY PLUS CORE	1	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		80087	AXON TASER - TARGET - CONDUCTIVE PROFESSIONAL RUGGEDIZED	1	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		80090	AXON TASER - TARGET FRAME - PROFESSIONAL 27.5 IN X 75 IN	1	02/01/2024
BUNDLE - TASER 7 CERTIFICATION		22175	AXON TASER 7 - CARTRIDGE - LIVE STANDOFF (3.5-DEGREE) NS	80	02/01/2025
BUNDLE - TASER 7 CERTIFICATION		22176	AXON TASER 7 - CARTRIDGE - LIVE CLOSE QUART (12-DEGREE) NS	80	02/01/2025
BUNDLE - TASER 7 CERTIFICATION		22177	AXON TASER 7 - CARTRIDGE - HALT STANDOFF NS	80	02/01/2026
BUNDLE - TASER 7 CERTIFICATION		22178	AXON TASER 7 - CARTRIDGE - HALT CLOSE QUART NS	80	02/01/2026
BUNDLE - TASER 7 CERTIFICATION		22175	AXON TASER 7 - CARTRIDGE - LIVE STANDOFF (3.5-DEGREE) NS	80	11/01/2026
BUNDLE - TASER 7 CERTIFICATION		22175	AXON TASER 7 - CARTRIDGE - LIVE STANDOFF (3.5-DEGREE) NS	80	11/01/2026
BUNDLE - TASER 7 CERTIFICATION		22176	AXON TASER 7 - CARTRIDGE - LIVE CLOSE QUART (12-DEGREE) NS	80	11/01/2026
BUNDLE - TASER 7 CERTIFICATION		22176	AXON TASER 7 - CARTRIDGE - LIVE CLOSE QUART (12-DEGREE) NS	80	11/01/2026
BUNDLE - TASER 7 CERTIFICATION		22176	AXON TASER 7 - CARTRIDGE - LIVE CLOSE QUART (12-DEGREE) NS	80	11/01/2026

Software

Bundle		Item	Description	QTY	Estimated Start Date	Estimated End Date
BUNDLE - TASER 7 CERTIFICATION		20248	AXON TASER - EVIDENCE.COM LICENSE	40	03/01/2024	11/30/2026
BUNDLE - TASER 7 CERTIFICATION		20248	AXON TASER - EVIDENCE.COM LICENSE	1	03/01/2024	11/30/2026

Services

Bundle		Item	Description	QTY	QTY
BUNDLE - TASER 7 CERTIFICATION		101193	AXON TASER - ON DEMAND CERTIFICATION		40
BUNDLE - TASER 7 CERTIFICATION		20246	AXON TASER 7 - REPLACEMENT ACCESS PROGRAM - DUTY CARTRIDGE		40

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BUNDLE - TASER 7 CERTIFICATION	80374	AXON TASER 7 - EXT WARRANTY - BATTERY PACK	48	02/01/2025	11/30/2026
BUNDLE - TASER 7 CERTIFICATION	80395	AXON TASER 7 - EXT WARRANTY - HANDLE	40	02/01/2025	11/30/2026
BUNDLE - TASER 7 CERTIFICATION	80395	AXON TASER 7 - EXT WARRANTY - HANDLE	1	02/01/2025	11/30/2026
BUNDLE - TASER 7 CERTIFICATION	80396	AXON TASER 7 - EXT WARRANTY - DOCK SIX BAY	1	02/01/2025	11/30/2026

Payment Details

Feb 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	20245	TRUE UP - TASER 7 CERTIFICATION PLAN TRUE UP	40	\$16,422.96	\$0.00	\$16,422.96
Year 1	C00008	BUNDLE - TASER 7 CERTIFICATION	40	\$28,668.20	\$0.00	\$28,668.20
Total				\$45,091.16	\$0.00	\$45,091.16

Nov 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	20245	TRUE UP - TASER 7 CERTIFICATION PLAN TRUE UP	40	\$19,328.59	\$0.00	\$19,328.59
Year 2	C00008	BUNDLE - TASER 7 CERTIFICATION	40	\$33,740.23	\$0.00	\$33,740.23
Total				\$53,068.82	\$0.00	\$53,068.82

Nov 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	20245	TRUE UP - TASER 7 CERTIFICATION PLAN TRUE UP	40	\$19,328.59	\$0.00	\$19,328.59
Year 3	C00008	BUNDLE - TASER 7 CERTIFICATION	40	\$33,740.23	\$0.00	\$33,740.23
Total				\$53,068.82	\$0.00	\$53,068.82

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

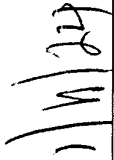
The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.


Signature

1/11/2024


Date Signed



Letter of Agreement To Extend the Contract

Between

Axon Enterprise Inc.
17800 N. 85th St.
Scottsdale, AZ 85255

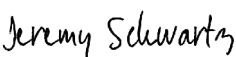
And

Sourcwell
202 12th Street NE
Staples, MN 56479
Phone: (218) 894-1930

The Vendor and Sourcwell have entered into an Agreement (Contract #010720-AXN) for the procurement of Public Safety Video Surveillance Solutions with Related Equipment, Software and Accessories. This Agreement has an expiration date of February 21, 2024, but the parties may extend the Agreement for one additional year by mutual consent.

The parties acknowledge that extending the Agreement for another year benefits the Vendor, Sourcwell and Sourcwell's members. The Vendor and Sourcwell therefore agree to extend the Agreement listed above for a fifth year. This existing Agreement will terminate on February 21, 2025. All other terms and conditions of the Agreement remain in force.

Sou DocuSigned by:



By: C0FD2A139D06489..., Its: **Director of Operations & Procurement/CPO**

Name printed or typed: Jeremy Schwartz

Date 11/3/2022 | 10:43 AM CDT

Axo DocuSigned by:



By: 55DAEBB131A4424..., Its: VP, Associate General Counsel

Name printed or typed: Robert E. Driscoll, Jr.

Date 11/3/2022 | 10:38 AM MST



Legislation 11.1.

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Edward Ng, AICP, Interim Community Development Director Jaaziah Israel, Planner I
VIA:	City Manager Mario Diaz
DATE:	March 19, 2024

RE: Ordinance No. 2023-10 (Second Reading) Handicapped Parking Space Dimensions Amendment
(Edward Ng, AICP, Interim Community Development Director)

Description

BACKGROUND ANALYSIS:

Per ZLDC. Section 24-93(C) Parking Lot Design Standards, indicate that the required length for a handicapped parking stall is 20 feet and the required width for ADA (The Americans with Disabilities Act) parking stall shall be 12 feet. The current 20 feet handicapped parking stall length according to Section 24-93(C)(2)(a) is not an essential requirement and creates an incoherent design for off street parking locations.

The proposed ADA length reduction to a new 18 feet length maintains consistency with ADA (The Americans with Disabilities Act) parking stall requirements and other sections of the Zoning and Land Development Code of the City of North Miami Beach Code of Ordinances.

RECOMMENDATION: The Planning and Zoning Board considered this item at a public meeting on September 11, 2023, and voted 4 to 1 recommending approval of the proposed text amendment, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the ZLDC.

FISCAL/ BUDGETARY

IMPACT:

ATTACHMENTS:

Description	
	Ordinance

ORDINANCE NO. 2023-XX

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 IX “OFF-STREET PARKING AND LOADING,” SECTION 24-93 “PARKING LOT DESIGN STANDARDS,” TO AMEND SUBSECTION (C) ENTITLED “PARKING REQUIREMENTS FOR THE HANDICAPPED” AND SUBSECTION (D) ENTITLED “SPACE DIMENSIONS” TO DECREASE THE REQUIRED LENGTH OF THE HANDICAPPED PARKING STALL FROM 20 FEET TO 18 FEET; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Zoning and Land Development Code (ZLDC) of the City of North Miami Beach (“City”) Code of Ordinances (“Code”) provides authority to the City Commission to amend, change, supplement, or repeal sections of the Code from time to time; and

WHEREAS, the Zoning and Land Development Codes parking lot design standards specify that the required length for a standard parking stall is 18 feet and the required length for a handicapped parking stall is 20 feet; and,

WHEREAS, the handicapped parking stall meets compliance with the required width for ADA (The Americans with Disabilities Act) parking stall requirements at a width of 12 feet; and,

WHEREAS, the 20 feet handicapped parking stall length requested according to Section 24-93(C)(2)(a) is not an essential requirement and creates an incoherent design for off street parking locations; and,

WHEREAS, the reduction to a required 18 feet length maintains consistency with ADA (The Americans with Disabilities Act) parking stall requirements and other sections of the Zoning and Land Development Code of the City of North Miami Beach Code of Ordinances; and

WHEREAS, pursuant to Florida Statute section 163.3174 (4)(c), the Planning and Zoning Board of the City of North Miami Beach, sitting as the Local Planning Authority, considered this item at a public meeting on September 11, 2023, and voted 4 to 1 recommending approval of the proposed text amendment, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the ZLDC; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interest of its citizens to adopt the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AS FOLLOWS

Section 1. That the recitals and findings contained in the foregoing “whereas” clauses are adopted by reference and incorporated as if fully set forth in this section.

Section 2. That Chapter XXIV, entitled “Zoning and Land Development,” Article IX “Off-Street Parking and Loading,” Section 24-93 “Parking Lot Design Standards,” to amend subsection (C) entitled “Parking Requirements for the Handicapped” and Subsection (D) entitled “Parking Dimensions” shall be amended as follows (deletions and additions are identified using a strike through and underline format, respectively):

Sec. 24-93 - Parking Lot Design Standards.

(A) Paving and Drainage.

(1) All off-street parking lots shall be surfaced with a minimum of a rolled six (6) inch rock base and a one (1) inch durable weatherproof asphaltic pavement. The occupancy or use of a given structure or premises shall be prohibited until the required off-street parking area has been improved, inspected, and approved.

(2) All required off-street parking lots shall be properly drained so that no nuisance will be caused to adjacent or nearby properties. All construction shall comply with design standards as established by all applicable laws, ordinances, and regulations.

(B) Traffic Control. Traffic-control signs and pavement markings shall be used as necessary to insure safe and efficient circulation within off-street parking areas. All traffic control measures shall be approved by the Director and be based upon the Manual on Traffic Control Devices.

(C) Parking Requirements for the Handicapped.

(1) *Parking space requirement:* A minimum of one (1) parking space specifically designated for automobiles occupied by handicapped persons shall be provided for each twenty five (25) spaces up to one hundred (100) spaces and an additional one (1) space shall be provided for each additional one hundred (100) or any part thereof, required parking spaces in all developments of commercial, recreational, institutional, or a community facilities nature regardless of the zoning district in which these uses may occur plus multifamily residential where deemed appropriate at site plan review.

(2) *Parking space design standards:* All parking spaces provided for in this section shall be designed in accordance with the following criteria:

(a) *Size:* A parking space designated for handicapped persons shall be a minimum of twelve (12) feet in width and ~~twenty (20)~~ eighteen (18) feet in length.

(b) *Location:* All spaces provided for in this section shall be located at the closest point to the entrance of the building for which parking is required and linked with a sixty (60) inch access aisle. One (1) such aisle may serve two (2) spaces.

(c) *Ramp requirement:* All spaces provided for in this section shall be accessible by a ramp or curb cut when necessary to allow access to the building served and shall be located such that users will not be compelled to wheel behind parked vehicles. Ramps for wheelchairs shall also be provided at the entrances and exits of all buildings to facilitate movement from the parking areas; the pitch shall not exceed one (1) in twelve (12).

(d) *Space identification:* All parking spaces provided for in this section shall be conspicuously outlined in blue paint and by placing an above-grade sign in front of each space not less than four (4) feet nor more than five (5) feet in height, clearly marked with the international wheelchair symbol or marked "Parking by Disabled Permit Only."

(3) All state requirements shall also apply with the more restrictive provision applicable.

(D) *Space Dimensions.* Required and permitted off-street parking spaces shall have the following minimum dimensions:

Type of Space	Length (Feet)	Width (Feet)
Standard	18	9
Handicapped	20 <u>18</u>	12

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article,” or other word as the codified may deem appropriate.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED AND ADOPTED by the City Commission of the City of North Miami Beach, Florida at regular meeting assembled this the _____ day of _____, 2023.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

MAYOR EVAN PIPER

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOHN HERIN
INTERIM CITY ATTORNEY

SPONSORED BY: Mayor and City Commission

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Evan Piper				
Commissioner Jay Chernoff				
Commissioner Daniela Jean				
Commissioner Michael Joseph				
Commissioner McKenzie Fleurimond				
Commissioner Fortuna Smukler				
Commissioner Phyllis Smith				



**Legislation
11.2.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Edward Ng, AICP, Interim Community Development Director
VIA:	City Manager Mario Diaz
DATE:	March 19, 2024

RE: Ordinance No. 2024-01 (Second Reading) Text Amendment Ordinance for Mobile Vendors
(Commissioner Daniela Jean)

Description

**BACKGROUND
ANALYSIS:**

Effective July 1st, 2020, Florida Statute 509.102 preempts any municipality, county or local government from requiring any additional licenses, registrations, permits or fees other than what is already required under FS. 509.241 for the operation of any mobile vending vehicles. They cannot be outright prohibited, and cannot be regulated in what is deemed to be a more stringent manner than their brick-and-mortar counterparts.

RECOMMENDATION:

A public hearing was held on November 13, 2023. The Planning and Zoning Board voted 5 to 0 with recommendation of approval.

This ordinance seeks to allow the City to provide guidelines and a framework for the operation of Mobile Food Vending Vehicles in a sustainable manner which is conducive to the intent of our Zoning and Land Development Code.

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- Mobile Vendor Ordinance Staff Report
- Ordinance No 2024-XX Mobile Vendor Draft



City of North Miami Beach, Florida

Community Development Department – Planning & Zoning Division

17050 NE 19TH AVENUE

1ST FLOOR

NORTH MIAMI BEACH, FLORIDA 33162

PLANNING & ZONING DIVISION: (305) 948-2966

PLANNING & ZONING BOARD

Meeting Date: 02/20/2024

File No: 23-20

Application Name:

Text Amendment Ordinance to allow for the regulation of Mobile Vending Vehicles

STAFF REPORT

Request:

To allow the City to provide guidelines and a framework for the operation of mobile vending vehicles in a sustainable manner which is conducive to the intent of our Zoning and Land Development Code.

Background:

Effective July 1st, 2020, Florida Statute 509.102 preempts any municipality, county, or local government from requiring any additional licenses, registrations, permits or fees other than what is already required under FS. 509.241 for the operation of any mobile vending vehicle. They cannot be outright prohibited, and cannot be regulated in what is deemed to be a more stringent manner than their brick-and-mortar counterparts. The purpose of this ordinance is to provide guidelines for the operation of mobile vending vehicles in the City, while also being in line with State requirements.

Staff Analysis:

Currently the City's Code of Ordinances does not allow for the operation of mobile vending vehicles, which goes against Florida Statute 509.102 which prevents municipalities from outright prohibiting them. The City has also seen an increase in the requests for the operation of mobile vending vehicles via the Community Development Department. The purpose of this ordinance is to provide definitions and outline the requirements and processes for obtaining a Business Tax Receipt to operate a mobile vending business, as well as outline operational standards to ensure mobile vending is done in a sustainable manner that does not contradict the intent of our Zoning and Land Development Code.

- By amending Chapter XII, entitled 'Local Business Tax Receipts' creating a new subsection 12-18 entitled 'Mobile Vendors' as attached.
- By amending Article IX entitled 'Off Street Parking and Loading' by modifying Section 24-92 (C) 'Restrictions' as attached.
- By amending Chapter XII entitled 'Local Business Receipts and Regulations' by modifying section 12-9.1 'Peddlers and Solicitors' as attached.

Compliance with the Code of Ordinance:

Staff finds that the recommended amendments to the Zoning and Land Development Code are consistent with the existing Code of Ordinances.

Project Planner:

Ramoyd Campbell
Planning & Zoning Technician

ramoyd.campbell@citynmb.com
305-948-2966 Ext. 7953

Review Dates:

Planning & Zoning Board:
November 13, 2023

City Commission:
February 20, 2024 - (1st Reading)
March 19, 2024 - (2nd Reading)

Attachments

1. Draft Ordinance

Compliance with the Comprehensive Plan:

Staff finds that the recommended amendments to the Zoning and Land Development Code are consistent with the existing Comprehensive Plan

Board Motion Options for Items:

1. **Move to continue** with direction.
2. **Move to approve** the Text Amendment (File# 23-20), to amend Chapter XII, entitled 'Local Business Tax Receipts' by creating a new subsection 12-18 entitled 'Mobile Vendors', amending Article IX entitled 'Off Street Parking and Loading' by modifying Section 24-92 (C) 'Restrictions', amending Chapter XII entitled 'Local Business Receipts and Regulations' by modifying section 12-9.1 'Peddlers and Solicitors' by finding that the request is consistent with the City Charter and the Comprehensive Plan, and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move to deny** the Text Amendment (File# 23-20), to amend Chapter XII, entitled 'Local Business Tax Receipts' by creating a new subsection 12-18 entitled 'Mobile Vendors', amending Article IX entitled 'Off Street Parking and Loading' by modifying Section 24-92 (C) 'Restrictions', amending Chapter XII entitled 'Local Business Receipts and Regulations' by modifying section 12-9.1 'Peddlers and Solicitors', by finding that the request is inconsistent with the City Charter and the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS” BY CREATING A NEW SECTION 12-8 ENTITLED “MOBILE VENDORS”; AMENDING “CHAPTER XXIV ENTITLED “ZONING AND LAND DEVELOPMENT” ARTICLE IX ENTITLED “OFF-STREET PARKING AND LOADING”, SPECIFICALLY SECTION 24-92(C) “RESTRICTIONS” TO ALLOW FOR THE PARKING OF MOBILE VENDING VEHICLES IN OFF-STREET PARKING AREAS, SUBJECT TO CERTAIN STANDARDS; AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS”, SPECIFICALLY AT SECTION 12-9 “PEDDLERS AND SOLICITORS” TO MODIFY THE DEFINITION OF PEDDLERS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, the Zoning and Land Development Code (ZLDC) of the City of North Miami Beach (“City”) Code of Ordinances (“code”) provides authority to the City Commission to amend, change, supplement, or repeal sections of the Code from time to time; and

WHEREAS, the amendment to section 24-86 of the Code entitled “Accessory Uses and Structure”, currently limits food truck vending inconsistent with Florida Statute 509.102; and

WHEREAS, the City desires to review and effectively regulate the operation of mobile vendors within City limits; and

WHEREAS, the Florida Legislature enacted Section 509.102, Florida Statutes, which defines the term “mobile food dispensing vehicle” as any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including but not limited to, gas, water, electricity, or liquid waste disposal; and

WHEREAS, the City recognizes that effective July 1, 2020, Section 509.102, Florida Statutes provides a limited state preemption regarding “mobile food dispensing vehicle” and, that a municipality may not require a separate license, registration, or permit fee other than the fee required by the state, as a condition for the operation of a mobile food dispensing vehicle within the municipality; and

WHEREAS, the City, also recognizes that Section 509.102, Florida Statutes, provides that a municipality may not prohibit mobile food dispensing vehicles from operating within the entirety of a municipal jurisdiction; and

WHEREAS, the City further finds that although Section 509.102, Florida Statutes does preempt municipalities in certain areas, Section 509.102, Florida Statutes is intended to be a partial preemption of municipal home rule authority because it expressly states that “this section may not be

ORDINANCE NO. 2024-XX

construed to affect a municipality, county, or other local governmental entity's authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in Section 509.102(2), Florida Statutes; and

WHEREAS, the City hereby finds that despite section 509.102, Florida Statutes, municipalities continue to enjoy significant home rule authority to regulate land use and zoning operational standards relating to mobile food dispensing vehicles; and

WHEREAS, under regulated circumstances, mobile vendors provide a valuable and convenient service to the community by providing goods, food and beverages at special events and other appropriate venues; and

WHEREAS, the City wishes to support convenient food and beverage options at special events and other appropriate venues and encourage and support local business and entrepreneurship by adopting uniform regulations to allow the operation of mobile vendors within the City consistent the preemption provided in Section 509.102. Florida Statutes; and

WHEREAS, the City finds that the use and operation of mobile vendors on real property directly affects the use of land within the City, and therefore, such uses are subject to the City's legitimate land use and zoning powers under the Florida Municipal Home Rule Powers Act, Community Planning Act, and other applicable law; and

WHEREAS, unless the operation of mobile vendors within the City is limited to commercial zoning districts, or temporary special events, and subject to some level site plan review by the City to ensure that the real property on which they operate is suitable to accommodate such use, the operation of such vehicles may negatively impact the use of real property and surrounding properties and create public nuisance; and

WHEREAS, the City desires to avoid such negative impacts and public nuisances; and

WHEREAS, the City also finds that the use and operation of mobile vendors should be governed by other traditional land use and zoning requirements as more specifically stated herein in order to avoid adverse negative effects which may be caused by the operation of such vehicles on real property and safeguard the community; and

WHEREAS, the City further finds that for mobile vendors to successfully operate their respective businesses for profit within the jurisdictional limits of the City, such vendors must rely upon and use City streets; and

WHEREAS, the City additionally finds and recognizes that Florida courts have long held that municipalities have the historic ability to regulate commercial use of City Streets and that the use of public roads for profit is a privilege, not a right, and can be regulated and controlled by the government in furtherance of the public health, safety, and welfare; and

WHEREAS, the City deems that it is necessary to regulate mobile vendors operating upon public right of ways within the City, such that vendors operate in a manner that avoids traffic conflicts and congestion, generally protects public safety, and does not detract from the aesthetic beauty and attractiveness of the surrounding streetscape and properties; and

WHEREAS, pursuant to Florida Statute section 163.3174 (4)(c), the Planning and Zoning Board of the City of North Miami Beach, sitting as the Local Planning Authority, considered this item at a public meeting on _____, and voted _ to _ recommending _____ of the proposed text amendment, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the ZLDC; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interests of the citizens to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That Chapter XII entitled “Local Business Tax Receipts and Regulations is hereby amended by creating a new Section 12-8 entitled “Mobile Vendors”.

“12-8 – MOBILE VENDORS.

The purpose and intent of this section is to establish land use and zoning regulation for real property upon which a mobile vendor is authorized to operate within the jurisdictional limits of the city. Unless authorized by this section, or allowed under a special events or temporary use permit, mobile vendors on other real property are prohibited and unlawful. This section is intended to allow mobile vendors to operating within the entirety of the city, as allowed per City’s existing zoning regulations and in conjunction with Florida Statute Section 509.102.

12-8.1 Definitions

A mobile vendor shall mean any person, corporation, company, or business which sells or offers for sale goods, wares, merchandise, beverages, or foodstuffs of any kind or nature whatsoever from a mobile vending vehicle or from his person.

A mobile food vendor/ food truck shall mean any person, corporation, company, or business which sells or offers for sale beverages or foodstuffs of any kind or nature whatsoever from a mobile vending vehicle which may include trucks, vans, trailers, carts. A mobile food vendor may be subject to additional regulations as required by the State and County for the process of preparing and distributing food.

A food truck event means a gathering consisting of three or more food trucks.

A paved surface for the purpose of this section is any street, street means, parking lot, driveway, aisle, right of way (ROW) that is leveled and covered with some sort of paving materials such as gravel, asphalt, bricks, concrete intended to sustain vehicular or foot traffic.

12-8.2 Requirements

No business tax receipt shall be issued for any mobile vender without first meeting the requirements set forth in Section 24-86(E). The requirements set forth herein shall be in addition to any other licensing and permitting requirements imposed by any other federal, state, or local law. A copy of the appropriate license(s) issued from the Florida Department of Business and Professions Regulations (DBPR) – Division of Hotels and Restaurants, as well as a Business Tax Receipt (BTR) shall always be maintained on the vehicle when the vehicle is in operation on real property located within the city and shall be made available for inspection upon request by the City’s law or Code compliance officers.

12-8.3 Authorized Locations

Mobile vending is allowed on properties where commercial or food service use is an allowable use within such zoning district.

12-8.4 Sign

Mobile vendor shall be allowed only one (1) A-Frame sign, located directly next to the mobile vendor's customer service area. There shall be no signage use by vendors except for what is allowed on the vehicle itself.

12-8.5 Procedure

(A) General:

The purpose of this section is to provide a procedure for mobile vendors to obtain a business tax receipt from the Community Development Department.

- 1 Prior to operation of mobile vending, the business owner must request an administrative review from the Community Development Department. This review shall include:
 - a) A notarized letter and/ or affidavit from the property owner authorizing the mobile vendor to be located on the property.
 - b) A site plan indicating the proposed location, any associated street furniture, as well as receptacles adjacent to the vehicle for litter associated with the sales activity.
- 2 The applicant must file this request to the Community Development Department in a form approved by the Director or designee containing all the information necessary for the Director or designee to make an administrative decision.
- 3 Such application shall be accompanied by the required submittal documents and fee as determined in the City's Code of Ordinances and adopted fee schedule.
- 4 Vendors shall comply with all applicable city laws, regulations, and ordinances including those regulating noise, signage, and loitering.
- 5 The property in which a food truck is parked must have an active BTR.
- 6 Unless otherwise approved under a temporary use permit, no portion of the mobile vendor shall extend onto an adjacent property or into any right of way except as part of a special event as permitted by the City.
- 7 To prevent cars from stacking in the city's right-of-way, there must be off-street parking availability (parking required by the zoning code for existing uses may not be used by vendor).
- 8 Mobile vendors using private property to vend shall not be permitted to store equipment or apparatus associated with the vending business unless said equipment or apparatus is stored within a totally and permanently enclosed building or entirely within their vehicle.
- 9 Mobile vendors may operate during daylight hours or otherwise at dusk or night in areas directly illuminated by street lighting for the safety of motorists, pedestrians, and vendors.
- 10 The mobile vendor shall not interfere with vehicular and pedestrian movement or visibility, block access to loading/service areas, emergency access and fire lanes, driveways, sidewalks, or damage landscaped areas.
- 11 Mobile vendors shall only be allowed on a paved surface.

12 All mobile vendors shall remove all litter, debris and other waste attributable to the vendor and/ or customer daily and at frequent intervals to maintain cleanliness of the site.

13 The mobile vendor must not discharge waste, fat, oil, grease or other similar substances from the vehicle. All substances generated from the vehicle shall be taken with the vehicle when the vehicle leaves the subject property.

14

(B) Restrictions

1 An approval is deemed null and void if a mobile vendor is determined to be operating contrary to the terms of approval.

2 Mobile vendors cannot be located in any driveway aisles, no parking zones, landscaped areas, loading areas or parking lanes.

3 Property owners reserve the right to revoke the permission of a mobile vendor to operate on their property.

4 Alcohol sales by mobile vendors are prohibited.

5 Drive-up sales are prohibited.

(C) Penalties

Owners and operators of mobile vending vehicles, property owners on which such vehicles operate, and the temporary use permittee, shall be jointly liable for any violations of this section. The Community Development Department shall revoke the property owners' mobile vending site plan or the temporary use permit if any mobile vendor ceases to meet any requirement of this section; or, who violates any other federal, state, or local law, ordinance or regulation; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare."

...

Section 3. Chapter IX entitled "Off Street Parking and Loading" is hereby amended by modifying Section 24-92(C) "Restrictions" as follows (underline is added; ~~stricken through~~ is deleted):

...

(C) Restrictions. The storage, sale or repair of merchandise or vehicles or the display of signs or advertising devices on vehicles, structures, or land shall not be permitted in any off-street parking areas, excluding that which is permitted as a mobile vendor. This provision shall not prohibit persons from parking vehicles in such areas that contain information that is required by any applicable laws, ordinances, or regulations, if such information is provided only to the extent and in the manner required by such laws, ordinances, or regulations.

Section 4. Chapter XII entitled "Local Business Tax Receipts and Regulations" is hereby amended by modifying Section 12-9. 1 "Peddlers and Solicitors" as follows (underline is added; ~~stricken through~~ is deleted):

...

Peddler shall mean and include any person, whether a resident of the City or not, traveling by foot, wagon, ~~automotive vehicle~~, or any other type of conveyance, from place to place, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers. It shall also include one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter. Mobile vendors shall be treated separately from peddlers.

...

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. If any clause, section, other part, or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 7. It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article,” or other word as the codified may deem appropriate.

Section 8. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED on this first reading this _____ day of _____ 2024

APPROVED AND ADDOPTED on second reading this _____ day of _____, 2024

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOHN R. HERIN
CITY ATTORNEY

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Evan S. Piper				
Vice-Mayor Fortuna Smukler				
Commissioner Michael Joseph				
Commissioner McKenzie Fleurimond				
Commissioner Jay R. Chernoff				
Commissioner Phyllis Smith				
Commissioner Daniela Jean				

ORDINANCE NO. 2024-XX

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA 2008, BY AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS” BY CREATING A NEW SECTION 12-8 ENTITLED “MOBILE VENDORS”, AND AMENDING SECTION 12-9 “PEDDLERS AND SOLICITORS” TO MODIFY THE DEFINITION OF PEDDLERS; AMENDING CHAPTER XXIV ENTITLED “ZONING AND LAND DEVELOPMENT,” ARTICLE IX ENTITLED “OFF-STREET PARKING AND LOADING,” SECTION 24-92(C) “RESTRICTIONS” TO ALLOW FOR THE PARKING OF MOBILE VENDING VEHICLES IN OFF-STREET PARKING AREAS SUBJECT TO CERTAIN STANDARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the City Zoning and Land Development Code (“ZLDC”) defines and regulates the various uses permitted within each zoning district of the City; and

WHEREAS, the City desires to review and effectively regulate the operation of mobile vendors within City limits; and

WHEREAS, the Florida Legislature enacted Section 509.102, *Florida Statutes*, which defines the term “mobile food dispensing vehicle” as any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including but not limited to, gas, water, electricity, or liquid waste disposal; and

WHEREAS, the City recognizes that effective July 1, 2020, Section 509.102, *Florida Statutes* provides a limited state preemption regarding “mobile food dispensing vehicle” and, that a municipality may not require a separate license, registration, or permit fee other than the fee required by the state, as a condition for the operation of a mobile food dispensing vehicle within the municipality; and

WHEREAS, the City, also recognizes that Section 509.102, *Florida Statutes*, provides that a municipality may not prohibit mobile food dispensing vehicles from operating within the entirety of a municipal jurisdiction; and

WHEREAS, the City further finds that although Section 509.102, *Florida Statutes* does preempt municipalities in certain areas, it is intended to be a partial preemption of municipal home

rule authority because it expressly states that “this section may not be construed to affect a municipality, county, or other local governmental entity’s authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in Section 509.102(2), *Florida Statutes*; and

WHEREAS, subject to proper regulations, mobile vendors provide a valuable and convenient service to the community by providing goods, food and beverages at special events and other appropriate venues; and

WHEREAS, the City wishes to support convenient food and beverage options at special events and other appropriate venues and encourage and support local business and entrepreneurship by adopting uniform regulations to allow the operation of mobile vendors within the City consistent with Section 509.102. *Florida Statutes*; and

WHEREAS, the City finds that the use and operation of mobile vendors on real property directly affects the use of land within the City, and therefore, such uses are subject to the City’s legitimate land use and zoning powers under the Florida Municipal Home Rule Powers Act, Community Planning Act, and other applicable law; and

WHEREAS, unless the operation of mobile vendors within the City is limited to commercial zoning districts, or temporary special events, and subject to an appropriate level of site plan review by the City to ensure that the real property on which they operate is suitable to accommodate such use, the operation of such vehicles may negatively impact the use of real property and surrounding properties and create public nuisance; and

WHEREAS, the City also finds that the use and operation of mobile vendors are subject to reasonable regulation to avoid adverse negative effects which may be caused by the operation of such vehicles on real property and safeguard the community; and

WHEREAS, the City further finds that for mobile vendors to successfully operate their respective businesses for profit within the jurisdictional limits of the City, such vendors must rely upon and use City streets; and

WHEREAS, the City deems that it is necessary to regulate mobile vendors operating upon public right of ways within the City, such that vendors operate in a manner that avoids traffic conflicts and congestion, generally protects public safety, and does not detract from the aesthetic beauty and attractiveness of the surrounding streetscape and properties; and

WHEREAS, pursuant to Section 163.3174 (4)(c), *Florida Statutes*, the Planning and Zoning Board of the City of North Miami Beach, sitting as the Local Planning Agency, considered this Ordinance at a public meeting on November 13, 2023 and reviewed the proposed amendment for consistency with the City of North Miami Beach's Comprehensive Plan, and recommended approval by a vote of ___ to ___; and

WHEREAS, the Mayor and City Commission find the proposed amendment to be consistent with the North Miami Beach Comprehensive Plan, the ZLDC, and adoption of this Ordinance to be in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. That Chapter XII “Local Business Tax Receipts and Regulations,” Article III “Conditions for Specific Business Tax Receipt” of the Code of Ordinances of North Miami Beach, Florida is hereby amended by adding a Section to be numbered 12-8, which said Section reads as follows:

12-8 – MOBILE VENDORS.

The purpose and intent of this section is to establish land use and zoning regulation for real property upon which a mobile vendor is authorized to operate within the jurisdictional limits of the city. Unless authorized by this section or allowed under a special event or temporary use permit, mobile vendors on other real property are prohibited and unlawful. This section is intended to allow mobile vendors to operate within the entirety of the City in accordance with the City’s existing zoning regulations and Section 509.102, *Florida Statutes*.

12-8.1 - Definitions

A *mobile vendor* shall mean any person, corporation, company, or business which sells or offers for sale goods, wares, merchandise, beverages, or foodstuffs of any kind or nature whatsoever from a mobile vending vehicle or from his person.

A *mobile food vendor/food truck* shall mean any person, corporation, company, or business which sells or offers for sale beverages or foodstuffs of any kind or nature whatsoever from a mobile vending vehicle which may include trucks, vans, trailers, and carts. A mobile food vendor may be subject to additional regulations as required by federal, state or county law regarding the process of preparing and distributing food.

^{1/} Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

A food truck event means a gathering consisting of three or more food trucks.

A paved surface for the purpose of this section is any street, street means, parking lot, driveway, aisle, right of way (ROW) that is leveled and covered with paving materials such as gravel, asphalt, bricks, concrete intended to sustain vehicular or foot traffic.

12-8.2 – Business Tax Required.

No business tax receipt shall be issued for any mobile vender without first meeting the requirements set forth in Section 24-86(E). The requirements set forth herein shall be in addition to any other licensing and permitting requirements imposed by federal, state, or local law. A copy of the appropriate license(s) issued from the Florida Department of Business and Professions Regulations (DBPR) – Division of Hotels and Restaurants, as well as a Business Tax Receipt (BTR) shall always be maintained on the vehicle when the vehicle is in operation on real property located within the City and shall be made available for inspection upon request by the City's law or code compliance officers.

12-8.3 - Authorized Locations.

Mobile vending is allowed on properties where commercial or food service use is an allowable use within such zoning district.

12-8.4 - Signs.

A mobile vendor shall be allowed only one (1) A-Frame sign, located directly next to the mobile vendor's customer service area, and what is on the vehicle itself.

12-8.5 - Procedure.

The purpose of this section is to provide a procedure for mobile vendors to obtain a BTR from the Community Development Department.

- a. Prior to the operation of a mobile vending use, the business owner must request an administrative review from the Community Development Department. This review shall include:
 1. A notarized letter or affidavit from the property owner authorizing the mobile vendor to be located on the property.
 2. A site plan indicating the proposed location, any associated street furniture, as well as receptacles adjacent to the vehicle for litter associated with the sales activity.

- b. The applicant must file this request to the Community Development Department in a form approved by the Director or designee containing all the information necessary for the Director or designee to make an administrative decision.
- c. Such application shall be accompanied by the required submittal documents and fee as determined in the City's adopted fee schedule.

12-8.6 - Requirements.

- a. Mobile vendors shall comply with all applicable City laws, regulations, and ordinances including those regulating noise, signage, and loitering.
- b. The property in which a mobile vendor is parked must have an active BTR.
- c. Unless otherwise approved under a City issued special event or temporary use permit, no portion of the mobile vendor shall extend onto an adjacent property or into any right of way.
- d. There must be sufficient off-street parking to prevent stacking in the City's right-of-way (parking required by the zoning code for existing uses may not be used by the mobile vendor).
- e. Mobile vendors using private property shall not store equipment or apparatus associated with the vending business on the property unless the equipment or apparatus is stored within a totally and permanently enclosed building or entirely within the mobile vendor's vehicle.
- f. Mobile vendors may operate during daylight hours or otherwise at dusk or night in areas directly illuminated by street lighting for the safety of motorists, pedestrians, and vendors.
- g. The mobile vendor shall not interfere with vehicular and pedestrian movement or visibility, block access to loading/service areas, emergency access and fire lanes, driveways, sidewalks, or damage landscaped areas.
- h. Mobile vendors shall only be allowed on a paved surface.
- i. Mobile vendors shall remove daily all litter, debris, and other waste attributable to the vendor and/or customer and at frequent intervals to maintain cleanliness of the site.

- j. Mobile vendors must not discharge waste, fat, oil, grease, or other similar substances from the vehicle. All substances generated from the vehicle shall be taken with the vehicle when the vehicle leaves the subject property.

12-8.7 – Restrictions.

- a. An approval is deemed invalid if a mobile vendor is determined to be operating contrary to the terms of approval.
- b. Mobile vendors cannot be in any driveway aisles, no parking zones, landscaped areas, loading areas or parking lanes.
- c. A property owner may revoke at any time the permission of a mobile vendor to operate on their property.
- d. Alcohol sales by mobile vendors are prohibited.
- e. Drive-up and drive through sales are prohibited.

12-8.7 – Penalties.

- a. Owners and operators of mobile vending vehicles, property owners on which such vehicles operate, and the temporary use permittee, shall be jointly liable for any violations of this section. The Community Development Department shall revoke the mobile vendor's BTR, the property owners' mobile vending site plan or the temporary use permit if any mobile vendor ceases to meet any requirement of this section; or, who violates any other federal, state, or local law, ordinance or regulation; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare."
- b. An alleged violation of this Section may be presented to the code enforcement board or special magistrate in accordance with Chapter XIV, Code of Ordinances City of North Miami Beach, Florida, 2008.
- c. Any person found violating this article shall be subject to a fine of up to two hundred fifty dollars (\$250.00) per day for the first occurrence, and five hundred dollars (\$500.00) per day for each additional occurrence, or sixty days in jail in accordance with Sections 1-8 and 14-8.17, Code of Ordinances City of North Miami Beach, Florida, 2008. Alternatively, the code enforcement board or special magistrate are authorized to impose a fine not to exceed five

thousand dollars (\$5,000.00) per violation if the violation is found to be irreparable or irreversible in nature.

- d. Each occurrence shall constitute a separate violation and shall be adjudicated before the code enforcement board or special magistrate.
- e. Any violation of this section shall constitute a nuisance; The office of the city attorney may bring suit on behalf of the city, or any affected citizen may bring suit in his/her name against the person or persons causing or maintaining the nuisance, or against the owner/agent of the building or property on which the nuisance exists. Relief may be granted according to the terms and conditions of Chapter 60, *Florida Statutes*, as amended from time to time.

Section 3. Chapter XII “Local Business Tax Receipts and Regulations,” Section 12-9.1 is hereby amended to read as follows:

12-9.1 - Definitions.

As used this section:

Peddler shall mean and include any person, whether a resident of the City or not, traveling by foot, wagon, ~~automotive vehicle~~, or any other type of conveyance, from place to place, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers. It shall also include one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter. Mobile vendors shall be treated separately from peddlers.

Section 4. That Chapter IX “Off Street Parking and Loading,” Section 24-92(C) of the Code of Ordinances of North Miami Beach, Florida, is hereby amended to read as follows:

Section 24-92 – Off Street Parking Requirements.

- (C) *Restrictions.* The storage, sale or repair of merchandise or vehicles or the display of signs or advertising devices on vehicles, structures, or land shall not be permitted in any off-street parking areas, excluding that which is permitted as a mobile vendor. This provision shall not prohibit persons from parking vehicles in such areas that contain information that is required by any applicable laws, ordinances, or regulations, if such information is provided only to the extent and in the manner required by such laws, ordinances, or regulations.

Section 5. It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 6. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 7. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 8. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 9. This Ordinance shall become effective immediately upon adoption on second reading.

APPROVED on the first reading this **20th day of February, 2024.**

APPROVED AND ADOPTED on second reading this ____ day of _____ 2024.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

EVAN S. PIPER
MAYOR

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: Mayor & Commission



Legislation 11.3.

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Edward Ng, AICP, Interim Community Development Director Daniel Lozandier, Senior Planner
VIA:	City Manager Mario A. Diaz
DATE:	March 19, 2024

RE: Ordinance No. 2024-02 (Second Reading) Text Amendment Ordinance for Animal Hotel Boarding
(Edward Ng, AICP, Interim Community Development Director)

Description

BACKGROUND ANALYSIS:

The proposed amendment is part of a comprehensive process to modernize and update the Zoning and Land Development Code. The proposed amendment modifies existing language and references to the definition of “Kennel” and to add the term “Animal Boarding” to Section 24-22 of the ZLDC ; and amending Article V "Zoning Use Districts" to streamline and correct permitted and conditional uses to add “Animal Boarding” as a conditional use to the permitted and conditional uses listed in the B-1, B-2, B-3, B-4, B-5, and Mixed-Use Districts of the ZLDC.

RECOMMENDATION:

A public hearing was held on November 13, 2023. The Planning and Zoning Board voted 5 to 0 with recommendation of approval for the proposed text amendment.

FISCAL/ BUDGETARY IMPACT:

ATTACHMENTS:

Description

- ❑ Animal Hotel Boarding Ordinance - Staff Report

- ▣ Animal Hotel Boarding Ordinance - Resolution
- ▣ Animal Hotel Boarding Ordinance - Staff Presentation



Community Development Department – Planning & Zoning Division

17050 NE 19th Avenue, 1st Floor

North Miami Beach, FL 33162

(305) 354-4456

CITY COMMISSION MEETING STAFF REPORT

Meeting Date: 03/19/2024

File No: 23-18

Application Name:
Text Amendment Ordinance for
Animal Boarding as a Conditional Use

TEXT AMENDMENT

Request:

To allow the City to provide guidelines and a framework for the business operation for Animal Boarding as a Conditional Use in a sustainable manner which is conducive to the intent of the City's Zoning and Land Development Code.

Background:

The City's Planning and Zoning Board considered this item at a public hearing meeting on November 13, 2023, and voted **5 to 0** recommending approval of the proposed text amendment, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the ZLDC.

Staff Analysis:

The City's Code of Ordinances currently does not have any regulations or distinct definition for the Animal Boarding use. Current residents and future business owners are substantially requesting the use to be incorporated within City's ZLDC.

The proposed text amendment is to modify the existing language and references to the definition term "Kennel" and to add the term "Animal Boarding" to Section 24-22 - Definitions of the ZLDC ; and amending Article V "Zoning Use Districts" to streamline and correct permitted and conditional uses to be consistent with the definition term, and to add the Animal Boarding use to the permitted and conditional uses listed in the B-1, B-2, B-3, B-4, B-5 and Mixed Use Districts as a conditional use.

"Animal boarding means and includes every place kept or maintained for the care and socializing of household pets for any amount of time by a person other than the owner of the live animal. An animal boarding facility may also offer animal day care services. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services".

Project Planner:

Daniel Lozandier
Senior Planner

Daniel.lozandier@citynmb.com

305-948-2966 Ext. 3341

Review Dates:

Planning & Zoning Board:

November 13, 2023

City Commission:

February 20, 2024 - (1st Reading)

March 19, 2024 - (2nd Reading)

Attachments

1. Draft Ordinance
2. Staff Report

Compliance with the Code of Ordinance:

Staff finds that amending the City of North Miami Beach Code of Ordinances Article V "Zoning Use Districts" to streamline and correct permitted and conditional uses to be consistent with the definition term, and to add the Animal Boarding use to the permitted and conditional uses listed in the B-1, B-2, B-3, B-4, B-5 and Mixed-Use Districts as a conditional use is consistent with the existing Code of Ordinances.

Compliance with the Comprehensive Plan:

Staff finds that amending the City of North Miami Beach Code of Ordinances Article V "Zoning Use Districts" to streamline and correct permitted and conditional uses to be consistent with the definition term, and to add the Animal Boarding use to the permitted and conditional uses listed in the B-1, B-2, B-3, B-4, B-5 and Mixed-Use Districts as a conditional use is consistent with the City's Comprehensive Plan.

Board Motion Options for Items:

1. **Move to continue** with direction.
2. **Move to approve** the Text Amendment (File# 23-18), to amend the City of North Miami Beach Code of Ordinances Article V "Zoning Use Districts" to streamline and correct permitted and conditional uses to be consistent with the definition term, and to add the Animal Boarding use to the permitted and conditional uses listed in the B-1, B-2, B-3, B-4, B-5 and Mixed-Use Districts" by finding that the request is consistent with the City Charter and the Comprehensive Plan, and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move to deny** the Text Amendment (File# 23-18), to amend the City of North Miami Beach Code of Ordinances Article V "Zoning Use Districts" to streamline and correct permitted and conditional uses to be consistent with the definition term, and to add the Animal Boarding use to the permitted and conditional uses listed in the B-1, B-2, B-3, B-4, B-5 and Mixed-Use Districts" by finding that the request is inconsistent with the City Charter and the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations.

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES CITY OF NORTH MIAMI BEACH, FLORIDA, 2008 ENTITLED “NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE”, BY AMENDING SECTION 24-22, “DEFINITION” TO MODIFY THE EXISTING DEFINITION “KENNEL” AND TO ADD THE TERM “ANIMAL BOARDING”; AMENDING ARTICLE V “ZONING USE DISTRICTS” TO ADD “ANIMAL BOARDING” AS A CONDITIONAL USE TO THE PERMITTED AND CONDITIONAL USES LISTED IN THE B-1 LIMITED BUSINESS DISTRICT, B-2 GENERAL BUSINESS DISTRICT, B-3 INTENSIVE BUSINESS DISTRICT, B-4 DISTRIBUTION BUSINESS DISTRICT, B-5 DISTRIBUTION BUSINESS AND MEDIUM INDUSTRIAL DISTRICT, FULFORD MIXED-USE TOWN CENTER DISTRICT (MU/TC), MIXED-USE EMPLOYMENT CENTER DISTRICT (MU/EC), MIXED-USE NEIGHBORHOOD CENTER DISTRICT (MU/NC), ARCH CREEK MIXED-USE CORRIDOR DISTRICT (MU/C), SOUTHERN MIXED-USE WATERFRONT DISTRICT (MU/SWF), NORTHERN MIXED-USE WATERFRONT DISTRICT (MU/NWF), EASTERN MIXED-USE WATERFRONT DISTRICT (MU/EF), AND INTERNATIONAL BOULEVARD DISTRICT (MU/IB); PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the City Zoning and Land Development Code (“ZLDC”) defines and regulates the various uses permitted within each zoning district of the City; and

WHEREAS, the City Comprehensive Plan and ZLDC provide for policies and regulations that address concerns such as aesthetics and compatibility by emphasizing site design, circulation and building form; and

WHEREAS, by focusing zoning regulations on site design, circulation and building form the predictability of development that meets City goals and objectives is increased and the conventional approach to strictly regulating land uses is no longer a practical approach to regulating zoning; and

WHEREAS, the proposed amendment is part of a comprehensive process to modernize and update the ZLDC, and

ORDINANCE NO. 2024-XX

WHEREAS, the proposed amendment modifies existing language and references to the definition of “Kennel” and to add the term “Animal Boarding” to Section 24-22 of the ZLDC ; and amending Article V "Zoning Use Districts" to streamline and correct permitted and conditional uses to add “Animal Boarding” as a conditional use to the permitted and conditional uses listed in the B-1, B-2, B-3, B-4, B-5, and Mixed-Use Districts of the ZLDC; and

WHEREAS, the City's Planning and Zoning Board, sitting as the Local Planning Agency, held a duly noticed public hearing on November 13, 2023, and reviewed the proposed amendment for consistency with the City of North Miami Beach's Comprehensive Plan, and recommended approval by a vote of 5 to 0; and

WHEREAS, the Mayor and City Commission find the proposed amendment to be consistent with the North Miami Beach Comprehensive Plan, the ZLDC, and adoption of this Ordinance to be in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. Chapter XXIV “Zoning and Land Development,” Article II, entitled “Definitions,” Section 24-22 of the ZLDC is amended to read as follows:

ARTICLE II. DEFINITIONS

Sec. 24-22 Definitions.

For the purpose of enforcing and administering this Code, the following words shall have the definitions and meanings herein ascribed (see additional definitions in Article XIII, Signs):

Animal Boarding: Animal boarding means and includes every place kept or maintained for the care, grooming, and socializing of household pets for any amount of time by a person other than the owner of the live animal. An animal boarding facility may also offer animal day care services. Animal boarding does

^{1/} Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

Kennel: A structure or parcel of land where five (5) or more domestic animals, at least two (2) months of age, are bred, ~~boarded, trained~~ or sold.

Section 3. Chapter XXIV “Zoning and Land Development,” Article V “Zoning Use Districts” of the ZLDC is amended to read as follows:

ARTICLE V. – ZONING USE DISTRICTS

Sec. 24-51 - B-1 Limited Business District.

(C) *Uses Permitted Conditionally.*

- (4) Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.

Sec. 24-52 - B-2 General Business District.

(C) *Uses Permitted Conditionally.*

- (20) Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.

Sec. 24-53 - B-3 Intensive Business District.

ORDINANCE NO. 2024-XX

(C) *Uses Permitted Conditionally.*

- (9) Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.

Sec. 24-54 - B-4 Distribution Business and Light Industrial District.

(C) *Uses Permitted Conditionally.*

- (17) Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.

Sec. 24-54.1 - B-5 Distribution Business and Medium Industrial District.

(C) *Uses Permitted Conditionally.*

- (14) Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.

Sec. 24-58.1 - Fulford Mixed-Use Town Center District (MU/TC).

(G) *Permitted Uses.*

- (2) Permitted Use Table MU/TC-1 includes the principal uses permitted in the MU/TC along with any required restrictions

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on such uses, for each of the sub-areas. Principal uses not included in Table MU/TC-1 are not permitted in the MU/TC. The MU/TC shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

Table MU/TC-1			
PERMITTED USES IN THE FULFORD MIXED-USE TOWN CENTER (MU/TC) DISTRICT			
P=PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED			
Uses (1)	Use Areas		
	Core	Transition	Edge
Residential			
Residential, provided that: must be in multi-family context	P	P	P
Residential, townhouses (per building typology diagram)	P	P	P
Eating and Drinking Establishments			
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P	P	C

	Microbrewery, winery or distillery	P	P	C
	Restaurants including fast food, excluding drive through, including outdoor dining	P	P	C
	Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business				
	Animal hospitals and kennels; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than 300 feet from any residential district.	C	C	C
	<u>Animal boarding;</u> <u>provided that all</u> <u>activities relating to</u> <u>any such uses are</u> <u>conducted entirely</u> <u>within an air</u> <u>conditioned,</u> <u>soundproofed</u> <u>building and that no</u> <u>such use shall be</u> <u>located within three</u> <u>hundred (300') feet</u> <u>of such premises</u> <u>and any residential</u> <u>districts.</u>	<u>C</u>	<u>C</u>	<u>C</u>
	Banks and financial institutions, excluding drive- through.	P	P	NP

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	Daycare Center provided use is not on primary street	C	C	C
	Night clubs and discotheques (Ord. No. 2006-1 § 12, 12/21/2006)	C	C	NP
	Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C	C	NP
	Surface parking lot as principal use, CRA or City owned and operated only	P	P	C
	Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P	NP
Office				
	Office, business and professional uses.	P	P	P
Retail/Personal Services				
	Personal services uses.	P	P	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services				
	Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
	Package liquor store: Provided such	C	C	NP

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	use is located on primary street			
	Pharmacies	C	C	C
	Retail uses (general retail)	P	P	P
Lodging Accommodations				
	Hotels	C	C	NP
Institutional				
	Museums and art galleries	P	P	P
	Places of public assembly	C	C	C
	Utility facilities, light, public and private	P	P	P
Recreation and Open Space (Private and Public)				
	Game rooms, sports and amusement facilities	P	P	C
	Public parks and playgrounds, plazas, squares	P	P	P
	Urban market gardens	P	P	P
Notes: (1) The MU/TC allows for a conditional use approval for the conversion of existing buildings, or portions of existing buildings, from residential use to office use or retail and service establishment use — subject to the area regulating plan and compatibility with existing adjacent uses.				

Sec. 24-58.2 - Mixed-Use Employment Center District (MU/EC).

(G) *Permitted Uses.*

- (2) Permitted Use Table MU/EC-1 includes the principal uses permitted in the MU/EC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/EC — 1 are not permitted in the MU/EC. The MU/EC shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated

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with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district.

Table MU/EC-1			
PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT			
P= PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED			
Uses	Use Areas		
	Core	Transition	Edge
Residential			
Residential multifamily, subject to and conditioned upon site plan review which considers compatible adjacent uses that will not adversely impact residential units.	P	P	P
Residential, single family	NP	NP	NP
Residential, townhouses (per building typology diagram)	P	P	P
Eating and Drinking Establishments			
Bars and lounges provided that any such use shall not be located within five hundred 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to Section 562.45(2)(a), Florida Statutes).	P	P	NP

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	Barbeque restaurants, open air	C	C	NP
	Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
	Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business				
	Animal hospitals and kennels; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than 300 feet from any residential district.	C	C	C
	<u>Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.</u>	<u>C</u>	<u>C</u>	<u>C</u>
	Automotive sales and rental uses.	P	P	C

	Automotive service station as defined in Article II	NP	NP	NP
	Blood banks	NP	NP	NP
	Boat sales (no outdoor display). Subject to design standards.	NP	P	NP
	Bonding companies (bail)	C	C	NP
	Daycare center and nurseries	P	P	C
	Driver's license (no road test)	P	P	NP
	Driver's license (with road test)	NP	NP	NP
	Driving schools (with driving)	NP	NP	NP
	Funeral homes, provided any such use shall have a site not less than 15,000 square feet and shall be located at least 300 feet from any residential district.	C	C	NP
	Night clubs and discotheques	C	C	NP
	Pain management clinic, (Ordinance 2011-5; 4/26/2011)	C	C	NP
	Palm readers/fortune tellers/psychics	C	C	NP
	Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C	C	NP
	Pawn shops	NP	NP	NP

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	Plant nurseries	P	P	P
	Recording studios	P	P	NP
	Shooting ranges	NP	NP	NP
	Surface parking lot as principal use, CRA or City owned and operated only	P	P	C
	Vocational schools	P	P	C
	Office			
	Office, business and professional uses.	P	P	P
	Psychiatric and psychological services (drug/alcohol and violent/dangerous behavior, counseling or treatment)	C	C	NP
Retail/Personal Services				
	Personal services uses.	P	P	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services				
	Check cashing/Cash advance/Money wire provided such use shall not be located on Biscayne Blvd, SR 826, NE 164th Street, or within two hundred (200') feet of any residential use or zone	P	P	NP
	Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
	Package liquor store	NP	NP	NP
	Pharmacies	C	C	C

	Retail uses (general retail).	P	P	P
Lodging Accommodations				
	Community care facilities as defined in Article II. Only one within 1,000 feet, licensed by DCF, clients either meet the requirements of a community residential home or are at least 60 years of age.	C	C	NP
	Bed and Breakfast Inns	P	P	C
	Hotels and motels, provided minimum site area of 2 acres	P	P	NP
Light Industrial/Warehouse (1)				
	Automotive sales and rental uses. *Including outdoor display in Core area.	P	P	C
	Boats and marine uses.	P	P	C
	Bottling plants	NP	NP	NP
	Building contractor storage yards	NP	NP	NP
	Concrete plants	NP	NP	NP
	Game rooms, sports and amusement facilities.	P	P	C
	Light industrial uses.	P	P	C
	Lumber yards	NP	NP	NP
	Mechanical and automotive equipment sales and service	P	P	C
	Microbrewery, winery or distillery	P	P	P
	Petroleum and gas storage (bulk);	NP	NP	NP

	provided that any such use shall not be located less than 1,000 feet from any residential use, that all storage tanks shall meet the requirements of the National Board of Fire Underwriters, and the regulations governing installation and use of same by Miami-Dade County, and that any such use shall be approved by the City Commission at a public hearing.			
	Salvage yards and automobile crushing operations; provided that any such use shall be entirely surrounded by an 8-foot high solid masonry wall, excepting only exits and entrances, which shall be equipped with solid wooden gates, that no materials shall be piled higher than said perimeter walls, and that any such use shall be approved by the City Commission at a public hearing.	NP	NP	NP
	Warehousing and distribution uses.	P	P	C
	Utility facilities, light, public and private	P	P	C

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Institutional				
	Government administration building	P	P	P
	Hospitals and clinics, hospitals are prohibited east of Biscayne Blvd (coastal zone)	P	P	NP
	Libraries	P	P	P
	Museums and art galleries	P	P	P
	Offices — government administrative	P	P	P
	Offices or facilities, quasi-public association and organizations, not-for-profit	P	P	P
	Places of public assembly, 10,000 sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.	P	P	C
	Police and fire stations	P	P	P
	Public facilities, utilities and services: no structure located less than fifty (50) feet from any adjacent residential property.	C	C	C
	Public works facilities	P	P	P
	Social service agencies	P	P	NP
Recreation and Open Space (Private and Public)				

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	Cemeteries	NP	NP	NP
	Community gardens	P	P	P
	Marinas (commercial)	NP	NP	NP
	Public parks and playgrounds, plazas, squares	P	P	P
	Urban market gardens	P	P	P

Sec. 24-58.3 - Mixed-Use Neighborhood Center District (MU/NC).

(G) *Permitted Uses.*

- (2) Permitted Use Table MU/NC-1 includes the principal uses permitted in the MU/NC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/NC-1 are not permitted in the MU/NC. The MU/NC shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

Table MU/NC-1. PERMITTED USES IN THE MU/NC DISTRICT				
P Permitted by Right	C Conditional Uses	NP Not Permitted		
Residential		Core	Core (Special)	
Residential, provided that: must be in multi-family context;		P	P	
Residential, townhouses (per building typology diagram)		P	P	
Group Homes		P	P	

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Community Residential Home as defined in Article II and with a review process in conformance with Chapter 89-372 FAS	P	P	
Community care facilities (as defined in Article II), provided that: (a) There is reasonable proximity to bus lines; (b) There is no existing community care facilities within one thousand (1,000) feet; (c) The facility is licensed by DCF; (d) The clients either meet the requirements of a community residential home or at least sixty (60) years of age.	C	C	
Eating and Drinking Establishments			
Bars and lounges provided that any such use shall not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to Section 562.45(2)(a), Florida Statutes).	P	P	
Barbeque restaurants, open air	C	C	
Microbrewery, winery or distillery	P	P	
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	
Restaurant fast food with drive through provided drive through is inside parking garage	C	C	
General Business			
<u>Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.</u>	<u>C</u>	<u>C</u>	
Automotive Sales and Rental Uses	C	C	
Adult and Child Daycare Center	C	C	
Night clubs and discotheques (Ord. No. 2006-1 § 12, 12/21/2006)	C	C	
Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties	C	C	

or public street rights-of-way and structure shall be well landscaped.			
Surface parking lot as principal use, CRA or City owned and operated only	P	P	
Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P	
Office			
Office, business and professional uses	P	P	
Retail/Personal Services			
Personal Services uses.	P	P	
Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	
Retail/Retail Services			
Medical marijuana dispensaries/medical marijuana treatment centers	C	C	
Package liquor store: Provided such use is located on primary street	C	C	
Pharmacies	C	C	
Retail uses (general retail) excluding drive-through services	P	P	
Lodging Accommodations			
Hotels	C	C	
Institutional			
Museums and art galleries	P	P	
Places of public assembly	C	C	
Utility facilities, light, public and private	P	P	
Community Care Facilities or Community Residential Homes, as defined by Section 419.001, Florida Statutes, or as amended	P	P	
Recreation and Open Space (Private and Public)			
Game rooms, sports and amusement facilities.	P	P	
Public parks and playgrounds, plazas, squares	P	P	
Urban market gardens	P	P	

Sec. 24-58.4 - Arch Creek Mixed-Use Corridor District (MU/C).

(G) *Permitted Uses.*

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- (2) Permitted Use Table MU/C-1 includes the principal uses permitted in the MU/C along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/C-1 are not permitted in the MU/C. The MU/C shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

Table MU/C-1				
PERMITTED USES IN THE MIXED-USE CORRIDOR (MU/C) DISTRICT				
P=PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED				
	Uses (1)	Use Areas		
		Core	Center	Edge
Residential				
	Residential, provided that: must be in multi-family context;	P	P	P
	Residential, single family: Only if a replacement of an existing SF home or new SF home on a vacant SF platted lot.	NP	NP	C
	Residential, townhouses (per building typology diagram)	P	P	P
Eating and Drinking Establishments				
	Bars and lounges provided that any such use shall not be located within 500 feet of the real	P	P	NP

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	property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes.			
	Barbeque restaurants, open air	C	C	NP
	Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
	Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business				
	<u>Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.</u>	<u>C</u>	<u>C</u>	<u>C</u>
	Automotive sales and rental uses.	C	C	C
	Daycare center provided use is not on primary street	C	C	C
	Night clubs and discotheques	C	C	NP
	Parking garages as principal use,	C	C	NP

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	provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.			
	Surface parking lot as principal use, City owned and operated only	P	P	P
	Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P	NP
Office				
	Office, business and professional uses.	P	P	P
Retail/Personal Services				
	Personal services uses.	P	P	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services				
	Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
	Package liquor store: provided such use is located on primary street	C	C	NP
	Pharmacies	C	C	C
	Retail uses (general retail) excluding drive-through services.	P	P	P
Lodging Accommodations				
	Hotels	C	C	NP

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Institutional				
	Museums and art galleries	P	P	P
	Places of public assembly	C	C	C
	Utility facilities, light, public and private	P	P	P
Recreation and Open Space (Private and Public)				
	Game rooms, sports and amusement facilities.	P	P	C
	Public parks and playgrounds, plazas, squares	P	P	P
	Urban market gardens	P	P	P

Sec. 24-58.5 - Southern Mixed-Use Waterfront District (MU/SWF).

(G) *Permitted Uses.*

- (2) Permitted Use Table MU/SWF-1 includes the principal uses permitted in the SOUTHERN MU/WF along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/SWF-1 are not permitted in the SOUTHERN MU/WF. The SOUTHERN MU/WF shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

Table MU/SWF-1

**PERMITTED USES IN THE SOUTHERN MIXED-USE WATERFRONT
(MU/WF) DISTRICT**

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P= PERMITTED BY RIGHT C = CONDITIONAL USES		
	Uses	South MU/WF
		P= PERMITTED BY RIGHT C = CONDITIONAL USES
Residential		
	Residential, provided that: must be in multi-family context;	P
	Residential, townhouses (per building typology diagram)	P
Eating and Drinking Establishments		
	Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes.	P
	Barbeque restaurants, open air	C
	Restaurants including fast food, excluding drive through, including outdoor dining	P
	Restaurant fast food with drive through provided drive through is inside parking garage	C
General Business		
	<u>Animal boarding; provided that all activities relating to any such uses are conducted</u>	<u>C</u>

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	<u>entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.</u>	
	Automotive sales and rental uses.	C
	Daycare center provided use is not on primary street	C
	Boat and marine uses.	C
	Night clubs and discotheques	C
	Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C
	Surface parking lot as principal use, CRA or City owned and operated only	P
	Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P
Office		
	Office, business and professional uses.	P
Retail/Personal Services		
	Personal services uses.	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P
Retail/Retail Services		
	Medical marijuana dispensaries/medical	C

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	marijuana treatment centers	
	Package liquor store: provided such use is located on primary street	C
	Pharmacies	C
	Retail uses (general retail)	P
Lodging Accommodations		
	Hotels	C
Institutional		
	Museums and art galleries	P
	Places of public assembly	C
	Utility facilities, light, public and private	P
Recreation and Open Space (Private and Public)		
	Game rooms, sports and amusement facilities.	P
	Urban market gardens	P

Sec. 24-58.6 - Northern Mixed-Use Waterfront District (MU/NWF).

(G) Permitted Uses.

- (2) Permitted Use Table MU/NWF-1 includes the principal uses permitted in the NORTHERN MU/WF along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/NWF-1 are not permitted in the NORTHERN MU/WF. The NORTHERN MU/WF shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

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Table MU/NWF-1 PERMITTED USES IN THE NORTH MIXED-USE WATERFRONT (MU/WF) DISTRICT P= PERMITTED BY RIGHT C = CONDITIONAL USES		
	Uses	North MU/WF P= PERMITTED BY RIGHT C = CONDITIONAL USES
Residential		
	Residential, provided that: must be in multi-family context;	P
	Residential, townhouses (per building typology diagram)	P
Eating and Drinking Establishments		
	Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P
	Barbeque restaurants, open air	C
	Restaurants including fast food, excluding drive through, including outdoor dining	P
	Restaurant fast food with drive through provided drive through is inside parking garage	C
General Business		

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	Animal hospital and kennels; provided all activities related to any such uses are conducted entirely within an air conditioned, soundproofed building and no such use shall be located less than 300 feet from any residential use or district.	C
	<u>Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.</u>	<u>C</u>
	Automotive sales and rental uses.	P
	Automotive service station as defined in Article II	NP
	Blood banks	NP
	Boat sales (no outdoor display). Subject to design standards.	P
	Bonding companies (bail)	P
	Daycare center provided use is not on primary street	C
	Funeral homes, provided any such use shall have a site not less than 15,000 square feet and shall be located at least 300 feet from any residential district.	P
	Marina, commercial or public	C

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	Night clubs and discotheques	C
	Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C
	Surface parking lot as principal use, City owned and operated only	P
	Recording studios	P
	Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P
Office		
	Office, business and professional uses.	P
Retail/Personal Services		
	Personal services uses.	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P
Retail/Retail Services		
	Medical marijuana dispensaries/medical marijuana treatment centers	C
	Package liquor store: provided such use is located on primary street	C
	Pharmacies	C
	Retail uses (general retail).	P
Lodging Accommodations		
	Hotels	C
Institutional		
	Museums and art galleries	P
	Places of public assembly	C

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	Social service agencies	P
	Utility facilities, light, public and private	P
Recreation and Open Space (Private and Public)		
	Game rooms, sports and amusement facilities.	P
	Public parks and playgrounds, plazas, squares	P
	Urban market gardens	P

Sec. 24-58.7 - Eastern Mixed-Use Waterfront District (MU/EFW).

(G) *Permitted Uses.*

- (2) Permitted Use Table MU/EFW-1 includes the principal uses permitted in the EASTERN MU/WF along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/EFW-1 are not permitted in the EASTERN MU/WF. The EASTERN MU/WF shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

Table MU/EFW-1			
PERMITTED USES IN THE EASTERN MIXED-USE WATERFRONT (MU/WF) DISTRICT			
P= PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED			
Uses	Use Areas		
	Core	Transition	Edge
Residential			

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	Residential, provided that: must be in multi-family context;	P	P	P
	Residential, townhouses (per building typology diagram)	P	P	P
Eating and Drinking Establishments				
	Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to Section 562.45(2)(a), Florida Statutes.	P	P	NP
	Barbeque restaurants, open air	C	C	NP
	Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
	Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business				
	<u>Animal boarding;</u> <u>provided that all</u> <u>activities relating to</u> <u>any such uses are</u> <u>conducted entirely</u> <u>within an air</u> <u>conditioned,</u> <u>soundproofed</u> <u>building and that no</u> <u>such use shall be</u>	<u>C</u>	<u>C</u>	<u>C</u>

	located within three hundred (300') feet of such premises and any residential districts.			
	Automotive sales and rental uses.	C	C	C
	Daycare center provided use is not on primary street	C	C	C
	Marina, commercial or public	C	C	C
	Night clubs and discotheques	C	C	NP
	Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C	C	NP
	Surface parking lot as principal use, City owned and operated only	P	P	P
	Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P	NP
Office				
	Office, business and professional uses.	P	P	P
Retail/Personal Services				
	Personal services uses	P	P	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P

Retail/Retail Services				
	Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
	Package liquor store: provided such use is located on primary street	C	C	NP
	Pharmacies	C	C	C
	Retail uses (general retail).	P	P	P
Lodging Accommodations				
	Hotels	P	P	NP
Institutional				
	Museums and art galleries	P	P	P
	Places of public assembly	C	C	C
	Utility facilities, light, public and private	P	P	P
Recreation and Open Space (Private and Public)				
	Game rooms, sports and amusement facilities.	P	P	C
	Public parks and playgrounds, plazas, squares	P	P	P
	Urban market gardens	P	P	P

Sec. 24-58.8 - International Boulevard District (MU/IB).

(G) *Permitted Uses.*

- (2) *Permitted Use Table.* Table MU/IB-4 includes the principal uses permitted in the MU/IB along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/IB-4 are not permitted in the MU/IB. The MU/IB shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified

ORDINANCE NO. 2024-XX

herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

Table MU/IB-4. Permitted Uses in the MU/IB District				
P Permitted by Right	C Conditional Uses	NP Not Permitted		
Residential		Core	Transition	
Residential, in multi-family context;		P	P	
Residential, townhouses (per building typology diagram)		P	P	
Group Homes		P	P	
Community Residential Home as defined in Article II and with a review process in conformance with Chapter 89-372 FAS		P	P	
Community care facilities (as defined in Article II), provided that: (a) There is reasonable proximity to bus lines; (b) There is no existing community care facilities within one thousand (1,000) feet; (c) The facility is licensed by DCF; (d) The clients either meet the requirements of a community residential home or at least sixty (60) years of age.		C	C	
Eating and Drinking Establishments		Core	Transition	
Barbeque restaurants (open air)		C	C	
Bars and lounges provided that any such use shall not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to Section 562.45(2)(a), Florida Statutes).		P	P	
Microbrewery, winery or distillery		P	P	
Restaurants including fast food, excluding drive through, including outdoor dining		P	P	

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Restaurant fast food with drive through provided drive through is inside parking garage	C	C
General Business	Core	Transition
Animal hospitals and kennels; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than three hundred (300) feet from any residential district.	C	C
<u>Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.</u>	<u>C</u>	<u>C</u>
Automotive sales and rental uses	C	C
Banks and financial institutions, excluding drive-through.	P	P
Daycare Center and nurseries provided that all outdoor activity areas shall be effectively screened from adjacent residential properties.	P	P
Funeral homes	C	C
Movie theaters	P	P
Night clubs and discotheques (Ord. No. 2006-1 § 12, 12/21/2006)	C	C
Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C	C
Recording studios and radio stations, provided that any such use shall be located entirely within an air conditioned, soundproofed building	P	P
Surface parking lot as principal use, CRA or City-owned and operated only	P	P
Veterinary services with no overnight stay.	P	P
Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P

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Office	Core	Transition
Office, business and professional uses	P	P
Retail/Personal Services	Core	Transition
Bonding companies (bail)	C	C
Check cashing/cash advance/money wire; providing such use shall not be located on Biscayne Boulevard, State Road 826, or Northeast 164 Street or within two hundred (200) feet of any residential use or zone;	NP	NP
Drug/alcohol rehabilitation service, including residential detoxification service	C	C
Laundries/self-serve coin operated, provided that no such use be located on Biscayne Boulevard, State Road 826 or N.E. 164 Street, or within two hundred (200) feet of residential use or zone;	NP	NP
Pain management clinic	C	C
Personal Services uses.	P	P
Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P
Retail/Retail Services	Core	Transition
Medical marijuana dispensaries/medical marijuana treatment centers	C	C
Package liquor store: Provided that any such use shall not be located within five hundred (500) feet of any other bar, lounge or package liquor store	C	C
Pharmacies	C	C
Retail uses (general retail)	P	P
Social service agencies	C	C
Lodging Accommodations	Core	Transition
Hotels	C	C
Institutional	Core	Transition
Museums and art galleries	P	P
Places of public assembly	P	P
Schools (Public/Private)(K-12)	P	P
Utility facilities, light, public and private	P	P
Recreation and Open Space (Private and Public)	Core	Transition
Game rooms, sports and amusement facilities.	P	P

Public parks and playgrounds, plazas, squares	P	P	
Urban market gardens	P	P	

Section 4. It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 5. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 6. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 7. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. This Ordinance shall become effective immediately upon adoption on second reading.

APPROVED AND ADOPTED by the City Commission of the City of North Miami Beach, Florida, at regular meeting assembled this ____ day of _____, 2024.

[SIGNATURE PAGE TO FOLLOW]

ORDINANCE NO. 2024-XX

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

ORDINANCE NO. 2024-XX

City of North Miami Beach City Commission Meeting Legislative Public Hearing

Item 11.XX. Ordinance 2024-02

Animal Hotel Boarding Ordinance, Second Reading

Edward NG, AICP
Community Development Department

Amending ZLDC Section 24-22 – Definitions to add the term “Animal Boarding”

Animal Boarding: Animal boarding means and includes every place kept or maintained for the care, grooming and socializing of household pets for any amount of time by a person other than the owner of the live animal. An animal boarding facility may also offer animal day care services. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

Amending ZLDC. Article V. – Zoning Districts

Animal boarding services will be added to the permitted and conditional use listed in the following zoning districts: B-1, B-2, B-3, B-4, B-5 (Business Districts), and all Mixed-Use Districts with the follow use description below:

- *Animal boarding*; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.

Amending ZLDC Section 24-22 – Definitions current term “Kennel”

Kennel: A structure or parcel of land where five (5) or more domestic animals, at least two (2) months of age, are bred, boarded, trained or sold.

Existing Definition Term

Kennel: A structure or parcel of land where five (5) or more domestic animals, at least two (2) months of age, are bred, or sold.

Proposed Amended Term

Why regulate Animal Boarding Services?

- High demand for business use and services to the public.
- Active monitoring to ensure pet safety and comfort.
- Professional grooming and care services.
- Fun, play, and pet exercise activities.
- Helps with socialization skills among other pets.

City Commission Meeting History

After a duly noticed public hearing held on February 20, 2024, the City Commission voted of 7 to 0, recommended approval for the proposed text amendment (First Reading) shall be amended as follow included below in Section 2 of the Resolution.

Optional Commission Motions

Move to approve of the Text Amendment to the City's Zoning Code by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Zoning and Land Development Code.

Move to denial of the Text Amendment to the City's Zoning Code by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Code.

City of North Miami Beach City Commission Meeting

End of Presentation





Legislation 11.4.

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Edward Ng, AICP, Interim Community Development Director Jackie D. Genard, City Planner
VIA:	City Manager Mario Diaz
DATE:	March 19, 2024

RE: Ordinance No. 2024-03 (Second Reading) Text Amendment Ordinance for Electric Vehicles Parking and Charging (Edward Ng, AICP, Interim Community Development Director)

Description

BACKGROUND ANALYSIS:

The Florida Senate Bill SB1084 filed on 12/27/2023, if enacted will prevent “a local governmental entity [from enacting or enforcing] an ordinance or regulation related to electric vehicle charging stations.” The purpose of this ordinance is to provide effective electric vehicle parking and charging abilities throughout the city. The requirements in Article V intend to prepare for emerging electric vehicle technologies, safeguard public health, and serve public mobility needs.

RECOMMENDATION:

A public hearing was held on February 12, 2024. The Planning and Zoning Board voted 5 to 0 with recommendation of approval.

To put forth a set of rules and regulations for the installation of electric vehicle charging stations prior to the enactment of Florida Senate Bill SB1084 “[preempting] the regulation of electric vehicle charging station to the state.”

FISCAL/ BUDGETARY IMPACT:

ATTACHMENTS:

Description

- ▣ Electrical Vehicle Ordinance - Staff Report
- ▣ Ordinance No 2024-XX Establishing EV Charging Station Regulations



City of North Miami Beach, Florida

Community Development Department – Planning & Zoning Division

17050 NE 19TH AVENUE

1ST FLOOR

NORTH MIAMI BEACH, FLORIDA 33162

PLANNING & ZONING DIVISION: (305) 948-2966

PLANNING & ZONING BOARD		
Meeting Date: 02/12/2024	File No: 24-01	Application Name: Text Amendment Ordinance for Electric Vehicles Parking and Charging Stations
STAFF REPORT		
Request: To put forth a set of rules and regulations for the installation of electric vehicle charging stations prior to the enactment of Florida Senate Bill SB1084 “[preempting] the regulation of electric vehicle charging station to the state.”		
Background: The Florida Senate Bill SB1084 filed on 12/27/2023, if enacted will prevent “a local governmental entity [from enacting or enforcing] an ordinance or regulation related to electric vehicle charging stations.” The purpose of this ordinance is to provide effective electric vehicle parking and charging abilities throughout the city. The requirements in Article V intend to prepare for emerging electric vehicle technologies, safeguard public health, and serve public mobility needs.		
Staff Analysis: Currently the City’s Ordinance does not have any regulations for Electric Vehicle Charging Stations (EVCS). With the current trend of electric vehicles on the rise, developers are opting to add EVCS as part of their parking requirements within new developments. The purpose of this ordinance is to provide effective electric vehicle parking and charging abilities throughout the city. The requirements in Article V intend to prepare for emerging electric vehicle technologies, safeguard public health, and serve public mobility needs. Where any other provisions of the City of North Miami Beach Code of Ordinances directly conflict with this article, this article shall control. All operations of electric vehicle parking and charging stations shall comply with applicable Federal, State, and local laws, rules, and regulations. As electric vehicle technology continues to evolve, the City’s Community Development Director or their designee will review new systems and other adaptations as may be required. By amending the Code of Ordinances Chapter XXIV, entitled “Zoning and Land Development”, Article IX “Off Street Parking and Loading” to incorporate Section 24-100 “Electric Vehicle (EV) Parking and Charging Stations” as attached. By amending Chapter XII entitled “Local Business Tax Receipts and Regulations”, Article III “Conditions for Specific Business Tax Receipts”, Section 12-1.14 “Compliance with Building and Fire Regulations” Subsection (a.3.) by adding “ <u>and all charging stations</u> ” to the existing text.		

Project Planner:	Review Dates:	Attachments
Jackie D. Génard City Planner jackie.genard@citynmb.com 305-948-2966 Ext. 3515	<u>Planning & Zoning Board:</u> February 12, 2024 <u>City Commission:</u> February 20, 2024 - (1 st Reading) March 19, 2024 - (2 nd Reading)	1. Draft Ordinance

Compliance with the Code of Ordinance:

Staff finds that amending the City of North Miami Beach Code of Ordinances Chapter XXIV, entitled “Zoning and Land Development”, Article IX “Off Street Parking and Loading” to incorporate Section 24-100 “Electric Vehicle (EV) Parking and Charging Stations” is consistent with the existing Code of Ordinances.

Compliance with the Comprehensive Plan:

Staff finds that amending the City of North Miami Beach Code of Ordinances Chapter XXIV, entitled “Zoning and Land Development”, Article IX “Off Street Parking and Loading” to incorporate Section 24-100 “Electric Vehicle (EV) Parking and Charging Stations” is consistent with the City’s Comprehensive Plan.

Board Motion Options for Items:

1. **Move to continue** with direction.
2. **Move to approve** the Text Amendment (File# 24-01), to amend the City of North Miami Beach Code of Ordinances Chapter XXIV, entitled “Zoning And Land Development”, Article IX “Off Street Parking and Loading” Section 24-100 “Electric Vehicle (EV) Parking and Charging Stations” by finding that the request is consistent with the City Charter and the Comprehensive Plan, and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move to deny** the Text Amendment (File# 24-01), to amend the City of North Miami Beach Code of Ordinances Chapter XXIV, entitled “Zoning And Land Development”, Article IX “Off Street Parking and Loading” Section 24-100 “Electric Vehicle (EV) Parking and Charging Stations” by finding that the request is inconsistent with the City Charter and the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations

ORDINANCE NO. 2024-XX

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 IX “OFF-STREET PARKING AND LOADING”, SECTION 24-100 “ELECTRIC VEHICLE (EV) PARKING AND CHARGING STATIONS”, TO PROVIDE SPECIFIC REQUIREMENTS, AND TO PROVIDE UNIFORM STANDARDS FOR EV PARKING SPACES AND STATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach ("City") Zoning and Land Development Code defines and regulates the various uses permitted within each zoning district of the City; and

WHEREAS, amendments to the Comprehensive Plan and Zoning and Land Development Code provide for policies and regulations that address concerns such as aesthetics and compatibility by emphasizing site design, circulation and building form; and

WHEREAS, by focusing zoning regulations on site design, circulation and building form the predictability of development that meets City goals and objectives is increased and the conventional approach to strictly regulating land uses is no longer a practical approach to regulating zoning; and

WHEREAS, the proposed amendment is part of a comprehensive process to modernize and update the Zoning and Land Development Code, the amendment defines land-use categories and removes many of the listed uses that now fall within the defined categories; and

WHEREAS, the proposed amendments modify ZLD Article IX of Chapter XXIV’s existing language to add Section 24-100 to the Code, and modify Section 12-1.14, to add the sentence “...and all charging stations” to Subsection (a.3) of the Local Business Tax Receipts, to streamline and permit the installation, inspection, and regulation, of new electric charging station as Accessory Use for consistency with the City of North Miami Beach's Comprehensive Plan, and recommended approval by a vote of ___ to ___; and

WHEREAS, the Mayor and City Commission find the proposed amendments to be consistent with the North Miami Beach Comprehensive Plan and in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

ORDINANCE NO. 2024-XX

Section 2. That Chapter XXIV, entitled “Zoning and Land Development,” Article IX, entitled “Off Street Parking and Loading,” Section 24,” to modify the existing section to incorporate “Section 24-100 and to add the term “... and all charging stations” shall be amended as follows (deletions and additions are identified using a ~~strike through~~ and underline format, respectively):

* * *

CHAPTER XXIV – ZONING AND LAND DEVELOPMENT

* * *

ARTICLE IX. – OFF STREET PARKING AND LOADING

* * *

SEC. 24-100. – Purpose:

- (A) The purpose of this ordinance is to provide effective electric vehicle parking and charging abilities throughout the city. The requirements in Article V intend to prepare for emerging electric vehicle technologies, safeguard public health, and serve public mobility needs. Where any other provisions of the City of North Miami Beach Code of Ordinances directly conflict with this article, this article shall control. All operations of electric vehicle parking and charging stations shall comply with applicable Federal, State, and local laws, rules, and regulations. As electric vehicle technology continues to evolve, the City’s Community Development Director or their designee will review new systems and other adaptations as may be required.

SEC. 24-101. – Definitions:

- (A) AMENITY means a service that is free of charge that promotes, benefits, and helps provide comfort, convenience or enjoyment to a location.
- (B) ELECTRIC VEHICLE (EV) means any vehicle using electricity as their primary fuel; or any vehicle using electricity to improve the efficiency of conventional vehicle design. This includes all battery electric vehicles (BEVs) and all plug-in hybrid electric vehicles (PHEVs).
- (C) ELECTRIC VEHICLE CHARGING STATION (EVCS) OR ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) OR CHARGING STATION (CS) means an electric vehicle supply equipment station in a private or public parking space that delivers electricity or transfers electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:
- (1) Level 1 operates on a 15 to 20-amp breaker on a 120-volt AC circuit. Level 1 EVSE is found in common low-density residential single-family or duplex homes.
 - (2) Level 2 operates on a 40 to 100-amp breaker on a 208 or 240-volt AC circuit. Level 2 chargers offer a faster rate of charging and are common in homes, workplaces, and public parking lots.
 - (3) Level 3 operates on a 60 amp or higher breaker on a 480 volt or higher three-phase circuit with special grounding equipment. Level 3 operates on a direct current as opposed to an alternating current and offers the fastest charging capabilities.

EVCS, OR EVSE, OR CS include the electrical conductors, related equipment, software, and communications protocols that deliver energy efficiently and safely to the vehicle.

(D) OPERATOR means the auto manufacturer representative of an auto manufacturer, representative of an auto manufacturer, developer, shopping center property management company, free-standing building owner, or lessee, responsible for the installation, management, and operation of electric vehicle service and charging stations.

SEC. 24-102. – Applicability:

- (A) The requirements of this part shall apply to new development, redevelopment, infill development or substantial enlargement and/or alteration of structures requiring a public hearing. Only new parking spaces added as part of a substantial enlargement or alteration are subject to the requirements of this section.
- (B) EV charging stations may be located within new or existing enclosed parking garages or within new or existing surface parking areas.
- (C) EV charging stations will be considered an amenity when the service is offered free of charge and for private use. The use of the electric vehicle charging stations as an amenity is permitted within all residential, non-residential, and mixed-use zoning districts. As an amenity, the EVSE located at an owner-occupied single family home residential property shall not be subject to a business tax receipt.
- (D) EV charging stations will be considered an accessory use when the service is offered at a cost. The use of the electric vehicle charging stations as an accessory use is permitted within all districts.
- a. Operators of electric vehicle charging stations must apply for a business tax receipt in compliance with the City’s Code of Ordinance Chapter XII unless restricted for private use to employees at no cost to the employee or if the charging station is located at an owner-occupied single family residential property.
- b. All electric vehicle charging stations are required to obtain a building permit for the installation of the charging station.
- (E) For the purposes of minimum parking space calculations, electric vehicle spaces shall only count towards meeting a maximum of 10% of the minimum parking requirements, rounded down. This shall not apply to freestanding single family structure.

<u>Required EV Parking Spaces in Future Developments</u>		
<u>Type</u>	<u>EV Capable**</u>	<u>EVSE Installed (threshold)**</u>
<u>Single-Family/ Duplex Development</u>	<u>100%</u>	<u>N/A</u>
<u>Multifamily Residential, Hotel, Mixed-Use, Parking Structures (except for Affordable or Workforce Housing Garages)</u>	<u>20%</u>	<u>5% of the total number of required parking spaces. If five (5) percent calculates to a fractional number, that fractional number must be rounded up to the next higher whole number.</u>
<u>Commercial* (includes Retail, Entertainment, Institutional, Restaurant,</u>	<u>20%</u>	<u>5% (requirement begins at 250 spaces)</u>

<u>Office, Public, Service, and Recreational uses)</u>		
<u>Industrial</u>	<u>10%</u>	<u>2% (requirement begins at 250 spaces)</u>

- (F) All charging stations considered an Accessory Use shall comply with the Business Tax Receipt Section 12-1.14 of the City of North Miami Beach Code of Ordinance.

SEC. 24-103. – General Requirements:

- (A) Electric Vehicle Parking spaces shall meet all performance standards of this subsection.
- (B) Electrical Vehicle Supply Equipment (EVSE) shall be located in parking spaces clearly marked for EV charging and shall be installed per the requirements of the current National Electrical Code as adopted and amended by the State of Florida.
- (C) Where parking is the primary use of the property, electric vehicles charging stations shall be permitted. For all other uses, electric vehicle charging shall be deemed accessory to the primary use.
- (D) Accessory use electric vehicle charging station parking spaces shall be specifically designated for charging an electric vehicle with a sign referencing F.S. 366.94(3)(a), as may be later amended. One exclusive use parking space per charging station shall be required adjacent to each charging unit. Under F.S. 366.94(3)(a), it is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated as an accessory use electric vehicle charging stations.
- (E) Enforcement of the provisions of this section: Any person violating the provisions of this section shall be subject to a fine as referenced in the City’s Code of Ordinance Chapter X, Section 10-4.1 (c).
- (F) An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.
- (G) All electric vehicles charging stations (EVCS) shall be subject to the current Florida Building, Fire and Electrical code to ensure installation safety as reference per Section 24-102 of this Code.

SEC. 24-104. – Electric Vehicle Charging Station Minimum Requirements:

- (A) Electric Vehicle Charging Station as an Amenity Use – Level 1 and 2
 - (1) Level 1 and 2 electric vehicle charging stations will be considered an amenity when the service is offered free of charge.
 - (2) Level 1 and 2 electric vehicle charging stations, as an amenity shall be permitted in all zoning district and subject to the following requirements:
 - (a) EVSE in a single-family district shall be concealed from the right of way.
 - (b) All equipment components, including but not limited to functioning, shall be maintained at all times.

- (c) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the charging station shall be posted on each station as a contact to report all issues relating to the particular station.
- (B) Electric Vehicle Charging Station as an Accessory Use – Level 2
- (1) Electric vehicle charging stations will be considered an accessory use when there is a monetary transaction or subscription associated with the service.
 - (2) Level 2 electric vehicle charging stations Level 2 shall be permitted as an accessory use in all zoning district and shall be subject to the following requirements:
 - (a) Accessory use of electric vehicle charging stations shall be permitted based on the availability of surplus parking at the discretion of the Director of the City’s Community Development Department.
 - (b) EVSE must be concealed from the road right of way by landscape or other means and maybe permitted in landscape and utility buffers, subject to prior approval of City staff.
 - (c) All equipment components, including but not limited to functioning shall be maintained at all times.
 - (d) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the charging station shall be posted on each station as a contact to report all issues relating to the particular station.
- (C) Electric Vehicle Service Stations as an Accessory/ Principal Use – Level 3
- (1) Electric vehicle service stations shall be the principal use which shall include but is not limited to the following services: Charging, repair, retail, and maintenance.
 - (a) Permitted operations, including charging stations with an output of greater than or equal to 480 volts, lithium-ion car battery replacement, and electric vehicle maintenance.
 - (b) Operators of electric vehicle charging stations must apply for a business tax receipt in compliance with Chapter XII of the City Code of Ordinances.
 - (c) All equipment components, including but not limited to functioning shall be maintained at all times.
 - (d) All principal operators must have a Lithium-ion battery fire safety plan during the routine annual inspection.
 - (e) An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.

<u>Permitted Levels of EV Parking Charges in Future Developments Per Capability</u>		
<u>EVSE Level</u>	<u>BEV* Capability</u>	<u>PHEV** Capability</u>
<u>Level 1</u> 15 to 20-amp	40 - 50+ hours	5 - 6 hours

<u>120-volt AC</u>		
<u>Level 2</u> <u>40 to 100-amp</u> <u>208-240 volt AC</u>	<u>5 - 10 hours</u>	<u>1 - 2 hours</u>
<u>Level 3</u> <u>480+ Volt</u>	<u>20 minutes –</u> <u>1 hour</u>	<u>N/A</u>

* Battery Electric Vehicle

** Plug-in Hybrid Electric Vehicle

SEC. 24-105. – Location:

- (1) Placement or installation of electric vehicle charging equipment (EVSE) in future spaces must be identified during the site plan approval process.
- (2) EV charging stations shall not interfere with vehicle, bicycle or pedestrian access and circulation, or with required landscaping, above ground or underground infrastructure.
- (3) EV charging stations shall not be located within dedicated drainage or utility easements.
- (4) EV charging stations for single family locations shall not be permitted in the front of the building.
- (5) EV charging stations shall be permitted in each zoning district according to the following table:

<u>Permitted Levels of EV Parking Charges in Future Developments</u> <u>Per Zoning District</u>			
<u>Zoning District</u>	<u>Level 1</u> <u>15 to 20-amp</u> <u>120-volt AC</u>	<u>Level 2</u> <u>40 to 100-amp</u> <u>208–240-volt AC</u>	<u>Level 3</u> <u>480+ Volt</u>
<u>Residential</u> <u>RS – RM – RD - RO</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Business</u> <u>B1 – B2 – B3</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Community Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>B4</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>B5</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Mixed Use</u> <u>MU</u>	<u>P</u>	<u>P</u>	<u>C</u>

SEC. 24-106. – Design Standards:

- (1) Charging equipment must be mounted on the wall or on a structure at the end of the electric vehicle parking space provided.

- (2) Charging devices may not be placed within the dimensions of a space or entrance to a space. Electric vehicle parking spaces for non-single family residential use shall be marked by green lines, symbols, or curbs.
- (3) When cords and connectors are not in use, retraction devices and locations for storage shall be located sufficiently above the pedestrian surface and the parking lot to reduce conflicts with pedestrians and vehicle maneuvering. They shall be concealed from view when not in use.
- (4) Cords, cables, and connector equipment shall not extend across the path of travel on any sidewalk or walkway.
- (5) Equipment mounted on structures such as pedestals, lighting posts, bollards, or other protective devices shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.
- (6) For EV charging stations installed on surface parking lots, all cabinets, switchgear and other transmission equipment (other than charging posts or connectors) related to the station shall be completely enclosed. For EV charging stations installed in enclosed parking garages, all equipment (other than charging posts or connectors) related to the station shall have safety screens around the equipment.
- (7) EV charging stations in residential and mixed-use zoned areas shall be constructed in a manner harmonious with surrounding aesthetics.
- (8) Additional landscape screening may be required for mechanical equipment such as transformers associated with charging equipment, consistent with mechanical equipment screening requirements and the current edition of the Florida Building Code.
- (9) Setback requirements for EV stations in Single Family Residential shall follow Section 24-81 (5) of Article VIII "Supplemental Regulations".

CHAPTER XII – LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS

* * *

ARTICLE V. – LOCAL BUSINESS TAX FEES

* * *

Sec. 12-1 - LOCAL BUSINESS TAX RECEIPT AND REGISTRATION OF BUSINESSES, OCCUPATIONS AND PROFESSIONS

* * *

12-1.14 Compliance with Building and Fire Regulations.

- a. No business tax receipt shall be issued or transferred under the provisions of the Code for any business, profession or occupation until the location thereof shall have first been approved by the City Building Inspector to assure compliance with the building laws of the City. Exemptions to this provision shall be made for those instances where there is no location to inspect. Inspection and approval by the Fire Department of Miami-Dade County, or other applicable regulatory authority shall be required for the following:
 1. Any nonresidential buildings containing cooking facilities, such as restaurants.
 2. Any dry-cleaning plants where cleaning is done on the premises.
 3. All gas stations and all charging stations.
 4. Any facility that will use or have in its possession any toxic or flammable liquids in quantities of fifty-five (55) gallons or more on the premises.
- b. The Community Development Division of the Public Services Department shall collect, in addition to any business tax imposed pursuant to this chapter, an additional non-refundable Business Inspection Fee of fifty (\$50.00) dollars at the time of application for a business tax receipt. This fee is deemed to be regulatory in nature and is assessed to defray the administrative expenses associated with the building inspection process required for business tax receipt renewal and occupancy of the premises. Fees for building inspections are in addition to, and not in lieu of, any business tax imposed pursuant to this chapter. This fee shall apply only to those business tax receipts issued to business tax entities, and not to business tax receipts issued to professionals in an individual capacity.

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA 2008, BY AMENDING CHAPTER XII ENTITLED “LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS” BY AMENDING CHAPTER XXIV, ENTITLED “ZONING AND LAND DEVELOPMENT,” ARTICLE IX “OFF-STREET PARKING AND LOADING”, SECTION 24-100 “ELECTRIC VEHICLE (EV) PARKING AND CHARGING STATIONS”, TO PROVIDE SPECIFIC REQUIREMENTS, AND TO PROVIDE UNIFORM STANDARDS FOR EV PARKING SPACES AND STATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the City Zoning and Land Development Code (“ZLDC”) defines and regulates the various uses permitted within each zoning district of the City; and

WHEREAS, the City’s Comprehensive Plan and ZLDC provide for policies and regulations that address concerns such as aesthetics and compatibility by emphasizing site design, circulation and building form; and

WHEREAS, by focusing zoning regulations on site design, circulation and building form the predictability of development that meets City goals and objectives is increased and the conventional approach to strictly regulating land uses is no longer a practical approach to regulating zoning; and

WHEREAS, the proposed amendment to the ZLDC is part of a comprehensive process to modernize and update the ZLDC; and

WHEREAS, the proposed amendment is intended to streamline and permit the installation, inspection, and regulation, of new electric charging station as an accessory use; and

WHEREAS, pursuant to Section 163.3174 (4)(c), *Florida Statutes*, the Planning and Zoning Board of the City of North Miami Beach, sitting as the Local Planning Agency, considered this Ordinance at a public meeting on February 12, 2024 and reviewed the proposed amendment for consistency with the City of North Miami Beach's Comprehensive Plan, and recommended approval by a vote of 5 to 0; and

WHEREAS, the Mayor and City Commission find the proposed amendments to be consistent with the North Miami Beach Comprehensive Plan and in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. That Chapter XII “Local Business Tax Receipts and Regulations,” Article III “Conditions for Specific Business Tax Receipt,” Section 12-1.14 of the Code of Ordinances of North Miami Beach, Florida is hereby amended to read as follows:

12-1.14 - Compliance with Building and Fire Regulations.

- a. No business tax receipt shall be issued or transferred under the provisions of the Code for any business, profession or occupation until the location thereof shall have first been approved by the City Building Inspector to assure compliance with the building laws of the City. Exemptions to this provision shall be made for those instances where there is no location to inspect. Inspection and approval by the Fire Department of Miami-Dade County, or other applicable regulatory authority shall be required for the following:
 1. Any nonresidential buildings containing cooking facilities, such as restaurants.
 2. Any dry-cleaning plants where cleaning is done on the premises.
 3. All gas stations and all charging stations.
 4. Any facility that will use or have in its possession any toxic or flammable liquids in quantities of fifty-five (55) gallons or more on the premises.
- b. The Community Development Division of the Public Services Department shall collect, in addition to any business tax imposed pursuant to this chapter, an additional non-refundable Business Inspection Fee of fifty (\$50.00) dollars at the time of application for a business tax receipt. This fee is deemed to be regulatory in nature and is assessed to defray the administrative expenses associated with the building inspection process required for business tax receipt renewal and occupancy of the premises.

^{1/} Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strike through~~.

Fees for building inspections are in addition to, and not in lieu of, any business tax imposed pursuant to this chapter. This fee shall apply only to those business tax receipts issued to business tax entities, and not to business tax receipts issued to professionals in an individual capacity.

Section 3. That Chapter XXIV, entitled “Zoning and Land Development,” Article IX, entitled “Off Street Parking and Loading,” Code of Ordinances of North Miami Beach, Florida is hereby amended by adding a section to be numbered Section 24-100, which said Section reads as follows:

Sec. 24-100. – Purpose.

(A) The purpose of this Section is to provide effective electric vehicle parking and charging abilities throughout the City, prepare for emerging electric vehicle technologies, safeguard public health, and serve public mobility needs. Where any other provisions of the Code of Ordinances of the City of North Miami Beach, Florida directly conflict with this Section, this Section shall control. All operations of electric vehicle parking and charging stations shall comply with applicable Federal, State, and local laws, rules, and regulations. As electric vehicle technology continues to evolve, the City’s Community Development Director or their designee will review new systems and other adaptations as may be required.

Sec. 24-101. – Definitions.

For the purpose of enforcing and administering this Section, the following words shall have the definitions and meanings herein ascribed.

Amenity means a service that is free of charge that promotes, benefits, and helps provide comfort, convenience, or enjoyment to a location.

Electric Vehicle (EV) means any vehicle using electricity as their primary fuel; or any vehicle using electricity to improve the efficiency of conventional vehicle design. This includes all battery electric vehicles (BEVs) and all plug-in hybrid electric vehicles (PHEVs).

Electric vehicle charging station (EVCS) or electric vehicle supply equipment (EVSE) or charging station (CS) means an electric vehicle supply equipment station in a private or public parking space that delivers electricity or transfers electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

Level 1 operates on a 15 to 20-amp breaker on a 120-volt AC circuit. Level 1 EVSE is found in common low-density residential single-family or duplex homes.

Level 2 operates on a 40 to 100-amp breaker on a 208 or 240-volt AC circuit. -Level 2 chargers offer a faster rate of charging and are common in homes, workplaces, and public parking lots.

Level 3 operates on a 60 amp or higher breaker on a 480 volt or higher three-phase circuit with special grounding equipment. Level 3 operates on a direct current as opposed to an alternating current and offers the fastest charging capabilities.

EVCS, or EVSE, or CS include the electrical conductors, related equipment, software, and communications protocols that deliver energy efficiently and safely to the vehicle.

Operator means the auto manufacturer representative of an auto manufacturer, representative of an auto manufacturer, developer, shopping center property management company, free-standing building owner, or lessee, responsible for the installation, management, and operation of electric vehicle service and charging stations.

Sec. 24-102. – Applicability:

(A) The requirements of this part shall apply to new development, redevelopment, infill development or substantial enlargement and/or alteration of structures requiring a public hearing. Only new parking spaces added as part of a substantial enlargement or alteration are subject to the requirements of this section.

(B) EV charging stations may be located within new or existing enclosed parking garages or within new or existing surface parking areas.

(C) EV charging stations will be considered an amenity when the service is offered free of charge and for private use. The use of the electric vehicle charging stations as an amenity is permitted within all residential, non-residential, and mixed-use zoning districts. As an amenity, the EVSE located at an owner-occupied single family home residential property shall not be subject to a business tax receipt.

(D) EV charging stations will be considered an accessory use when the service is offered at a cost. The use of the electric vehicle charging stations as an accessory use is permitted within all districts.

(1) Operators of electric vehicle charging stations must apply for a business tax receipt in compliance with the City's Code of Ordinance Chapter XII unless restricted for private use to

employees at no cost to the employee or if the charging station is located at an owner-occupied single family residential property.

- (2) All electric vehicle charging stations are required to obtain a building permit for the installation of the charging station.

(E) For the purposes of minimum parking space calculations, electric vehicle spaces shall only count towards meeting a maximum of 10% of the minimum parking requirements, rounded down. This shall not apply to freestanding single-family structure.

<u>Required EV Parking Spaces in Future Developments</u>		
<u>Type</u>	<u>EV Capable*</u>	<u>EVSE Installed (threshold)*</u>
<u>Single-Family/ Duplex Development</u>	<u>100%</u>	<u>N/A</u>
<u>Multifamily Residential, Hotel, Mixed- Use, Parking Structures (except for Affordable or Workforce Housing Garages)</u>	<u>20%</u>	<u>5% of the total number of required parking spaces. If five (5) percent calculates to a fractional number, that fractional number must be rounded up to the next higher whole number.</u>
<u>Commercial* (includes Retail, Entertainment</u>	<u>20%</u>	<u>5% (requirement</u>

<u>, Institutional, Restaurant, Office, Public, Service, and Recreational uses)</u>		<u>begins at 250 spaces)</u>
<u>Industrial</u>	<u>10%</u>	<u>2% (requirement begins at 250 spaces)</u>

(F) All charging stations considered an Accessory Use shall comply with the Business Tax Receipt Section 12-1.14 of the City of North Miami Beach Code of Ordinance.

Sec. 24-103. – General Requirements.

Electric Vehicle Parking spaces shall meet all performance standards of this subsection.

(A) Electrical Vehicle Supply Equipment (EVSE) shall be located in parking spaces clearly marked for EV charging and shall be installed per the requirements of the current National Electrical Code as adopted and amended by the State of Florida.

(B) Where parking is the primary use of the property, electric vehicles charging stations shall be permitted. For all other uses, electric vehicle charging shall be deemed accessory to the primary use.

(C) Accessory use electric vehicle charging station parking spaces shall be specifically designated for charging an electric vehicle with a sign referencing F.S. 366.94(3)(a), as may be later amended. One exclusive use parking space per charging station shall be required adjacent to each charging unit. Under F.S. 366.94(3)(a), it is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated as an accessory use electric vehicle charging stations.

(D) Enforcement of the provisions of this section: Any person violating the provisions of this section shall be subject to a fine as referenced in the City's Code of Ordinance Chapter X, Section 10-4.1 (c).

(E) An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic

Control Devices (MUTCD) requirements for sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.

(F) All electric vehicles charging stations (EVCS) shall be subject to the current Florida Building, Fire and Electrical code to ensure installation safety as reference per Section 24-102 of this Code.

Sec. 24-104. – Electric Vehicle Charging Station Minimum Requirements.

(A) Electric Vehicle Charging Station as an Amenity Use – Level 1 and 2

(1) Level 1 and 2 electric vehicle charging stations will be considered an amenity when the service is offered free of charge.

(2) Level 1 and 2 electric vehicle charging stations, as an amenity shall be permitted in all zoning district and subject to the following requirements:

(a) EVSE in a single-family district shall be concealed from the right of way.

(b) All equipment components shall be always maintained in good working order.

(c) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the charging station shall be posted on each station as a contact to report all issues relating to the station.

(B) Electric Vehicle Charging Station as an Accessory Use – Level 2

(1) Electric vehicle charging stations will be considered an accessory use when there is a monetary transaction or subscription associated with the service.

(2) Level 2 electric vehicle charging stations Level 2 shall be permitted as an accessory use in all zoning district and shall be subject to the following requirements:

(a) Accessory use of electric vehicle charging stations shall be permitted based on the availability of surplus

parking at the discretion of the Director of the City's Community Development Department.

- (b) EVSE must be concealed from the road right of way by landscape or other means and maybe permitted in landscape and utility buffers, subject to prior approval of City staff.
- (c) All equipment components shall be always maintained in good working order.
- (d) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the charging station shall be posted on each station as a contact to report all issues relating to the station.

(A) Electric Vehicle Service Stations as an Accessory/ Principal Use – Level 3

- (1) Electric vehicle service stations shall be the principal use which shall include but is not limited to the following services: Charging, repair, retail, and maintenance.
 - (a) Permitted operations, including charging stations with an output of greater than or equal to 480 volts, lithium-ion car battery replacement, and electric vehicle maintenance.
 - (b) Operators of electric vehicle charging stations must apply for a business tax receipt in compliance with Chapter XII of the City Code of Ordinances.
 - (c) All equipment components shall be always maintained in good working order.
 - (d) All principal operators must have a Lithium-ion battery fire safety plan during the routine annual inspection.
 - (e) An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD)

requirements for sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.

<u>Permitted Levels of EV Parking Charges in Future Developments</u>		
<u>Per</u>	<u>Capability</u>	
<u>EVSE</u> <u>Level</u>	<u>BEV*</u> <u>Capability</u>	<u>PHEV**</u> <u>Capability</u>
<u>Level</u> <u>1</u> <u>15 to</u> <u>20-</u> <u>amp</u> <u>120-</u> <u>volt</u> <u>AC</u>	<u>40 - 50+</u> <u>hours</u>	<u>5 - 6 hours</u>
<u>Level</u> <u>2</u> <u>40 to</u> <u>100-</u> <u>amp</u> <u>208-</u> <u>240</u> <u>volt</u> <u>AC</u>	<u>5 - 10</u> <u>hours</u>	<u>1 - 2 hours</u>
<u>Level</u> <u>3</u> <u>480+</u> <u>Volt</u>	<u>20 minutes</u> <u>=</u> <u>1 hour</u>	<u>N/A</u>

* Battery Electric Vehicle

** Plug-in Hybrid Electric Vehicle

Sec. 24-105. – Location.

(A) Placement or installation of electric vehicle charging equipment (EVSE) in future spaces must be identified during the site plan approval process.

(B) EV charging stations shall not interfere with vehicle, bicycle or pedestrian access and circulation, or with required landscaping, above ground, or underground infrastructure.

(C) EV charging stations shall not be located within dedicated drainage or utility easements.

(D) EV charging stations for single family locations shall not be permitted in the front of the building.

(E) EV charging stations shall be permitted in each zoning district according to the following table:

<u>Permitted Levels of EV Parking Charges in Future Developments</u> <u>Per Zoning District</u>			
<u>Zoning District</u>	<u>Level 1</u> <u>15 to</u> <u>20-</u> <u>amp</u> <u>120-</u> <u>volt</u> <u>AC</u>	<u>Level 2</u> <u>40 to</u> <u>100-</u> <u>amp</u> <u>208-</u> <u>240-</u> <u>volt</u> <u>AC</u>	<u>Level 3</u> <u>480+</u> <u>Volt</u>
<u>Residential</u> <u>RS – RM –</u> <u>RD - RO</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Business</u> <u>B1 – B2 –</u> <u>B3</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Community Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>B4</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>B5</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Mixed Use</u> <u>MU</u>	<u>P</u>	<u>P</u>	<u>C</u>

Sec. 24-106. – Design Standards.

(A) Charging equipment must be mounted on the wall or on a structure at the end of the electric vehicle parking space provided.

(B) Charging devices may not be placed within the dimensions of a space or entrance to a space. Electric vehicle parking spaces for non-single family residential use shall be marked by green lines, symbols, or curbs.

(C) When cords and connectors are not in use, retraction devices and locations for storage shall be located sufficiently above the pedestrian surface and the parking

lot to reduce conflicts with pedestrians and vehicle maneuvering. They shall be concealed from view when not in use.

(D) Cords, cables, and connector equipment shall not extend across the path of travel on any sidewalk or walkway.

(E) Equipment mounted on structures such as pedestals, lighting posts, bollards, or other protective devices shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.

(F) For EV charging stations installed on surface parking lots, all cabinets, switchgear, and other transmission equipment (other than charging posts or connectors) related to the station shall be completely enclosed. For EV charging stations installed in enclosed parking garages, all equipment (other than charging posts or connectors) related to the station shall have safety screens around the equipment.

(G) EV charging stations in residential and mixed-use zoned areas shall be constructed in a manner harmonious with surrounding aesthetics.

(H) Additional landscape screening may be required for mechanical equipment such as transformers associated with charging equipment, consistent with mechanical equipment screening requirements and the current edition of the Florida Building Code.

(I) Setback requirements for EV stations in Single Family Residential shall follow Section 24-81 (5) of Article VIII "Supplemental Regulations".

Section 4. It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 5. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 6. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 7. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in

effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. This Ordinance shall become effective immediately upon adoption on second reading.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

APPROVED AND ADOPTED by the City Commission of the City of North Miami Beach, Florida, at regular meeting assembled this **20th day of February, 2024.**

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: Mayor & Commission



**Legislation
11.5.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	John R. Herin, Jr., Interim City Attorney
VIA:	
DATE:	March 19, 2024

RE: Ordinance No. 2024-04 (Second Reading) Drop Tier Benefits Amendment for Ordinance 2022-10
(John R. Herin, Jr., Interim City Attorney)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- ☐ Memo re Tier Benefits Ordinance Amendment (19 Sept 2023)-C
- ☐ Ordinance 2022-10 - NMB PF-C
- ☐ Ordinance No 2024-XX Updating Police Fire Pension Tier Amendment

SUGARMAN, SUSSKIND, BRASWELL & HERRERA

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

Robert A. Sugarman ♦
Howard S. Susskind
D. Marcus Braswell, Jr.
Pedro A. Herrera
Kenneth R. Harrison, Sr.
Madison J. Levine

Jose Javier Rodriguez
David E. Robinson
Of Counsel

150 Alhambra Circle
Suite 725
Coral Gables, Florida 33134
(305) 529-2801
Toll Free (800) 329-2122
Facsimile (305) 447-8115

♦ Board Certified Labor &
Employment Lawyer

TO: Fox Rothschild, LLP c/o John Herin, City Attorney's Office City of North Miami Beach

FROM: Madison Levine
Sugarman, Susskind, Braswell & Herrera, P.A.

CC: City of North Miami Beach Police Officers' and Firefighters' Retirement Plan

DATE: September 19, 2023

Re: *City of North Miami Beach Police Officers' and Firefighters' Retirement Plan*

In 2016, the City Commission reduced the police officers' pension benefits provided by the City of North Miami Beach Police Officers' and Firefighters' Retirement Plan (Ordinance No. 2016-4). This reduction of benefits created a third lower tier of benefits for officers who were not vested on or before January 31, 2016, and hired by the City before February 1, 2016. These officers were not vested in the retirement plan because they completed less than 10 years of credited service.

In October 2022, the City of North Miami Beach City Commission requested and, on October 18, 2022, adopted an amendment to the current City of North Miami Beach Police Officers' and Firefighters' Retirement Plan. For those police officers who were not vested on or before January 31, 2016, and hired by the City before February 1, 2016, the amendment restored those benefits that were promised to them when they were hired. This change moved those officers from Tier 3 back to Tier 2 in the Plan. (Ordinance 2022-10) These changes included changes to the Normal Retirement Date, Cost of Living Adjustments, and the Deferred Retirement Option Program (DROP).

After the passage of Ordinance 2022-10, it was brought to the Retirement Plan's attention by the Fund's actuary that Section 6.01A (DROP – deferred retirement option program) had inadvertently not been amended to restore the Tier 2 DROP qualifications for DROP entry for the officers that moved from Tier 3 to Tier 2.

The DROP permits officers to stop accruing additional pension benefits and have the benefits that they earned so far saved for them until they retire while they remain employed by them. An officer may elect to enter the DROP upon reaching Normal Retirement Age and the completion of the requisite years of credited service. In order to restore the benefits due to the officers in Tier 3 who were not vested on or before January 31, 2016, and hired by the City before

February 1, 2016, it is required to have the DROP entry age match the Tier 2 retirement age.

The proposed amendment from the Board of Trustees of the City of North Miami Beach Police Officers' and Firefighters' Retirement Plan to the City Commissioners would correct this inadvertent mistake by making the DROP entry age for these affected officers the same as the Tier 2 retirement age.

Should you have any questions or need further clarification, please do not hesitate to contact us.

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, BY AMENDING SECTION 6.01(b) & (c), NORMAL RETIREMENT DATE AND COST OF LIVING ADJUSTMENTS; AMENDING SECTION 6.01A, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach has established and maintains a Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach ("Retirement Plan"); and

WHEREAS, the City has determined that certain reductions to police officers' benefits that were made in 2016 (Ordinance No. 2016-4) should be restored to members who were not vested on or before January 31, 2016 and hired before February 1, 2016; and

WHEREAS, the City and the City Commission have received and reviewed an actuarial impact statement concerning the changes;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida, as follows:

Section 1. Article VI, Section 6.01 of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach, entitled "Normal Retirement", is hereby amended as follows (underlined language is added; deleted language is ~~stricken through~~):

Section 6.01 NORMAL RETIREMENT

- (a) **Normal Retirement Defined** - Normal retirement under the Plan is retirement from the service of the City on or after the normal retirement date.

(b) Normal Retirement Date

Firefighters – [No change]

Police Officers– The normal retirement date for each police officer will be the first day of the month coincident with or next following the earlier of the completion of 20 years of credited service or attainment of age 52. However, a police officer may continue in the service of the City beyond his or her normal retirement date and retire as of the first day of any month beyond his or her normal retirement date which is coincident with or next following his or her actual termination of service. Notwithstanding any other provision of this paragraph, the normal retirement date for any police officer who has completed less than 10 years of credited service on January 31, 2016 and was hired before February 1, 2016, and any police officer hired after that date, will be the first day of the month coincident with or next following the earlier of attainment of age 55 with 10 or more years of credited service, or ~~25~~ 20 years of credited service regardless of age. The normal retirement date for any police officer hired on or after February 1, 2016 will be the first day of the month coincident with or next following the earlier of attainment of age 55 with 10 or more years of credited service, or 25 years of credited service regardless of age.

(c) Cost of Living Adjustments

Commencing October 1, 1998 and on the first day of each October thereafter, the monthly income payable hereunder to each police participant who retired under Section 6.01 hereof on or after December 30, 1988, and who as of that October 1st has been retired for three or more years, or who retired under the Early Retirement Incentive set forth in Section 6.01(f), or to any such participant's surviving beneficiary, shall be increased by two and one-quarter percent, increasing to 2.5% commencing October 1, 2002. Notwithstanding the preceding sentence:

- (1) The monthly income payable hereunder to a police officer who has completed 10 or more years of credited service but has not reached the normal retirement date as of January 31, 2016 and retires under Section 6.01 hereof on or after that date shall be increased by two and one-half (2.5) percent annually for benefits earned on or before January 31, 2016, commencing three years after retirement or exit from the DROP, whichever is later; and one and eight-tenths (1.8) percent annually for benefits earned on and after February 1, 2016, commencing four years after retirement or exit from the DROP, whichever is later.
- (2) The monthly income payable hereunder to a police officer who has completed less than 10 years of credited service on January 31, 2016 and was hired before February 1, 2016 and retires under Section 6.01 hereof on or after that date shall be increased by two and one-half (2.5) percent annually for benefits earned on or before January 31, 2016, commencing at age 62; and one and ~~one-half~~ eight-

~~tenths~~ (1.58) percent annually for benefits earned on and after February 1, 2016, commencing at age 62.

- (3) The monthly income payable hereunder to a police officer hired on or after February 1, 2016 who retires under Section 6.01 hereof shall be increased by one and one-half (1.5) percent annually commencing at age 62.

Section 3. Article VI, Section 6.01A of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach, entitled “Deferred Retirement option Plan (DROP)”, is proposed to be amended as follows:

Section 6.01A – DEFERRED RETIREMENT OPTION PROGRAM (DROP)

- (a) [No change]
- (b) [No change]
- (c) [No change]
- (d) [No change]
- (e) A police officer who has completed 10 or more years of credited service on January 31, 2016 is eligible to enter the DROP upon attaining twenty (20) years of service, or upon reaching age fifty-two (52) with the completion of 15 years of service. Years of service may be acquired by actual eligible credited service to the City, by the purchase of credited service for prior military or law enforcement service (§304(e)(1)), by the purchase of permissive service credit (§304(g)) or any allowable combination thereof. A police officer who has completed less than 10 years of credited service on January 31, 2016, and police officers hired after that date, may enter the DROP upon attaining age fifty-five (55) with the completion of 15 or more years of credited service, or upon completion of 25 or more years of credited service regardless of age.
- (f) Any Employee who is employed by the City as sworn police on or after January 1, 2008 may participate in the DROP for up to eight (8) years. The eight year limit shall apply even if the member had entered DROP prior to January 1, 2008 if they were still employed by the City on January 1, 2008. Notwithstanding any provision of this subsection, the total years of participation in the DROP may not exceed eight (8) five (5) years for police officers with less than 10 years of credited service on January 31, 2016 and hired before February 1, 2016. For and police officers hired on or after that date February 1, 2016, the total years of participation in the DROP may not exceed five (5) years.
- (g) [No change]

(h) The DROP account is a bookkeeping account within the Fund. The money that is credited to a member's DROP account will be commingled with all other monies in the fund. Each member's DROP account will be credited with interest at the assumed interest assumption for the Plan, as it may change from time to time. Notwithstanding the preceding sentence:

- i. The DROP account of members with 10 or more years of credited service on January 31, 2016, who enter the DROP after that date, will be credited with interest at the rate of four and one-half (4.5) percent annually.
- ii. The DROP account of members with less than 10 years of credited service on January 31, 2016 and hired before February 1, 2016 will be credited with interest at the rate of four and one-half (4.5) ~~three and one-half (3.5)~~ percent annually.
- iii. The DROP account of members hired on or after February 1, 2016 will be credited with interest at the rate of one and one-half (1.5) percent annually.

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 6. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

Section 7. This ordinance shall take effect on December 1, 2022.

APPROVED on this first reading this the **21st day of September, 2022.**


APPROVED AND ADOPTED on second reading this the **18th day of October, 2022.**

ATTEST:




ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)



ANTHONY F. DEFILLIPO
MAYOR

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION



HANS OTTINOT
CITY ATTORNEY

Sponsored By: Commissioner Michael Joseph and Commissioner Paule Villard

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, BY AMENDING SECTION 6.01(b) & (c), NORMAL RETIREMENT DATE AND COST OF LIVING ADJUSTMENTS; AMENDING SECTION 6.01A, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CONFLICTS, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach ("City"), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the City has established and maintains a Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach ("Retirement Plan"); and

WHEREAS, the City has determined that certain reductions to police officers' benefits that were made in 2016 (Ordinance No. 2016-4) should be restored to members who were not vested on or before January 31, 2016 and hired before February 1, 2016; and

WHEREAS, the City and the City Commission have received and reviewed an actuarial impact statement concerning the changes; and

WHEREAS, the Mayor and City Commission find the adoption of this Ordinance to be in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. Article VI, Section 6.01 of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach, entitled "Normal Retirement", is hereby amended to read as follows:

Section 6.01. NORMAL RETIREMENT

- (a) **Normal Retirement Defined** - Normal retirement under the Plan is retirement from the service of the City on or after the normal retirement

^{1/} Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

date.

(b) **Normal Retirement Date**

Firefighters – The normal retirement date for each firefighter will be the first day of the month coincident with or next following the earlier of the date a member completes 22 years of service or attains the age of 52. However, a firefighter may continue in the service of the City or the County beyond his or her normal retirement date and retire as of the first day of any month beyond his or her normal retirement date which is coincident with or next following his or her actual termination of service.

Police Officers– The normal retirement date for each police officer will be the first day of the month coincident with or next following the earlier of the completion of 20 years of credited service or attainment of age 52. However, a police officer may continue in the service of the City beyond his or her normal retirement date and retire as of the first day of any month beyond his or her normal retirement date which is coincident with or next following his or her actual termination of service. Notwithstanding any other provision of this paragraph, the normal retirement date for any police officer who has completed less than 10 years of credited service on January 31, 2016 and was hired before February 1, 2016, will be the first day of the month coincident with or next following the earlier of attainment of age 52 ~~55 with 10 or more years of credited service~~, or 20 years of credited service regardless of age. The normal retirement date for any police officer hired on or after February 1, 2016 will be the first day of the month coincident with or next following the earlier of attainment of age 55 with 10 or more years of credited service, or 25 years of credited service regardless of age.

(c) **Cost of Living Adjustments**

Commencing October 1, 1998 and on the first day of each October thereafter, the monthly income payable hereunder to each police participant who retired under Section 6.01 hereof on or after December 30, 1988, and who as of that October 1st has been retired for three or more years, or who retired under the Early Retirement Incentive set forth in Section 6.01(f), or to any such participant's surviving beneficiary, shall be increased by two and one-quarter percent, increasing to 2.5% commencing October 1, 2002. Notwithstanding the preceding sentence:

- (1) The monthly income payable hereunder to a police officer who has completed 10 or more years of credited service but has not reached the normal retirement date as of January 31, 2016 and retires under Section 6.01 hereof on or after that date shall be increased by two and one-half (2.5) percent annually for benefits earned on or before January 31, 2016, commencing three years after retirement or exit from the DROP, whichever is later; and one and eight-tenths (1.8)

percent annually for benefits earned on and after February 1, 2016, commencing four years after retirement or exit from the DROP, whichever is later.

- (2) The monthly income payable hereunder to a police officer who has completed less than 10 years of credited service on January 31, 2016 and was hired before February 1, 2016 and retires under Section 6.01 hereof on or after that date shall be increased by two and one-half (2.5) percent annually for benefits earned on or before January 31, 2016, commencing three years after retirement or exit from the DROP, whichever is later at age 62; and one and eight-tenths (1.8) percent annually for benefits earned on and after February 1, 2016, commencing four years after retirement or exit from the DROP, whichever is later at age 62.
- (3) The monthly income payable hereunder to a police officer hired on or after February 1, 2016 who retires under Section 6.01 hereof shall be increased by one and one-half (1.5) percent annually commencing at age 62.

Section 3. Article VI, Section 6.01A of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach, entitled “Deferred Retirement option Plan (DROP)”, is hereby amended to read as follows:

Section 6.01A – DEFERRED RETIREMENT OPTION PROGRAM (DROP)

(e) A police officer who has completed 10 or more years of credited service on January 31, 2016 is eligible to enter the DROP upon attaining twenty (20) years of service, or upon reaching age fifty-two (52) with the completion of 15 years of service. Years of service may be acquired by actual eligible credited service to the City, by the purchase of credited service for prior military or law enforcement service (§304(e)(1)), by the purchase of permissive service credit (§304(g)) or any allowable combination thereof. A police officer who has completed less than 10 years of credited service on January 31, 2016, ~~and police officers hired after that date, and was hired before February 1, 2016,~~ may enter the DROP upon attaining age ~~fifty-two (52)~~ fifty-five (55) with the completion of 15 or more years of credited service, or upon completion of ~~25~~ 20 or more years of credited service regardless of age. Any police officer hired on or after February 1, 2016 may enter the DROP upon attaining age fifty-five (55) with the completion of 15 or more years of credited service, or upon completion of 25 or more years of credited service regardless of age.

Section 4. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 6. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. This Ordinance shall become effective immediately upon adoption on second reading.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

APPROVED on the first reading this **20th day of February, 2024.**

APPROVED AND ADOPTED on second reading this ____ day of _____ **2024.**

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: Mayor and Commission



**Legislation
11.6.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Ordinance No. 2024-05 (First Reading) Approving Changing Candidate Qualifying Dates and Run-Off Election Date (Andrise Bernard, MMC, City Clerk)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- ☐ Ordinance No 2024-XX Approving Changing Candidate Qualifying Dates and Run-Off Election Date

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING SECTION 4.3 OF THE CITY CHARTER, TO REVISE THE QUALIFYING REGISTRATION PERIOD FOR CITY COMMISSION ELECTIONS, AND AMENDING SECTION 4.1 OF THE CITY CHARTER TO CHANGE THE RUN-OFF ELECTION DATE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, pursuant to Section 100.3605, 166.021(4), and 166.031, Florida Statutes, the City Commission may amend the City of North Miami Beach Charter by ordinance and without referendum for the purpose of changing municipal election dates and qualifying periods for candidates; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach (the “City Commission”) finds it necessary to amend Section 4.3 of the City Charter in order to provide a modified qualifying registration period for City Commission Elections; and

WHEREAS, said amendment is intended to insure that the maximum number of resident electors have the opportunity to qualify for City Commission Elections; and

WHEREAS, the City Commission also finds it necessary to amend Section 4.1 of the City Municipal Code in order to change the run-off election date; and

WHEREAS, the Mayor and City Commission find the adoption of this Ordinance to be in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. Article IV, Section 4.1 of the City Charter, entitled “General/Runoff Elections,” is hereby amended as follows:

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

Section 4.1. General/Runoff Elections

Commencing in 2018, general elections in the City of North Miami Beach shall be held every even-numbered year on the first Tuesday following the first Monday in November. Candidates to office under this charter shall be elected by a majority of the votes cast in the election. If no candidate receives a majority of the votes cast for the office to be filled, then the two (2) candidates receiving the highest number of votes for such office shall be voted upon in a runoff election to be held ~~two~~ four weeks from the date of the general election and the candidate receiving a majority of the votes in such runoff election shall be declared elected. In the event of a tie vote in any run-off election, the outcome shall be determined by lot. In order to accomplish the election date revision made pursuant to this Charter section, the four-year term length of office that is provided for in Charter section 4.2 shall be extended on the following limited basis: the term of office of the Mayor and of Commissioner groups 3, 5, and 7, which would otherwise expire in May 2019 shall instead expire in November 2020, and the terms of office of Commissioner groups 2, 4, and 6, which would otherwise expire in May 2017 shall instead expire in November 2018.

Section 3. Article IV, Section 4.3 of the City Charter, entitled “Qualification of Commission Members,” is hereby amended to read as follows:

Section 4.3. Qualification of Commission Members

Candidates for the office of Mayor and Commissioner of the City of North Miami Beach shall qualify with the Clerk of the City not prior to the ~~seventy-eighth~~ eighty-first (81) day preceding the election provided for in Section 4.1 hereof nor later than 12:00 noon on the ~~seventy-third (73)~~ eighty-sixth (86) day preceding the election. A candidate shall qualify by taking and subscribing to an oath that she/he is qualified under the charter of the City of North Miami Beach to hold the office of Commissioner and Mayor and by paying to said Clerk a qualifying fee in the amount of four (4%) percent of the annual salary of the office, which fee shall be deposited in the general fund of the City. Candidates for the office of City Commission member shall designate the group from which they desire to be elected. Each candidate, at the time of qualifying with the Clerk, shall designate a campaign treasurer and a depository of campaign funds. Each candidate, at the time of qualifying with the Clerk, must have continuously resided in the City of North Miami Beach for at least one (1) full year, shall at the time of qualifying and at the time of election be a qualified elector of the City of North Miami Beach, and shall not, within five years next preceding the date of his/her qualification, have been convicted in this or any other state of any offense involving moral turpitude.

Section 4. It is the intention of the City Commission, and it is ordained that the provisions of this Ordinance shall become and made a part of the Charter of the City of North Miami Beach; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 5. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 6. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 7. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. This Ordinance shall become effective immediately upon adoption on second reading.

Section 9. The City Clerk shall file the revised Charter with the Florida Department of State.

[SIGNATURE PAGE TO FOLLOW]

APPROVED on the first reading this **19th day of March, 2024.**

APPROVED AND ADOPTED on second reading this ____ day of _____ 2024.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: City Clerk



**Legislation
11.7.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Sam Zamacona, Public Works Director
VIA:	City Manager Mario A. Diaz
DATE:	March 19, 2024

RE: Resolution No. R2024-44 to Approve a One Year Contract Renewal for Trolley Operations and Maintenance Services (Sam Zamacona, Public Works Director)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION: The City Manager and Chief Procurement Officer recommend that the City Commission approve and authorize the City Manager or designee to execute the Contract Renewal in an estimated annual expenditure to \$1,925,688.00.

**FISCAL/ BUDGETARY
IMPACT:** As approved in the adopted FY24 budget appropriation

ATTACHMENTS:

Description

▣ Resolution

RESOLUTION NO. R2024-XX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A ONE-YEAR CONTRACT RENEWAL TO THE PREVIOUSLY APPROVED CONTRACT WITH PRO TRANSPORTATION, INC. D/B/A PROKEL MOBILITY FOR THE PROVISION OF TROLLEY OPERATIONS AND MAINTENANCE SERVICES IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$1,925,688.00; AND 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.

WHEREAS, pursuant to Chapter 166, *Florida Statutes* and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, on September 15th, 2020, the City Commission adopted Resolution R2020-78 approving a contract between the City and Pro Transportation, Inc. d/b/a Prokel Mobility (“Prokel”) for a three-year term, with two (2) one-year options to renew, for the provision of trolley operations and maintenance services for Routes A, B, C and D; subsequently, amending the contract to add trolley Route E; and

WHEREAS, to continue providing trolley operations and maintenance services paid through the City’s Citizens’ Independent Transportation Trust (CITT Funds), the Public Works Transit Division desires to exercise the first one-year renewal term for trolley Routes A, B, C, D and E (“Contract Renewal”); and

WHEREAS, Section 3-3.20 of the Code of Ordinances City of North Miami Beach, Florida, 2008 (“Code”) requires that change orders exceeding 10% or \$50,000.00, whichever is less, shall be approved by the City Commission; and

WHEREAS, the City Manager and Chief Procurement Officer recommend that the City Commission approve and authorize the City Manager or designee to execute the Contract Renewal in an estimated annual expenditure to \$1,925,688.00; and

WHEREAS, the Mayor and City Commission believe it is in the best interests of the City to approve and authorize the City Manager or designee to execute the Contract Renewal to the previously approved contract with Prokel in an estimated annual expenditure to \$1,925,688.00 to provide trolley operations and maintenance services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, THAT:

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Resolution; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. The Contract Renewal, attached as Exhibit “A,” to the previously approved contract with Prokel for an estimated annual expenditure of \$1,925,688.00, to provide trolley operations and maintenance services is approved.

Section 3. The City Manager or designee is authorized to do all things necessary to effectuate this Resolution.

Section 4. All Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 7. This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **19th day of March 2024**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: Mayor & Commission



Legislation 11.8.

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrea Suarez Abastida, NMB Water Director
VIA:	Mario A. Diaz, City Manager
DATE:	March 19, 2024

RE: Resolution No. R2024-45 Marketing Agreement for Service Line Warranties (Andrea Suarez Abastida, NMB Water Director)

Description

The National League of Cities (NLC) Service Line Warranty Program, offered by Utility Service Partners, a HomeServe Company, was conceived in partnership with the National League of Cities to educate property owners about their service line responsibilities and to help residents avoid the out-of-pocket expense for unanticipated and potentially costly service line repairs and replacements. Our program, the only one of its kind endorsed by the NLC will help the City of North Miami Beach to achieve its goals by:

BACKGROUND ANALYSIS:

- Providing homeowners affordable protection against significant and unexpected costs to remedy leaking/broken/clogged water lines, sewer lines, and in-home plumbing lines
- Ensuring the delivery of timely, high-quality repair services in adherence to all applicable codes
- Providing exemplary service that reflects positively on the City
- The program generates an ongoing, sustainable source of revenue for NMB Water and stimulates the local economy by using fully vetted local contractors to complete the repairs.
- NMB Water will receive 10% of payments received in the form a royalty - paid annually
- NMB Water will receive a license fee of \$30,000 paid over three years in the following schedule:
 - Year 1 - \$ 10,000 Year 2 - \$ 10,000 Year 3 - \$ 10,000

RECOMMENDATION: It is recommended that the Mayor and City Commission authorize the City Manager or their designee, to enter into the royalty Marketing agreement with Utility Service Partners, Inc. (USP) for an initial term of three (3) years, subject to City Attorney review with an additional (1) year renewal.

FISCAL/ BUDGETARY
IMPACT: Revenue to the Water and Sewer Enterprise fund

ATTACHMENTS:

Description

- ☐ Resolution
- ☐ Agreement

RESOLUTION NO. 20XX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A MARKETING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND UTILITY SERVICE PARTNERS PRIVATE LABEL, INC., D/B/A/ SERVICE LINE WARRANTIES OF AMERICA AUTHORIZING THE USE OF THE CITY'S LOGO AND OTHER MARKETING TOOLS TO ADVERTISE TO THE CITY'S RESIDENTS WARRANTY PLANS FOR REPAIRS OF EXTERNAL WATER LINES, EXTERNAL SEWER LINES, AND IN-HOME PLUMBING ON RESIDENTIAL PROPERTY; AND 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.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach ("City"), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, sewer and water line laterals between the City owned mainlines and residential structures are owned by individual residential property owners residing in the City; and

WHEREAS, the City desires to offer residential property owners the opportunity, but not the obligation, to purchase a service warranty plan for their external water lines, external sewer lines, and in-home plumbing; and

WHEREAS, Utility Service Partners Private Label, Inc., d/b/a Service Line Warranties of America ("Company"), is the administrator of the National League of Cities Service Line Warranty Program ("Warranty Program") and has agreed to make the Warranty Program available to residential property owners in the City; and

WHEREAS, the Company has requested the ability to use the City's logo and other city relate marketing tools to make the Warranty Program available to residential property owners in the City subject to the terms and conditions contained within the marketing agreement ("Marketing Agreement"); and

WHEREAS, City Manager and the Utilities Director recommend that the City Commission approve and authorize the City Manager or designee to enter into the Marketing Agreement with the Company; and

WHEREAS, the Mayor and City Commission believe it is in the best interests of the City to authorize the City Manager or designee to enter into Marketing Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Resolution; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. The Marketing Agreement with the Company attached as Exhibit “A,” is approved and the City Manager or designee is authorized to sign the Marketing Agreement on behalf of the City.

Section 3. The City Manager or designee is authorized to do all things necessary to effectuate this Resolution.

Section 4. All Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 7. This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **19th day of March 2024**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: Mayor & Council

MARKETING AGREEMENT

This MARKETING AGREEMENT (“**Agreement**”) is entered into by and between the City of North Miami Beach, Florida (“**City**”), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America (“**Company**”), herein collectively referred to singularly as “**Party**” and collectively as the “**Parties**”. This Agreement shall be effective on the last signature date set forth below (“**Effective Date**”).

RECITALS:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City (“**Property Owner**”); and

WHEREAS, City desires to offer Property Owners the opportunity, but not the obligation, to purchase a service plan and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a “**Product**” and collectively, the “**Products**”); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. **Purpose.** City hereby grants to Company the right to offer and market the Products to Property Owners subject to the terms and conditions herein.

2. **City Obligations.**

A. Grant of License. City hereby grants to Company a non-exclusive license (“**License**”) to use City's branding (“**Marks**”), on marketing materials in accordance with Exhibit A to be sent to Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. Company's use of the Marks in accordance with this Agreement will not infringe any other party's rights. In the event that City extends a similar license to a competitor of Company during the Term and any Renewal Term of this Agreement, the City shall provide thirty (30) days' notice prior to such grant of license and Company may immediately terminate this Agreement.

B. **Property Owner Data.** If City elects to do so, City may provide Company with Property Owner Data for use by Company in furtherance of the advertisement, marketing, and sale of the Products. Any name, service address, postal address, and any other appropriate or necessary data for Property Owners in City is defined as “**Property Owner Data**”. Property Owners Data shall be and remain City’s property. For any Property Owner Data provided by City to Company, City warrants that Property Owner Data has been and will be collected in compliance with all laws, statutes, treaties, rules, codes, ordinances, regulations, permits, official guidelines, judgments, orders and interpretations (“**Applicable Laws**”); and City is permitted by Applicable Laws and by any applicable privacy policy to provide Property Owner Data to Company and to permit Company to use Property Owner Data for the purposes of this Agreement. A Property Owner who has purchased a Product is a member (“**Member**”) and, following such purchase, all data in Company’s control or possession relating to Members is Company’s property.

3. **Term.** The term of this Agreement (“**Initial Term**”) shall be for five (5) years from the Effective Date. [REDACTED]

[REDACTED] In the event that Company is in material breach of this Agreement, the City may terminate this Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. City may also terminate this Agreement for convenience upon giving Company thirty (30) days written notice of its intent to terminate the Agreement. Company will be permitted to complete any marketing initiative initiated prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. **Consideration.**

A. As consideration for such license, Company will pay to City a License Fee of as set forth in Exhibit A (“**License Fee**”) during the Term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of the first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term, due and payable on January 30th of the succeeding year. City agrees to provide a completed Form W-9 to Company in order to facilitate proper payment of the License Fee. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

B. In addition to the License Fees set forth in this Section, Company shall pay Utility a brand fee (“**Brand Fee**”) as set forth on Exhibit A. Company will pay Utility Brand Fees within thirty (30) days after the date such Brand Fee becomes payable.

5. **Confidentiality.** Each party will treat all non-public, confidential and trade secret information received from the other party as confidential, and such party shall not disclose or use such information in a manner contrary to the purposes of this Agreement. Notwithstanding the foregoing, the City shall not be liable for any disclosure of confidential information that is

required to be disclosed under any applicable public records act or under court order. City shall provide notice to Company prior to any such disclosure.

6. **Code Change.** The Parties understand that the pricing of the Products and compensation provided for in this Agreement are based upon the currently applicable City, municipal or similar codes. In the event Company discovers a code change, Company shall have the ability to reassess the pricing of this Agreement, subject to the written consent of City.

7. **Indemnification.** Each Party (the “**Indemnifying Party**”) hereby agrees to protect, indemnify, and hold the other Party, its officers, employees, contractors, subcontractors, and agents (collectively or individually, “**Indemnatee**”) harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, “**Claim**”), which an Indemnatee may suffer or which may be sought against or are recovered or obtainable from an Indemnatee, as a result of or arising out of any breach of this Agreement by the Indemnifying Party, or any negligent or fraudulent act or omission of the Indemnifying Party or its officers, employees, contractors, subcontractors, or agents in the performance of this Agreement; provided that the applicable Indemnatee notifies the Indemnifying Party of any such Claim within a time that does not prejudice the ability of the Indemnifying Party to defend against such Claim. Any Indemnatee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

8. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

To: City:
ATTN: Andrea Suarez Abastida
City of North Miami Beach
17011 NE 19th Ave
North Miami Beach, FL 33162-3111
Email: andrea.suarez@citynmb.com
Phone: (305) 948-2967

To: Company:
ATTN: Chief Growth Officer
Utility Service Partners Private Label, Inc.
601 Merritt 7, 6th Floor
Norwalk, CT 06851
Phone: (866) 974-4801

9. **Modifications or Amendments/Entire Agreement.** Except for the list of available Products under the Agreement, which may be amended from time to time by the Parties in writing and without signature, any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a Party unless in writing signed by that Party.

10. **Assignment.** Neither Party may assign its rights or delegate its duties under this Agreement without the prior written consent of the other Party unless such assignment or delegation is to an affiliate or to an acquirer of all or substantially all of the assets of the transferor.

11. **Counterparts/Electronic Delivery; No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by email and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third- party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

12. **Choice of Law/Attorney Fees.** The Parties shall maintain compliance with all Applicable Laws with respect to its obligations under this Agreement. The governing law shall be the laws of the State of Florida, without regard to the choice of law principles of the forum state. THE PARTIES HERETO HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY RIGHT THAT MAY EXIST TO HAVE A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED UPON OR ARISING OUT OF, UNDER, OR IN ANY WAY CONNECTED WITH, THIS AGREEMENT.

13. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written below.

CITY OF NORTH MIAMI BEACH

Name:

Title:

Date:

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

Name: Michael Backus

Title: Chief Growth Officer

Date:

Exhibit A
NLC Service Line Warranty Program
City of North Miami Beach
Term Sheet
November 20, 2023

- I. Initial Term. Five Years.
- II. License Fee. During the Term, Company will pay City ten percent (10%) of the payments of plan fees actually received from members during the Term under any plans sold hereunder, net of any discount, rebates, refunds, chargebacks, credits, and sales or similar taxes incurred or paid by Company in connection with such plans for:
 - A. Use of City logo and name on letterhead, advertising, signature line, and marketing materials.
- III. Brand License Fee. \$ 30,000.00 spread across the first three years of the Term, as follows:
 - A. Year 1 - \$ 10,000.00
 - B. Year 2 - \$ 10,000.00
 - C. Year 3 - \$ 10,000.00

Payment of the Brand Fee for the first year is subject to the approval and mailing of the first campaign for that year. In subsequent years, payment of the Brand Fee is subject to City's timely approval of all other marketing materials for the prior year and the approval and mailing of the first campaign of the current contract year.
- IV. Products.
 - A. External water service line plan (initially, \$5.75 per month)
 - B. External sewer/septic line plan (initially, \$7.75 per month)
 - C. Interior plumbing and drainage plan (initially, \$9.99 per month)

Pricing does not include taxes. Company may adjust the foregoing Product fees; provided, that any such monthly fee adjustment shall not exceed \$0.50 in any 12-month period. If such adjustment shall exceed \$0.50, both Parties must agree in writing.
- V. Scope of Coverage.
 - A. External water service line plan:
 - i. Covers Property Owner responsibility: from the property line to the external wall of the home.
 - ii. Covers well service lines if applicable.
 - B. External sewer/septic line plan:
 - i. Covers Property Owner responsibility: From the external wall of the home to the sewer main.
 - ii. Covers septic lines if applicable.
 - C. Interior plumbing and drainage plan:
 - i. Covers water supply pipes and drainage pipes within the interior of the home.
- VI. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year (each campaign consists of two mailings) and such other channels as may be mutually agreed. Initially, Company anticipates offering the interior plumbing and drainage plan Product via in-bound phone or web only.



**Legislation
11.9.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrea Suárez Abastida, NMB Water Director
VIA:	Andrea Suárez Abastida, NMB Water Director
DATE:	March 19, 2024

RE: Resolution No. R2024-46 Approving an Agreement for Emergency Interconnect and Sewer Billing Services between Miami-Dade County and the City (Andrea Suarez Abastida, NMB Water Director)

Description

**BACKGROUND
ANALYSIS:**

On March 2001, the Board of County Commissioners approve an agreement between the County and City for a thirty year term for the County to provide water services to the City and the City would provide sewer billing services to the County. During the term of this agreement the City has expanded its water treatment capacity and no longer requires water from the County. This agreement modifies the terms for emergency water interconnection and continuation of the City to administer the billing and collection services charges on behalf of the County.

RECOMMENDATION:

It is recommended that the Mayor and City Commission authorize the City Manager or their designee, to enter into the new agreement with Miami-Dade County.

**FISCAL/ BUDGETARY
IMPACT:** 510916-

ATTACHMENTS:

Description

☐ Agreement

- ▢ Resolution
- ▢ Map NMB Water Service Area
- ▢ List of Interconnects
- ▢ Bill of Sale

**AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
THE CITY OF NORTH MIAMI BEACH
FOR EMERGENCY WATER INTERCONNECTION
AND BILLING OF SANITARY SEWER SERVICE CHARGES**

THIS AGREEMENT, made and entered into this ____ day of March, 2024, between Miami-Dade County, a political subdivision of the State of Florida, referred to as the “COUNTY”, and the City of North Miami Beach, a municipal corporation organized and existing under the laws of the State of Florida, (referred to as the “CITY,” and collectively with the COUNTY, the “Parties”).

WITNESSETH:

WHEREAS, the COUNTY, through its Miami-Dade Water and Sewer Department (the “Department”), owns, operates, and maintains a regional water treatment and distribution system and regional sewage treatment and disposal system; and

WHEREAS, the COUNTY operates the water and sewer utility system in unincorporated areas of the COUNTY and within certain municipalities; and

WHEREAS, the CITY owns, operates, and maintains a water treatment plant and distribution system to supply water to customers in its water service area shown and described in the attached Exhibit “A” (the “Service Area”); and

WHEREAS, the CITY has been administering the billing and collection of the sanitary sewage charges of the COUNTY’s sanitary sewage service customers within a portion of the CITY’S Service Area; and

WHEREAS, on March 8, 2001, the Board of County Commissioners, via Resolution R-213-01, approved an agreement between the COUNTY and the CITY, through which: (1) the COUNTY would provide water service to the CITY for a thirty (30) year term, effective March 19, 2001, and (2) the CITY would provide sanitary sewer billing services for the COUNTY for a ten (10) year term, effective October 1, 2001 (the “Agreement”); and

WHEREAS, on September 29, 2004, the COUNTY and the CITY entered into Amendment Number One to the Agreement, which provided for a \$400,000 credit to the CITY by the COUNTY for water improvements to be completed within the CITY; and

WHEREAS, on February 5, 2013, the Board of County Commissioners, via Resolution R-94-13, approved Amendment Number Two to the Agreement, which extended the CITY’S provision of sanitary sewer billing services for the COUNTY for three (3) more years and added two (2) three (3) year options to renew; and

WHEREAS, the COUNTY and the CITY have exercised both three (3) year options to renew, and a new agreement is necessary at this time; and

WHEREAS, during the term of the Agreement, the CITY expanded the capacity of its water treatment plant and, with the exceptions of emergencies, no longer requires water from the COUNTY; and

WHEREAS, an emergency is defined as a system failure of the CITY'S water supply system; and

WHEREAS, the COUNTY desires the CITY to continue to administer the billing and collection of the sanitary sewage service charges on behalf of the COUNTY; and

WHEREAS, the CITY has agreed to continue to administer the billing and collection of the sanitary sewage service charges on behalf of the COUNTY; and

WHEREAS, in order to update the terms and conditions of the Agreement, the COUNTY and the CITY have agreed to enter into a new agreement for: (1) emergency water interconnections to assist the CITY in the event of an emergency where water service to its residents is affected, and (2) continuation of billing and collection of the sanitary sewage charges on behalf of the COUNTY.

NOW, THEREFORE, in consideration of the mutual covenants and obligations set forth herein, the COUNTY and the CITY agree as follows:

1. Insofar as it may be lawful to do so in accordance with the terms and conditions of the Consumptive Use Permit issued to the COUNTY by the South Florida Water Management District (SFWMD), and pursuant to the terms herein, the COUNTY shall sell and deliver to the CITY, and the CITY shall purchase and receive from the COUNTY, emergency potable water. Emergency potable water obtained by the CITY from the COUNTY may be utilized to serve the CITY's customers in any legally authorized CITY water service area(s).

2. Notwithstanding the obligations of Paragraph 1 above, if the COUNTY does not have a sufficient supply of water available to fulfill the total requirements of all customers of the COUNTY due to prohibitions, restrictions, limitations or requirements of local, state or federal governments having jurisdiction over such matters or due to any other cause beyond the COUNTY's control, including but not limited to, those events specifically set forth in Paragraph 16 below, the COUNTY shall be deemed to have fully performed its duties and to have discharged its obligations if it furnishes and delivers to the CITY its pro rata share of such supply as reasonably determined by the COUNTY. The COUNTY will not be discriminatory in its delivery of emergency water service and shall not use any calculations preferential to either Party in this determination. The COUNTY shall give expeditious notice to the CITY whenever the COUNTY becomes aware of conditions which could reasonably lead to an outage or shortage of such potable water supply, or which may bring about such condition. Notwithstanding the preceding, the COUNTY shall not be obligated to take or omit any action to ensure current or future water supply to the CITY.

3. Both the COUNTY and the CITY agree to be bound by existing and future standards, laws, rules and regulations, which may be enacted by the COUNTY as approved by the Board of County Commissioners, or by the CITY as approved by the City Commission, or as may be necessary to ensure continued compliance with local, state and federal laws, regulations, permits and permit conditions.

4. The water furnished to the CITY by the COUNTY under the provisions of this Agreement shall only be that water needed to provide temporary assistance in the event of an emergency need for water beyond that available in the CITY'S system. The water emergency interconnections are shown on Exhibit "B" attached hereto.

Additional points of Emergency Interconnections may be established at such times and

places as shall be mutually agreed by the Director of the Department and the CITY. Each Party shall bear the entire cost and expense of establishing each such additional point of delivery within their jurisdiction, obtaining such easements as may be needed and furnishing all necessary labor and materials required to connect with the system, in accordance with plans and specifications that are subject to the approval of the jurisdiction. For any new points of Emergency Interconnection, the CITY or COUNTY will each supply, install, and own the meter(s) within that Party's jurisdiction. The City shall convey to the COUNTY, by appropriate bill of sale, as shown on Exhibit "C" attached hereto, and Grants of Easements, all of the CITY's right, title and interest in and to the tees or crosses in the feeder mains, meters, meter vaults and all piping, valves and appurtenances between and including the aforesaid tees or crosses and the valve immediately on the discharge side of the meters. The COUNTY shall thenceforth own, control, operate and maintain such facilities. Readings of each meter at all points of Emergency Interconnection shall be taken by the COUNTY on or about the 28th day of each month and shall be used for monthly billing purposes under the provisions of Paragraph 11 below. The CITY agrees to pay for nominal water use incurred during the normal meter testing and calibration process.

5. The CITY agrees to apply sanitary sewer service charges, in accordance with rate schedules submitted by the COUNTY to the CITY, to the COUNTY's customers who are provided water service by the CITY and to collect said sanitary sewer charges on the CITY's monthly or quarterly bills. The CITY agrees to bill the water and sanitary sewer charges on a single bill, each charge to be shown separately. The CITY shall not render bills to sub-metered or other special need customers. For the Fiscal Year (beginning October 1, 2022 and ending September 30, 2023, in consideration of the CITY's billing, the CITY deducted and retained for its billing services twelve dollars (\$12.00) for each bill rendered, and for the Fiscal Year beginning October 1, 2023, the CITY shall deduct and retain for its billing services twelve dollars and 55 cents (\$12.55) for each bill rendered, which shall be readjusted annually by the Consumer Price Index (CPI), as measured by the Bureau of Labor Statistics All Urban Consumers for the preceding twelve-month (12) period ending on September 30 of each year, beginning with the first full year following execution of this Agreement. Until that time, the CITY shall continue its present billing practices. The CITY agrees to maintain adequate accounting systems and records to properly reflect the sanitary sewer service charges collected by the CITY for the COUNTY.

The CITY shall provide the following reports:

- A monthly spreadsheet (sent electronically) containing sanitary sewer billing information, which includes, but is not limited to, customer's name, account number, service location, North Miami Beach customer class, account ID, property's folio number, billing frequency, period billed, Equivalent Residential Units (ERUs) and Gallons (GALs) billed, dollar amount billed and credited, and usage rate code.
- Cash collection reports that reconcile to each monthly remittance. The report should include Service agreement type, journal date and distribution code for the month remitted along with all appropriate bill segment detail reports and billing liability reports as well as any other statements in writing that show the net amount owed to the COUNTY by the CITY for the month covered by such statement. The CITY shall provide such documents and the remittance due the COUNTY within thirty (30) days of the end of each monthly period.

Billing and cash collections data and report requirements are subject to change during the term of this Agreement with written approval of both Parties.

6. The Parties agree and warrant that their respective water distribution and

transmission system and any extensions shall be constructed, operated, and maintained in accordance with the requirements of all applicable federal, state, county and other local laws, rules, and regulations. The operation and maintenance of all facilities on the CITY side of the meters shall be the responsibility of the CITY, and the operation of all facilities on the COUNTY's side of the meters shall be the responsibility of the COUNTY. Upon reasonable notice by either Party that the other Party is in violation of this Agreement, the non-noticing Party shall provide the other with access to the applicable distribution and transmission system. Such inspections shall be made at reasonable times and upon reasonable notice in such manner as to least disturb the normal operation of the affected Party.

7. The COUNTY shall own, operate, and maintain metering stations at the points of Emergency Interconnection identified on Exhibit "B," which will measure all potable water delivered by the COUNTY to the CITY. The CITY shall own, operate, and maintain metering stations at the points of Emergency Interconnection identified on Exhibit "B," which will measure all potable water delivered by the CITY to the COUNTY. The metering stations shall be of standard make and type installed in a readily accessible location with checking or calibration devices. The installation shall indicate flow with an error not to exceed plus or minus two percent (2%) of full-scale reading (true accuracy). The Department, at its sole expense, shall check the accuracy of each metering installation once every six (6) months, or at such other time intervals as it may deem appropriate. The Department shall provide the results of the inspection to the CITY's Public Utilities Director no later than thirty (30) days after the meter is checked. The Department shall notify the CITY fourteen (14) calendar days' notice that it will be checking the meters. If the CITY desires to be present for such meter checks, it shall be the City's responsibility to contact the Department and make arrangements to be present. The process of testing the meters does require the use of some water, for which the CITY agrees to pay as part for the regular bills. If found to be in error exceeding two percent (2%) of true accuracy, the meter shall be recalibrated to the satisfaction of the Parties. If such error of more than two percent is discovered, bills for the periods following the prior meter accuracy check shall be adjusted to reflect the quantity of over-read or under-read exceeding two percent (2%). In calculating such billing adjustment, it will be assumed that the meter inaccuracy existed for the entire time interval between meter accuracy tests. The billing adjustment shall be made at the same rate in effect during the period of meter inaccuracy.

8. The CITY may request, and the COUNTY agrees to perform, a meter accuracy test at any reasonable time acceptable to both Parties. If the meter is found to be in error exceeding two percent (2%) true accuracy, it shall be recalibrated as described above and the entire cost for such testing and recalibration shall be paid for by the COUNTY. If the meter is found performing within two percent (2%) true accuracy, the meter accuracy test shall be paid for by the CITY within thirty (30) days of receiving the COUNTY's invoice.

9. In the event of complete or partial failure of any meters to register the CITY's water consumption, the COUNTY may determine the estimated water consumption based on the most recent twelve (12) full months of consumption measured by the meters when they were operating properly, or another method mutually agreed upon by the Department and the CITY. To the extent possible, the COUNTY shall repair all failed meters within thirty (30) days of the determination that the meter has completely or partially failed.

10. It shall be the obligation and duty of the CITY to transmit the water at its own expense from each point of Emergency Interconnection to the place or places of ultimate use and, in so doing, to supply and impart to the water such adequate pressure and flow as may be necessary to provide adequate pressure at all points beyond such points of Emergency Interconnection. Accordingly, the COUNTY shall not be responsible for insufficient pressure, for either domestic

or fire flow service, nor be required to correct any fluctuation in pressure occurring beyond any point of Emergency Interconnection. The COUNTY acknowledges that the COUNTY is responsible for the water pressure and flow up to and at the point of Emergency Interconnection. The COUNTY shall maintain water pressures at the discharge of the COUNTY's water treatment plants in accordance with the established operating procedures. The COUNTY shall provide at least twenty-four (24) hour notice before any planned decrease in pressure that would affect the CITY's ability to deliver services to any CITY customer, is implemented by the COUNTY.

11. The CITY shall pay to the COUNTY, as compensation for the treatment and delivery of all water provided to the CITY, a charge for such service based on a uniform rate for the COUNTY's volume customers in months when there is usage of COUNTY water by the CITY. The rate shall be calculated for each Department fiscal year based on projections from the prior Department fiscal year and based on the sum of the following:

- (a) That portion of all budgeted annual operating and maintenance expenses, including taxes assessed, if any, for the COUNTY's regional water system, divided by the projected total amount of flow used to bill all the COUNTY's water customers over the same time period.
- (b) That portion of the budgeted annual renewal and replacement expenses for the COUNTY's regional water system, divided by the total projected amount of flow used to bill all the COUNTY water customers over the same time period.
- (c) That portion of the COUNTY's budgeted annual interest obligations of outstanding notes and bonds for the COUNTY's regional water system, divided by the projected total amount of flow used to bill all the COUNTY water customers over the same time period.
- (d) That portion of the budgeted annual charge for the amortization of the COUNTY's outstanding notes and bonds for the COUNTY's regional water system, to be consistent with the requirements under law, divided by the total projected amount of flow used to bill all the COUNTY's water customers over the same time period.
- (e) That portion of the budgeted annual charge for customer accounting and service, for the COUNTY's regional water system, divided by the total projected amount of flow used to bill all the COUNTY's water customers over the same time period.
- (f) That portion of projected annual administration and general expenses, for the COUNTY's regional water system, divided by the total projected amount of flow used to bill all the COUNTY's water customers over the same time period.
- (g) That portion of the charge for debt service coverage requirement for bond issues for the COUNTY's regional water system, divided by the total projected amount of flow used to bill all the COUNTY's water customers over the same time period.

12. The COUNTY reserves the right to revise or modify the rate and the method of calculation included in Paragraph 11 as may be approved by the Board of County Commissioners in accordance with applicable law, and upon the Board's approval, the CITY agrees to be bound thereby. The COUNTY will use its best efforts to provide the CITY with a preliminary rate and shall use its best efforts to provide such rate a minimum of six (6) weeks in advance of the effective date of any rate increase. The CITY recognizes and agrees that the adopted rate may differ from the preliminary rate. The CITY recognizes and agrees that the COUNTY intends to implement in the future such charges or rate structures, including but not limited to, peak flow surcharges, as it deems necessary to fairly recover its costs.

13. The COUNTY grants the CITY the right to audit all Department records related to the computation of the rates for each fiscal year. Upon written notice, the COUNTY shall make available for the CITY records at the offices of the Department on an annual basis. In the event that such audit indicates any discrepancy between the rates used by the COUNTY in computing the monthly service charges to the CITY and the amount paid by the CITY determined as a result of the audit, and following the COUNTY's acceptance of the audit findings, the COUNTY shall make an adjustment, for that fiscal year, in the service charges previously paid by the CITY. The audit must be completed on or before the end of each fiscal year for which the rates apply. Adjustments shall not be made for prior fiscal years.

14. Billings for services provided in accordance with this Agreement shall be rendered monthly. Invoices will be mailed by the tenth day of the month following the month for which service has been provided, based on meter readings taken by Department employees on or about the 28th day of each month. Amounts billed on such invoices are due when rendered. In the event the CITY disputes a bill, the CITY shall provide the COUNTY with notice of the reasons for non-payment within thirty (30) days of receipt of the bill and shall escrow such portion of the bill that is disputed in an interest-bearing account. The Parties shall promptly meet and use good faith efforts to resolve the dispute within forty-five (45) days of the notice. Except for any portion of a bill disputed by the CITY, payments not received by the Department on or before thirty (30) days after the postmark date of the bill shall be considered past due. All past due invoices shall be subject to a late charge as established by the COUNTY, such charge to reimburse the Department for costs in processing and otherwise administering late payments. In addition, per annum interest shall accrue on the past due charges including the late charges at the maximum legal rate provided by Florida law for contracts in which no interest rate is specified, for each day, including Saturdays, Sundays, and holidays, from the past due date until the date of receipt by the Department. For purposes of this Paragraph, date of receipt shall be the date of actual receipt by the Department if hand delivered or mailed, or date of transfer to the Department's bank, if electronic funds transfer is used.

15. The COUNTY and the CITY shall resolve any disputes, controversies or claims between them arising out of this Agreement in accordance with the "Florida Governmental Conflict Resolution Act," Chapter 164, Florida Statutes, as amended. This Agreement shall be governed by the laws of the State of Florida. Venue in any proceedings shall be in Miami-Dade County, Florida. Each Party will bear its own attorneys' fees and costs.

16. Any cessation of water services contemplated herein, and any consequences caused by force majeure (defined below), inevitable accident or occurrence or cause beyond the reasonable control of either Party, shall not constitute a breach of this Agreement, and neither Party shall be liable to the other or its inhabitants or customers for any damage resulting from such cessation or interruption of water service. Force majeure shall mean an act of God that includes, but is not limited to, sudden, unexpected or extraordinary forces of nature, such as floods, washouts, storms, fires, earthquakes, landslides, hurricanes, epidemics, explosions or other forces of nature; strikes; lockouts; other industrial disturbances; wars; blockades; acts of terrorism; insurrections; riots; federal, state, CITY, COUNTY and local governmental restrictions, regulations and restraints; military action; civil disturbances; or conditions in federal, state, COUNTY, CITY and local permits.

Neither Party shall be liable for its failure to carry out its obligations under the Agreement during a period when such Party is rendered unable, in whole or in part, by force majeure or inevitable accidents or occurrences to carry out such obligations, but the obligations of the Party or Parties relying on such force majeure shall be suspended only during the continuance of any inability so caused and for no longer period of an unexpected or uncontrollable event, and such

cause shall, so far as possible, be remedied with all reasonable dispatch. It is further agreed and stipulated that the right of any Party to excuse its failure to perform by reason of force majeure shall be conditioned upon such Party giving, to the other Party, written notice of its assertion that a force majeure delay has commenced within ten (10) working days after such commencement, unless there exists good cause for failure to give such notice, in which event, failure to give such notice shall not prejudice any Party's right to justify any non-performance as caused by force majeure unless the failure to give timely notice causes material prejudice to the other Party.

17. In consideration of good and valuable consideration received from the COUNTY, and in consideration of the covenants in this Agreement, the CITY agrees to indemnify and save harmless forever, the COUNTY, its officers, agents and employees to the extent and within the limitations of Section 768.28, Florida Statutes, from all claims, liability, actions, losses, damages, cost and expense, including attorney's fees and the cost of defense incurred at the trial, administrative or appellate level, which may be incurred by the COUNTY, its officers, agents, or employees as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement, including but not limited to, the negligence of the CITY, its officers, employees and agents in connection with the performance of this Agreement. The CITY shall pay all claims, costs, damages, and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the COUNTY, where applicable, including appellate proceedings, and shall pay all costs, judgments and attorney's fees that may issue thereon. However, nothing herein shall be deemed to indemnify the COUNTY from any liability or claim arising out of the negligent performance or failure of performance of the COUNTY. This indemnity provision shall not be construed as a waiver of sovereign immunity.

18. In accordance with the provision of COUNTY Ordinance No. 89-95, as currently in effect and as may be amended or revised in the future, the CITY shall require all new retail users or retail users with a change in use, as defined in the Ordinance, to pay the COUNTY's sewer connection charges. The CITY shall not render water service to any new retail user until a written receipt from the Department is provided to the CITY.

19. In consideration of good and valuable consideration received from the CITY and in consideration of the covenants in this Agreement, the COUNTY agrees to indemnify and save harmless forever, the CITY, its officers, agents and employees to the extent and within the limitations of Section 768.28, Florida Statutes, from all claims, liability, actions, losses, damages, cost and expense, including attorney's fees and the cost of defense incurred at the trial, administrative or appellate level, which may be incurred by the CITY, its officers, agents, or employees as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement, including but not limited to, the negligence of the COUNTY, its officers, employees and agents in connection with the performance of this Agreement. The COUNTY shall pay all claims, costs, damages, and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the CITY, where applicable, including appellate proceedings, and shall pay all costs, judgments and attorney's fees that may issue thereon. However, nothing herein shall be deemed to indemnify the CITY from any liability or claim arising out of the negligent performance or failure of performance of the CITY. This indemnity provision shall not be construed as a waiver of sovereign immunity.

20. Notwithstanding the above, nothing shall create any liability of the COUNTY or the CITY beyond the scope of Section 768.28, Florida Statutes, as currently in effect or as lawfully amended in the future.

21. No rights pursuant to this Agreement shall be assignable by either party unless the other Party agrees in writing, and there shall be no third-party beneficiaries to this Agreement.

22. This Agreement shall be and remain in full force and effect for a period of twenty (20) years from the date of execution of this Agreement, subject to the provisions in the two paragraphs below. The CITY shall comply with the terms and conditions of the Permit issued by the SFWMD and any revisions or modifications to such permit applicable to the CITY. Where the Permit requires reporting of various measures to the SFWMD, or requires actions be taken to the satisfaction of the SFWMD, the CITY shall make such reports or take such actions to the satisfaction of the COUNTY. The COUNTY may enforce any Permit term imposed on the COUNTY against the CITY without need for prior legal or administrative action against the COUNTY by the SFWMD.

The CITY acknowledges that the COUNTY has constructed various facilities for the production and delivery of water to serve the CITY. The CITY acknowledges that, in the event of termination of this Agreement pursuant to this Section, the COUNTY may use such facilities to serve other customers, including direct COUNTY customers if previously agreed by the CITY. In the event that the COUNTY is not able, due to system distribution issues or regulatory constraints, to serve other customers using these facilities as these facilities exist as of the date of termination of this Agreement, the COUNTY shall notify the CITY of such inability, and, one hundred eighty (180) days after receipt of such notice by the CITY, the CITY shall compensate the COUNTY for one-half of the present value, net of depreciation, of such facilities as of the date of termination of this Agreement. Where facilities served both the CITY and other direct COUNTY customers, the amount owed by the CITY shall be one-half the present value, net of depreciation, of such facilities multiplied by the percentage of that facility used by the CITY as opposed to other customers. The Parties shall enter into good faith negotiations as to the exact amount of what is present value, net of depreciation, immediately after the COUNTY notifies the CITY of the inability to use the production facilities.

This Section shall survive termination of this Agreement.

23. If reuse water becomes available, the CITY could grant the COUNTY the right to provide reuse water for non-drinking purposes after mutual agreement to do so, when and only if, necessary infrastructure exists within the CITY, subject to federal, state and local laws and regulations in effect and as may be amended in the future, subject to the issuance of construction permits by the CITY and upon the CITY'S engineer giving approval in writing, which shall not be unreasonably withheld. The CITY agrees to accept and utilize re-use water in lieu of potable water, if such water is provided by the COUNTY, to the extent the use for which the COUNTY is offering such re-use water is permitted by law. Notwithstanding the foregoing, the CITY currently has no infrastructure to accept reuse water nor has any plans to install such infrastructure.

24. All notices required pursuant to the terms hereof may be sent by first class United States Mail, electronic mail, hand delivery or overnight delivery and shall be deemed to have been received by the end of five (5) business days from the proper sending thereof unless proof of prior actual receipt is provided. The Parties shall have a continuing obligation to keep one another apprised of the appropriate persons to whom notices shall be sent. Unless otherwise notified in writing, notices shall be sent to the following addresses:

Miami-Dade County
c/o The Director
Miami-Dade Water and Sewer Department
3071 SW 38 Avenue

Miami, Florida 33146

City of North Miami Beach
c/o Director Public Utilities Department
17050 N.E. 19 Avenue
North Miami Beach, Florida 33162

25. This Agreement shall be governed by and construed according to the laws of the State of Florida, and venue shall be in Miami-Dade County, Florida.

26. This Agreement contains the entire contract of the Parties with respect to the subject matter and replaces and supersedes all prior contracts or understandings, oral or written, with respect to such subject matter, and such contracts or understandings are now void and no longer in effect.

27. If any Section of this Agreement is found to be null and void, the other Sections shall remain in full force and effect.

(SIGNATURES ON THE NEXT PAGE)

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed by their respective officials thereunto duly authorized, all as of the day and year written above.

ATTEST:

JUAN FERNANDEZ-BARQUIN
CLERK OF THE BOARD
AND COMPTROLLER

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: _____
Deputy Clerk
Name: _____

BY: _____
County Mayor
Daniella Levine Cava

Approved as to legal form
and sufficiency:

Assistant County Attorney

ATTEST:

CITY OF NORTH MIAMI BEACH

By: _____
Andrise Bernard, City Clerk

By: _____
Evan S. Piper, Mayor

Approved as to legal form
and sufficiency

City Attorney

RESOLUTION NO. R2024-XX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY REGARDING EMERGENCY WATER INTERCONNECTION AND BILLING OF SANITARY SEWER SERVICE CHARGES; 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.

WHEREAS, pursuant to Chapter 166, *Florida Statutes* and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, on March 8, 2001, the Board of County Commissioners, via Resolution R-213-01, approved an agreement between Miami-Dade County (“MDC”) and the City, through which: (1) MDC would provide water service to the City for a thirty (30) year term, effective March 19, 2001, and (2) the City would provide sanitary sewer billing services for MDC for a ten (10) year term, effective October 1, 2001 (the “Existing Agreement”); and

WHEREAS, on September 29, 2004, MDC and the City entered into Amendment Number One to the Existing Agreement, which provided for a \$400,000 credit to the City by MDC for water improvements to be completed within the City; and

WHEREAS, on February 5, 2013, the Board of County Commissioners, via Resolution R-94-13, approved Amendment Number Two to the Agreement, which extended the City’s provision of sanitary sewer billing services for MDC for three (3) more years and added two (2) three (3) year options to renew; and

WHEREAS, the City and MDC have exercised both three (3)-year options to renew, and a new agreement is necessary at this time; and

WHEREAS, the City and MDC propose to enter into a new agreement regarding emergency water interconnection and billing of sanitary sewer service charges (the “Agreement”) pursuant to the terms in the Agreement; and

WHEREAS, the Mayor and City Commission believe it is in the best interest of the City to approve the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, THAT:

Section 1. The foregoing whereas clauses are true and correct and adopted as the

legislative and administrative findings of the City Commission and made a specific part of this Resolution; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. The Agreement attached as Exhibit “A,” is approved.

Section 3. The City Manager or designee is authorized to do all things necessary to effectuate this Resolution.

Section 4. All Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 7. This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **19th day of March, 2024.**

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

EVAN S. PIPER
MAYOR

(CITY SEAL)

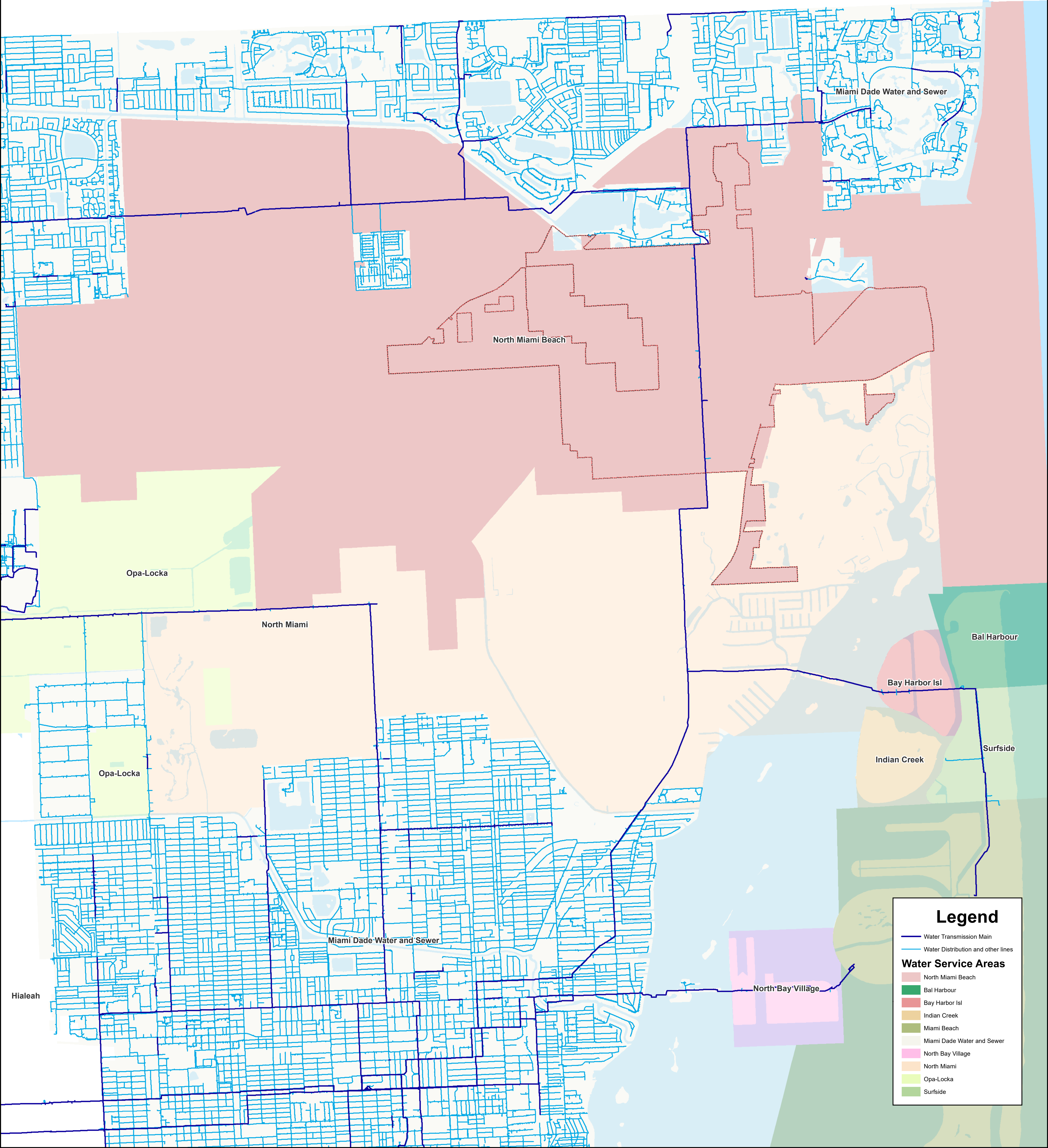
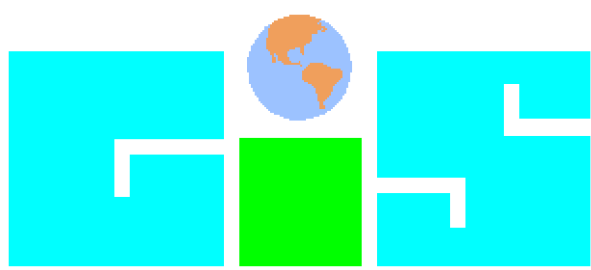
APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored by: City Attorney

MIAMI - DADE WATER AND SEWER DEPARTMENT

City of North Miami Beach Water Service Area



Legend

- Water Transmission Main
- Water Distribution and other lines

Water Service Areas

- North Miami Beach
- Bal Harbour
- Bay Harbor Isl
- Indian Creek
- Miami Beach
- Miami Dade Water and Sewer
- North Bay Village
- North Miami
- Opa-Locka
- Surfside

MDWASD NOTICE
The materials contained herein are provided "AS IS" and may contain inaccuracies. User is advised to utilize the materials herein at User's own risk and to verify the material's accuracy independently and ASSUMES THE RISK OF ANY AND ALL LOSS.
WASD GIS unit: 1/26/2022
NMB1.mxd

0 0.5 1 Miles

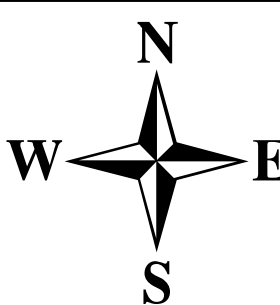


Exhibit B

City of North Miami Beach Interconnections with MDWASD

Address	Meter #	Meter Size
NE 212 ST & Biscayne Blvd	79640278	8"
NE 212 ST & Biscayne Blvd	79640279	8"
NE 36 Ave & 207 ST	78957818	6"
NE 36 Ave & 207 ST	79678122	6"
20700 Biscayne Blvd	78957839	10"
20700 Biscayne Blvd	78640267	4"
20403 Biscayne Blvd	78957810	6"
20403 Biscayne Blvd	78957806	6"
20300 Biscayne Blvd	61679657	6"
19975 Biscayne Blvd	77640272	8"
19975 Biscayne Blvd	1260962	10"
19101 Biscayne Blvd	78957821	6"
18851 NE 29 Ave	80311929	6"
17695 Biscayne Blvd	78957829	6"
17655 Biscayne Blvd	65080519	10"
17655 Biscayne Blvd	65080520	10"
17655 Biscayne Blvd	60913547	2"
17655 Biscayne Blvd	60913541	2"
20101-29 NE 15 CT	79640276	8"
20101-29 NE 15 CT	79640277	8"
19891 NE 24 Ave	64427264	6"
NE 19 CT & 20 Ave @ 199 ST	78957820	6"
NE 19 CT & 20 Ave @ 199 ST	78957894	6"
19700 NE 23 Ave	78957826	6"
19700 NE 23 Ave	60913454	2"
17900 NW 5 Ave	79678121	6"
17900 NW 5 Ave	60878899	2"
19900 NE 10 AVE	58444519	6"
19900 NE 10 AVE	01155877	5/8"
20801 BISCAYNE BLV	11198844	6"
20801 BISCAYNE BLV	78957809	6"
183 ST & NW 5 AVE	79678123	6"

EXHIBIT "C"

ABSOLUTE BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that the City of North Miami Beach, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter called GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, paid and delivered by Miami-Dade County, a political subdivision of the State of Florida, hereinafter called GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does hereby grant, bargain, sell, transfer and deliver unto the GRANTEE, its successors and assigns, that portion of the GRANTOR's sewage facilities installed to provide an additional point of connection located at _____ Street/Avenue in Miami-Dade County.

The GRANTOR hereby assigns and transfers to the GRANTEE all of its rights, title and interest to the following:

- a. Any and all rights, licenses and permits from the Department of the Army Corps of Engineers, State of Florida Department of Environmental Protection or Miami-Dade County Regulatory and Economic Resources Department issued to the CITY in connection with the construction of the sewage facilities.
- b. Any and all other rights, interest, easements, licenses and permits issued or granted by any other governmental authority, person, firm or corporation in connection with the sewage facilities conveyed to the GRANTEE hereunder.

TO HAVE AND TO HOLD the same unto the GRANTEE, its successors and assigns forever. GRANTOR does covenant to and with the GRANTEE, its successors and assigns, that GRANTOR is the lawful owner of the above described; that said property is free from all encumbrances; that GRANTOR has good right to sell the same aforesaid; and that GRANTOR will warrant and defend the sale of the said property unto the GRANTEE, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal this _____ day of _____, 2023.

ATTEST:

CITY OF NORTH MIAMI BEACH

City Clerk

City Mayor



**Appointments
13.1.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Appointing Patricia Abiera to the Commission on the Status of Women (Andrise Bernard, City Clerk)

Description

BACKGROUND None.
ANALYSIS:

RECOMMENDATION: Approval.

FISCAL/ BUDGETARY None.
IMPACT:

ATTACHMENTS:

Description

▣ Patricia Abiera Application



City of North Miami Beach, Florida

APPLICATION FOR COMMISSION ON THE STATUS OF WOMEN

CITY CLERK'S OFFICE

'24 MAR 4 PM1:08

The Commission on the Status of Women shall serve in an advisory capacity to the City Commission, the City Administration, the community, and all agencies and persons in the City of North Miami Beach with respect to all matters pertaining to the status of women, including, but not limited to, discrimination against women, employment of women, education of women, and the establishment of day care centers in the community. The Commission shall attempt to assist others in developing a proper attitude towards women in the community.

(PLEASE PRINT CLEARLY)

1. NAME: Patricia Abiera
2. HOME ADDRESS: 1100 N.E. 154 TUM.
CITY: NMB STATE: FL. ZIP: 33162
3. BUSINESS NAME: —
BUSINESS ADDRESS: —
CITY: — STATE: — ZIP: —
4. CONTACT NO: (HOME) — (BUSINESS) —
CELL: 786-854-6243 EMAIL ADDRESS: pat abiera @ yahoo.com
FAX: —
5. ARE YOU A RESIDENT OF THE CITY OF NORTH MIAMI BEACH OR DO YOU WORK IN THE CITY OF NORTH MIAMI BEACH?
RESIDENT ☒ WORK ☐ (YES OR NO)
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES ☐ NO ☒
7. HIGHEST LEVEL OF EDUCATION AND OCCUPATION:
H.S.N.

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO X
(IF YES, PLEASE STATE THE NAME OF THE EMPLOYEE AND THE DEPARTMENT IN WHICH HE/SHE WORKS: _____)

9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, YEARS SERVED):

PRESENT STATUS: _____

2015 to 2021

1 to 2015

to _____

Retired
Jackson North Hospital
Capt. Gable, Hospital ~ 21 years in
the hospital.

10. HAVE YOU EVER SERVED ON AN ADVISORY BOARD OR COMMITTEE DEALING WITH WOMEN EMPOWERMENT MATTERS (IF SO PLEASE LIST WHERE, WHEN, AND IN WHAT CAPACITY)

No

11. PLEASE STATE YOUR REASON FOR INTEREST IN APPLYING FOR THE COMMITTEE ON STATUS OF WOMEN:

Want to be involved & know the
women powers.

12. PLEASE LIST QUALIFICATIONS, TALENTS, OR EXPERTISE AS IT RELATES TO MEMBERSHIP FOR THIS BOARD:

Easily to learn if, train right.

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 3/4/24 APPLICANT'S SIGNATURE: _____

Patricia A. White

APPOINTMENT DATE: _____ BY _____



**Appointments
13.2.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Appointing Pamela Watson to the Commission on the Status of Women (Andrise Bernard, City Clerk)

Description

BACKGROUND None.
ANALYSIS:

RECOMMENDATION: Approval.

FISCAL/ BUDGETARY None.
IMPACT:

ATTACHMENTS:

Description

📎 Pamela Watson Application



City of North Miami Beach, Florida

APPLICATION FOR COMMISSION ON THE STATUS OF WOMEN

CITY CLERK'S OFFICE

'24 FEB 28 PM1:55

The Commission on the Status of Women shall serve in an advisory capacity to the City Commission, the City Administration, the community, and all agencies and persons in the City of North Miami Beach with respect to all matters pertaining to the status of women, including, but not limited to, discrimination against women, employment of women, education of women, and the establishment of day care centers in the community. The Commission shall attempt to assist others in developing a proper attitude towards women in the community.

(PLEASE PRINT CLEARLY)

1. NAME: Pamela Watson
2. HOME ADDRESS: 1885 NE 177 ST
CITY: NMB STATE: FL ZIP: 33162
3. BUSINESS NAME: _____
BUSINESS ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
4. CONTACT NO: (HOME) 305-948-6687 (BUSINESS) _____
CELL: 786-326-0883 EMAIL ADDRESS: Watsonp@hotmail.com
FAX: _____
5. ARE YOU A RESIDENT OF THE CITY OF NORTH MIAMI BEACH OR DO YOU WORK IN THE CITY OF NORTH MIAMI BEACH?
RESIDENT _____ WORK ☒ (YES OR NO)
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES _____ NO ☒
7. HIGHEST LEVEL OF EDUCATION AND OCCUPATION:
Retired

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO ✓
(IF YES, PLEASE STATE THE NAME OF THE EMPLOYEE AND THE DEPARTMENT IN WHICH HE/SHE WORKS: _____)

9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, YEARS SERVED):

PRESENT STATUS: Retired
_____ to _____
Registered Nurse
_____ to _____
_____ to _____

10. HAVE YOU EVER SERVED ON AN ADVISORY BOARD OR COMMITTEE DEALING WITH WOMEN EMPOWERMENT MATTERS (IF SO PLEASE LIST WHERE, WHEN, AND IN WHAT CAPACITY)

NO

11. PLEASE STATE YOUR REASON FOR INTEREST IN APPLYING FOR THE COMMITTEE ON STATUS OF WOMEN:

Resident of NAB

12. PLEASE LIST QUALIFICATIONS, TALENTS, OR EXPERTISE AS IT RELATES TO MEMBERSHIP FOR THIS BOARD: _____

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID

APPLICATION DATE: 2/28/2024 APPLICANT'S SIGNATURE: R. Watson

APPOINTMENT DATE: _____ BY _____



**Appointments
13.3.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Appointing Lynae Remondino to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

Description

BACKGROUND ANALYSIS: Nominated by Mayor Evan S. Piper

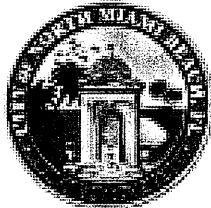
RECOMMENDATION: Approval.

FISCAL/ BUDGETARY IMPACT: None.

ATTACHMENTS:

Description

📎 Lynea Remondino Application



City of North Miami Beach, Florida

APPLICATION FOR CIVIL SERVICE BOARD

The Civil Service Board makes and adopts reasonable rules and regulations governing the administration of civil service of the City of North Miami Beach, including but not limited to, provision for appointments to the classified service, suspension, removal, leave, merit rating, promotion, demotion, appeals and other such matters as the board may deem necessary to the operation of the civil service.

Five (5) members of the civil service board shall be appointed by the City Commission, and shall be qualified electors of the City of North Miami Beach. They shall not, during the term for which they are appointed, be employed in any manner by the City of North Miami Beach. Two (2) employees of the classified service in the City of North Miami Beach shall be elected in the manner provided by regulations of the board to serve as members of the board.

(PLEASE PRINT CLEARLY)

1. NAME: Lynae Remondino
2. HOME ADDRESS: 3745 NE 171st Street, #16
CITY: North Miami Beach STATE: FL ZIP: 33160days
3. BUSINESS NAME: EnhancU
BUSINESS ADDRESS: 3745 NE 171st Street, #16
CITY: North Miami Beach STATE: FL ZIP: 33160
4. CONTACT NO: (HOME) (720) 635-2000 (BUSINESS) 3057910111
CELL: (720) 635-2000 EMAIL ADDRESS: lynae.remondino@gmail.com
FAX: _____
5. ARE YOU A RESIDENT OF THE CITY OF NORTH MIAMI BEACH OR DO YOU WORK IN THE CITY OF NORTH MIAMI BEACH? (YES OR NO) RESIDENT Yes WORK Yes
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES _____ NO X
7. HIGHEST LEVEL OF EDUCATION AND OCCUPATION:
Director level, owner of consulting company.

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO X
(IF YES, PLEASE STATE THE EMPLOYEE'S NAME AND THE DEPARTMENT IN WHICH HE/SHE WORKS: _____)

9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, AND YEARS SERVED):
PRESENT STATUS: Self employed

23 to 24 Founder of EnhancU 10/2023 - Present

20 to 23 Advenir Living, Director of Talent Management, 1/2020 - 7/2020, 3.8 yrs

16 to 19 Equity Residential, Regional Learning Manager, East Coast, 3.5 yrs

10. HAVE YOU EVER SERVED ON AN ADVISORY BOARD OR COMMITTEE DEALING WITH CIVIL SERVICE MATTERS (IF SO PLEASE LIST WHERE, WHEN, AND IN WHAT CAPACITY)
No

11. PLEASE STATE YOUR REASON FOR INTEREST IN APPLYING FOR THE CIVIL SERVICE BOARD:

I am excited to contribute to serving the public in a leadership role. I have a strong desire to grow both as an individual and as a leader. I believe that serving on the board would provide me with an opportunity to contribute to the betterment of the city and make a positive impact on the lives of its citizens.

12. PLEASE LIST QUALIFICATIONS, TALENTS, OR EXPERTISE AS IT RELATES TO MEMBERSHIP FOR THIS BOARD:

I have been active in various community activities for more than 20 years and have 15 years on the operational side of human resources. I am a strong supporter of supporting individuals with disabilities within the workplace and have been a part of various social organizations within my community. I have strong communication and people skills. I have a strong commitment to the city and its citizens. I believe my qualifications and ability to work effectively within the city would be a great asset.

I am decisive, detailed oriented, and have a high level of integrity. I have also been training negotiating skills and conflict resolution courses for more than 15 years.

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 3/4/2024

APPLICANT'S SIGNATURE: _____



APPOINTMENT DATE: _____ BY _____



**Appointments
13.4.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Appointing Dov Katz to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

Description

BACKGROUND Nominated by Vice Mayor Fortuna Smukler
ANALYSIS:

RECOMMENDATION: Approval.

FISCAL/ BUDGETARY None.
IMPACT:

ATTACHMENTS:

Description

📎 Dov Katz Application



City of North Miami Beach, Florida

APPLICATION FOR CIVIL SERVICE BOARD

The Civil Service Board makes and adopts reasonable rules and regulations governing the administration of civil service of the City of North Miami Beach, including but not limited to, provision for appointments to the classified service, suspension, removal, leave, merit rating, promotion, demotion, appeals and other such matters as the board may deem necessary to the operation of the civil service.

Five (5) members of the civil service board shall be appointed by the City Commission, and shall be qualified electors of the City of North Miami Beach. They shall not, during the term for which they are appointed, be employed in any manner by the City of North Miami Beach. Two (2) employees of the classified service in the City of North Miami Beach shall be elected in the manner provided by regulations of the board to serve as members of the board.

(PLEASE PRINT CLEARLY)

1. NAME: Jon Katz
2. HOME ADDRESS: 18320 NE 8th AVE
CITY: NMB STATE: FL ZIP: 33179
3. BUSINESS NAME: You Make Candy LLC
BUSINESS ADDRESS: 633 NE 167th Street (701)
CITY: NMB STATE: FL ZIP: 33162
4. CONTACT NO: (HOME) 305-409-7776 (BUSINESS) _____
CELL: _____ EMAIL ADDRESS: Dave Katz vs @ Yahoo.com
FAX: _____
5. ARE YOU A RESIDENT OF THE CITY OF NORTH MIAMI BEACH OR DO YOU WORK IN THE CITY OF NORTH MIAMI BEACH? (YES OR NO) RESIDENT Yes WORK Yes
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES _____ NO X
7. HIGHEST LEVEL OF EDUCATION AND OCCUPATION: CEO

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO X
(IF YES, PLEASE STATE THE EMPLOYEE'S NAME AND THE DEPARTMENT IN WHICH HE/SHE WORKS: _____)

9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, AND YEARS SERVED):
PRESENT STATUS: _____
6/2020 to 12/2023 Nissan Catering
Present to _____ for make candy
_____ to _____

10. HAVE YOU EVER SERVED ON AN ADVISORY BOARD OR COMMITTEE DEALING WITH CIVIL SERVICE MATTERS (IF SO PLEASE LIST WHERE, WHEN, AND IN WHAT CAPACITY)

No

11. PLEASE STATE YOUR REASON FOR INTEREST IN APPLYING FOR THE CIVIL SERVICE BOARD:

community Service

12. PLEASE LIST QUALIFICATIONS, TALENTS, OR EXPERTISE AS IT RELATES TO MEMBERSHIP FOR THIS BOARD:

my experience running my own Business will be helpful for this board

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 3/5/2024 APPLICANT'S SIGNATURE: 

APPOINTMENT DATE: _____ BY _____



**Appointments
13.5.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Appointing Rosa Lopez to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

Description

BACKGROUND Nominated by Vice Mayor Fortuna Smukler
ANALYSIS:

RECOMMENDATION: Approval.

FISCAL/ BUDGETARY None.
IMPACT:

ATTACHMENTS:

Description

📎 Rosa Lopez Application



City of North Miami Beach, Florida

APPLICATION FOR CIVIL SERVICE BOARD

The Civil Service Board makes and adopts reasonable rules and regulations governing the administration of civil service of the City of North Miami Beach, including but not limited to, provision for appointments to the classified service, suspension, removal, leave, merit rating, promotion, demotion, appeals and other such matters as the board may deem necessary to the operation of the civil service.

Five (5) members of the civil service board shall be appointed by the City Commission, and shall be qualified electors of the City of North Miami Beach. They shall not, during the term for which they are appointed, be employed in any manner by the City of North Miami Beach. Two (2) employees of the classified service in the City of North Miami Beach shall be elected in the manner provided by regulations of the board to serve as members of the board.

(PLEASE PRINT CLEARLY)

1. NAME: Rosa Lopez
2. HOME ADDRESS: 3660 NE 166 St. Apt 715
CITY: North Miami Beach STATE: FL ZIP: 33160
3. BUSINESS NAME: _____
BUSINESS ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
4. CONTACT NO: (HOME) _____ (BUSINESS) _____
CELL: 786-933-0318 EMAIL ADDRESS: RMLOPEZC23@GMAIL.COM
FAX: _____
5. ARE YOU A RESIDENT OF THE CITY OF NORTH MIAMI BEACH OR DO YOU WORK IN THE CITY OF NORTH MIAMI BEACH? (YES OR NO) RESIDENT YES WORK NO
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES _____ NO X
7. HIGHEST LEVEL OF EDUCATION AND OCCUPATION: B.A. in Education; Executive Assistant

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO X
(IF YES, PLEASE STATE THE EMPLOYEE'S NAME AND THE DEPARTMENT IN WHICH HE/SHE WORKS: _____)

9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, AND YEARS SERVED):
PRESENT STATUS: Rudolph Entertainment Inc. / Tapco Restaurant Group LLC Executive Assistant since 2012

2011 to 2012 Self-Employed Tutor
_____ to 2010 Teacher at Chicago Public Schools
_____ to _____

10. HAVE YOU EVER SERVED ON AN ADVISORY BOARD OR COMMITTEE DEALING WITH CIVIL SERVICE MATTERS (IF SO PLEASE LIST WHERE, WHEN, AND IN WHAT CAPACITY)
Not at the government level, but I have served on several boards and committees for PTA/PTSA (Parent Teacher Student Association) at the local, county and state level for 10 years. I held several positions, including: president, vice president, secretary, treasurer, committee member, and committee chair.

11. PLEASE STATE YOUR REASON FOR INTEREST IN APPLYING FOR THE CIVIL SERVICE BOARD:
For many years, my passion has been to serve children & families. This would be a new and interesting way for me to serve my local community.

12. PLEASE LIST QUALIFICATIONS, TALENTS, OR EXPERTISE AS IT RELATES TO MEMBERSHIP FOR THIS BOARD:
My volunteer experience has helped me grow as a servant leader and allowed me to learn the importance of advocacy and civic engagement. I communicate well, am organized and detail-oriented, and I am very familiar with parliamentary procedure.

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 3/12/2024 APPLICANT'S SIGNATURE: Kara Lopez

APPOINTMENT DATE: _____ BY _____



**Appointments
13.6.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Andrise Bernard, MMC, City Clerk
VIA:	
DATE:	March 19, 2024

RE: Appointing Ellis Keeter to the Civil Service Board (Andrise Bernard, MMC, City Clerk)

Description

BACKGROUND Nominated by Commissioner Phyllis Smith
ANALYSIS:

RECOMMENDATION: Approval.

FISCAL/ BUDGETARY None.
IMPACT:

ATTACHMENTS:

Description

📎 Ellis Keeter Application



City of North Miami Beach, Florida

APPLICATION FOR CIVIL SERVICE BOARD

The Civil Service Board makes and adopts reasonable rules and regulations governing the administration of civil service of the City of North Miami Beach, including but not limited to, provision for appointments to the classified service, suspension, removal, leave, merit rating, promotion, demotion, appeals and other such matters as the board may deem necessary to the operation of the civil service.

Five (5) members of the civil service board shall be appointed by the City Commission, and shall be qualified electors of the City of North Miami Beach. They shall not, during the term for which they are appointed, be employed in any manner by the City of North Miami Beach. Two (2) employees of the classified service in the City of North Miami Beach shall be elected in the manner provided by regulations of the board to serve as members of the board.

(PLEASE PRINT CLEARLY)

1. NAME: Ellis Keeter
2. HOME ADDRESS: 3745 NE 171 Street, #20
CITY: North Miami Beach STATE: FL ZIP: 33160
3. BUSINESS NAME: Ellis Keeter, P.A.
BUSINESS ADDRESS: 3745 NE 171 Street
CITY: North Miami Beach STATE: FL ZIP: 33160
4. CONTACT NO: (HOME) N/A (BUSINESS) N/A
CELL: (305) 978-0605 EMAIL ADDRESS: ellis.keeter@gmail.com
FAX: _____
5. ARE YOU A RESIDENT OF THE CITY OF NORTH MIAMI BEACH OR DO YOU WORK IN THE CITY OF NORTH MIAMI BEACH? (YES OR NO) RESIDENT Yes WORK Yes
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES _____ NO X
7. HIGHEST LEVEL OF EDUCATION AND OCCUPATION:
Juris Doctor; Attorney

CITY CLERK'S OFFICE
'24 MAR 13 AM 11:34

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO X
(IF YES, PLEASE STATE THE EMPLOYEE'S NAME AND THE DEPARTMENT IN WHICH HE/SHE WORKS: N/A)

9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, AND YEARS SERVED):
PRESENT STATUS: Ellis Keeter, P.A., Attorney, 10 years

7/22 to 6/23 Beacon Hill Legal, Account Executive, 1 year

1/22 to 6/22 Robert Half Legal, Recruiting Manager, 6 months

7/18 to 1/22 Miami Dade College, Department Chairperson, 3 years 6 months

10. HAVE YOU EVER SERVED ON AN ADVISORY BOARD OR COMMITTEE DEALING WITH CIVIL SERVICE MATTERS (IF SO PLEASE LIST WHERE, WHEN, AND IN WHAT CAPACITY)
Ex Officio member, Paralegal Studies Advisory Board, Miami Dade College, 7/18-1/22
Ex Officio member, Paralegal Studies Advisory Board, Broward College, 8/15-7/18

11. PLEASE STATE YOUR REASON FOR INTEREST IN APPLYING FOR THE CIVIL SERVICE BOARD:
Having served for more than 7 years in higher education public service, I have a strong desire to continue giving back to my local community.
Additionally, I am a member of Alpha Phi Alpha Fraternity, Inc., an organization dedicated to community service.

12. PLEASE LIST QUALIFICATIONS, TALENTS, OR EXPERTISE AS IT RELATES TO MEMBERSHIP FOR THIS BOARD: I have earned a Juris Doctor degree from an accredited law school, and I have been a licensed attorney for 10 years.
In addition, I served as the Department Chair of the Law Center at Miami Dade College, and I was a Professor and Paralegal Studies Program Manager at Broward College.
Throughout my career in the law and in higher education, I have developed skills and expertise in leadership, management, and law, among other qualifications.

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 03/12/2024

APPLICANT'S SIGNATURE: 

APPOINTMENT DATE: _____ BY _____



**Discussion Items
15.2.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Commissioner Phyllis Smith
VIA:	
DATE:	March 19, 2024

RE: Remote Participation (Commissioner Phyllis S. Smith)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- ☐ Memo to Commission for Remote Attendance Policy
- ☐ Remote Participation Policy



City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO: The Honorable Mayor and City Commission

FROM: Mario Diaz, City Manager
John R. Herin, Jr., Interim City Attorney

DATE: Tuesday, November 7, 2023

RE: City Commission & Advisory Board Remote Attendance Policy

On September 27, 2023, the City Commission directed staff to draft a policy that would regulate the remote attendance of Commission and City Advisory Board members.

As a threshold matter, the ability of the City Commission and the City's advisory boards **as a body** to conduct meetings remotely by telephone or platforms such as Google Meet, Microsoft Teams, Cisco Webex, Zoom, **is limited by State law**. Specifically, Section 166.041(4), *Fla. Stat.* states that the affirmative vote of a "**majority of a quorum present**" is necessary for a local government body to take official action. In other words, unless a quorum is **physically present**, no official business can be undertaken by the City Commission or the City's advisory boards. The only exception to this "in-person quorum" requirement is if the Governor declares an emergency and, in that declaration, remote meetings are authorized.

Notwithstanding the emergency declaration related to Covid-19 that authorized such meetings was rescinded by the Governor in 2021, the City's advisory boards were still meeting remotely. Upon being made aware of this, the City Attorney's Office, informed the City staff liaisons and the members of the City's advisory boards that **remote meetings of the entire board** were no longer authorized and that an in-person quorum was required for all meetings moving forward. See AGO 2010-34 n.5-6 (referring to unabridged dictionary and legal dictionary for definition of term "quorum", which included the word "present", and concluding that "a quorum requirement, in and of itself, contemplates the physical presence of the members of a board or commission at any meeting subject to the requirement."). See, *Berkovich v. Casa Paradiso North, Inc.*, 125

So. 3d 938, 941 (Fla. 4th DCA 2013) (“The common usage of the term ‘quorum’ requires the presence of individuals.”) (citing Black’s Law Dictionary 1284 (8th ed. 2004)). Thus, unless the in-person requirement to constitute a quorum has been waived by law or lawfully suspended during a state of emergency, **a quorum of the board must be physically present.** AGO 20-03. This directive is substantially the same to that of my predecessor, Hans Ottinot, as set forth in an email dated May 5, 2021, to the City Commission and senior City staff.

With respect to the ability of **an individual Commissioner’s** or advisory board member’s remote participation in a Commission or advisory board meeting, for over two decades the Florida Attorney General has issued a number of opinions stating that: “Although both the Florida Constitution and the Sunshine Law require that, unless exempt by law, meetings of a government board must be “public meetings” that are “open to the public,” **neither provision requires that members of the public board be physically present during the meeting.** AGO 20-03. Instead, the Attorney General’s Office has observed that a board’s use of electronic media technology to increase public participation in meetings and the use of such media to allow members of a board or commission to participate in a duly noticed public meeting does not necessarily raise Sunshine Law issues, “but rather implicates the ability of a board or commission to conduct public business with a quorum.” See Inf. Op. to Stebbins, December 1, 2015. For example, in AGO 98-28, the Florida Attorney General concluded that a district school board could use electronic media technology to allow a physically absent member to attend a public meeting if a quorum of the members of the board is physically present at the meeting site. A similar conclusion was reached in AGO 02-08, wherein the Attorney General’s office concluded that physically disabled members of the City of Miami Beach Barrier-free Environment Committee **could participate and vote** on board matters by electronic means if they are unable to attend, **as long as a quorum of the members of the board is physically present at the meeting site.”**

The foregoing also appears to be consistent with the advice provided by my predecessors – Jose Smith and Hans Ottinot - and the City Commission’s prior precedent with Comm. Pierre and Comm. Smukler.

Policy Statement:

This policy establishes guidelines for remote participation in all North Miami Beach Boards (including advisory) and City Commission meetings. While the City Commission values involvement, it also recognizes the importance of in-person engagement for the effective functioning of city business.

The following proposed policy aims to balance ensuring the accessibility of City Board meetings and City Commission meetings and the importance of in-person engagement for effective City business. It recognizes that remote participation under normal circumstances should be an exception and not the norm, primarily limited to cases involving illness or significant physical barriers. The City Commission will review and adjust this policy to maintain its relevance and effectiveness.

Scope:

This policy applies to all City collegial body meetings, including advisory Boards and regular meetings, special meetings, and work sessions of the City Commission.

Policy Provisions:

1. *In-Person Attendance:*
 - a. All the City's collegial bodies, including City Commissioners are expected to attend meetings in person whenever possible.
 - b. The City Commission chambers will be the designated meeting location (unless specified otherwise), and Board members and Commissioners must be present unless prevented by illness or physical barriers.
2. *Remote Participation:*
 - a. Remote participation in City collegial body meetings will be allowed only in exceptional circumstances, such as illness or significant physical barriers.
 - b. Requests for remote participation must be made in advance and in writing, detailing the reasons for the request.
3. *Criteria for Remote Participation:*
 - a. Illness: collegial body members who are ill, contagious, or facing a medical condition that makes in-person attendance impractical may request remote participation.
 - b. Physical Barriers: collegial body members facing physical barriers, such as temporary mobility impairments due to accidents or medical conditions, may request remote participation.
 - c. Declared Emergencies: collegial body members may request remote participation during a declared emergency, such as a natural disaster or public health crisis, as authorized by the Governor of Florida.
4. *Approval Process:*
 - a. Requests for remote participation must be submitted to the City Clerk at least 48 hours before the scheduled meeting.
 - b. The collegial body members will review each request and determine whether the circumstances warrant remote participation.
 - c. A majority vote of the collegial body members will decide to approve or deny a request.

5. *Technical Requirements:*

- a. Collegial body members approved for remote participation must have access to appropriate technology to ensure effective communication during the meeting.
- b. The City will provide technical support to ensure the remote participant's connection is stable and secure.

6. *Meeting Participation:*

- a. collegial body members participating remotely are expected to fully engage in the meeting, participate in discussions, and vote on agenda items as required.
- b. Remote participants should follow the same decorum and meeting etiquette rules as in-person attendees.

7. *Quorum Requirement:*

- a. The collegial body must maintain a quorum of in-person members to conduct official business. Remote participants will not be counted toward the quorum.

8. *Public Notice:*

- a. Any collegial body member participating remotely must be identified as such in the meeting agenda and public notices.

9. *Periodic Review:*

- a. This policy will be subject to periodic review by the City Commission to ensure its continued relevance and effectiveness.



**Discussion Items
15.4.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Vice Mayor Fortuna Smukler
VIA:	
DATE:	March 19, 2024

RE: Civility (Vice Mayor Fortuna Smukler)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- ▣ R2007-57
- ▣ R2011-22
- ▣ Excerpts from Robert's Rules of Order

RESOLUTION NO. R2007-57

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RECOGNIZING THE IMPORTANCE OF CIVILITY, DECENCY AND RESPECTFUL BEHAVIOR IN PROMOTING CITIZEN PARTICIPATION IN GOVERNMENT.

WHEREAS, the open exchange of public discourse is essential to the democratic system of government; and

WHEREAS, as a cornerstone of democracy, Americans have observed certain rules of behavior generally known as civility; and

WHEREAS, displays of anger, rudeness, ridicule, impatience, lack of respect, and personal attacks detract from the open exchange of ideas, prevent fair discussion of the issues, and can discourage individuals from participation in government; and

WHEREAS, civility can assist in reaching consensus on diverse issues and allow for mutually respectful ongoing relationships; and

WHEREAS, civility can uplift our daily life and make it more pleasant to live in an organized society; and

WHEREAS, the City, County and Local Government Law Section of The Florida Bar urges the adoption of a pledge of civility by all citizens in the State of Florida.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach hereby adopt this Resolution of Civility and call upon all residents, employees and elected officials to exercise civility toward each other.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this **6th day of November, 2007.**

ATTEST:


SOLOMON ODENZ
CITY CLERK

(CITY SEAL)


RAYMOND F. MARIN
MAYOR

APPROVED AS TO FORM:


HOWARD B. LENARD
CITY ATTORNEY

SPONSORED BY: Councilwoman Phyllis Smith
Mayor and City Council

RESOLUTION R2007-57

RESOLUTION NO. R2011-22

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RE-
EMPHASIZING OUR COMMITMENT TO MAINTAIN
CIVILITY IN THE CONDUCT OF THE PUBLIC'S
BUSINESS.**

WHEREAS, our city officials are the elected leaders closest to the people; and

WHEREAS, our elected city officials are thus in a unique position to have a positive impact on behavior, both individually and collectively; and to lead by example; and

WHEREAS, public and political discourse often results in a confrontational atmosphere that prevents the development of solid solutions to the problems facing our communities; and

WHEREAS, civil and honest public discourse can help all individuals face up to the challenges facing their communities; and

WHEREAS, the Mayor and City Council recommit themselves to building an atmosphere in which each person's opinion is respected and public and political discourse are aimed at confronting the problems facing the community and not at those with whom some disagree.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby commit themselves to maintaining civility in their public and political discourse and hereby pledge their commitment to the following principles:

- Respect the right of all citizens in our community to hold different opinions;

RESOLUTION R2011-22

- Avoid rhetoric intended to humiliate, illegitimize or question the wisdom of those whose opinions are different from theirs;
- Strive to understand differing perspectives;
- Choose their words carefully;
- Speak truthfully without accusation and avoid distortion; and
- Speak out against violence, prejudice and incivility in all of their forms, whenever and wherever they occur.

Section 3. The Mayor and City Council hereby further pledge to exhibit and encourage the kinds of personal qualities that are emblematic of and predominate our communities and society in general: gratitude, humility, openness, passion for service to others, propriety, kindness, honesty, caring, faith, sense of duty, and a commitment to doing what is right.

Section 4. The City Clerk is hereby directed and authorized to send a copy of this resolution to Michael Sittig, Executive Director of the Florida League of Cities.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this **27th day of April, 2011.**

ATTEST:


PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)


MYRON ROSNER
MAYOR

APPROVED AS TO FORM:


DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilwoman Phyllis S. Smith
Mayor and Council

RESOLUTION R2011-22

Excerpts from Robert's Rules of Order

§4:25 The Consideration of a Main Motion: Basic Steps

4:30 Debate must be confined to the merits of the pending question. Speakers must address their remarks to the chair, maintain a courteous tone, and—especially in reference to any divergence of opinion—avoid injecting a personal note into debate. To this end, they must never attack or make any allusion to the motives of members. As already noted, speakers should refer to officers only by title and should avoid the mention of other members' names as much as possible.

§61:6 Dealing with Offenses in a Meeting

61:19 **Protection from Annoyance by Nonmembers in a Meeting; Removal of an Offender from the Hall.** Any nonmembers allowed in the hall during a meeting, as guests of the organization, have no rights with reference to the proceedings (61:6–8). An assembly has the right to protect itself from annoyance by nonmembers, and its full authority in this regard—as distinguished from cases involving disorderly members—can be exercised by the chair acting alone. The chair has the power to require nonmembers to leave the hall, or to order their removal, at any time during the meeting; and the nonmembers have no right of appeal from such an order of the presiding officer. However, such an order may be appealed by a member. That appeal is undebatable (see 24:3(5)(a)). At a mass meeting (53), any person who attempts to disrupt the proceedings in a manner obviously hostile to the announced purpose of the meeting can be treated as a nonmember under the provisions of this paragraph.

61:20 If a person—whether a member of the assembly or not—refuses to obey the order of proper authority to leave the hall during a meeting, the chair should take necessary measures to see that the order is enforced, but should be guided by a judicious appraisal of the situation. The chair can appoint a committee to escort the offender to the door, or the sergeant-at-arms—if there is one—can be asked to do this. If those who are assigned that task are unable to persuade the offender to leave, it is usually preferable that he be removed by police—who may, however, be reluctant to intervene unless representatives of the organization are prepared to press charges.

61:21 The sergeant-at-arms or the members of the appointed committee themselves may attempt to remove the offender from the hall, using the minimum force necessary. Such a step should generally be taken only as a last resort, since there may be adverse legal consequences; and a person who would refuse to leave upon legitimate request may be the type most likely to bring suit, even if with little justification. In cases where possibly

serious annoyance by hostile persons is anticipated—in some mass meetings, for example—it may be advisable to arrange in advance for the presence of police or guards from a security service agency.



Discussion Items
15.6.

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	
VIA:	
DATE:	March 19, 2024

RE: The Recission/Repeal of Resolution R2022-33 (Commissioner Jay Chernoff)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

📎 R2022-33

RESOLUTION NO. R2022-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CENSURING COMMISSIONER BARBARA KRAMER FOR UNACCEPTABLE AND INEXCUSABLE BEHAVIOR EXHIBITED TOWARD HER COLLEAGUES ON THE CITY COMMISSION WHICH SEEKS TO ENCOURAGE DIVISION IN THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach is recognized as a city of diverse and rich cultural heritage where residents are able to share their diverse experience to make the City a better place to live; and

WHEREAS, members of the City Commission have sought harmony among the diverse groups in the City; and

WHEREAS, Commissioner Kramer has made, and continues to make, inflammatory and racially charged comments toward her colleagues on the commission; and

WHEREAS, Commissioner Kramer has referred to Commissioner Michael Joseph as a third of a man, which echoes according to Commissioner Joseph the now removed “three-fifths clause” of the United States Constitution, where black slaves were counted as three-fifths of a white individual; and

WHEREAS, Commissioner Kramer, at public meetings, refers to her Black colleagues as “you people” and constantly yells at them like they are children when comments are made with which she disagrees; and

WHEREAS, Commissioner Kramer constantly used her social media page to attack her Black colleagues by posting racially charged comments from a blogger, who once posted an electronic Blackface of the current African-American City Manager to ridicule the City Manager, and Commissioner Kramer reposted comments from the blogger included calling only Black officials criminals, corrupt and dumb even though these Black officials are not under any criminal investigation; and

WHEREAS, certain members of the City Commission have tried to caution, to no avail, Commissioner Kramer about her unacceptable and inexcusable behavior and she refused to apologize for her behavior; and

WHEREAS, the City Commission finds that approving this resolution is necessary to put Commissioner Kramer on formal notice that her behavior is unacceptable and will not be tolerated by the City Commission of North Miami Beach.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission of the City of North Miami Beach, Florida, that:

Section 1. The above stated recitals are true and correct and incorporated herein by this reference.

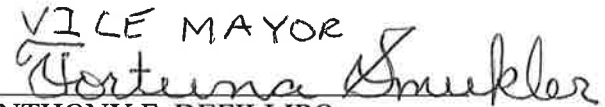
Section 2. The City Commission hereby censures Commissioner Barbara Kramer for the unacceptable and inexcusable behavior which seeks to create division in the North Miami Beach community with racially charged comments toward her Black colleagues.

Section 3. This Resolution shall become effective immediately upon approval.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **15th day of February, 2022.**


ATTEST:


ANDRISE BERNARD, MMC
CITY CLERK

VILE MAYOR
 for
ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION


HANS OTTINOT
INTERIM CITY ATTORNEY

Sponsored By: Commissioner Paule Villard



**City Manager's Report
16.1.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	
VIA:	
DATE:	March 19, 2024

RE: City Manager's Monthly Report (February 2024)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

📎 City Manager's Monthly Report



City Manager

Mario A. Diaz

Weekly Wrap Up

in this
Issue



January 29 - February 2, 2024

Greetings!

It's time once again for our weekly wrap-up, where we highlight the remarkable achievements across our departments. Whether it's providing updates on department projects, identifying challenges and solutions, or evaluating service performance, we're thrilled to showcase the myriad ways our administrative team is leaving a positive impact.

As we highlight the accomplishments of our departments, we eagerly anticipate the opportunity to further build upon these achievements, fostering a culture of productivity and success. The collective efforts of our departments are the driving force behind our progress, and we are excited to see what new heights we can SOAR together in the weeks to come.

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Public Library

This past week marked the successful organization of our 7th annual Literacy Fair, which was a remarkable achievement given our reduced staffing and the absence of Public Affairs support. Undeterred, we took on the challenge of independently promoting the event through video creation and outreach. Our efforts bore fruit as we hosted an award-winning author and four local authors, representing diverse ethnic groups. Providing **113** eye exams, we welcomed **1,287** attendees, surpassing pre-pandemic levels and enhancing the community's quality of life.

The media lab staff excelled in training, achieving top status among labs in New York, California, and Florida, earning recognition from the Foundation and recommendations to FIU and programs in San Diego. Through our digital programs, we guide youth toward future education and careers, exemplifying a financially responsible approach.

The library plays a pivotal role in preserving and providing cultural access, acting as a cultural hub. Future plans include Black History Month and Lunar New Year celebrations, Women's Month events, and collaborative efforts with COSW, showcasing strength, art, and community service.

Community Development

The Community Rating System report has been formally submitted, with acknowledgement of receipt by federal agencies. This report supports our efforts to keep insurance premiums low for our residents. The next step is to begin the process for next year's reporting, including actionable items by the various departments, such as noticing.

Planning completed the draft of the electric vehicle charging ordinance and is bringing this to the Planning & Zoning Board on a rush basis to try to beat pending state pre-emption laws.

Department Updates *Quick Notes*



Water

NMB Water has submitted an application for a new facility generator with funding under the Hazard Mitigation Grant Program (HMGP) for Hurricane Ian. The application is currently under review by a Mitigation Team from the Florida Division of Emergency Management. The process includes an Environmental and Historic Preservation Review.

Economic Development

In an effort to build business relations in the city, this week we went to visit local businesses to connect with business owners and share the opportunity to apply for our **Business Assistance Grant Program** and also share upcoming events and initiatives in the city.

Economic Development Division staff also attended the Miami-Dade County's Economic Development Quarterly Meeting on February 2nd. This meeting was held to discuss initiatives, goals and focus areas of economic development departments throughout the county.

Home Rehabilitation Program- We are currently planning a workshop with program contractors to review program processes and expectations. This will help to ensure our residents receive excellent services in a timely manner.



Human Resources

This week, the Human Resources Department activated the digital job offer process via NeoGov. This implementation enables HR to convey all job offers through a streamlined workflow that includes approvals from both the City Manager and HR. This enhancement is expected to boost productivity and reduce the time required for recruitment.

Collaborating with Miami Dade College, we are working on a program that facilitates our employees in obtaining their CDL through an accelerated class offered by MDC. This initiative aims to enhance employee retention while supporting their professional growth through tuition reimbursement and succession planning.

DEPARTMENT PROJECT UPDATES

Self-funding Health Insurance - Our broker is almost completed with the feasibility study, which is the first step in determining the risk involved in becoming self-funded. The next step would be for Aetna to come and do a presentation to stakeholders on the process and address any questions.

Information Technology

- The frase bot received a total of **171** questions this week. **72** of the questions were answered by frase bot.
- This week the IT department received a total of **53** tickets. We resolved **43** tickets within the week.
- With the help of the public works department, the IT department was able to deploy a 75inch LG smartboard for the NMB library. The LG smartboard allows students to learn collaboratively, access online resources and use educational software.



Building

- ProjectDox is moving along successfully, with inspectors reviewing plans digitally and our permit clerks equally issuing them upon approval.
- The Building Department accepted **76** new permit applications this week, all using the new Project Dox digital review system. **54** permits were issued.



Finance

- Finance printed **182** checks for a total amount of **\$586,350.32**.
- Finance generated and mailed 1099s to participating vendors.
- Finance is developing plans to streamline and automate internal financial processes, i.e., AP invoice processing, customer refunds, journal entry uploads, etc. This effort will create greater efficiencies in delivering customer service and optimize financial planning and reporting systems.



Parks and Recreation

In regards to the registration system, we are now approaching the go-live phase, having successfully incorporated the majority of our activities, facilities, and passes into the system. Rec-Trac serves as a comprehensive registration software and data collection hub, empowering our department to streamline registration procedures for both guests and participants. Once live, residents will have the convenience of accessing and registering for all our program offerings from their phones or electronic devices through the online portal. This seamless process is anticipated to enhance our customer service, propelling our department to the next level.

During the week of January 29th, our Afterschool Program collaborated with the American Red Cross to offer educational sessions designed to empower students in grades 3rd - 5th with the knowledge and skills needed to be prepared and take appropriate actions in the face of potential hazards at home or school. The focus of this particular lesson was strategically tailored to address home fires and other local weather-related hazards, such as hurricanes.

This comprehensive course not only delivered essential safety information but also engaged the students in an interactive and enjoyable learning experience. Through hands-on activities and discussions, children learned practical strategies on staying safe, remaining vigilant, and developing coping mechanisms in challenging situations. The incorporation of real-world scenarios, particularly focusing on home fires and weather-related hazards, heightened the relevance of the content for the students.

This educational initiative provided a commendable opportunity for the children in our program. It not only equipped them with valuable life skills but also fostered a sense of preparedness and resilience. By engaging in a fun and interactive setting, the students were able to absorb the information more effectively, ensuring that they are better prepared to navigate potential challenges in their homes and communities.

CHALLENGES OR RISKS THIS WEEK

On Wednesday, January 31st, our team conducted an in-service training and briefing, bringing the entire team together to review our Department Policies and procedures and discuss a holistic approach to the Indirection of our department. We believe that these efforts will reignite interest and commitment among our staff, bringing us back to the operational standards we strive to maintain.

DEPARTMENT PROJECT UPDATES

Progress in our Snake Creek Canal Beautification projects remains evident, with the ongoing installation of fitness equipment. We aim to maintain a seamless momentum towards the project's completion. Additionally, we have recently awarded Country Bill, a lawn and maintenance contractor, through a Request for Proposal (RFP), the task of cleaning and pruning the palm trees lining both sides of the canal at Snake Creek. This initiative is anticipated to enhance the overall health of the trees and contribute positively to the aesthetic appeal, offering an enjoyable environment for all.





Transit

- Transit had a meeting with the Miami Dade County Department of Transportation and Public Works to discuss route optimization for the BBN (Better Bus Network).

Fleet

- Updated Fleet Dashboard to include weekly serviced vehicles, **42** vehicles serviced this week
- **95%** of vehicles have completed condition assessment.
- Process Changes:
 - Purchase of batteries that are warranted by Napa and AAA, facilitating replacing at any location.
 - reduced stock room space. Ordering parts in limited quantities
- New electronic service request process for city developed, estimated go live date Inside NMB 2/5/24 moved to week of 2/5/24 pending IT support.

DEPARTMENT PROJECT UPDATES

153rd Street Water Main, Drainage and Resurfacing Project

- Project is now **79%** complete.
- Leveling and compaction of the sub-grade is being completed today in preparation for asphalt paving.
- Paving work will be ongoing throughout next week (the week of February 5th, 2023). This paving is expected to be completed by Friday, February 9, 2024.
- MOT devices will be in place and onsite staff will continue to assist in the flow of traffic during this period.
- About **28** days after the completion of the asphalt resurfacing, required striping will be done.
- The project is expected to be completed in the next two months.

35th Avenue Water Main and Road Resurfacing project

- Project is now **95%** complete.
- A first walk-thru of the project was done on Wednesday, January 31, 2024 with the contractor, city staff and engineer of records.
- A few items were highlighted for modification/ adjustments. Also, there are pending customized street identification signs that are being manufactured for this project. There is a lead time of **6** weeks before these signs can arrive on site and be installed. Because of the unique nature of these signs, they are being sourced out of state.

HR Second Floor Renovations

- Project is now **100%** complete
- There will be some customizing of the space being done by staff to ensure the full functionality of the space. As a result, the Facilities Division will be assisting in the preparation and customizing of the space during the week of February 5th. The Certificate of Occupancy has been obtained. Final cleanup and touch ups are underway before move in date. IT is clear to move workstations.

Mishcon Park Artificial Turf

- Site plan approval first read on February 20th and the second read will take place in March 2024. Turf partially layed out. The team is finalizing stitching and markings.
- PSA is working on updated quotes and adding funds to Shaw Contract.
- Allen Park Roof replacement – roofing material is on site and permits are in process.
- Allen Park field light repairs- Permits obtained and work started began on February 1st.
- Library Exterior project, PO created and in the process of scheduling a contractor.

Investigations Division

- An attempted Homicide occurred at 3551 NE 169 St. The Subject has been arrested and a confession has been obtained.
- As it relates to the Aggravated Battery/Retail Theft that occurred at the Walgreens at 791 NE 167 St, a subject has been arrested in Broward on unrelated charges (Battery on LEO, Fleeing & Eluding, Traffic) in possession of pepper spray. An arrest warrant is pending.
- The Tactical Apprehension Team along with the MDPD CSIT, made a stolen scooter arrest and recovered another stolen scooter.
- Another arrest was made in Washington Park relating to a gun charge, in which the gun was seized.

Operations Division

- There has been an increase in motor scooter thefts. Officers were conducting patrol when they observed a motor scooter in the area of 17th Avenue / 172nd Street. Surveillance was conducted, at which time, a stop was conducted. It was revealed that the scooter was reported stolen.
- A reporter, who didn't speak English, approached an officer requesting assistance regarding a burglary to a vehicle that had just occurred. With the use of a translator, officers were able to get the subject description. Officers disseminated the information quickly and were able to locate the suspect in possession of the stolen item(s). The suspect was taken into custody without incident. The property was returned to the victim.
- Detectives Pinillos and Mendez, and Officer Villanueva started the Sergeant Training Program on Thursday, February 1, 2024.

Administration Division

- We held leadership/sensitivity training for command staff, sergeants, and professional staff on Monday, January 29th. It was facilitated by Dr. Richard Holton.

Community Partnership Division

- On January 30, 2024, the Community Policing Unit conducted a detail to address the increase in business burglaries, auto thefts and issues concerning the homeless population.
- On January 31, 2024, Command Staff, Community Policing, Crime Prevention and Communications visited NMB resident Dorothy Elson to celebrate her 101st birthday. Ms. Elson is a current NMBPD Senior Reassurance Member.

DEPARTMENT ASSESS AND IMPROVE EMPLOYEE PRODUCTIVITY

- Officers were educated on the crime stats report provided by Crime Analyst Lee.
- Directed patrol assignments are covered during each roll call briefing.
- Road patrol made **9** arrests, **4** of them being felonies. Road patrol conducted **78** traffic stops, **474** watch orders, **258** footprints, and **186**-night eyes.



City Manager
Mario A. Diaz

Weekly Wrap Up

in this
Issue



February 5 - February 9, 2024

Greetings!

Looking back on an exceptional week at North Miami Beach, we celebrate the incredible optimism, energy, and a renewed sense of commitment to our residents. We continue building on the progress we've made in prior weeks and encourage efficiency, innovation, and ingenuity that will shape the city's future.

I take pride every day that our staff is even more committed to delivering the quality of life for our residents, businesses, and visitors. With our department's collective efforts and commitment to offering excellent service to our stakeholders, North Miami Beach is on its way to becoming a vibrant and thriving city for all. Here's the manager's weekly wrap-up.

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Human Resources

- The department has collaborated with the Higher Education Partnership of Southeast Florida, a coalition of Southeast Florida universities. Together, we are jointly organizing Education Fairs tailored for employers. All member institutions are accredited at the regional level and maintain physical campuses within the area. Our partnership involves coordinating a comprehensive college fair specifically designed for all employees.
- We are actively working to fill vacant positions across various departments. So far, we have filled **19** vacancies and promoted **20** employees in the new fiscal year.
- In partnership with the City Attorney's Office, we are in the process of revising the city-wide Employee Handbook.

Finance

- Check run on February 7, 2024 printed **132** checks for a total amount of **\$1,200,387.39**.
- In preparation for implementation, Finance received initial training on Tyler Technologies' Annual Comprehensive Financial Report (ACFR) Statement Builder, which streamlines the development of statements and the ACFR reporting process. Statement Builder is embedded with the Government Accounting Standards Board (GASB) rules and assists customers with every step in the reporting process. Training is expected to resume Wednesday, February 14th.
- Planning process is underway in preparation for the FY25 budget kickoff meeting scheduled for February 12, 2024.

Community Development

- Planning conducted several pre-application meetings, including for a Chick-fil-A proposed on Biscayne Boulevard.
- Code and PD worked conjointly on 1492 NE 172nd Street. There was a resident that was wanted for several felonies. The bust was captured on Channel 7 and channel 10 news.
- Code reported several vehicles parked on the swale (city property) with either an expired tag or untagged.
- Code completed a night sweep on Wednesday February 7 and observed multiple infractions not typically observed during daylight hours.
- Code removed several portable signs observed on the city right of way.
- Code removed shopping carts from the public right of way.
- Code addressed several close out request from Business Tax Receipt.
- A few of our code officers removed Bulk trash observed on the right of way. Code was unable to determine where the trash derived from.
- The code officers cited and/or educate several residential property owners from placing bulk trash more than 48 hours prior to the pickup date.
- Code will continue to educate the residents to achieve voluntary compliance.

Department Updates

Quick Notes



Building

- The Building Department accepted **68** new permit applications this week, all in digital form. There were **3** additional ROW permits, **2** additional Recertification record, and **1** TCO recorded.
- The Building Department issued **46** permits this week. (This number doesn't include the **1** TCO in the report, nor does it include the **1** Recertification that was issued.)
- The Building Department inspectors completed **226** inspections this week. (This doesn't include the **55** inspections by Code Compliance and the **9** inspections by Zoning.)

Water

Introducing water ongoing projects:

NMB Water will be participating in a project led by the University of Texas at Austin to address EPA-G2022-ORD-H1 (National Priorities: Research on Disinfectants, Disinfection By-Products, and Opportunistic

Pathogens in Drinking Water Distribution Systems). The goal is to better understand the occurrence of opportunistic pathogens and (un)regulated DBPs in drinking water distribution systems and the risk trade-offs between opportunistic pathogens and DBPs in drinking water.

All of the data collected in this project will be kept anonymous. NMB Water's involvement will consist of collecting water samples in the distribution system; collecting sediment samples from a ground storage tank; providing water quality data of the system; and providing feedback on draft materials related to the system, to ensure they are accurate, clear, and relevant. NMB Water is partnering with Carollo Engineering who will provide sampling materials and cover the cost to ship samples for up to three sampling events at up to five locations in the drinking water distribution system, as well as any other sampling and shipping cost required.



Information Technology

The automated help bot in the city website was used by **93** users during the week. The bot received **139** total questions, in which it answered **59** of the queries.

The IT department received a total of **48** tickets by the city staff for the week. The IT staff members were able to resolve **43** of the total tickets within the week time frame.

With the assistance of the Public Works Department, the conference room has a TV set up. The tv will improve the productivity and professionalism during meetings online as well as in person. It has the basic functions of a computer in addition to the capabilities for touchscreen and video recordings.

With the assistance of Public Works Department, a TV monitor is mounted in the new Human Resources Lobby. The TV monitor will display as a information board while people wait by the lobby.

In addition, **2** TVs were also mounted in the lounge room. Both will be used for recreational purposes for staff members to relax in the lounge.

Administration Division

Police recruit, Alan Batista, graduated on Wednesday, February 7 at the Miami-Dade College Police Academy. Recruit Batista served as the class leader, and we plan to onboard him to the police department sometime before the end of the month.

Operations Division

Officer Topper was recognized as the 'Top Cop' for the month of January due to his outstanding productivity. Handling **286** calls for service, initiating **47** traffic stops, completing **4** field interviews, and making **3** arrests, Officer Topper demonstrated exceptional dedication. Additionally, the midnight shift as a whole was acknowledged as the most productive during this period.

Detectives Pinillos and Mendez, and Officer Villanueva started the Sergeant Training Program as of Thursday, February 1, 2024.

Community Partnership Division

On February 2, 2024, Detective Slusher (Peer Support) was inducted into the newly formed Miami-Dade Multi-Agency Peer Support Team (MDMAPST). This team was established to provide support, assistance, and companionship to the dedicated individuals who serve our community.

Crime Prevention completed the Homeland Security Grant Risk Assessment for Yeshiva Toras Emes, Bais Yaakov, Congregation Magen David, Yeshiva Chaim, the Kabbalah Center, and Chabad Shul.

HOW THE DEPARTMENT ASSESSES AND IMPROVE EMPLOYEE PRODUCTIVITY

Officers were educated on the crime stats report provided by Crime Analyst Lee during the roll call briefing. Directed patrol assignments, including road patrol, were covered in the briefing. In the latest updates, road patrol made **15** arrests, **5** of them being felonies. Additionally, they conducted **127** traffic stops, **489** watch orders, **247** foot patrols, and **181** night eyes.



Library

Our department continues to provide services and provide programs that supply the literacy needs of our community. With the arrival of ordered signage, a weeklong project of updating way finding signage from the 1980s to current standards. Creating colorful displays that showcasing carefully selected books that will attract readers based on celebration and interests to display and decorations that will entice them to read, search, celebrate and participate in our programming. Creating a welcoming and attractive atmosphere that leads to personal interest that enhances wellbeing and lifelong learning are an essential part of creating a successful library space. A Love and Kindness celebration for children was delivered for Thursday evening story time. Families learned about the impact of gratitude and being kind to others through stories that reflected those behaviors and showed empathy and kind acts. Language, Motor skill and critical thinking development craft was created to ensure the children were able to put the lesson to practice and commit some of those facts to memory. Planning for future programs and capturing outcome data to debrief with other departments. Purchasing the Black History Month books and tastings, creating Love Photo Display, working with designers for Women's Month Event, meeting with Chinese American Association about the Lunar celebration and attending webinars on cultural grants. We also collaborated with our Friends Committee on future programming needs with the Beautification Committee request for assistance on their Arbor Day / Earth Day celebration event, and the overlapping COSW/ Library Board members on our Women's Month Celebration plans. We also work within our means and that means reusing old artwork since we do not have an artist and cannot pay for a full campaign. Collaboration keeps the focus on meeting the needs of the community, increases our potential as staff and reduces the burden of the work at hand.

PROJECT UPDATES

The library project through IT is moving on the laptop dispenser. A work order has been placed on the movement of desks in order to place the dispenser within range of the front desk staff. That wall has electricity that seems to be working appropriately. The Book Scanner project is being held as we look to move the space. The targeted location is an area compromised by faulty electrical work. We need to receive permission from Passport services to approve the exchange for a new space. We are working with them to ensure that can make the needed transition.

Department
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Economic Development

Home Rehabilitation Program: We are moving forward with the Home Rehabilitation operation by scheduling preliminary assessments for the applicants. Once the applicants pass the assessment, the next phase of the rehabilitation process will begin.



Fleet

- Vehicles Serviced = **42**
- Process to Support Operations Improvement:
 - New electronic service request process for city developed, Inside NMB Quick links updated by IT week of 2/5/24 pending IT support to send communication to the city of new process. Citywide go live data 2/12/24. SOP and communication language submitted to IT 2/8/24.
- Dossier Software P.O. received 2/8/24, scheduling kick-off meeting with vendor.
- Acquire spring pressure machine. This allows us to do transmission repair in house.
- Count of vehicles that have completed a condition assessment:
- Working on adding new vehicles to the system resources based on priority rating.

DEPARTMENT PROJECT UPDATES

153rd Street Water Main, Drainage and Resurfacing Project

- Project is now **95%** complete.
- The asphalt paving has been completed.
- Striping work will be done in the week of March 4th, 2024.
- A first walk-thru of the project was done on Wednesday 7th February 2024 with the contractors and city staff.
- A few items were highlighted for modification/ adjustments. The contractor will be doing the minor adjustments over the next two (**2**) weeks.
- The project is expected to be completed in next two months.

Mishcon Park Artificial Turf

- The onsite drainage is **95%** complete.
- There is a sub-phase of the project which involves the connection of the onsite drainage system to an outfall pipe that leads to Snake Creek Canal. This will serve as an overflow of the drainage system. As a result, the designs for this phase of work is in the permitting with DERM and SFWM. We are working with the designers to ensure that this permitting process is completed in the shortest time possible.
- We will be providing further permit updates as soon as it is available.
- The general onsite work is expected to be completed within a month and a half time.
 - PSA is working on obtaining updated quotes and adding funds to the Shaw Contract.
 - Allen Park Roof replacement – roofing material on site working on permits.
 - Allen Park field light repairs- Repairs completed waiting on FPL.
 - Library Exterior project, PO created and scheduling contractor.



Parks and Recreation

On Friday, February 2nd, our Senior program collaborated with the City of Miramar to participate in the annual Senior Walk 2 Wellness event. The primary focus of this event was to encourage and celebrate the health benefits associated with walking. Participants had the opportunity to come together and engage in a collective effort to promote healthy habits.

The event wasn't just about walking; it also featured several vendors who were actively involved in promoting positive health and wellness. These vendors offered information, resources, and products related to maintaining a healthy and active lifestyle for seniors.

Our seniors program enthusiastically took part in the walk, contributing to the overall spirit of the event. Their participation not only showcased their commitment to health and wellness but also fostered a sense of community among the attendees. The event served as a platform for both physical activity and the exchange of valuable information related to senior well-being.

Participant by Youth:

Highland Park

Total Registered: **63**

Average daily participation: **55**

Uleta Park

Total Registered: **74**

Average daily participation: **67**

Washington Park

Total Registered: **54**

Average daily participation: **50**

Y.E.S Center

Total Registered: **90**

Average daily participation: **86**

INTRAMURAL SPORTS During Season (Basketball)

Allen Park

Total Registered: **51**

Highland Park

Total Registered: **26**

Uleta Park

Total Registered: **20**

Washington Park

Total Registered: **12**

Y.E.S Center

Total Registered: **15**

SENIOR PROGRAMMING

Weekly Attendance: **48**

14 Seniors attended the City of Miramar: Walk 2 Wellness event on February 1, 2024

THEATER

Total number of External Reservations: **1**

Total of City Sponsored productions: **2**

Revenue: **\$5,190.00**

DEPARTMENT PROJECT UPDATES

In the week beginning January 29th, the installation of our Pour in Place playground safety surfacing commenced marking a significant milestone for the Snake Creek Canal Fitness Equipment project. This surfacing is a crucial element, designed to offer a secure and protective environment for our patrons, guarding against potential falls and injuries. As the installation progresses, we are gradually moving towards the completion of the entire project. Once all the fitness stations are finalized, we anticipate an official unveiling, providing our patrons with access to these facilities for their use and enjoyment.





City Manager
Mario A. Diaz

Weekly Wrap Up

in this
Issue



February 12 - February 16, 2024

Greetings! I hope you enjoy this week's weekly wrap-up and the reimagining of content with concise highlights.

As I reflect back on our week, I am proud of all the accomplishments our staff has been making recently. Our team is feeling encouraged by all the support our residents have given us. We continue to strive to be better so that each and everyone in our community can feel seen and valued.

Our highlights this week illustrate our commitment to the community's needs, which, in turn, fosters a strong sense of confidence among our residents and businesses.

As City Manager, I am proud of the various ways North Miami Beach continues to reach new heights as we accelerate our impact.

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Investigations

Detectives are continuing their efforts in identifying additional victims regarding the search warrant served on 02/07/2024.

Why it matters: Due to the media attention, numerous leads came in, and as of this report, **2** victims have been located and linked to their stolen property.

By the numbers: **2** victims have been located and linked to their stolen property.

The big picture: This investigation is making progress in identifying and connecting victims to their stolen property.

What's next: Further investigation will be conducted to identify any additional victims and gather more evidence.

What's new: TIU Detectives and NMB SRT served a search warrant on 02/14/24 regarding an Organized Scheme to Defraud, Illegally Obtaining a Credit Card, and Unlawful Possession of a Stolen Credit Card.

Why it matters: The search warrant was executed to investigate and gather evidence related to a case involving fraud and illegal possession of a stolen credit card, highlighting the importance of combating such criminal activities.

The search warrant was part of an ongoing investigation into an organized scheme to defraud and the unlawful possession of a stolen credit card.

- Officers responded to a standby with DCF where the parent was refusing to open the door. Officers were able to make contact with the parent and upon investigating they determined that three children were being neglected. The parent was placed under arrest and the children were transferred to the custody of DCF.
- Detectives Pinillos and Mendez, and Officer Villanueva started the Sergeant Training Program on Thursday, February 1, 2024. They completed their second week of training.
- Officer Arias completed the FTO Program and was released as a solo officer.
- Officer Camejo completed Phase 3 of the FTO Program and advanced to Phase 4.

Community Partnership

- On February 2, 2024, Det. Slusher (Peer Support) was inducted into the newly formed Miami-Dade Multi-Agency Peer Support Team (MDMAPST). The MDMAPST was established to provide support, assistance, and companionship to the dedicated individuals who serve our community.
- Crime Prevention completed the Homeland Security Grant Risk Assessment for Yeshiva Toras Emes, Bais Yaakov, Congregation Magen David, Yeshiva Chaim, Kabbalah Center and Chabad Shul.

Operations

Crime stats report and patrol updates

Officers were educated on the crime stats report provided by Crime Analyst Lee.

Why it matters: Directed patrol assignments are covered during each roll call briefing.

By the numbers: Road patrol made **10** arrests, **3** of them being felonies. Road patrol conducted **118** traffic stops, **348** watch orders, **124** foot prints, and **155** night eyes.

Public Works

Bus shelter maintenance collaboration

After meeting with 20/20 Media, a site visit was conducted with TechOneGroup for bus shelter installation.

Why it matters: The collaboration with 20/20 Media provides a means to maintain bus shelters and surrounding areas.

The big picture: The proposal from 20/20 Media aims to add advertisements to shelters and share revenue with the city.

What's next: Procurement is reviewing the proposal and installation is scheduled to begin in April 2024.

Fleet

New electronic Fleet Intake Form working well.

Why it matters: This new system allows us to efficiently add new vehicles to the fleet and review their condition.

By the numbers: **36** vehicles have completed a condition assessment.

The big picture: The acquisition of the Intake System Cleaner enables us to clean engine intake and valves in-house.

What's next: Continuing to add new vehicles to the system and review the Police vehicle spreadsheet.

Streamlining data intake process and NPDES reporting

Met with Assistant Director + Stormwater Manager to discuss plan for updating GIS maps and integrating automating inspections with GIS applications to streamline data intake process and NPDES reporting.

Why it matters: Streamlining the data intake process and NPDES reporting can improve efficiency and accuracy in managing stormwater.

The big picture: This initiative aims to leverage GIS technology to enhance stormwater management and reporting.

What's next: The next steps involve implementing the plan and integrating automated inspections with GIS applications.

Artificial Turf Progress Update

The onsite drainage is 100% complete.

Why it matters: The completion of the onsite drainage ensures proper water management.

By the numbers: The field turf installation is **70%** complete.

The big picture: Overall progress on the artificial turf project is on track.

What's next: The field turf installation is expected to be completed by 3/1/24.

Allen Park updates

Roof replacement and field light repairs ongoing.

Why it matters: Ensuring the safety and functionality of facilities.

Economic Development

Networking success at Chamber luncheon

In an effort to build relationships with the business community, we attended the North Miami Beach Chamber of Commerce's monthly luncheon.

Why it matters: This event provided an opportunity to network and promote the Business Assistance Grant Program.

What's next: Continuing to engage with the business community and explore further networking opportunities.

Home Rehabilitation Program Update

We have officially started the first phase of the Home Rehabilitation Program process!

Why it matters: This means that our inspectors are visiting homes to confirm eligibility and move projects forward.

- We have also begun the income certification process.

The big picture: This program aims to improve homes and provide assistance to eligible homeowners.

What's next: We will continue with the inspection and certification process to ensure successful project completion.

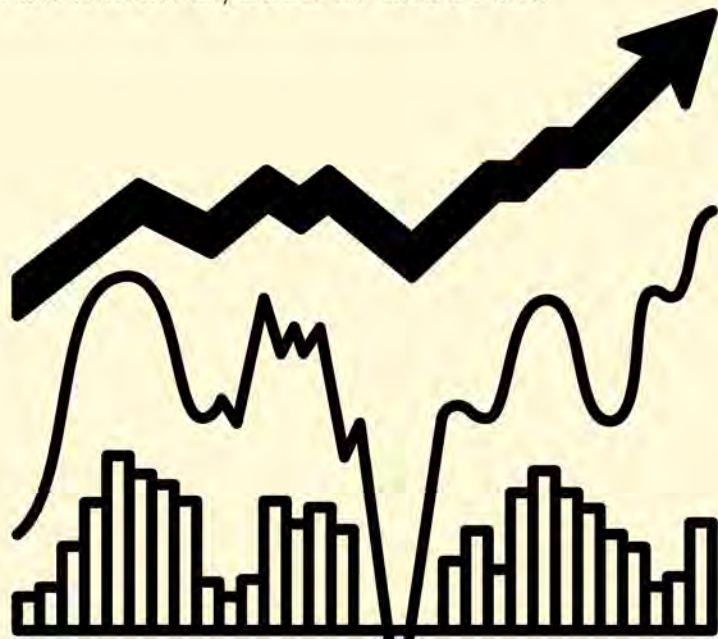
Community event for skill training

The Economic Development division and Career Source South Florida met this week to discuss our upcoming community event.

Why it matters: The session will provide resources for skill training, job search, business services, and youth services.

The big picture: This event aims to support the community by offering valuable resources for skill development and employment opportunities.

What's next: The event will be held at Uleta Park on March 21, 2024 at 10:00 A.M.



Department Updates

Quick Notes



Community Development

Planning meets all deadlines.

Despite losing the planning tech, planning has met all deadlines for permit approvals this week.

By the numbers: 3 special events permits were issued this week.

Finance

By the numbers: On Wednesday, February 14, 2024, Finance processed **216** checks in a total amount of **\$2,875,451.62**.

Human Resources



- The Human Resources department organized a Valentine's Day sundae social for all employees as a means of fostering a positive workplace atmosphere.
- The Risk Management Division held discussions with PGCS and Finance regarding the possibility of pre-funding our workers' compensation claims, a practice adopted by other organizations to enhance turnaround time.
- The Human Resources department extended a warm welcome to Ryan Bernard, our newly promoted team member who has been promoted from within the organization to Human Resources Generalist.

Building

The Building Department accepted **65** new permit applications this week, all in digital form.

Why it matters: This shift to digital applications streamlines the process and improves efficiency.

Note that there were **7** additional ROW permits, **1** additional Recertification record, **1** TCO record, **1** C.O. record & **1** C.C. Record additionally.

By the numbers: The Building Department reviewed **61** records, consisting of new digital permits, existing permits with plans returning from the county and those with submitted corrections.

The bottom line: The Building Department is embracing digital applications to enhance the permit process.

Inspections

By the numbers: Building Department inspectors completed **226** inspections this week. This doesn't include the **55** inspections by Code Compliance and the **9** inspections by Zoning.

Department Updates *Quick Notes*



Water

Norwood water treatment plant progress:

The new 5-million-gallon water storage tank's concrete slab has been placed.

Why it matters: The construction progress signifies improvements in the Norwood Water Treatment Plant.

The erection of the storage tank walls has commenced.

Information Technology

- This week, the help chatbot in the city website encountered **78** total users with **109** questions asked. Of the total number of questions, **47** of them were answered within the week.
- The Information Technology received **36** support tickets from the city staff members. **31** tickets were able to be resolved within the week since the submission.
- A new smart bench has been installed in Victory Park. The smart bench will allow users to charge their phones and use the wi-fi while having a seat to watch over the children.



Library

NMB Library Art & Soul

NMB Library Art & Soul program fosters the arts, engagement and increases the quality of life for the residents.

Why it matters: This program builds community, engages seniors, and provides a cultural break for mothers.

By the numbers: Each week, **18-22** students participate in the two-hour class.

The big picture: This program is taught by our artist in residence and is attended by a varied age and ethnic group of residents.

What's next: The students will have their own art exhibit in June.

Library collaborations and upcoming events

The Library facilitates partnerships and creates cultural programming.

Why it matters: The collaborations help enhance the library's offerings and engage the community.

The big picture: The library is actively working with various organizations to provide diverse events and experiences.

What's next: Upcoming events include the Lunar New Year celebration and a photography presentation.

Parks and Recreation

Valentine's Day Dance Celebration

Our Afterschool Program organized a joyous and exciting celebration in honor of Valentine's Day through our annual Sadie Hawkins Dance.

Why it matters: The event provided a vibrant and festive setting for the participants to come together and enjoy the festivities.

The atmosphere was overflowing with love, appreciation, and camaraderie as the Afterschool participants enjoyed the DJ's music and giveaways.

The bottom line: The Valentine's Day celebration created lasting memories and fostered a sense of community among our Afterschool Program participants.

Intramural basketball season launched

Our Afterschool Program launched the Intramural basketball season, featuring games every Tuesday and Thursday until April 2024.

Why it matters: This ongoing season aims to foster skill development, teamwork, and a sense of community among participants, creating an enjoyable experience within our Afterschool Program.

Participants will have the opportunity to improve their basketball skills, build relationships with teammates, and feel a sense of belonging within the Afterschool Program.

The bottom line: The Intramural basketball season provides an avenue for skill development, teamwork, and community building within our Afterschool Program.

Playground safety surfacing installation

The week of February 5th, we continued the installation of our Pour in Place playground safety surfacing, marking a significant milestone for the Snake Creek Canal Fitness Equipment project.

Why it matters: This surfacing is a crucial element, designed to offer a secure and protective environment for our patrons, guarding against potential falls and injuries.

What's next: As the installation progresses, we are gradually moving towards the completion of the entire project.

- Once all the fitness stations are finalized, we anticipate an official unveiling, providing our patrons with access to these facilities for their use and enjoyment.

The bottom line: The installation of playground safety surfacing is progressing, ensuring a secure environment for our patrons and nearing the completion of the project.

By the numbers:

Y.E.S Center Total Registered: **90**

Average daily participation: **86**

Senior Programming

Weekly Attendance: **55**

Intramural Sports During Season (Basketball)

Allen Park Total Registered: **51**

Highland Park Total Registered: **31**

Uleta Park Total Registered: **21**

Washington Park Total Registered: **12**

Y.E.S Center Total Registered: **15**

Theater

Total number of External Reservations: **2**

City Sponsored productions: **1**

Theater Revenue: **\$10,601.50**



City Manager
Mario A. Diaz

Weekly Wrap Up

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Issue



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February 19 - February 23, 2024

Greetings!

As we conclude the month of February, it is uplifting to witness our vibrant city buzzing with energy. From the enthusiasm of our residents to the optimism of our businesses, dedicated staff, and visitors alike, we are collectively pushing the boundaries of excellence.

Our staff is tirelessly pushing the boundaries of excellence as they continue to make our city SOAR. With them, I look forward to ensuring that city priorities are seen through and that we maintain our commitment to efficacy, innovation, and the value of a culture of care, all aimed at enhancing our residents' well-being.

Here's the City Manager's Weekly wrap-up.



Library

Lunar New Year celebration success

Lunar New Year has been celebrated in NMB Library since 2014, showcasing Asian American culture and building understanding in our diverse community.

Why it matters: This cultural event promotes a sense of belonging and well-being, while exposing communities to the arts.

By the numbers: The event had **1,557** attendees at a low cost of **\$2.56**, providing an added value of **\$7.87** to residents.

The big picture: The library's collaboration with various organizations made this event a success in bringing the community together.

What's next: With positive feedback and attendee excitement, the library plans to continue hosting immersive programs like this.

New Citizenship Application and Testing Procedures

Yolette Francois and Yalilys Perez trained for three hours on the new Citizenship Application and Testing Procedures, as well as content for their citizenship classes.

Why it matters: This update is important for citizenship instructors like Yolette Francois and Yalilys Perez, as it equips them with the knowledge they need to effectively teach their citizenship classes and help applicants navigate the new procedures.

Information Technology

AI assistant helps 91 users

By the numbers: In the past week, the AI assistant on the city website encountered a total of **91** users, with **139** questions raised. Out of these, **64** answers were provided and clicked by the users.

Why it matters: This information is important for the city website administrators and developers as it highlights the effectiveness and user engagement with the AI assistant. It shows that the assistant is successfully assisting users and providing valuable information, improving the overall user experience on the website.

City staff sends 44 tickets

This week, the city staff sent a total of **44** tickets to the Information Technology Department.

Why it matters: Out of the total tickets, **35** have been promptly resolved, ensuring efficient support for the city's operations.

Department Updates

Quick Notes



Economic Development

- In an effort to build business relations in the city, the Economic Development Department attended the ribbon cutting for Playa Bowls.

Home Rehabilitation

- The preliminary inspections have started for the new Home Rehabilitation applicants.

Water

New well installations and updates

Well development for the Floridan is complete, while the Biscayne Aquifer well development is **90%** complete.

Why it matters: These new well installations will enhance the water treatment plant's production capabilities, ensuring a reliable water supply for the targeted communities.

Norwood Water Treatment Plant has successfully completed well development for the Floridan and is now **90%** complete with the well development of the Biscayne Aquifer well.

The bottom line: The completion of well development for the Floridan and near-completion of the Biscayne Aquifer well installation will increase the water treatment plant's capacity, improving access to clean water for the targeted communities.



Community Development

Errors and action items

Our Senior Planner identified errors on a Zoning Letter of Verification and a pre-application review, which significantly impact applicants. We will correct the errors and provide coaching to prevent future mistakes.

Why it matters: These errors have major consequences for the applicants, and it is crucial to address them promptly. By providing coaching and implementing safeguards, we aim to reduce recurring code interpretation mistakes and improve the quality of our reviews.

The big picture: Ensuring accuracy in our processes is essential for maintaining trust with our clients and preserving the integrity of our work as planners.

What's next: We will issue a written warning to the Senior Planner and continue to carry out measures to prevent similar errors. Additionally, we will redistribute responsibilities and prioritize immediate action items to alleviate scheduling issues caused by the departure of the Planning Technician.

CIP PMO Tool Integration Progress

New CIP PMO Tool review with interim CIP Program Manager and team complete.
·Integration process of current active CIP projects, including traffic calming projects, underway.
·ETA for moving all data 2/29/24.

Why it matters: This update is important for the CIP team and stakeholders as it signifies progress in integrating the CIP PMO Tool into their workflow. It streamlines the intake process for future projects and enhances project management capabilities.

The big picture: The integration of the CIP PMO Tool and the inclusion of traffic calming projects broadens the scope of project management within the department.

What's next: The team will continue working on integrating CIP and Traffic Calming Project(s) data and review the process in February 2024.

CIP PMO Tool Integration Progress

The integration process of current active CIP projects into the new CIP PMO Tool has begun, including traffic calming projects. ETA for moving all data is 2/29/24.

Why it matters: This update is important for the CIP team and stakeholders as it signifies progress in streamlining project management and data tracking. It improves efficiency and ensures better management of risk.

By the numbers: No noteworthy numbers were mentioned in the text.

The big picture: The integration of CIP and Traffic Calming Project(s) data into the application demonstrates a strategic effort to consolidate project workflows and enhance overall project management.

What's next: The team will continue working on integrating CIP and Traffic Calming Project(s) data into the application. A review is scheduled for February 2024.

Trolley tracking system update

A trolley-tracking system is being tested that will display available seats, wheelchair spaces, and allow messages to riders about tardiness. The system will be exclusively provided to NMB.

Why it matters: This update is important for NMB riders as it will enhance their experience by providing real-time information and improved communication. It will help riders better plan their trips and avoid inconveniences.

The big picture: This update reflects a commitment towards improving public transportation and meeting the needs of passengers. It showcases the effort to leverage technology for better service.

What's next: The next steps include further testing and potential implementation of the trolley-tracking system. NMB riders can look forward to a more efficient and convenient experience in the near future.

Vehicles serviced: 28

In the latest report for the development of New North, the issues regarding the trolley have not been addressed, despite the previous notice.

Why it matters: This information is important for the residents of New North who rely on the trolley for transportation. The lack of improvement in addressing the trolley issues can negatively impact their daily commute and overall convenience.

By the numbers: According to the report, a total of **28** vehicles have been serviced so far, indicating some progress in maintenance and upkeep.

The big picture: The unresolved issues with the trolley highlight the need for better planning and management in the development of New North, ensuring the residents have reliable transportation options.

Public Works

What's next: It is crucial for the authorities to take swift action and address the trolley issues to improve the overall transportation infrastructure in New North.

Litter picking team goes digital

Awaiting city email from IT to move litter picking team to tablets.

Why it matters: Making the switch to tablets will streamline the litter picking process and improve efficiency for the stormwater/streets/beautification/solid waste team.

Teams from Solid Waste and Beautification recently met to finalize the City Wide Beautification Plan, with an estimated completion date of March 8th, 2024.

The bottom line: The litter picking team is eagerly waiting for the IT email to transition to tablets, which will enhance their performance in keeping the city clean and beautiful.

Water main project nears completion

The 153rd Street Water Main, Drainage and Resurfacing Project is now **97%** complete. The remaining work involves minor striping and minor sod adjustments.

Why it matters: This progress update is important for the residents and businesses near 153rd Street as it indicates that the project is nearing its final stages. It signifies improved infrastructure and enhanced safety in the area.

By the numbers: The project has reached an impressive completion rate of **97%**. This showcases the diligent efforts of the construction team and the commitment to finishing the project on time.

The big picture: The completion of the 153rd Street Water Main, Drainage and Resurfacing Project signifies a significant investment in infrastructure improvements. It aims to enhance water supply and drainage systems, as well as improve overall road conditions in the area.

What's next: In the coming months, the remaining work, including minor striping and sod adjustments, will be completed. The project is expected to be finished, bringing forth the benefits of a revitalized and upgraded infrastructure.

AI Implementation Update

The onsite drainage is 100% complete.

- The connection of the onsite drainage system to an outfall pipe that leads to Snake Creek Canal is in the permitting phase with DERM and SFWM, ensuring completion in the shortest time possible.
- Field turf installation is **80%** complete and will be finished by March 1st, 2024.
- A walk-through is scheduled for the week of March 4th, 2024.
- The project will be fully completed by the end of March 2024.

Why it matters: This progress update is important for the stakeholders of the AI implementation project.

- It signifies the significant completion of key milestones, such as drainage and field turf installation.
- These updates assure the targeted audience of the project's progress and instill confidence in its timely fulfillment.

By the numbers: With the onsite drainage completed and the field turf installation at **80%**, the project is well on its way to realizing its overall vision.

The big picture: The progress made in completing the onsite drainage and field turf installation brings the AI implementation project closer to its successful completion.

What's next: With the completion of the field turf installation by March 1st, 2024, and the scheduled walk-through for the week of March 4th, the focus now shifts to finalizing any remaining tasks and ensuring the project's successful conclusion.

Building resilience in flood zone

Building advised they are unable to confirm Operations center is in flood zone.

Public Works

- Per PM: For contingency, the City should engage a qualified structural engineer if we don't have one on board to review the existing plans and inspect the building to assess its resilience against a CAT5 hurricane.
- The same engineer should also evaluate the compliance of the building with the existing FL building Code and recommend any necessary upgrades.

Why it matters: This information is important for the City officials and emergency management personnel who are responsible for ensuring the functionality and resilience of the Operations center. Assessing the building's resilience against a CAT5 hurricane and ensuring compliance with the FL building Code can help mitigate potential risks and ensure the safety of personnel and critical infrastructure.

The big picture: Despite the Operations Center being in a flood hazard area, it is not in a special flood hazard area, providing a potential alternative option for the Emergency Operations Center (EOC). However, engaging a qualified structural engineer to evaluate the building's plans and compliance is necessary before making any decisions.

What's next: The City will need to engage a qualified structural engineer to review the existing plans, inspect the building, and provide recommendations for resilience against a CAT5 hurricane and compliance with the FL building Code. These assessments will help determine the feasibility of using the building as an alternative EOC.

Finance

By the numbers: Check run February 21, 2024, Finance printed **200** checks in a total amount of **\$3,898,465.74**.

- Since October 1, 2023, Finance received **5,233** invoices. **90%** of invoices were paid within **45** days.

What's new: Finance collaborated with Parks & Recreation on the upcoming RecTrac implementation which is scheduled to go live March 11, 2024.

Budget review sessions and business plans

Finance and TriMerge Consulting Group conducted budget review sessions with individual departments to discuss the City's new model and approach to Program Based Budgeting.

Why it matters: The targeted audience for this article is the City's departments. It matters because these review sessions provide an opportunity for departments to understand and align with the new budgeting approach, ensuring efficient allocation of resources.

What's next: During the next few weeks, as departments prepare their business plans, additional meetings will occur to offer assistance in areas as needed.

The bottom line: The City is actively engaging with departments to carry out Program Based Budgeting, providing support and guidance for the development of their business plans.

Human Resources

Contract negotiations nearing conclusion

Contract negotiations between the City and AFSCME for fiscal year 2023-2026 are nearing conclusion, with both parties presenting proposals during recent meetings in February.

Why it matters: This update is important for employees represented by AFSCME and the City as it signals progress towards a new contract that will shape their working conditions and compensation for the next three years.

The meetings held on February 22nd and 23rd provided an opportunity for both sides to discuss their proposals and come closer to an agreement. The upcoming meeting scheduled for March 5th and 6th is expected to bring further progress.

The bottom line: The contract negotiations between the City and AFSCME for fiscal year 2023-2026 are moving forward, with both parties actively engaged in presenting their proposals and aiming to reach a conclusion soon.

Warm welcome to new team member

We extended a warm welcome to a new team member in our department, who was internally promoted to contribute to recruitment efforts and drive process improvements within the organization.

Why it matters: With the addition of our new team member, we aim to strengthen our recruitment efforts and enhance our organization's overall efficiency.

Our new team member brings valuable expertise in recruitment and process improvement, which will help us streamline our hiring processes and drive growth.

The bottom line: With the promotion of our new team member, we are excited about the positive impact they will have on our recruitment efforts and overall organizational improvement.

Business plan segment progress

What's next: As part of the city's initiative to transition to project-based budgeting, planning stages for the business plan segment of the budget have been initiated.

Why it matters: This information is important for city officials involved in the budgeting process as it highlights progress towards implementing project-based budgeting.

The department has allocated two days a week exclusively for working on the business plan segment, demonstrating a dedicated effort in its development.

Peer review sessions with Finance and Procurement are scheduled in 2 weeks, further validating the progress made in this project.

The bottom line: The city is actively working towards implementing project-based budgeting by making progress in developing the business plan segment of the budget.

New detectives and task force progress

Two new detectives, Fleitas-Betancourt & Dostaly, are progressing well, displaying a positive attitude and eagerness to learn.

Why it matters: This update matters to law enforcement agencies and anyone concerned about crime prevention. The addition of new detectives strengthens investigative capabilities and contributes to community safety.

By the numbers: The DEA Task Force seized **\$200,000** in currency. However, the exact amount pending for the NMBPD is yet to be determined.

The big picture: The development of the State Attorney's Office Human Trafficking Task Force, including the swearing-in of Sergeant Aldo Alfonso, shows a commitment to combatting human trafficking.

What's next: The Tactical Apprehension Team will collaborate with Miami-Dade authorities to address crime trends in the area.

Successful police officer recruitment

We had a successful round of interviews for police officer, police cadet, and police communications officer positions last week. The quality of applicants was highly encouraging, and the best we have had in a while.

Why it matters: This is important for our organization as it ensures that we are able to maintain a strong and capable police force. It also indicates that our recruitment efforts are effective in attracting qualified candidates who are committed to public safety.

The big picture: The recognition of PCO Tonya Hollimon for her outstanding communication skills highlights the importance of effective communication in law enforcement. It serves as a reminder that the ability to de-escalate potentially dangerous situations is a key aspect of ensuring the safety of both officers and the public.

What's next: Moving forward, we will continue our efforts to recruit and retain high-quality individuals to join our police force, as well as provide ongoing training and support to enhance their skills and capabilities.

Police training milestones

Detectives Pinillos and Mendez, and Officer Villanueva completed their third week of Sergeant Training.

Why it matters: This milestone indicates the progress of these officers in gaining leadership skills and knowledge necessary for higher positions within the police department. It showcases their dedication to professional development and potential for advancement.

The big picture: Ongoing training programs like these ensure that the police force is equipped with capable leaders who can effectively manage their teams and serve the community.

What's next: The officers will continue their training, building upon the skills they have acquired so far.

Detective resolves neighborhood dog problem

Animal Control and Detective Utreras worked together to capture and remove seven dogs that were terrorizing the neighborhood.

Why it matters: The timely action taken by Detective Utreras and Animal Control ensures the safety and peace of mind for residents living in the neighborhood.

By the numbers: Seven dogs were captured and removed from the neighborhood after hours of effort.

The big picture: This successful resolution demonstrates the dedication of law enforcement and animal control authorities in addressing community concerns.

What's next: Detective Utreras will continue to monitor the residence until the issue is resolved.

Building Department Update

The Building Department accepted **61** new permit applications this week, all in digital form. There were also **4** additional ROW permits.

Why it matters: This update is important for contractors, developers, and anyone involved in construction projects. It showcases the department's commitment to digital processes and efficiency.

By the numbers: The department conducted **52** reviews of permits filed and those with resubmitted corrections.

The big picture: This update reflects the ongoing modernization efforts in the construction industry and the adoption of digital processes.

What's next: The Building Department will continue to prioritize digital applications and streamline the permit process.

172 inspections conducted in past 4 days

The Building Department Inspectors conducted **172** inspections in the past **4** days, considering Monday was a holiday. The remaining inspections on the report (**26**) were conducted by Zoning & Code Compliance.

Why it matters: These inspections indicate the level of activity and compliance with building regulations in the area. Investors and residents can gain confidence knowing that the authorities are actively ensuring safety and adherence to code.

By the numbers: Out of the **198** total inspections, **172** were performed by Building Department Inspectors, while **26** were conducted by Zoning & Code Compliance.

The big picture: This high number of inspections reflects the commitment of the local government to maintaining safety standards in the area. It also signifies that there may be a high level of construction or development activity happening.

What's next: The Building Department and Zoning & Code Compliance will continue to monitor and conduct inspections to ensure ongoing compliance with building regulations.

Project Dox Permit Issues Update

Several Project Dox issues delayed the approval/satisfaction of digital permits. I.T. and the vendor are working on resolving these problems.

Why it matters: These issues affect the efficiency of the permit process and may cause delays for applicants. It is crucial for the targeted audience, which includes the department staff, contractors, and applicants, to be aware of these ongoing problems and their impact on project timelines.

The big picture: The challenges faced in Project Dox highlight the need for continuous improvement and updates to the permit management system. Streamlining the process and addressing software issues are essential for ensuring smooth operations within the department.

What's next: The I.T. department and the vendor will continue their efforts to resolve the Project Dox issues and enhance the permit management system to ensure a more efficient workflow.

Project Dox Issues Update

Several Project Dox issues delayed the approval/satisfaction of digital permits.

- When a new digital permit record is filed, contacts on record are embedded for notifications.
- However, if a new contact is added, it will not receive notifications.
- This problem is being researched by our I.T. department and the vendor.

Why it matters: These issues affect the efficiency and accuracy of the permit process. Customers and stakeholders may experience delays and missed notifications, leading to potential disruptions or miscommunication.

The big picture: Despite the digital capabilities, the Building Department still relies on paper files. This week, the permit clerk II staff dedicated their efforts to pricing approved files that require physical issuance, reducing clutter and improving efficiency.

Parks and Recreation

Seniors Enjoy Casino Field Trip

On Friday, February 16th, our Senior program experienced a delightful outing as they visited the Hardrock Casino for a field trip.

Why it matters: This excursion promotes exploration of new and engaging local destinations, fostering social interaction, and enjoying communal activities for our senior residents in North Miami Beach.

The big picture: These senior programs play a vital role in enhancing the well-being of our residents, serving as communal hubs where seniors can build meaningful connections and enhance their overall health and wellness.

Career Day Inspires Local Students

On February 16th, students from two local schools participated in a career day and city tour, providing them with an opportunity to explore potential career paths in local government. Four groups of **40** students visited different city departments, including the Parks and Recreation department, where they learned about the department's structure, available positions, and engagement opportunities.

Why it matters: This event enabled the students to gain insight into the workings of local government and exposed them to potential career paths in public service. It served as a valuable opportunity for the city to inspire and engage with the next generation of community leaders.

The big picture: This career day and city tour aimed to connect with the youth, educate them about local government careers, and encourage their participation in community programs.

What's next: The city plans to continue organizing similar educational events to inspire and prepare young minds for future careers in public service.

Recreational programs thrive with strong participation.

Our Recreational programs are thriving with strong registration numbers and daily participation across various locations.

Why it matters: The targeted audience, our community, benefits from our commitment to providing engaging and impactful programs.

These programs have seen significant registration numbers and daily participation, demonstrating the community's interest and involvement.

The bottom line: Our recreational programs have been successful in providing engaging and impactful experiences to our community.

Smart Benches installation success

In the week of February 12th, we successfully completed the installation of Smart Benches at both Highland Village and Victory Park. This project was a collaborative effort involving multiple departments.

Why it matters: The collaboration of various departments led to the successful installation of Smart Benches, providing innovative amenities to the community. This initiative showcases the effectiveness of interdepartmental collaboration and the commitment to enhancing public spaces.

The big picture: The IT department spearheaded the project by identifying the vendor, while the Parks department strategically determined the best locations for the benches. The Public Works department ensured a solid foundation for installation by coordinating the construction of cement pads.

What's next: With the installation complete, the next steps include monitoring the usability and impact of the Smart Benches and considering further expansion across the community.

Afterschool Program
Highland Park
Total Registered: 63
Average daily participation: 55
Uleta Park
Total Registered: 74
Average daily participation: 67
Washington Park
Total Registered: 54
Average daily participation:
-Y.E.S Center
Total Registered: 90
Average daily participation: 86
Weekly Attendance: 125
Intramural Sports During Season (Basketball)
Allen Park
Total Registered: 51
Highland Park
Total Registered: 31
Uleta Park
Total Registered: 21
Washington Park
Total Registered: 12
Y.E.S Center
Total Registered: 15



City Manager

Mario A. Diaz

Weekly Wrap Up

in this
Issue



February 26 - March 1, 2024

Greetings!

As we conclude the first week of March, We remain steadfast in our dedication to ensuring that our community experiences an excellent quality of service.

Looking ahead, our leadership team is actively engaging in identifying strategies to support and promote existing and new programs, while incorporating budget-based metrics that will enable us to make a positive impact in our city.

We are excited about the possibilities and opportunities to further elevate the living experience in North Miami Beach. Thank you for entrusting my team; as we look forward to **SOARING** to greater heights in the days and months to come.

Here's the City Manager's Weekly wrap-up.

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Blue Courage training for North Miami Beach officers

We held training this week for outside agencies, including ours, for Blue Courage peer support.

Why it matters: Blue Courage is a nationally recognized program that aims to improve law enforcement officers' quality of life and work balance.

This program came to North Miami Beach to provide officers with valuable tools and strategies for a better quality of life.

The bottom line: Blue Courage training equips officers with the knowledge and skills to enhance their well-being and work-life balance.

New Officer Joins NMBPD

What's new: We've sworn in a new officer to NMBPD. We are excited to welcome them to the NMBPD family and continue to grow our agency.

Two PPO Officers in Training

- One PPO officer is currently in Phase 5 of FTO. The estimated completion of training is March 6, 2024.
- Another PPO officer is currently in Phase 4 of FTO. The estimated completion date of the training is March 20, 2024.
- Two new officers have been sworn in and are currently undergoing orientation training.

Why it matters: Our department continues to bring in and train new talent, constantly ensuring we are prepared to maintain public safety in NMB.

Major firearms seizure and arrests

New: Officer Henrique Cooper made a traffic stop and recovered **3** high-powered firearms, leading to two arrests. One subject has been involved in a high-profile mass shooting at a banquet hall. One rifle is linked to a possible homicide the day before.

Why it matters: This information is crucial for law enforcement agencies and citizens concerned with public safety. It highlights the success of proactive policing efforts and showcases the dangerous individuals who have been apprehended.

By the numbers: The firearms seizure includes **3** high-powered weapons, one of which has already been linked to a previous homicide.

The big picture: This incident underscores the potential impact that proactive policing can have in preventing violent crimes and saving lives.

What's next: The investigation into the mass shooting and the potential connections to other crimes will continue while law enforcement remains vigilant to prevent further incidents.

Arrest Made, Guns and Cash Seized

The Special Response Team served a search warrant in Eastern Shores, which led to an arrest and the recovery of **3** firearms by a convicted felon, \$89,000 US Currency, and various fraud-related items.

Why it matters: This operation is vital for the safety and security of the community. It resulted in the removal of dangerous weapons and the disruption of fraudulent activities, protecting innocent people and potential victims.

During the search, law enforcement also found evidence of fraudulent activities, indicating a potential network involved in scams or illegal schemes.

The bottom line: The arrest and recovery of firearms and funds clearly show that law enforcement is committed to safeguarding the public by combating crime and ensuring justice prevails.

Road patrol crackdown on crime

Road patrol made **11** arrests, with **7** of them classified as felonies, targeting crime head-on.

Why it matters: The information is important for law enforcement agencies and the local community, as it shows the commitment to maintaining safety and reducing criminal activities.

Road patrol also conducted **106** traffic stops, **378** watch orders, **212** footprints, and **138**-night eyes, providing comprehensive surveillance and investigation.

The bottom line: This demonstrates the effectiveness and dedication of road patrol in keeping the community safe and combating crime.

Upcoming Event

- March 12, 2024 - PACT Meeting at Washington Park Community Center 6:30 pm

Department Updates *Quick Notes*



Water

CIP Construction Kick-off Meeting

The CIP Construction Team held the Eastern Shores Watermain Rehabilitation (Phase 2) kick-off meeting with the Contractor on Tuesday, February 27, 2024.

Why it matters: Site mobilization will begin in April 2024, marking an important step towards rehabilitating the water main and ensuring a safe water supply for the targeted audience.

Community Development

Code Enforcement Update

New actions were taken to enforce city ordinances and maintain community standards.

Why it matters: These efforts aim to improve the quality of life for residents and uphold property standards in the city.

By the numbers: Several violations were addressed, including abandoned vehicles, bulk trash violations, and illegal construction complaints.

The big picture: Code enforcement is crucial in maintaining a safe and visually appealing community.

What's next: Code enforcement will continue to educate residents to achieve voluntary compliance.



Economic Development

Economic Development Department Event

The Economic Development Department attended the ribbon cutting for Soleste NoMi Beach Rentals to build business relations and partnerships.

Why it matters: This event is important for the residents and business owners in the area as it allows for networking opportunities and potential partnerships.

The event took place on February 29, 2024, and provided an opportunity for the Economic Development Department to connect with the local community.

The department engaged with residents and business owners during the event, fostering relationships and exploring potential collaborations.

The bottom line: The Economic Development Department attended an event to facilitate business relations and partnerships, benefiting the local community and creating networking opportunities.

Home Rehabilitation Program progressing

What's next: The preliminary assessment is at its final stages, bringing us one step closer to starting the home improvement project for new applicants.

Why it matters: This progress is crucial for individuals needing home improvements, as it signifies their closer access to a program that can enhance their living conditions and overall well-being.

Department Updates *Quick Notes*



Communications

The Communication division collaborated with the IT department to develop an internal software for managing graphics and printing requests.

Why it matters: This accomplishment streamlines the process, improving workflow efficiency and resource allocation.

Procurement

February Requisitions: \$3.2M Processed

February saw the processing of **95** requisitions, resulting in a total of **\$3,249,000.26** converted into purchase orders.

Active Solicitation Projects

To be Awarded/Recommendation Phase

- RFQ-23-048-KC ESSTD Security Guard Services - STXD selection

Evaluation Phase

- RFQ-23-035-SG Professional Legal Services

Drafting Phase

- Bank Loan Services / Pest Control Services
- RFP-24-006-SG External Financial Auditing Services
- ITB-24-005-SG Multi-Site Wastewater Construction Project



Finance

Finance collaboration and budgeting progress.

Finance collaborated with departments to discuss the methodology for the new Program-Based Budgeting.

Why it matters: Implementing the new budgeting system is important for financial planning and resource allocation.

Finance also continued its collaboration with Parks & Recreation on the implementation of RecTrac, which is on track for its March 11th go-live date.

The bottom line: The progress in collaboration and budgeting implementation shows Finance's commitment to effective financial management.

New Program-Based Budgeting Template

Finance will offer departmental training as needed on using the new Program-Based Budgeting template and training on entering budget data into Munis.

Why it matters: By providing training on the new Program-Based Budgeting template and entering budget data into Munis, Finance ensures that departments can effectively use the new template for better financial planning and decision-making.

CIP PMO Tool integration progress

To improve project management, the CIP team has completed the review of the new CIP PMO Tool with the interim CIP Program Manager and team.

- They have started integrating active CIP projects into the PMO Tool, including traffic calming projects.
- The ETA for moving all data is set for 2/29/24.

Why it matters: This development is important for project managers and stakeholders involved in the CIP and traffic-calming projects. It streamlines the intake process for future projects and enhances overall project management efficiency.

The big picture: Integrating the CIP projects into the PMO Tool signifies a shift toward improved organizational project management practices.

What's next: The next steps involve integrating CIP and Traffic Calming Project(s) data into the application and reviewing the FY25 CIP Workflow Intake and Manage Capital Projects processes.

CIP PMO Tool Integration

The new CIP PMO Tool review with the interim CIP Program Manager and team is complete. The integration process of current active CIP projects (including traffic calming projects) into the PMO Tool has begun.

Why it matters: This integration will streamline the management of current and future capital improvement projects. It will provide a centralized platform for tracking project progress, identifying risks, and ensuring efficient workflow.

The big picture: By integrating CIP and Traffic Calming Project(s) data into the application, the CIP team aims to improve the overall project management process and enhance collaboration.

What's next: The team plans to complete the integration and move all data by February 29, 2024.

New tracking services for trolleys

- Prokel displayed new tracking services that are in the testing phase.
- These services include displaying available seats on trolleys, available wheelchair spaces, and the ability to send messages to riders regarding tardiness.
- The app will be exclusively available to NMB.

Why it matters: This information is important for NMB riders who rely on trolleys for transportation.

- The new tracking services will provide them real-time information about available seating and wheelchair accessibility.
- It will also allow riders to receive important messages about delays or changes in schedule.

The big picture: Introducing new tracking services for trolleys demonstrates a commitment to improving the overall transportation experience for NMB riders.

What's next: The next steps involve further testing and refining the tracking services before their official launch to the public.

97% Complete

The 153rd Street Water Main, Drainage and Resurfacing Project is nearing completion, with **97%** of the work finished. The remaining tasks involve minor striping and minor sod adjustments.

Why it matters: This project has significant implications for the residents and commuters in the area.

- Once completed, it will improve the water infrastructure, drainage, and road conditions.
- This means a smoother and safer experience for everyone.

By the numbers: The project has reached an impressive completion rate of **97%**, highlighting the progress made so far.

The big picture: This project is part of a larger effort to enhance the area's infrastructure. It aims to address the water main, drainage, and resurfacing needs, contributing to the community's overall development and maintenance.

What's next: The remaining work, which involves minor striping and sod adjustments, is expected to be completed within the next few months.

Public Works

Mishcon Park Artificial Turf

The onsite drainage is 100% complete.

- The connection of the onsite drainage system to an outfall pipe is in the permitting phase.
- We are working to expedite the process.

Why it matters: This update is important for the park management and local community, as it signifies progress towards completing the turf installation and improving the field's drainage. It ensures a better playing surface and reduces the risk of flooding.

By the numbers: The field turf installation is **80%** complete, with the remaining work scheduled to be finished by March 1st, 2024.

The big picture: The onsite drainage has been completed, and the project is nearing its final stages. The turf installation and the permitting process for the drainage system connection are key milestones in meeting the project goals.

What's next: A walk-through is scheduled for the week of March 4th, 2024. The project is expected to be completed by the end of March 2024.

Operations Center and Flood Zones

The building was advised that they could not confirm that the operations center was in a flood zone.

- Per PM: For contingency, the city should engage a qualified structural engineer if we don't have one on board to review the existing plans and inspect the building to assess its resilience against a CAT5 hurricane.
- The same engineer should also evaluate the building's compliance with the existing FL building code and recommend any necessary upgrades.

Why it matters: Assessing the Operations Center's resilience and compliance against a CAT5 hurricane is crucial for ensuring the safety and continuity of the City's operations. The lack of confirmation regarding the flood zone status emphasizes the need for a qualified structural engineer to provide a comprehensive evaluation.

The big picture: The Operations Center's location in a flood-hazard area but not a special flood-hazard area provides an alternative option for its use as an EOC. However, a thorough assessment is still necessary to ensure its suitability and identify the potential need for upgrades.

What's next: The City should engage a qualified structural engineer to review and inspect the Operations Center, assess its resilience against a CAT5 hurricane, evaluate compliance with the FL building Code, and recommend any necessary upgrades.

Information Technology

Frase bot's Q&A performance

By the numbers: The frase bot received a total of **133** questions this week.

Why it matters: The bot's ability to answer questions accurately and efficiently is important for users who rely on it to provide information and assistance. In 57 of the questions, the bot used answer click-through to respond, showcasing its learning capability to understand frequently asked questions. As more people use frase bot, it will continue to learn and improve its performance in answering various questions.

The bottom line: Frase bot's performance in answering questions highlights its usefulness and potential for enhancing user experience.

IT department closes 32 tickets

By the numbers: This week, the IT department received **36** tickets and successfully closed **32** of them.

Why it matters: This information is important for the IT department as it highlights their successful resolution of many tickets, improving efficiency and customer satisfaction.

Parks and Recreation

Successful Senior Luncheon!

On February 23rd, our Parks and Recreation Team successfully organized the Monthly Senior Luncheon, generously sponsored by Mount Sinai.

- The event, held at the McDonald Center, welcomed a substantial gathering of **100 – 125** seniors.
- The venue buzzed with activity as attendees actively engaged in and enjoyed the festivities.

Why it matters: The senior luncheon served as a platform for community connection and the provision of essential resources. Participants not only relished the event but also took advantage of the opportunity to learn about maintaining a healthy lifestyle, making it important for their overall well-being and fostering social connections.

By the numbers: The event attracted **100 – 125** seniors, indicating a robust turnout and the community's interest in coming together for valuable resources and social connections.

The big picture: These monthly senior luncheons have become a vital forum for the community to come together, enhancing social connections and providing invaluable resources for our seniors' well-being.

What's next: The success of the senior luncheon encourages the Parks and Recreation Team to continue organizing monthly events, ensuring continued opportunities for community connections and resource provision for our seniors.

A Heart-Healthy Success

On February 25th, the Mayor, Commission, and the Commission on the Status of Women organized the 9th annual Heart Health Walk. Over **500** individuals joined the 2.6-mile stroll beside the Snake Creek Canal, supporting a healthier future.

Why it matters: The Heart Health Walk provided a platform for promoting heart-healthy habits and engaging attendees in CPR demonstrations and interactive activities. This event showcased a commitment to overall health and well-being, appealing to those interested in improving their heart health.

The big picture: The Heart Health Walk highlighted the importance of community and a well-rounded approach to wellness, encouraging a heart-healthy lifestyle for all participants.

What's next: Looking ahead, individuals are inspired to continue practicing heart-healthy habits and supporting future initiatives promoting well-being in the community.

Recreational Programs Thriving

Our Recreational programs thrive with strong registration numbers and daily participation across various locations.

Why it matters: These statistics showcase our commitment to providing engaging and impactful programs for our community, ensuring that our recreational programs meet our targeted audience's needs and interests.

Mishcon Park Transformation Progresses!

The capital improvement project at Mishcon Park, involving the installation of artificial turf, is steadily progressing, bringing us closer to the completion of this transformative initiative.

Why it matters: This marks a significant milestone for our city, as Mishcon Park will soon be the first in our inventory to feature artificial turf. This addition not only enhances the park's overall aesthetic appeal but also introduces a unique and exciting amenity that sets our city apart.



By the numbers:

Afterschool Program

Highland Park Total Registered: **63**

Uleta Park Total Registered: **74**

Washington Park Total Registered: **54**

Y.E.S Center Total Registered: **90**

Senior Programming

Weekly Attendance: 125

Intramural Sports During Season (Basketball)

Allen Park Total Registered: **51**

Highland Park Total Registered: **31**

Uleta Park Total Registered: **21**

Washington Park Total Registered: **12**

Y.E.S Center Total Registered: **15**



**City Manager's Report
16.2.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	
VIA:	
DATE:	March 19, 2024

RE: NMB Water Updates & Highlights (February 2024)

Description

BACKGROUND

ANALYSIS:

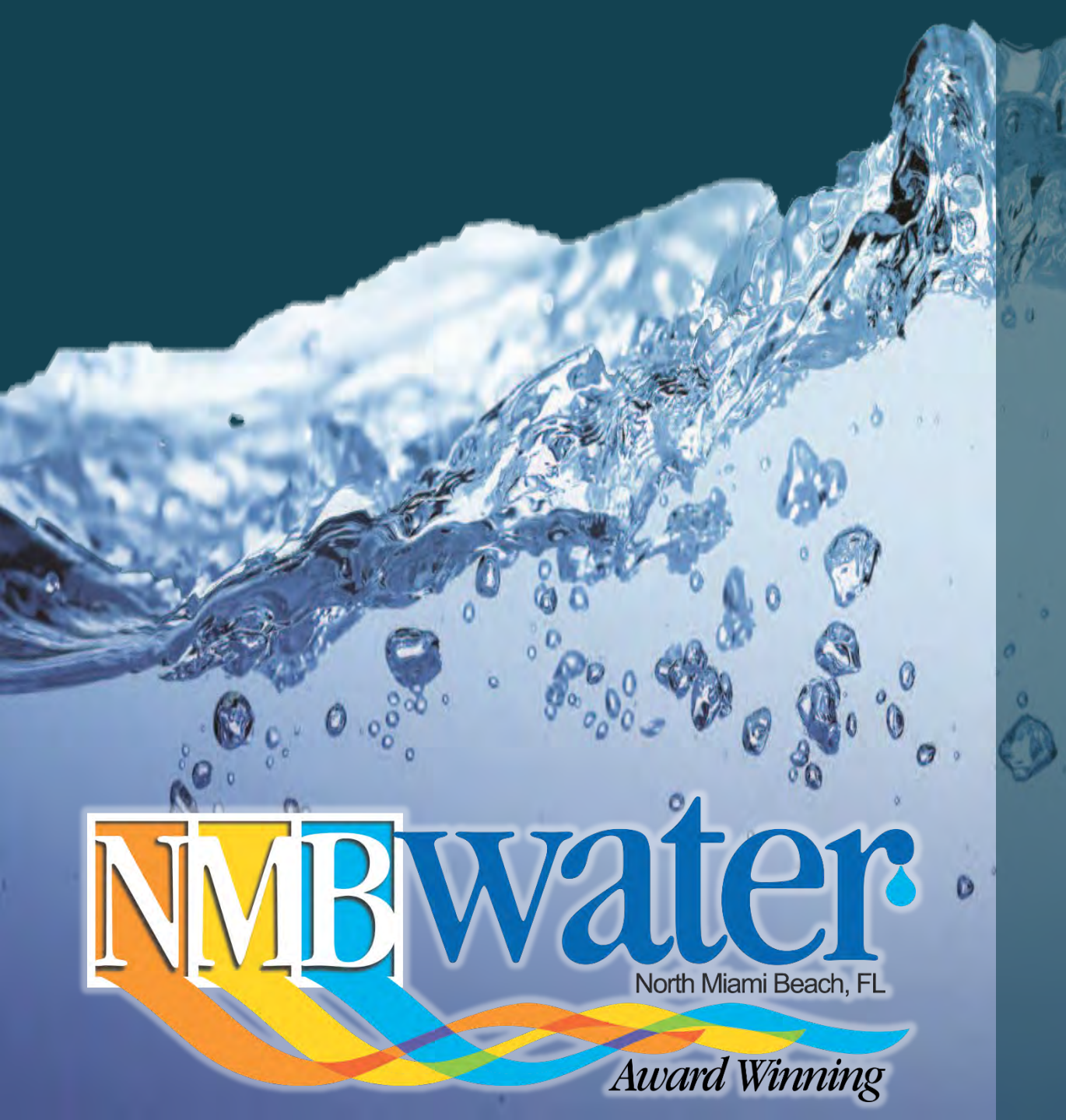
RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

📎 NMB Water Updates & Highlights Feb 2024



NMB Water Updates & Highlights

A vertical graphic on the left side of the slide showing a splash of water against a light blue background.

AGENDA

1. Capital Improvement Program Updates
2. Customer Service Update
3. Community Outreach Update
4. Engineering Department Update

Capital Improvement Program

UPDATES



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CIP Program Updates

- **Sunny Isles Beach Watermain Replacement**
 - The CIP is currently evaluating the Contractor Bids and will be issuing a recommendation in March.
- **System-Wide Watermain Replacement – Pinetree Park North**
 - The NMB City Commission approved the award of a Design, Permitting, and Construction phase services contract for approximately 19,000 linear feet of watermain.
- **Eastern Shores Watermain System Rehabilitation (Phase 2)**
 - The CIP Construction Team held the kick-off meeting with the Contractor on February 27.
 - Site mobilization is anticipated to begin April 2024.

A vertical graphic on the left side of the slide showing a splash of water against a light blue background.

CIP Program Updates

- **Operations Center Pump Station Improvements**
 - The Award Recommendation was approved at the City Commission meeting agenda February 20, 2024.
 - The CIP Team has now begun the Purchase Order process.
- **Bell Gardens Force Main Replacement**
- **Master Pump Station #4 Force Main Re-Routing**
 - The CIP Team is currently waiting for the funding agency to approve the Bid denouncements before the City issues the Invitation To Bid (ITB).

Customer Service

UPDATE



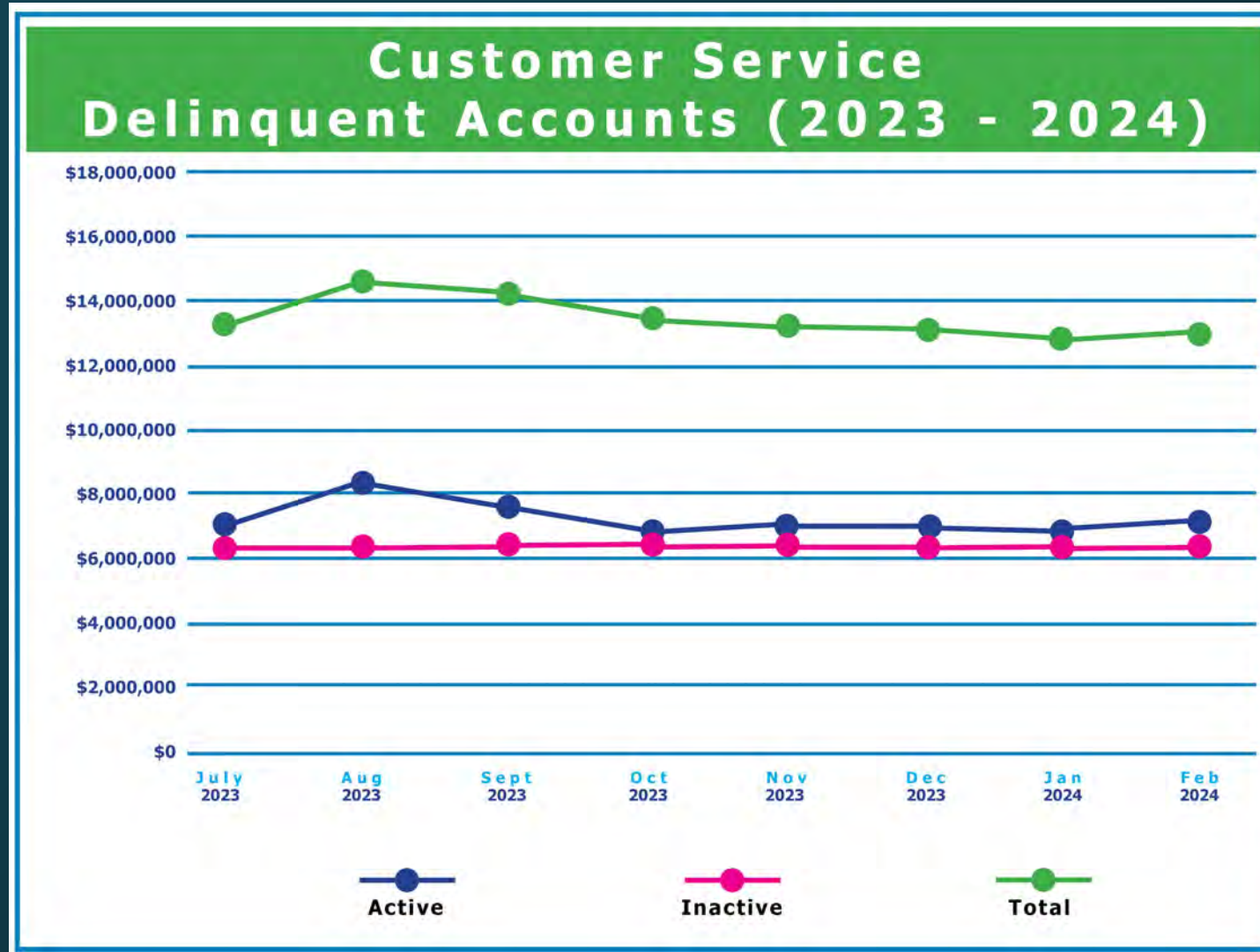
Customer Service Update

- Comparison of debt from previous months

Month	Active	Inactive	Total
July	\$6,860,708.08	\$6,379,803.51	\$13,240,511
August	\$8,272,119.59	\$6,407,595.41	\$14,679,715
September	\$7,700,916.22	\$6,368,793.96	\$14,069,710
October	\$6,920,326.59	\$6,562,917.26	\$13,483,243
November	\$7,033,866.83	\$6,266,266.20	\$13,300,133
December	\$6,945,028.85	\$6,134,894.64	\$13,079,923
January	\$6,358,186.25	\$6,113,483.35	\$12,471,669
February	\$7,568,349.41	\$6,111,574.68	\$13,679,924

Customer Service Update

- Comparison of debt from previous months



A vertical graphic on the left side of the slide showing a splash of water against a light blue background.

Customer Service Update

➤ Total Open Accounts

- We currently have 34,204 open accounts.
 - Up 6 accounts since January

➤ Total Open Accounts

- 7,490 accounts are delinquent with a balance of \$25 or greater.
- 332 accounts have a balance ranging from \$0.01 to \$24.99.
- 26,382 accounts are in good standing.

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Customer Service Update

- **NMB – Open Delinquent Accounts**
 - \$2,379,633.38
- **Outside NMB – Open Delinquent Accounts**
 - \$5,188,716.03

Community Outreach

UPDATE



Community Outreach Update

- 2024 Drop Saver Contest
 - We had 65 student entries this year!
 - 3 winners were sent to the State competition sponsored by the Florida chapter of the American Water Works Association!



Upcoming Community Outreach

- 2024 Golf Classic (March 22)
 - The tournament is completely SOLD OUT!
 - We have 144 golfers competing this year!
 - All sponsorships packages are also SOLD OUT!

2nd Annual NMB Water Charity Golf Classic
To Benefit the "We Care To Share" Bill Payment Assistance Program
Friday, March 22, 2024
Miami Shores Country Club
10000 Biscayne Blvd., Miami Shores, FL 33138
Registration: 11:00 AM - 12:30 PM
Shotgun Scramble Start: 1:00 PM
Awards Dinner: 6:00 PM

SPONSORSHIP PACKAGES

"Blu" Title Sponsor (3) • \$5,000
Amenities Package: Logo on sponsor sign, course and hole signage at two (2) holes, recognition on all event materials (web site, social media, and distribution of your company materials/merchandise). Also includes two (2) corporate foursomes with green/cart fees, unlimited course refreshments, goody bags and awards dinner.

Videographer Sponsor (1) • \$4,000
Amenities Package: Logo on sponsor sign, course and hole signage at one (1) hole, recognition on all event materials (web site, social media, and distribution of your company materials/merchandise). Also includes two (2) corporate foursomes with green/cart fees, unlimited course refreshments, goody bags and awards dinner.

Liquor Sponsor (1) • \$4,000
Amenities Package: Logo on sponsor sign, course and hole signage at one (1) hole, recognition on all event materials (web site, social media, and distribution of your company materials/merchandise). Also includes two (2) corporate foursomes with green/cart fees, unlimited course refreshments, goody bags and awards dinner.

Dinner Sponsor (5) • \$2,500
Amenities Package: Logo on sponsor sign, course and hole signage at one (1) hole, recognition on all event materials (web site, social media, and distribution of your company materials/merchandise). Also includes two (2) corporate foursomes with green/cart fees, unlimited course refreshments, goody bags and awards dinner.

Beverage Station Sponsor (4) • \$1,750
Amenities Package: Signage at station, your staff at the station, recognition on all event materials (web site, social media, and distribution of your company materials/merchandise).

Hole Sponsor (Unlimited) • \$1,250
Amenities Package: Signage at one (1) hole, your staff at the hole, recognition on all event materials (web site, social media, and distribution of your company materials/merchandise). Also includes one (1) corporate foursome with green/cart fees, unlimited course refreshments, goody bags and awards dinner.

Foursome • \$800
Amenities Package: One (1) corporate foursome with green/cart fees, unlimited course refreshments, goody bags and awards dinner.

Putting Contest Sponsor - \$500 **Longest Drive Sponsor - \$500**
Clothes Sponsor - \$500

The NMB Water "We Care To Share" program was created to assist qualified customers who are experiencing difficulties paying their utility bills. This program is funded exclusively through voluntary contributions and this golf tournament.

WE CARE TO SHARE
All unpaid bills have a solution.

Deadline to Register
Friday, February 16, 2024

NMBwater
NMB Water Services, Inc.
Award Winning

Engineering Department

UPDATE



Engineering Department Update

➤ Engineering Design Team

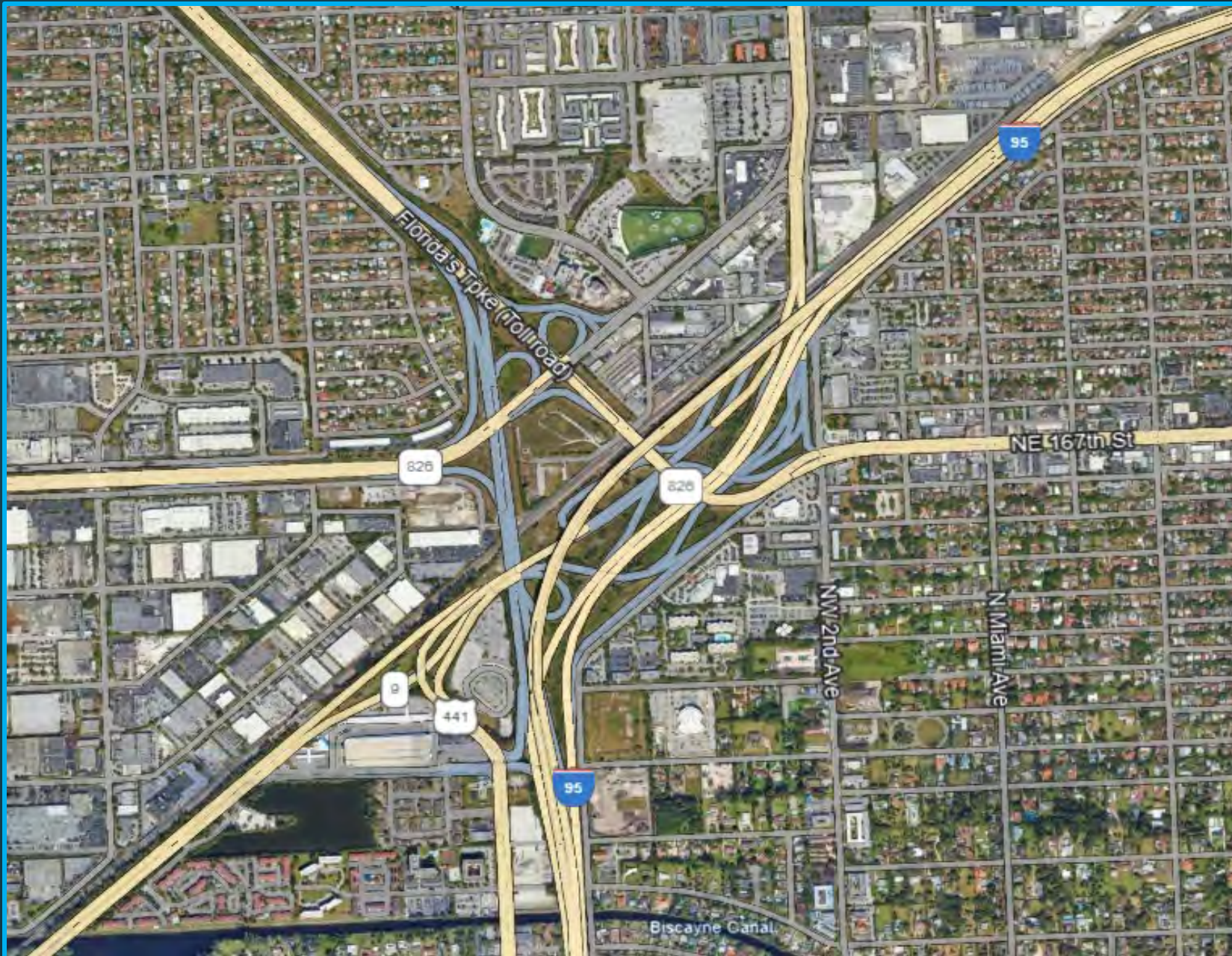


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Engineering Department Update

- **Golden Glades Interchange Improvements**
 - Historical perspective – 1980's to Present
 - In-house infrastructure improvement design team
 - FDOT Golden Glades Interchange improvement – 8-year project!
 - NMB Water facilities adjustments updates
 - Design: 5 sub-projects
 - Various water line relocations due to conflicts
 - Various water line removals due to conflicts
 - Over 3,000 LF of new 4", 6", 8" water mains
 - Construction: in-house crews
 - Future CIP projects
 - Support in-house construction crews

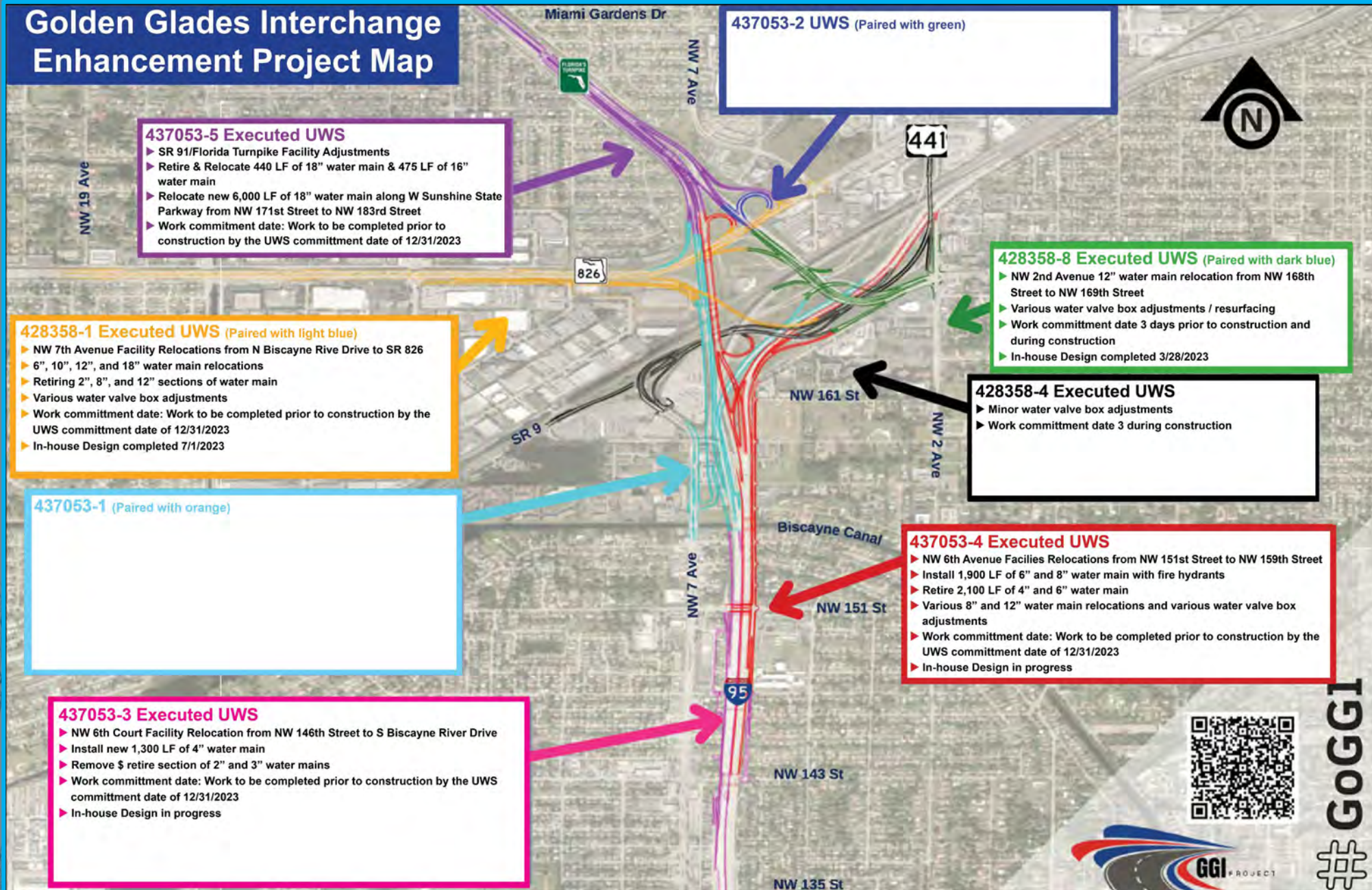
➤ Golden Glades Interchange Improvements





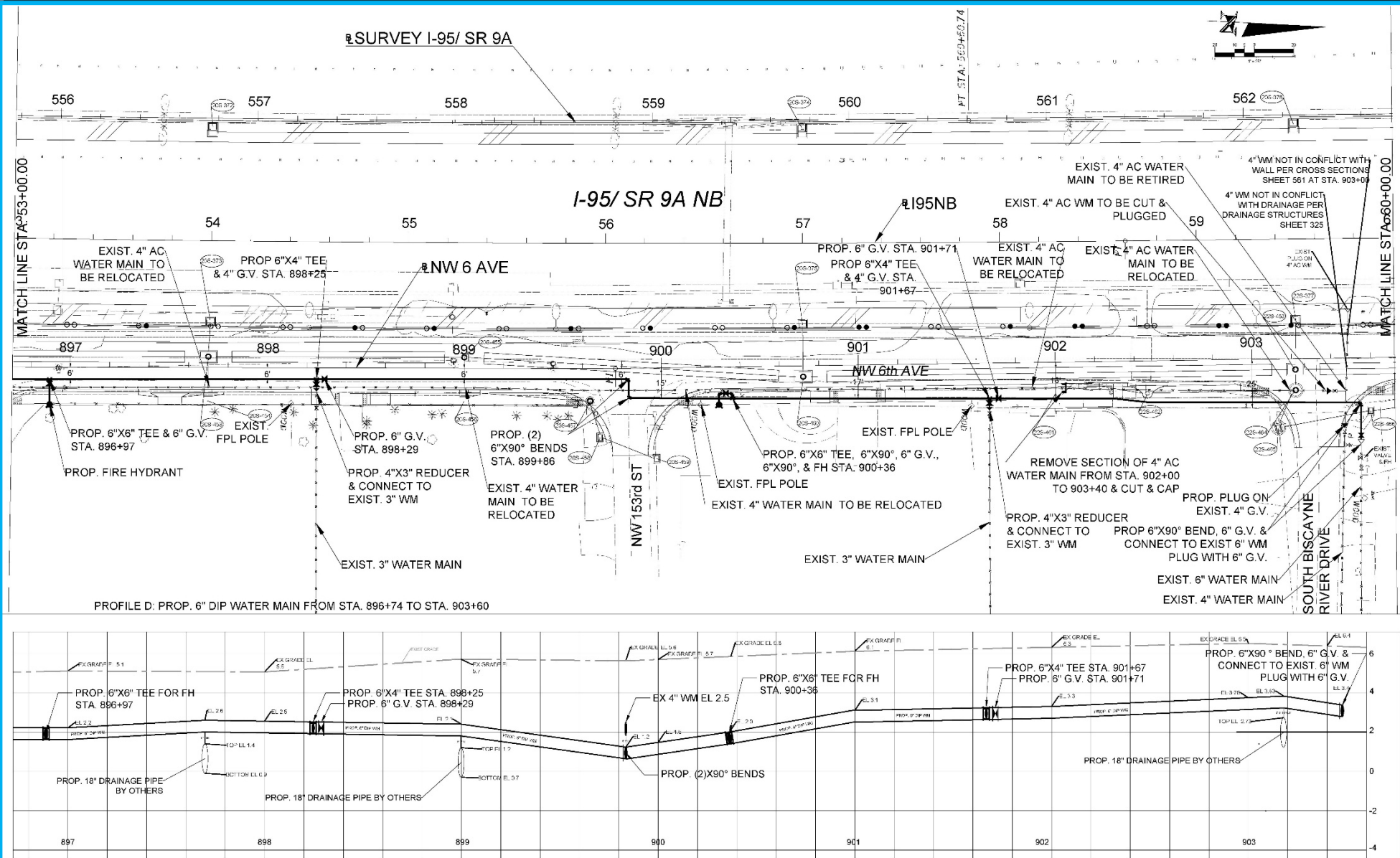
Golden Glades Interchange Improvements

Golden Glades Interchange Enhancement Project Map

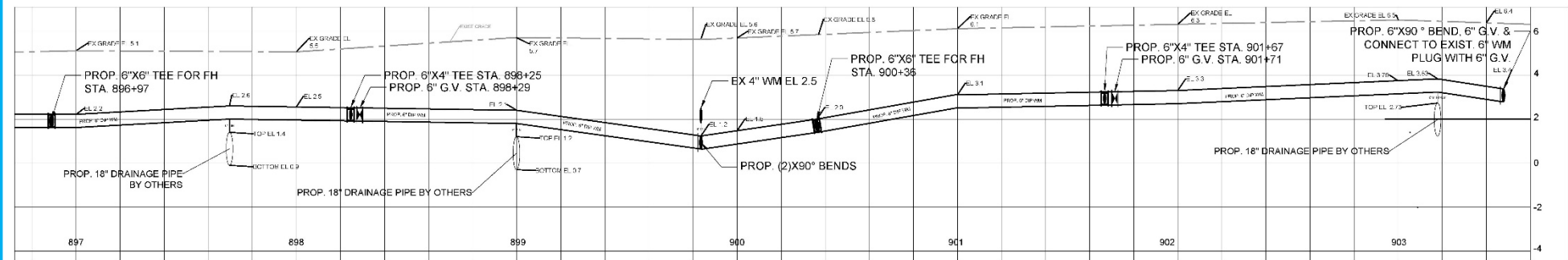




Golden Glades Interchange Improvements



PROFILE D: PROP. 6" DIP WATER MAIN FROM STA. 896+74 TO STA. 903+60



CITY OF NORTH MIAMI BEACH
DEPARTMENT OF PUBLIC SERVICES
17050 N.E. 19th AVENUE, NORTH MIAMI BEACH, FLORIDA

ENGINEERING DIVISION
DRAWN BY: NMR DATE: 02/24
CHECKED BY: KLR DATE: 00/00
AS-BUILT DRAWN BY: DATE:
FIELD INSPECTOR: DATE:

GGI NW 6 AVE FACILITIES RELOCATIONS
NW 6 AVE FROM NW 151 ST TO NW 159 ST

PROJECT No.:
W-0844
REVISIONS:
REVISIONS:
REVISIONS:

SCALE
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 2'

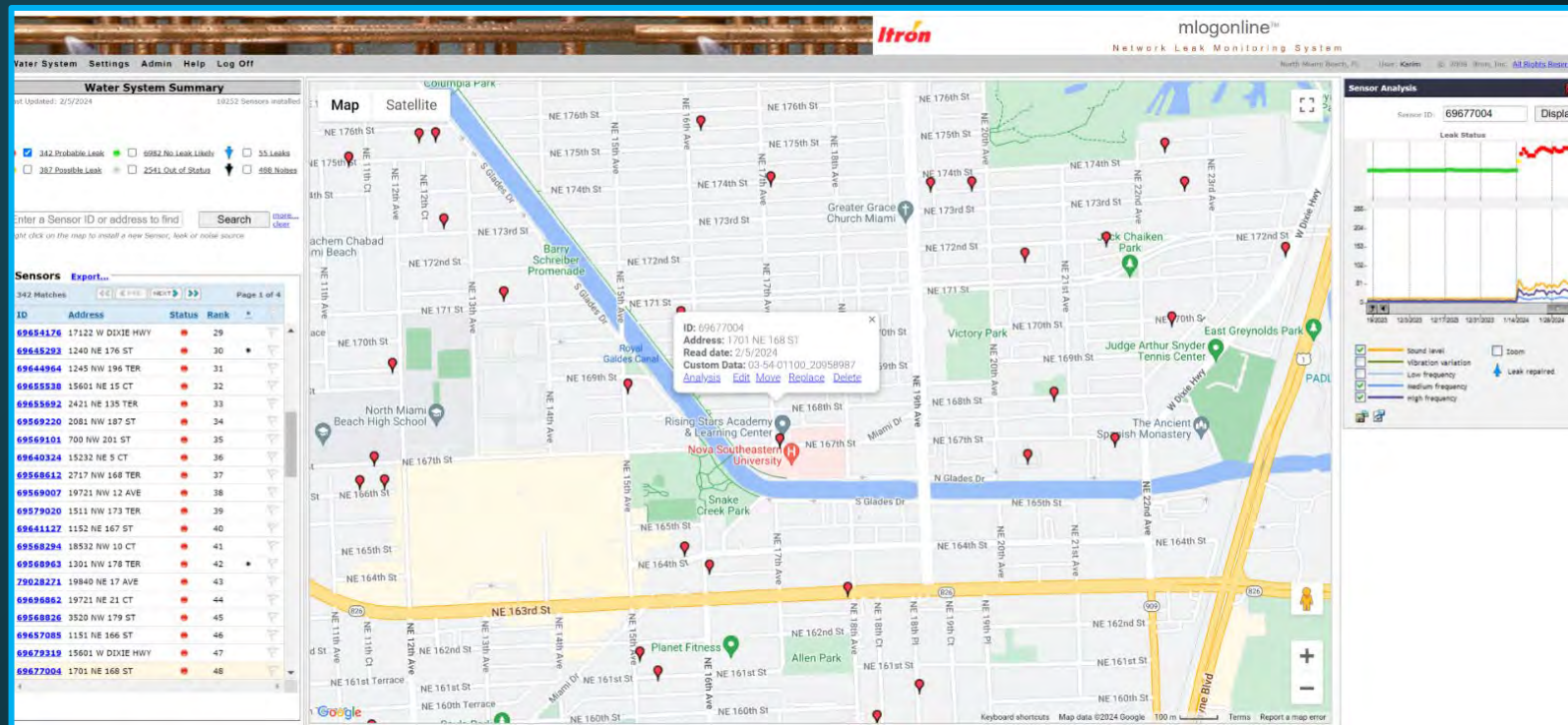
APPROVED BY:
Thomas E. Raitt, P.E.
DATE:



SHEET No.
8 of 14

Engineering Department Update

- **Leak Detection Program**
 - Good utility practice to monitor “invisible” leaks
 - 10,500 leak sensors deployed with AMI network
 - Analyze apparent leak noises to investigate
 - Annual leak pinpointing with outside consultant
 - FSAWWA water loss audit



Thank You





Capital Improvement Program Management Support

Monthly Progress Report

January 26, 2024 through February 23, 2024

NORTH MIAMI BEACH, FLORIDA





CIP Management Support Monthly Progress Report

January 26, 2024 through February 23, 2024

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Pre-Construction

Aqeel Abdool-Ghany, PE – CIP Program Manager

Highlights & Milestones

- The CIP Team is waiting for the Purchase Order for the Design for a new water main replacement Design project called Pinetree Park – North Watermain Replacement, located in Miami Gardens. Once the team has the P.O., the next step will be to kick-off the project with the Design Consultant.
- The CIP Team is evaluating the two upcoming water main Design project proposals from the prospective Design Consultants (CCNA).
- Eastern Shores Water Main System Rehabilitation was handed off to the CIP Construction Team for management.

Challenges & Issues

- The CIP Team is waiting for several of the Design and Construction projects to be awarded due to delays caused by funding agency requirements.

Project & Task Updates

- **Norwood Water Treatment Plant Improvement – Phase 2 (Raw Water Transmission Main)**
 - The Design Consultant is currently continuing the permitting process with the necessary agencies.
- **Eastern Shores Watermain System Rehabilitation – Phase 2**
 - The project was handed off to the CIP Construction Team for management.
- **Washington Park Connection Sewer**
 - The project remains on hold until further notice.
 - The CIP Team has no plans to work on the project during the next fiscal year.
- **NE 19th Avenue Sewer**
 - The project remains on hold until further notice.
 - The CIP Team has no plans to work on the project during the next fiscal year.
- **Sunny Isles Watermain Replacement**
 - The CIP Team received the Bids that came in for the project.
 - The CIP is currently evaluating all Bids and will issue a recommendation concerning the future of the project.
- **Highland Village Watermain Replacement**
 - The Design Consultant is currently continuing the permitting process with the necessary agencies.
- **Pinetree Park – North Watermain Replacement**
 - The NMB City Commission approved the award of a Design, Permitting, and Construction phase services contract for approximately 19,000 linear feet of water main replacement in Miami Gardens to a CCNA Design Consultant.
 - The CIP Team is waiting for the Purchase Order to kick-off the Design phase.
- **I-95/Turnpike Watermain Improvements**
 - The project remains on hold until further notice.

- **Master Pump Station #4 Force Main Re-routing**
 - The CIP Team is waiting for the funding agency to approve the Bid documentation for advertisement.

Upcoming Initiatives & Deliverables

- **Sunny Isles Watermain Replacement**
 - The CIP Team will be evaluating the Bids prior to issuing a recommendation.
- **SCADA and Radio Telemetry**
 - The CIP Team will hand it off to the CIP Construction Team as it is a Design-Build project.
- **Highland Village Watermain Replacement**
 - The CIP Team will review the Bids once the NMB Procurement Department issues the public solicitation.
- **Master Pump Station #4 Force Main Re-routing**
 - The CIP Team will review the bids once the NMB Procurement Department issues the new public solicitation.
- **Cravero Force Main Replacement**
 - The CIP Team will not be responsible for this project in Work Order #4 and has transitioned it to the City of NMB for execution.
- **Velda Farms Force Main Replacement**
 - The CIP Team will not be responsible for this project in Work Order #4 and has transitioned it to the City of NMB for execution.
- **Bell Gardens Force Main Replacement**
 - The CIP Team will review the Bids once the NMB Procurement Department issues the new public solicitation.

Construction

Tom Raihl, PE, CCM – Construction Manager

Highlights & Milestones

- **Corona del Mar Collection System – (Private Laterals)**
 - The Contractor is proceeding with the permitting.
- **Norwood Water Treatment Plant Production Wells Installation**
 - The well development is almost complete on the Biscayne Aquifer Production Well.
- **SCADA System Rehabilitation**
 - The Design-Builder has begun site updates, and the determination of replacement component requirements has begun.

Challenges & Issues

- Material supply chain issues continue to increase costs and cause delays for all project contracts.
- The Norwood Water Treatment Plant Progressive Design-Build at a Budget is experiencing budget issues. It has been determined that the project will not proceed with the Pellet Softening phase at this time.

Project & Task Updates

- **Norwood Water Treatment Plant Improvements**
 - The erection of the 5-million-gallon water storage tank walls has commenced.
 - Field Orders for the completion of the High Service Pump Station and the new Workshop have been issued.
- **Oleta River Aerial Crossing Rehabilitation**
 - The Design-Builder has submitted the 90% Review documents.
- **Corona del Mar Collection System – Phase 2**
 - The CIP Team is waiting for the resolution of the Contractor's claim prior to closing out Phase 2.
- **Corona del Mar Collection System – Phase 3**
 - Proceeding with the permitting for the lateral connections.
- **Norwood Water Treatment Plant Production Wells Installation**
 - Well development for the Floridan is complete.
 - Well development of the Biscayne Aquifer well is 90% complete.

Upcoming Initiatives & Deliverables

- **SCADA System Rehabilitation**
 - The Design-Builder is procuring materials.
 - The Design-Builder requested a waiver of the Builder's Risk Insurance requirement. Risk Management approved their request.
- **Norwood Water Treatment Plant Production Wells Installation**
 - Completion of the production wells project.
- **Oleta River Aerial Crossing**
 - The CIP Team is coordinating with the Design-Builder and the public for Permit operations.

- **Eastern Shores Watermain System Rehabilitation – Phase 2**
 - The CIP Construction Team will be holding a kick-off meeting on Tuesday, February 27, 2024.
- **Norwood Water Treatment Plant Progressive Design-Build at a Budget**
 - Construction is continuing on the 5-million-gallon water storage tank.
 - The Contractor is in the process of starting the High Service Pump Station and Workshop phases of the project.
- **Corona Del Mar Collection System**
 - The first round of permits was submitted to DERM.



Norwood Water Treatment Plant
Production Well Installation



Norwood Water Treatment Plant 5-Million-Gallon
Water Storage Tank Construction

City of NMB – Water / Sewer Projects

Guilherme Neukamp – Water / Sewer Design Manager

Highlights & Milestones

- The first training for SCADA Rehabilitation was held on February 6, 2024.
- Progress Meetings also started as planned and will be held bi-weekly.

Challenges & Issues

- The SCADA Rehabilitation necessitated a reallocation of hours to Task Order 1 for both Stantec and Revere. This adjustment was made to ensure completion of Stantec's scope of work within the initial Task Order.

Project & Task Updates

- **SCADA Rehabilitation**
 - Contractor is currently revising Network Architecture Diagram and working on Site Survey Report.
- **Wellfield Protection and Palm Land**
 - The City team is currently implementing repairs in accordance with the Consultant's recommendations for Wellfield Protection.
 - We are currently waiting for the Consultant's recommendations for Palm Land.
- **Cravero Force Main Replacement**
 - The City is currently assessing options to handle this task internally.
- **Velda Farm Force Main Replacement**
 - The contractor is presently in the process of obtaining permits to proceed with the project.

Upcoming Initiatives & Deliverables

- **SCADA Rehabilitation**
 - Conclude Task Order 101 as part of the original scope of work.
- **Velda Farm Force Main Replacement**
 - Follow up with the Contractor regarding the pending permit status.

Program Management

Aqeel Abdool-Ghany, PE – CIP Program Manager

Value Contribution

- Schedule – Overall there remains 179 days of available float before the WIFIA substantial completion (WIFIA Development Default Deadline) of August 1, 2026. The CIP Team has accelerated a number of projects using Design-Build approaches.
- Risk – Through the CIP Team's risk management process and actions, the following risks are being actively mitigated:
 - A total of 79 project issues have been identified resulting in a total of 59 quantifiable project risks.
 - The 62 project risks represent a combined maximum cost impact (worst case) of \$227,883,700.00 Million.
 - This means that if the CIP Team were not actively working to mitigate those risks, the City could face increased CIP costs of \$227,883,700.00 Million.
- A total of 54 project risks have been managed to closure, reducing CIP risk to the City (i.e., program cost savings versus worst case) of \$223,983,700 Million.
 - The 62 project risks also represent a schedule impact (worst case) of 5,587 days.
 - The closure of the 54 project risks represents a risk reduction of 5,202 days of potential negative impacts to the total program schedule.
- This period, one risk was closed out. The Norwood Water Treatment Plant Pellet Softening (NMBWCIP-ISS-77) was removed due to budget constraints not allowing for the system to be built at this time. Alternative options have been identified and will be pursued if additional funding becomes available in the future.

Schedule Update

The CIP Team conducted the monthly schedule update, where all project dates and milestones were reviewed through Friday, February 23, 2024. The below commentary denotes what changes were made and their impacts.

The schedule modifications described below do not have an impact on the overall WIFIA Project Milestone dates. The WIFIA Substantial Completion Phase IIA, IIB and IIC date remains February 15, 2026, 7 days later than planned. This leaves 179 days of available float before the WIFIA substantial completion (WIFIA Development Default Deadline) of August 1, 2026.

Project Specific Updates

- **WATR2002 – Construction of Norwood WTP Improvements Phase 2** (Raw Water Transmission Main) – “Revise and Resubmit Permit Applications,” finished January 31, 2024. Project completion is September 6, 2025, versus September 1, 2025, as reported last month.
- **WATR2002 – Construction of Norwood WTP Improvements Phase 2** (Wells) – Upper Floridian Aquifer Well F-6 finished November 30, 2023. Biscayne Aquifer Well B-18 began Mobilization December 1, 2023. “Drilling & Casing & Grouting,” finished February 7, 2024 versus January 28, 2024, as reported last month. The project is forecast to finish March 27, 2024, as reported last month and 222 days behind the planned date of October 17, 2023.

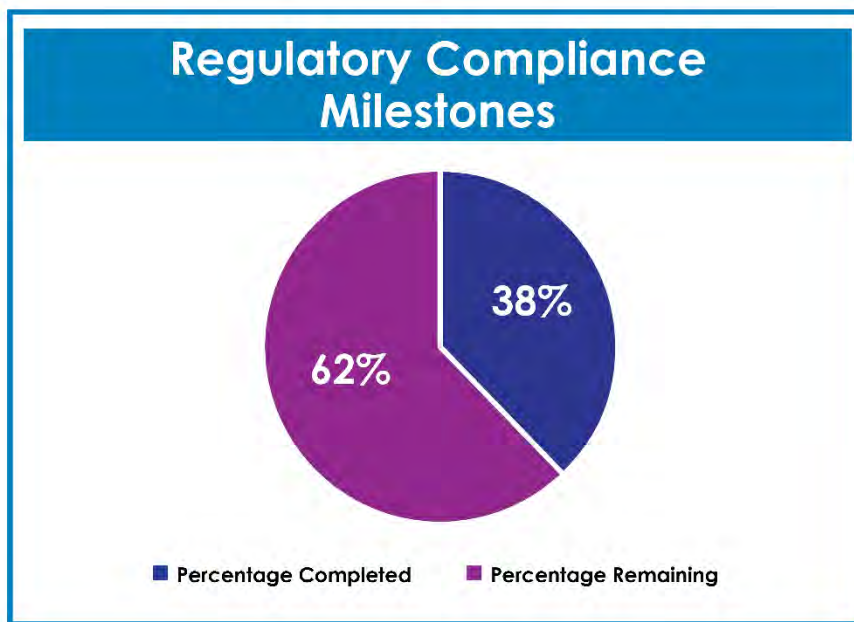
- **WATR2002 – Construction of Norwood WTP Improvements Phase 2** (Plant Improvements) – The substantial completion date is forecast to be August 5, 2025, as noted last month.
- **WATR2005 – Eastern Shores Watermain System Rehabilitation Phase 1** – Construction was completed April 30, 2023.
- **WATR2005 – Eastern Shores Watermain System Rehabilitation Phase 2** – Construction Notice to Proceed (NTP) is forecast to be February 27, 2024, versus last month's forecast of February 5, 2024. The anticipated construction completion date is January 17, 2026, versus last month's forecast of December 26, 2025.
- **WATR2007 – Oleta River Crossing** – "Prepare and Award Contract," finished November 6, 2023. The official Construction NTP is 11/16/2023. Project completion is forecast to be September 21, 2024, as reported last month.
- **WATR2007 – 165th & W. Dixie Highway (Snake Creek)** – "Construction Procurement" started November 1, 2022. This task is currently under the control of Miami-Dade County Public Works. The tentative completion date is June 30, 2024. Construction is forecast to run July 1, 2024, through October 24, 2025, versus last month's forecast of finishing June 30, 2027.
- **WATR2007 – Sunny Isles Watermain Replacement** – "Bid Period," finished February 20, 2024, versus last month's forecast of February 6, 2024. Construction completion is currently March 25, 2025, versus last month's forecast of March 11, 2025.
- **WATR2007 – Highland Village Watermain Replacement** – "Agency Review and Comment Permit Application," is pushed out until February 28, 2024, versus last month's forecast of January 31, 2024. Construction completion is August 15, 2025.
- **WATR2007 – West Dixie Highway Industrial, 153rd Street Watermain** – The project is complete.
- **WATR2007 – I-95 & Turnpike Watermain Improvements** – This project is currently on hold until further notice.
- **WATR2007 – Bunche Park Watermain Improvements** – Construction Procurement and Construction has been split up into two separate sections. The CIP Team will be tracking 27th Avenue separate from the rest of the project. Construction of 27th Avenue finished January 31, 2024, as forecast last month. The remaining portion of the project is forecast to finish on June 3, 2025, versus last month's forecast of April 23, 2025.
- **WATR2007 – Pinetree Park / Pinetree North** – "Proposal Review and Recommendation of Design firm," finished on January 28, 2024, as noted last month. "Negotiation and Contract Approval" finished on February 20, 2024, as noted last month.
- **WATR2007 – Pinetree Park / Pinetree South** – "Proposal Review and Recommendation of Design firm", finished on February 2, 2024, versus last month's forecast of February 23, 2024. "Negotiation and Contract Approval" started February 3, 2024, and is forecast to finish April 2, 2024.
- **WATR2007 – Norland Southwest Phase 4** – "Proposal Review and Recommendation of Design firm," finished on February 16, 2024, versus last month's forecast of February 23, 2024.
- **WATR2007 – Aerial Crossing Replacement** – This project is currently on hold until further notice.
- **WATR2009 – Design and Construct SCADA & Radio Telemetry System Upgrades** – "Construction Administration & Permitting," finished on February 2, 2024, as forecast last month. The anticipated project completion is January 27, 2025, as reported last month.
- **WATR2010 – Design and Construct Honey Hill Watermain System Rehabilitation** – Construction completion was November 30, 2022.

- **WATR2012 – Design and Construct Operations Center Pump Station Improvements** – “Prepare and Award Construction Contract,” finished on February 20, 2024, versus last month’s forecast of February 16, 2024. Currently, we are showing construction completion forecast for April 1, 2025, versus last month’s forecast of February 10, 2025.
- **SEWR2001 – Wastewater Collection Repairs and Replacements Program** – The City has taken over management of this project. The CIP program will no longer track this project.
- **SEWR2002 – Construct Master PS #4 Force Main Re-Routing** – No bidders were received, so this will go to rebid in combination with Bell Gardens. “Bid Period,” will run February 28, 2024 through April 27, 2024, versus last month’s forecast of January 31, 2024, through March 30, 2024. Project completion is forecast to be October 29, 2025, versus last month’s forecast of October 1, 2025.
- **SEWR2003 – Implement Wastewater Collection System Plan of Compliance** – Inspection Report tasks to be completed by March 22, 2024, versus last month’s forecast of January 31, 2024.
- **SEWR2004 – Construct Cravero Force Main Replacement** – This project is now being managed by the City of NMB staff.
- **SEWR2005 – Construct Velda Farm Force Main Replacement** – “City Analysis of Rebid or In-house Construction,” was started December 22, 2023, and is forecast to finish March 19, 2024.
- **SEWR2006 – Construct Corona del Mar Phase II (Main Line Sewer)** – Construction completion was November 30, 2023.
- **SEWR2006 – Construct Corona del Mar Phase II (Private Property Laterals)** – “Construction Administration & Permitting,” extended out until March 13, 2025, versus last month’s forecast of January 31, 2024. This has delayed construction completion to finish May 12, 2025, versus last month’s forecast of March 31, 2025.
- **SEWR2007 – Construct Bell Gardens Force Main Replacement** – No bidders were received, so this will go to rebid in combination with Master Pump Station #4 Force Main. “Bid Period,” will run February 28, 2024 through April 27, 2024, versus last month’s forecast of January 31, 2024, through March 30, 2024. Project completion is forecast to be November 28, 2025, versus last month’s forecast of October 31, 2025.
- **PARK1912 – Washington Park Sewer Connection** – This project was removed from the CIP project list by the City of NMB.
- **SEWR2201 – NE 19th Avenue Business District Sanitary Sewer System** – This project was removed from the CIP project list by the City of NMB.

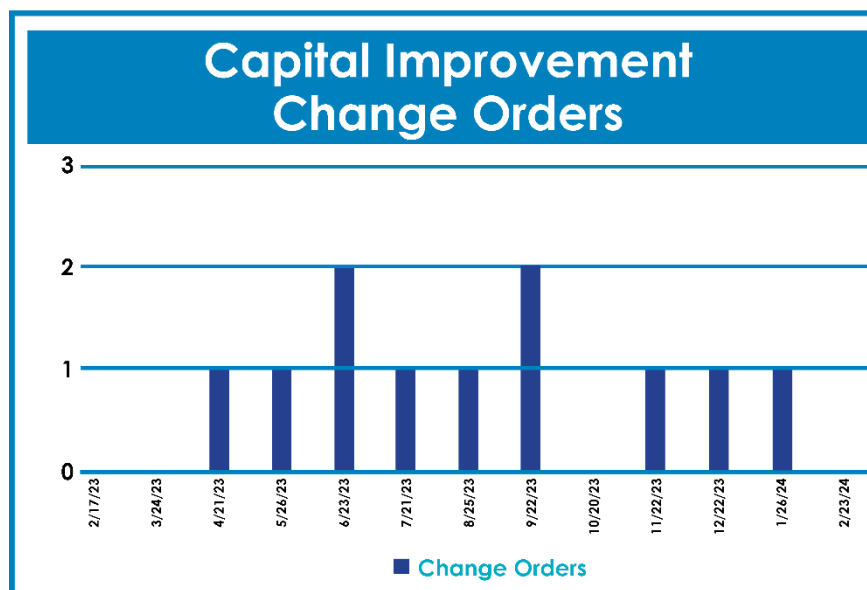
Key Performance Indicators (KPI)

The CIP Team has defined the process for tracking KPI's within the CIP Program and updated the PMP accordingly. Below you will find the information for each of the current measured metrics.

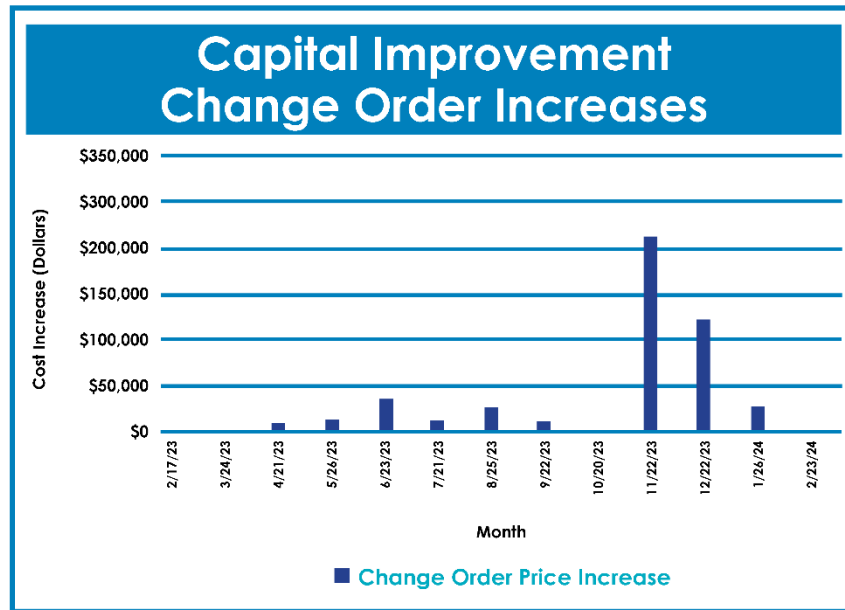
1. **Regulatory Compliance Milestones** – A total of 53 WIFIA milestones have been identified. A total of twenty (20) WIFIA milestones have been completed representing 38% overall completion. No milestones were completed in this reporting period.



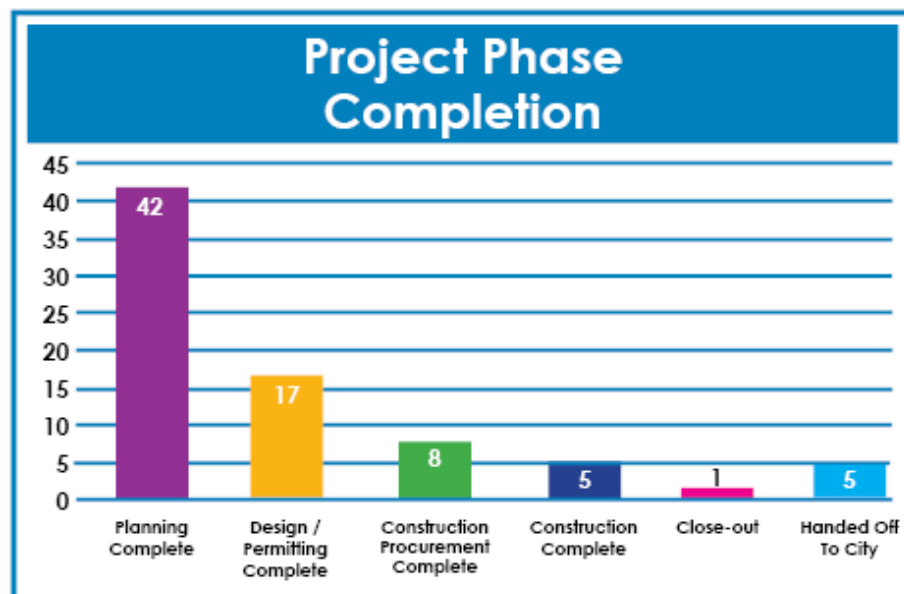
2. **Change Order Quantity** – Twenty-five (25) Change Orders have been approved, representing a total program increase cost of \$1,083,805.65. No Change Orders were approved during this reporting period.



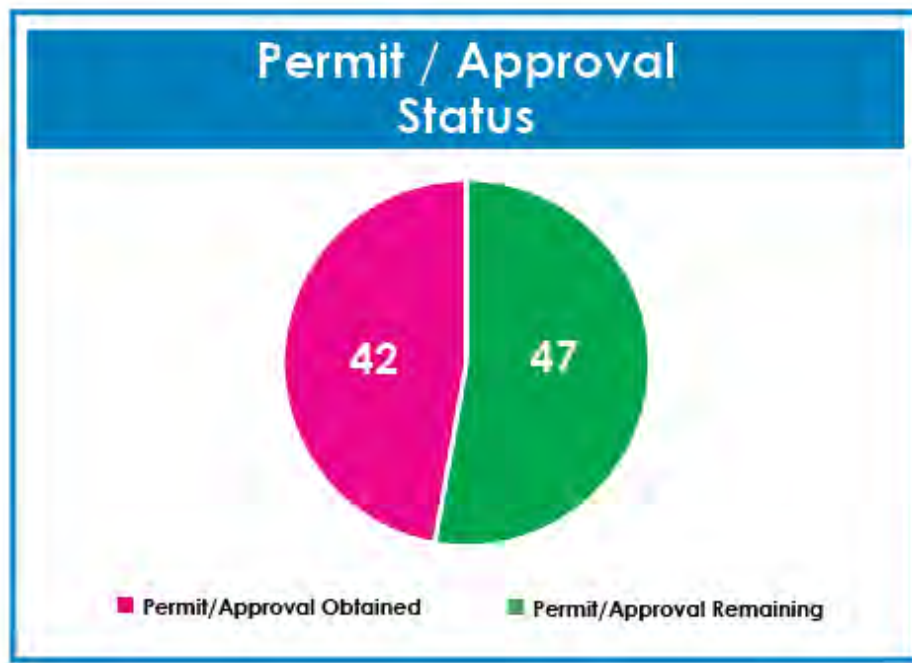
3. **Change Order % of Change** – The Change Orders approved for \$1,083,805.65 represents a 1.188% overall program cost increase. No additional costs were added during this reporting period.



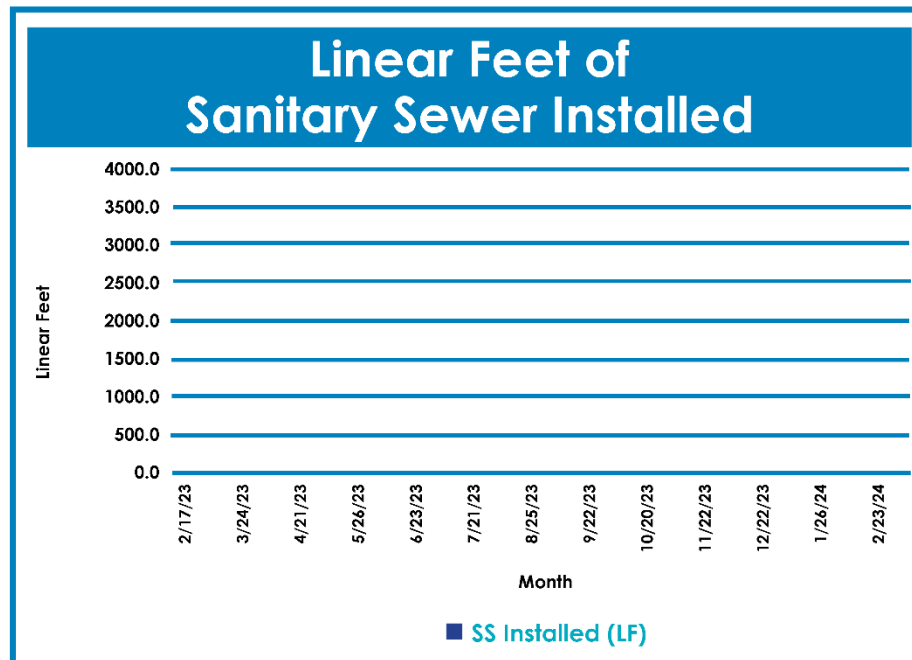
4. **Health & Safety** – There are a total of 5 safety incidents. None occurred this reporting period.
5. **Project Phase Completion** – There are 42 identified potential projects in the CIP. The graph below shows how many projects have completed each of the milestones. Four projects have been handed off to the City including Washington Park, Velda Farms, Cravero and NE 19th Avenue.

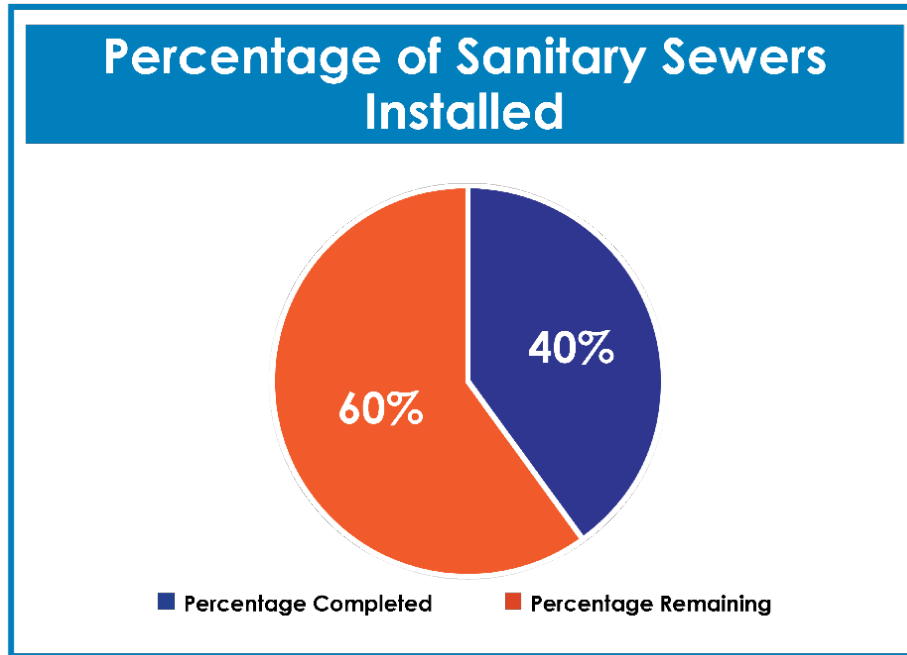


6. **Permit/Approval Status** – There are currently 47 permit / approvals identified still needed to be secured under this program from various agencies including Miami-Dade County Public Works, South Florida Water Management District, the Florida Department of Transportation.

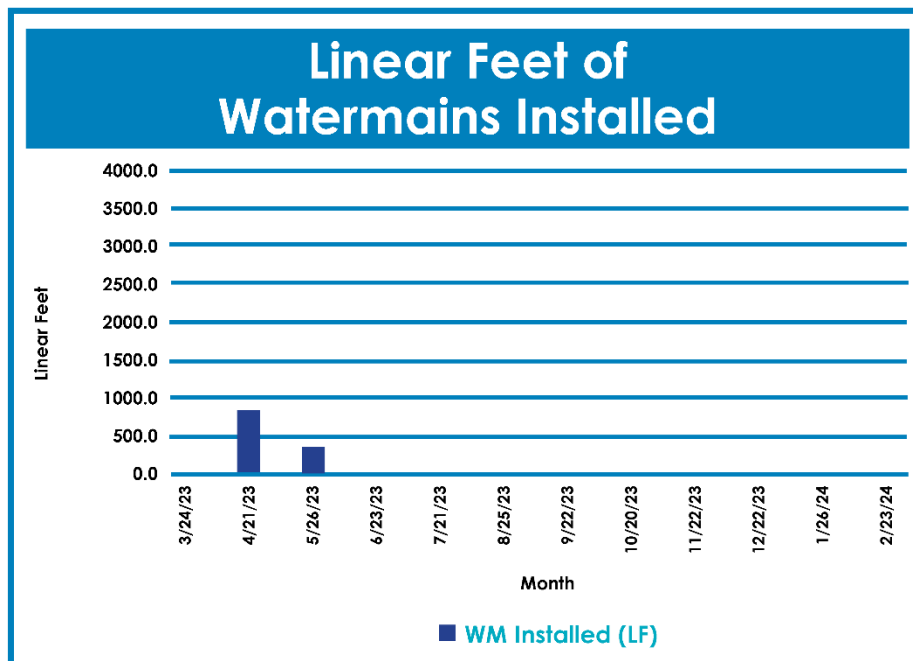


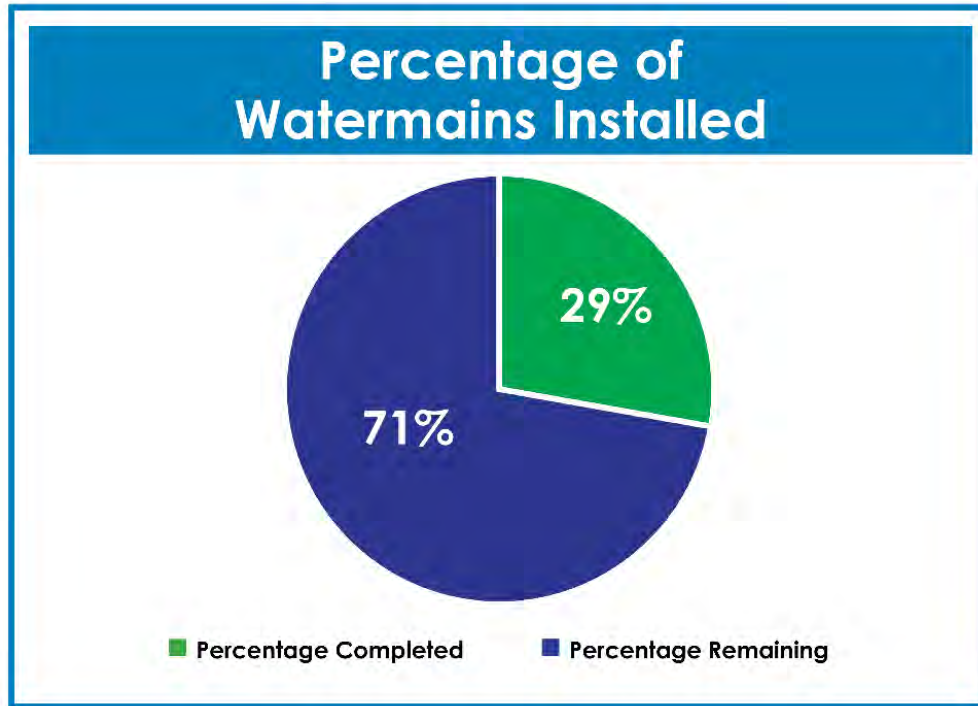
7. **Linear Feet of Sanitary Sewer Installed** – There were no linear feet of sanitary sewers installed during the reporting period. There is a total of 20,394 linear feet of sewer currently planned to be installed. To date, 8,070 linear feet have been installed.





8. **Linear Feet of Watermains Installed** – There were no linear feet of watermains installed during the reporting period. There is a total of 79,602 linear feet of watermains identified in the planning documents to be installed. To date 22,811 linear feet have been installed.







Monthly Progress Report

January 2024
Operations and Maintenance





Monthly Progress Report

Summary – January 2024

NMB Water is responsible for providing nearly 700 million gallons of water per month to approximately 175,000 customers in the service area, which include Miami Gardens, Aventura, Sunny Isles Beach, Golden Beach, and portions of unincorporated Miami-Dade County. This is achieved through nine (9) divisions, which are responsible for ensuring water production facilities supply clean and safe water in a reliable manner.

In addition, the divisions include wastewater collection, engineering, plan review and inspection services to developers that construct within the NMB Water service area, customer services, utility billing and collections for system and City-wide services (i.e., stormwater, sanitation).

The purpose of this Monthly Progress Report is to summarize the achievements and status of NMB Water as of January 2024.

In January 2024, NMB Water completed the following significant milestones and essential tasks:

- Norwood Water Plant produced approximately 786 million gallons of water.
- Water Distribution Maintenance completed a total of 427 work orders.
- Continued to manage the Florida Commerce Grants for Capital Improvement Projects, which includes addressing additional environmental review comments.
- Continued to manage the Florida Department of Environmental Protection (DEP) Grants and the WIFIA Loan for Capital Improvement Projects, which included hosting a successful on-site visit from the Environmental Protection Agency (EPA).

NMB Water Division Responsibilities

1. NMB Water Administration (900) – is responsible for facilitating and administering the resources needed by all the divisions, which include:
 - a. Capital Improvement Program (Additional information provided under separate cover)
 - b. Finance & Repair and Replacement
 - c. Communication and Community Outreach
 - d. Safety & Claims
2. Quality Control (901) – is responsible for ensuring compliance with all local, state, and federal regulations. This includes sampling for WTP compliance at Norwood, laboratory services for water distribution, and water quality compliance.
3. Water Production (904) – is responsible for producing and treating an average of 700 million gallons of water per month.
4. Water Distribution and Construction (908) – is responsible for ensuring continuous reliable potable water distribution service to customers.
5. Water Utility Control and Maintenance (909) – Responsible for system monitoring software, as well as perform planned, preventive, and corrective maintenance of equipment used for water production and wastewater collection.
6. Wastewater Collection (910) – is responsible for the management and operation of the utility's wastewater collection infrastructure. This includes planned, corrective, and preventive maintenance of grinder and lift stations.
7. Engineering and Infrastructure (912) – provides services for GIS management, main water locations, road restoration, leakage detection monitoring/planning, hydrant flushing planning, backflow inspections, and provides technical services in project inspections, donations, and impact reviews.
8. Materials Control & Equipment (Ops Center/Warehouse) (915) - Responsible of acquiring, storing, and performing inventory control for all the parts, supplies, and equipment utilized by NMB Water.
9. Customer Services and Billing (916) – provides services for meter reading, Itron and Invoice Cloud management, billing, money-collection, and call center for NMB Water customers.

Implementation of Key Performance Indicators (KPIs)

It is the goal of NMB Water to measure its performance and begin to measure execution and evaluate the success. Therefore, starting October 1, 2022, NMB Water is implementing individual Key Performance Indicators (KPIs) to provide a measurement in time of how an activity or initiative is performing toward agreed targets. NMB Water KPI targets and performance are compared to America Water Works Association (AWWA) industry benchmarking to improve operational efficiency and managerial effectiveness when appropriate. Accordingly, this month's report and future reports will reflect these KPIs to provide a deeper insight into each division's performance. The following are the current KPIs being implemented by division, when applicable:

1. NMB Water Administration (900)

Finance

Debt-Service Coverage Ratio

The debt service ratio is the ratio of net operating income to total debt service. Debt-service coverage ratios of less than one indicates a negative cash flow, meaning a utility is not generating enough income to pay its debt obligations strictly through operations. Debt service payments are made quarterly. There is nothing to report for January 31, 2024.

Operating Ratio

A utility's operating ratio is its operating expenses divided by operating revenue. The operating ratio shows how efficient an organization is at keeping costs low while generating revenue. Based on the reported revenues for the utility, the operating ratio is 42%, as of 01/31/2024.

Bond Rating

A utility's bond rating is a grade that indicates its creditworthiness. Under the Fitch rating system, NMB Water investment grade is currently an A+. Based on AWWA table below, it is considered an Upper Medium Grade.

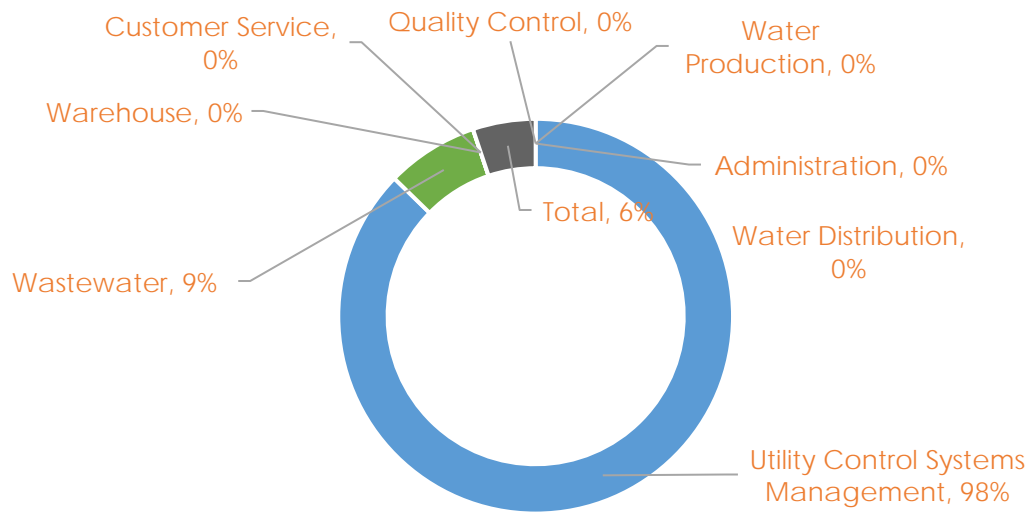
Investment Grade	Moody's	S&P	Fitch	Meaning
	Aaa	AAA	AAA	Prime
	Aa1	AA+	AA+	High Grade
	Aa2	AA	AA	
	Aa3	AA-	AA-	
	A1	A+	A+	Upper Medium Grade
	A2	A	A	
	A3	A-	A-	
	Baa1	BBB+	BBB+	Lower Medium Grade
	Baa2	BBB	BBB	
	Baa3	BBB-	BBB-	

Repair and Replacement (R&R)

The Repair and Replacement (R&R) allocated \$994,417.00 in funds for Fiscal Year 24. The table below summarizes the R&R allocated vs. invested dollars. A total of \$57,610.50 has been invested in projects using R & R funds. As of January 31, 2024, approximately 7% of Repair and Replacement funds have been invested in projects: \$19,000.00 for water fittings and accessories, \$22,087.50 in emergency wastewater repairs and \$25,523.00 for the procuring of components needed to repair the Lime Sludge Thickener.

Divisions	Allocated	Invested
Water Production	\$148,119.00	\$0.00
Customer Service	\$62,249.00	\$0.00
Wastewater	\$377,378.00	\$22,087.50
Quality Control	\$10,000.00	\$0.00
Water Distribution	\$252,000.00	\$19,000.00
Warehouse	\$81,535.00	\$0.00
Administration	\$37,159.00	\$0.00
Utility Control Systems Management	\$25,977.00	\$25,523.00
TOTAL	\$994,417.00	\$66,610.50

Percentages used per Division



Communication and Community Outreach

Each month, the program communication staff develops a schedule of upcoming events. Activities involve internal planning and coordination, outreach to the community, and engaging with industry publications and associations.

ASCE Tour of the Norwood Water Treatment Plant

NMB Water recently hosted a special tour of the Norwood Water Treatment Plant. The tour was organized by the American Society of Civil Engineers (ASCE) for attendees of the Multi-Region Leadership Conference that was held in Miami. ASCE was primarily interested to see our award-winning plant operations, which is the 2nd largest water system in Miami-Dade County. Members of our staff were pleased to show the group the infrastructure of our water supply from aquifer wells, the treatment process, as well as our water storage, transmission and distribution systems.



Safety and Claims

Employee Training

Training employees is expressed as "the monthly number of training hours per employee as full-time equivalents (FTE)". This metric gives an indication of how much training was given to employees. The aim goal was reduced from 10 to 5 hours to make it more achievable given the lower number of training hours. There was no training scheduled or conducted for the month of January.

Health and Safety Severity Rate

The health and Safety Severity Rate provides a rate of FTE employee days lost from work due to occupational injury. Conversely, it is a measure of the safety performance or how safe work conditions are. As per the Occupational Safety and Health Administration (OSHA), an injury is defined as work-related death, injury, or illness, that involves the loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. There is nothing to report for January 2024.

Claims

Utility-related incidents include claims from service line leaks, damaged lines, and property damage, etc. The claim manager also serves as a liaison between the residents and the city. Claims processing procedures include visiting the site of the incident, verifying information with related parties, reviewing claim submission, and associating the cost of repair. Three (3) incidents were reported in January, totaling \$10,456.35 in repairs. Contractors damaging water lines have led to higher repair costs.

2. Quality Control (901)

Water samples are collected to ensure quality standards continue to be met. In addition, bacteriological samples continue to be performed in-house since the Laboratory team achieved certification to the National Environmental Laboratory Accreditation Conference (NELAC) in June 2018. The laboratory technicians continue regular compliance sampling as required by local and state regulations.

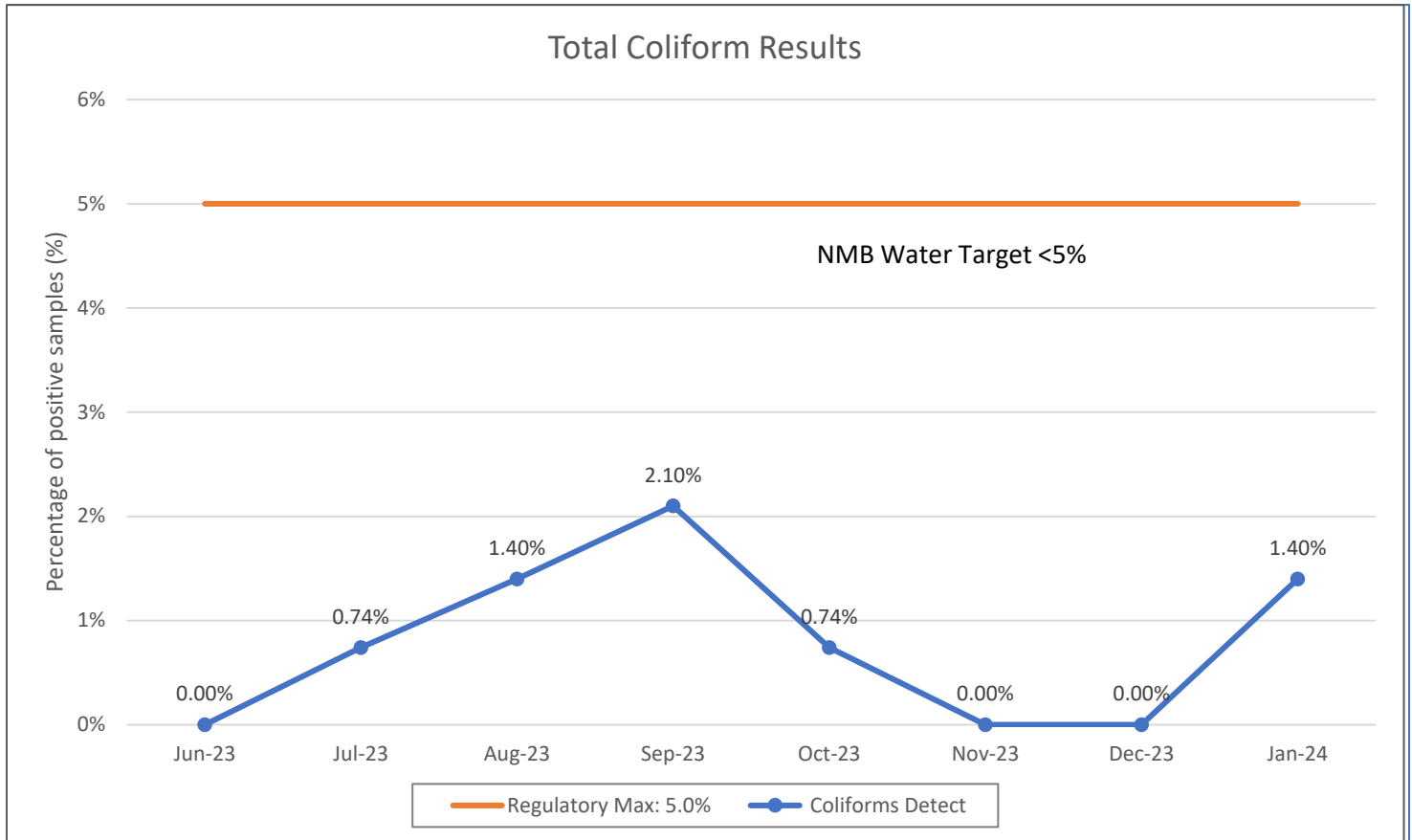
Water Quality Metrics

The water quality parameters provided in the table below indicate the WTP continues to meet all water quality standards.

Parameter	Limits	Average	Compliance
pH	8.75-9.2	9.1	✓
Turbidity	<1 NTU	0.18	✓
Color	<15 NTU	7	✓
Fluoride	0.6-4.0 mg/l	0.63	✓
Alkalinity	45-70 mg/l	48	✓
Hardness	55-90 mg/l as CaCO ₃	56	✓
Cl ₂ Residual – Norwood	3.8-4.0 mg/l	3.9	✓
Cl ₂ Residual – Golden Beach	min 0.6 – 4.0 mg/l	3.23	✓

Coliform and Chlorine Residual Results

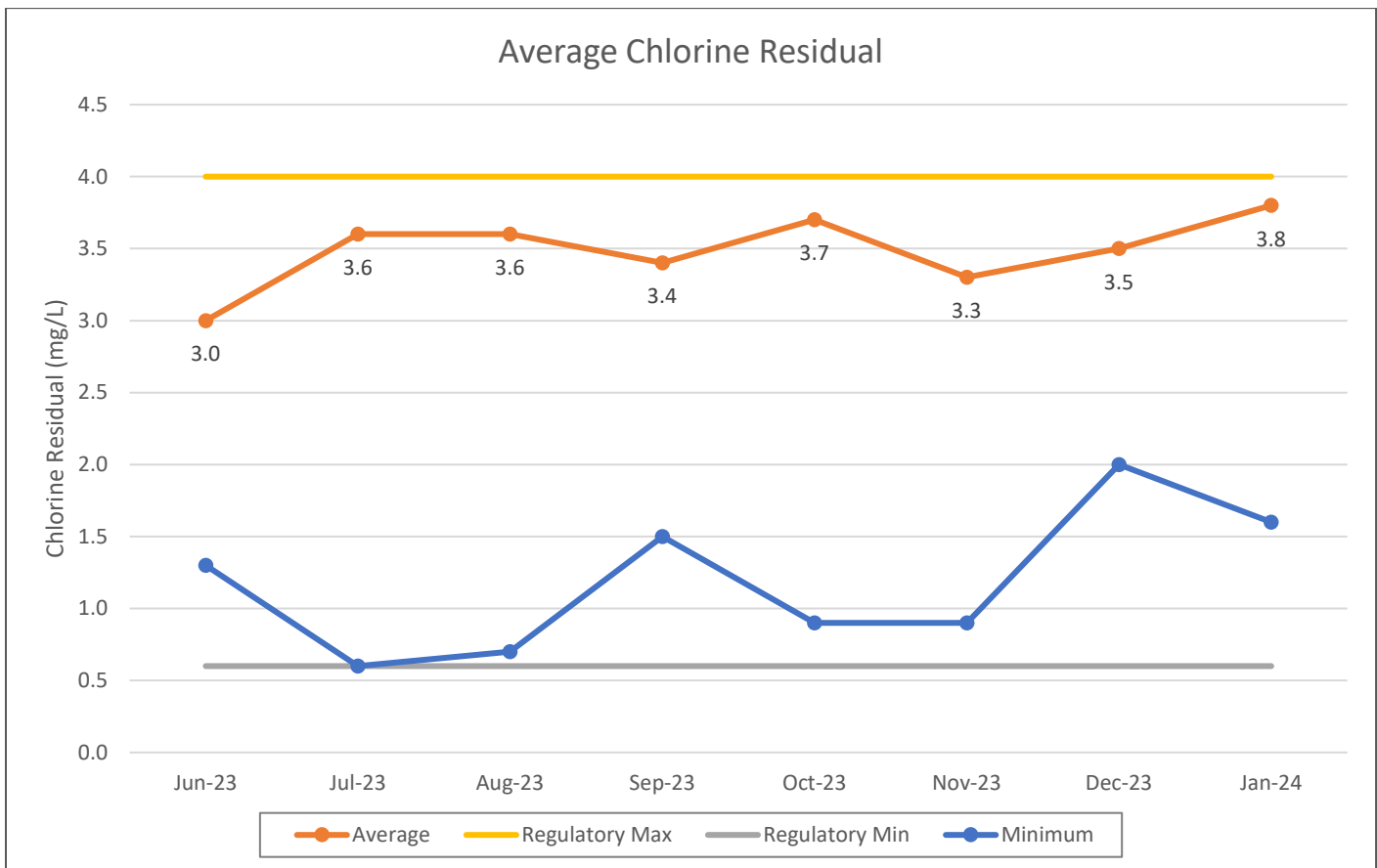
The results of the measurements show NMB Water continues to provide safe and potable water for the customers. Data is captured monthly from the revised total coliform rule report and chlorine residual submitted to the regulatory agency. The regulatory agency has determined the target. A total of 138 samples were collected within the water service area in January. The chart at the bottom shows the percentage of samples (as depicted by orange/red line) a PWS can have total coliforms detects per regulation. There were positive detects in the amount of 1.4% of the samples collected in January. When a sample exhibits a positive response, the Quality Control Lab collects and tests additional samples at the location of interest to confirm. They did not see a repeat positive sample. NMB Water is compliant with the Revised Total Coliform Rule (RTCR) under USEPA's Safe Drinking Water Act (SDWA).



Chlorine Residual Results

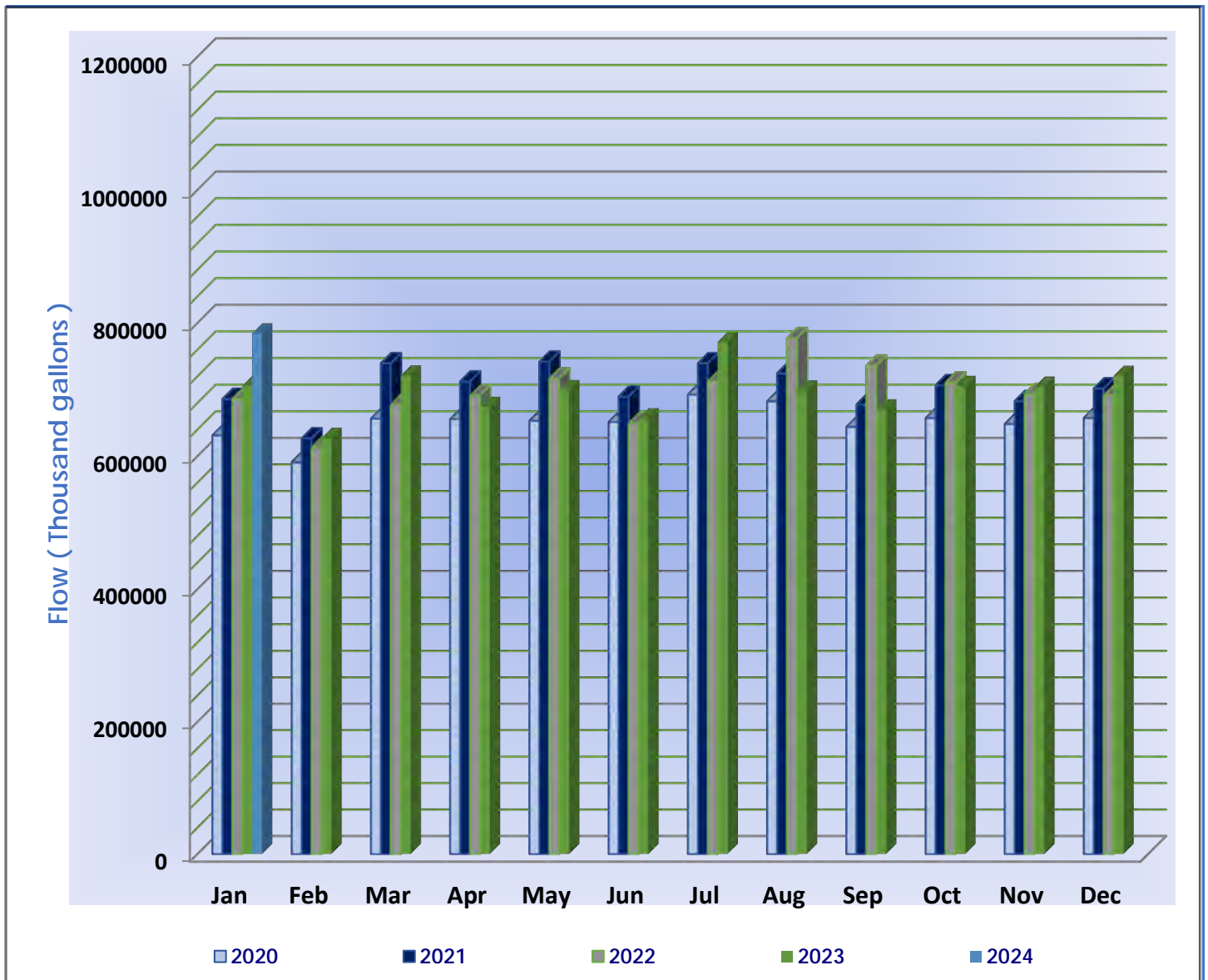
NMB Water collects a minimum of 130 water samples from within the water service area each month. While collecting samples to test for the indicator bacteria total coliforms, the lab technician checks and records the residual chlorine and pH at each location. The water sample collection locations are either at the hose bibs or sample stations.

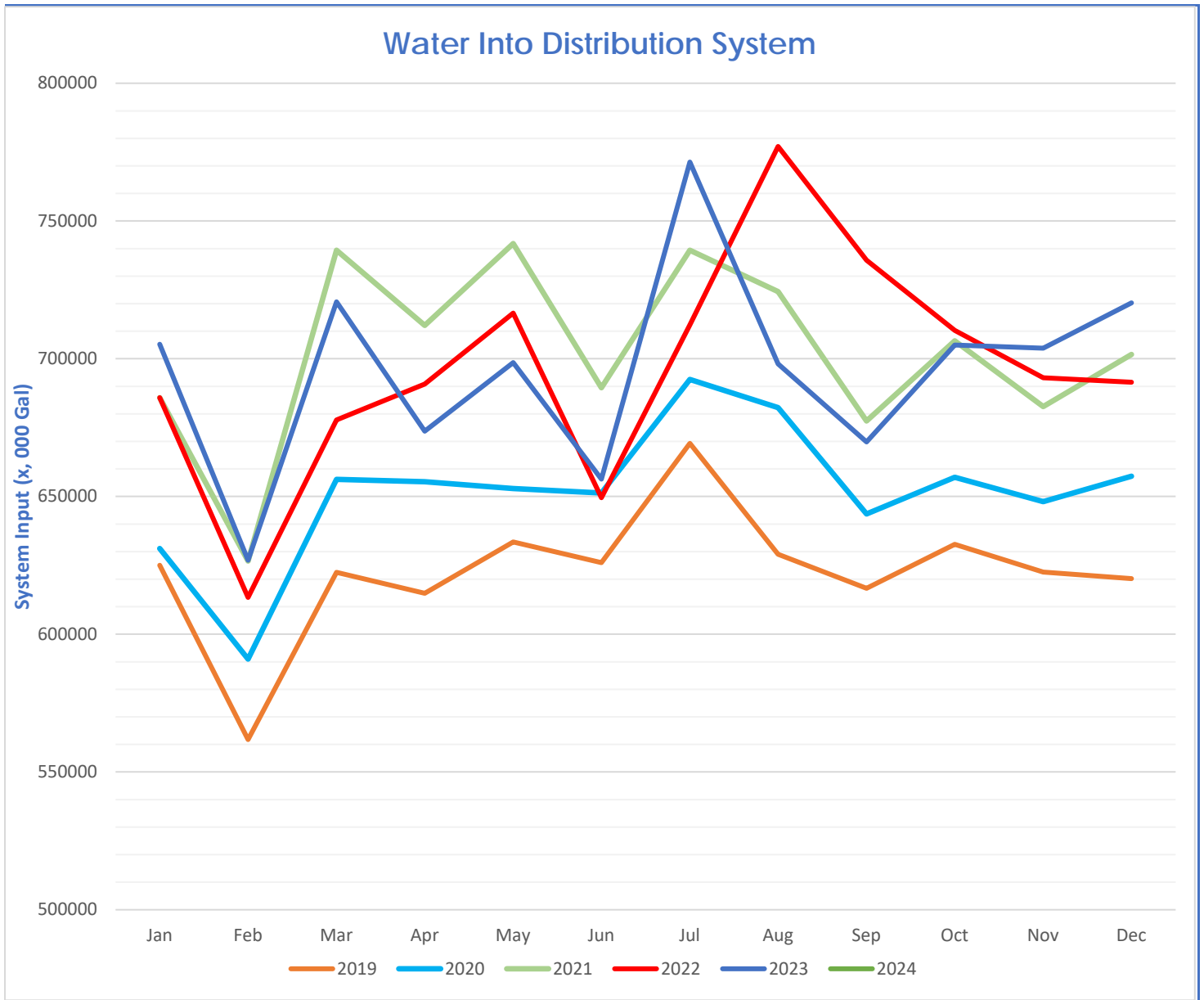
This chart shows the average residual chlorine and the minimum residual chlorine data for the month. The regulatory maximum for residual chlorine in the water is 4.0 mg/L or 4.0 ppm (parts per million). The chart also shows the minimum residual chlorine level detected in water during the month. This data can be utilized to identify the areas that may require consideration over time. Public water systems (PWS) are required to maintain a minimum of 0.6 mg/L of residual chlorine in the distribution system.



3. Norwood Water Treatment Plant Flows (904)

The chart below illustrates the amount of water produced since 2020. The Water Treatment Plant produced over 786 million gallons in January 2024.





Pending Challenges & issues

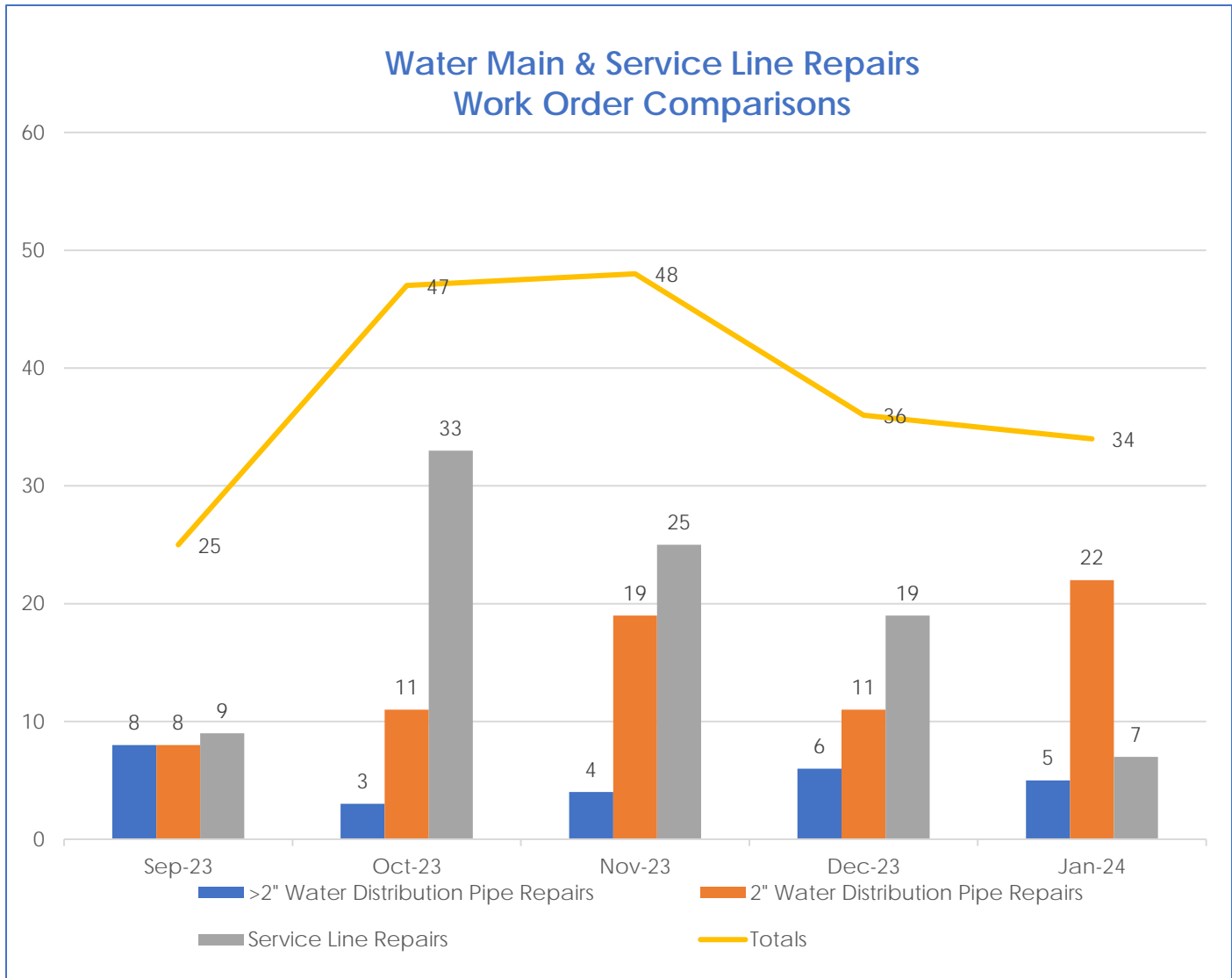
- Well 2, 9, 10, and 20 are temporarily out of service.
- Well 2 - The motor is damaged. It is scheduled for repair work with A.C. Schultes.
- Well 9 – The microbial clearance was received but primary and secondary results are pending for the Health Department.
- Well 10 – The motor needs to be replaced. The repair work has been scheduled with A.C. Schultes.
- Well 20 has been temporarily out of service since 07/21/2023. Pending delivery of a new Afton pump and motor.
- Well 12 – The flow meter is out of service.
- Slaker # 2 is temporarily out of service.
- VOC Tower #1440 is leaking.
- Backwash tank 7134 is temporarily out of service.
- Fluoride pump 8653 is temporarily out of service.
- HSP 5312 – Motor was removed by Condo Electric for inspection and repair.
- HSP 5303 – Awaiting delivery of parts to replace the bearing of the pump.
- Transfer pump 4512 – Parts are needed from Rexel Inc.
- Concentrate pump 7031 – Need parts to repair from Rexel Inc.
- Interstate Pump for Nano Skid #3 – Needs new transformer and a/c unit.
- Switchgear 1 lost communications with SCADA.

Upcoming initiatives, Deliverables & Safety

- Get Wells 2 and 10 back in service.
- Clean the backwash tanks.
- There are no safety incidents to report.

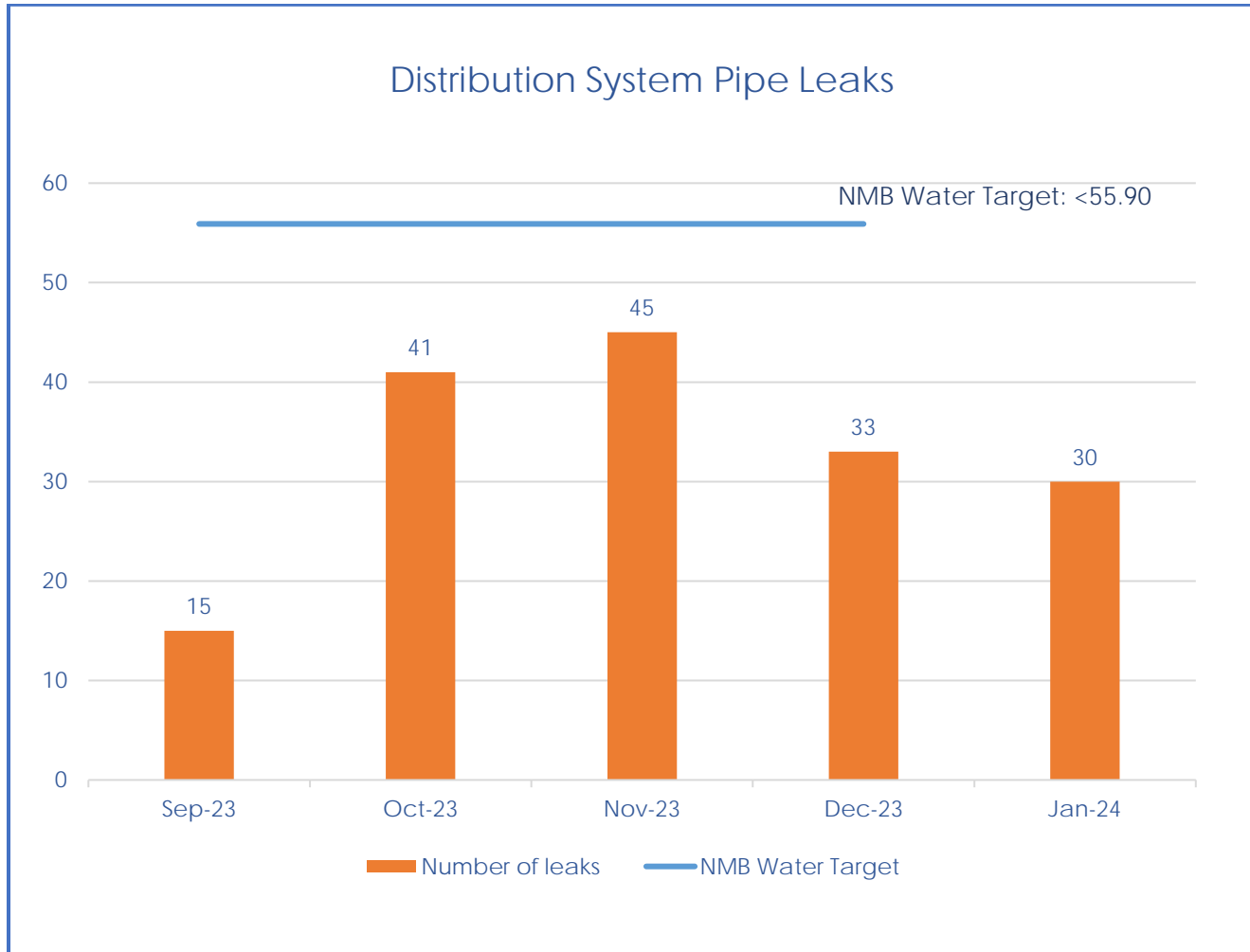
4. Water Distribution & Wastewater System Integrity (908)

The decrease in repairs noted in December continues into the month of January (34). Only three of those repairs were the result of damage by others involving services 2" or smaller. NMB Water continues to assist with the F.D.O.T. relocation project by removing fire hydrants and installing and relocating water mains throughout the project area.



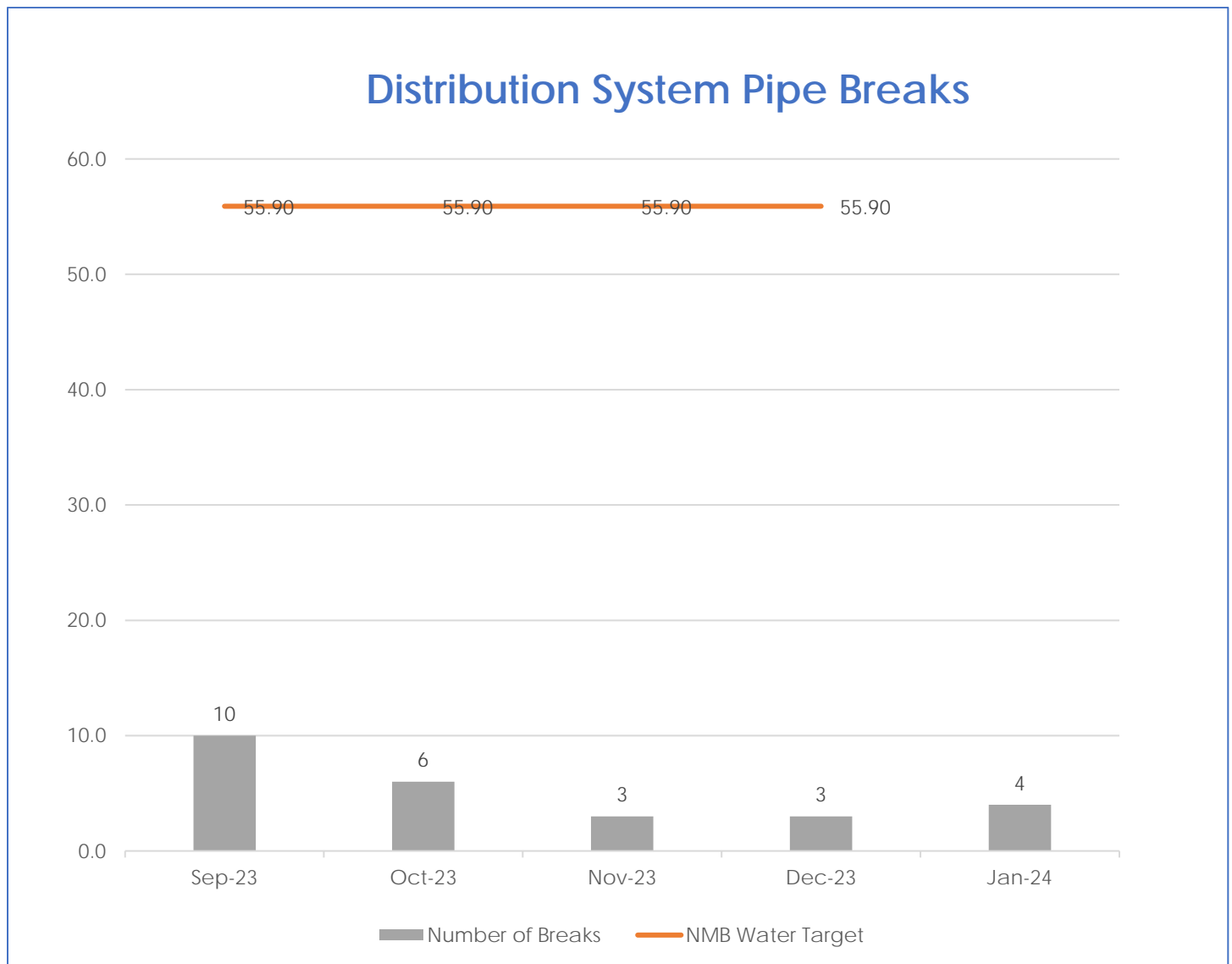
Pipe Leaks

This KPI quantifies the condition of a water distribution system, expressed as the monthly number of leaks per 100 miles of distribution piping. A leak refers to an opening in a distribution pipeline, valve, hydrant, appurtenance, or service connection that is continuously losing water. Our target goal is 55.90 leaks per 100 miles. Most leaks were on older galvanized service pipe which are 50 years plus old.



Pipe Breaks

A break means physical damage to a pipe, valve, hydrant, or other appurtenance that results in an abrupt loss of water. Our target goal is 55.90 leaks per 100 miles. Reported breaks were due to various contractors working throughout the distribution system.



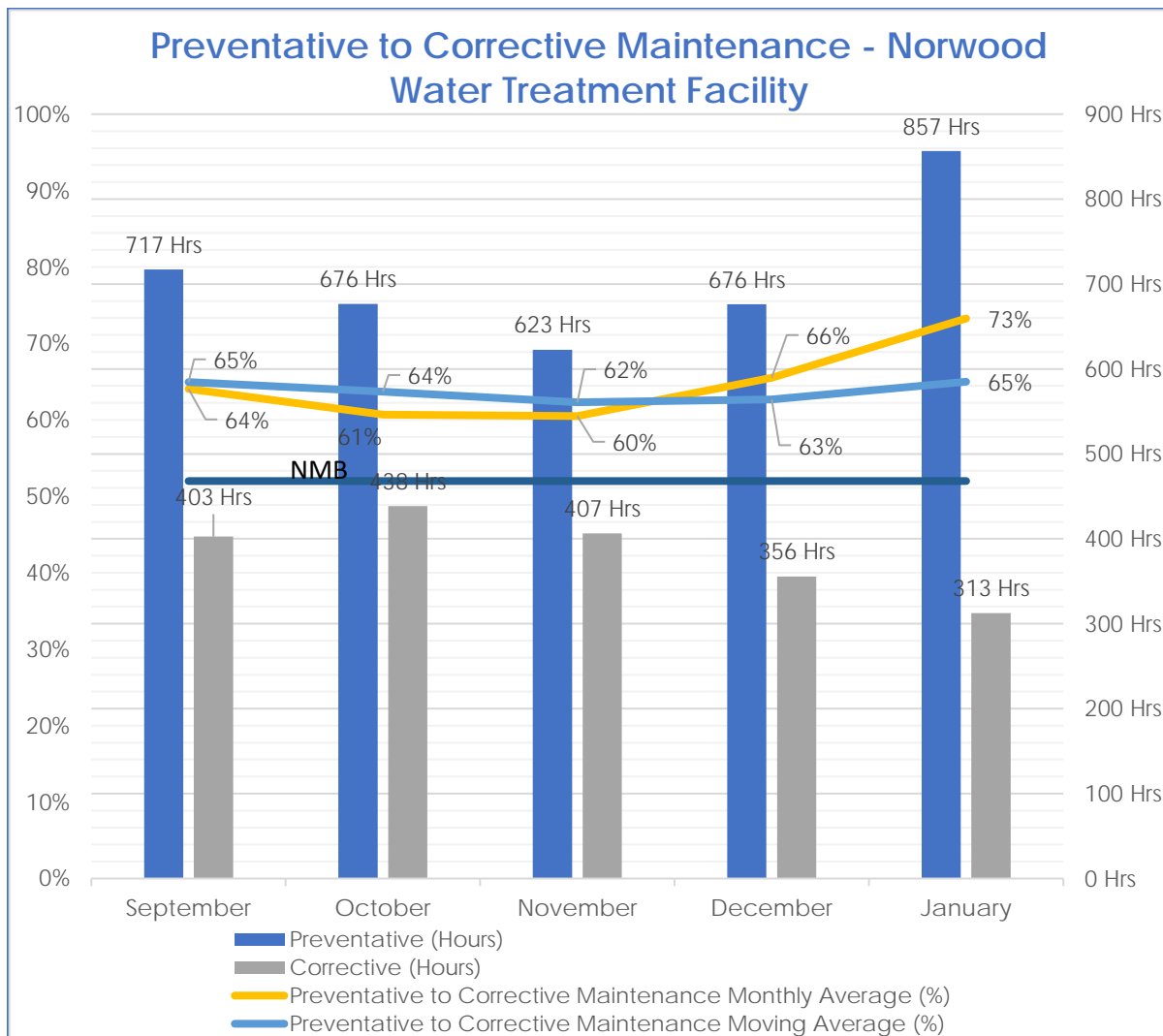
5. Water Distribution Maintenance (909)

Preventative to Corrective

There was a marked drop in preventative maintenance and corrective maintenance hours due to the holiday season as well as focused work on an issue involving SCADA panel 1 and the Ammonia System. The maintenance team has completed a total of 427 work orders, of which 296 were preventative and 71 were for corrective maintenance work to address immediate concerns. The Maintenance Team welcomed two new employees, bringing the division to full capacity. As a result, there was a drastic increase in work orders completed this month.

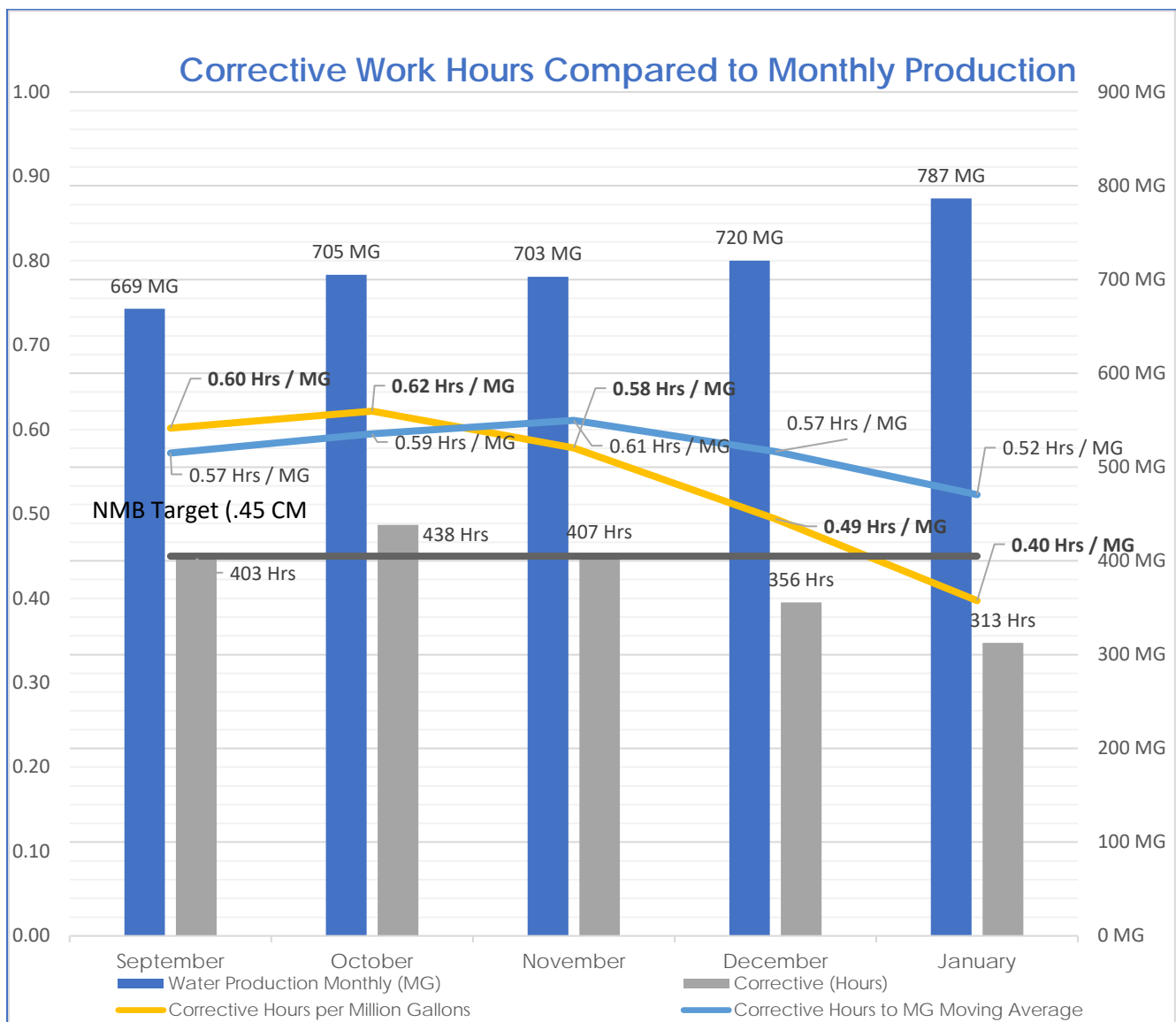
In general, the higher the **orange line**, the better the performance of the team. Also, we have included a moving average now in the report (**blue line**) to show the trend over a longer period. Ideally, we will be able to use this as our primary as it shows a more consistent progress.

This graph represents the percentage of preventative work hours when compared to corrective work hours. The team continues to exceed the target baseline of 52%.



Corrective to Production

This KPI quantifies the completion of Corrective Vertical Maintenance (CM) relative to the water production at the Norwood water treatment plant. The time for CM activities includes time spent repairing assets that have failed. This indicator is calculated using data obtained every month from maintenance records for the Norwood WTP stored in Maintenance Connection, and data collected from the flow meter of the combined finished flow. The lower the **orange line**, the better the performance of the team. This graph represents the ratio of corrective work hours per million gallons of water produced. The overall target is at .45 hours per Million Gallons. Corrective to Monthly Production is down this month. Although they have not reached their goal, they anticipate that to change as NMB Water continues to replace aging components and equipment.



Monthly Maintenance Overview:

In January, the Norwood Water Treatment Facility's maintenance welcomed two new members to the team. They have dedicated their efforts primarily to preventative maintenance, enhancements, and providing valuable assistance. Their contributions, along with the concerted efforts of the existing team, have led to the significant milestone of meeting both key performance indicator (KPI) targets for the first time for this division.

Building on the progress from the previous month, the team initiated the construction of the Slaker #1 external air compressor upgrade. Additionally, they acquired necessary components for one of the Ammonia bypass systems, with the work slated to commence in February. This collective progress underscores the Maintenance team's commitment to continuous improvement and operational excellence.

Total Work Orders Completed:

296 Preventative

71 Corrective

51 Inspection

9 Enhancement/Upgrades

Primary Objectives Completed:

- I. Piping replacement on the Odor Control Recirculation Pumps.
 - a. Effluent side of the piping of the three Odor Control Pumps was cracking.
 - b. New piping fabricated and installed.
- II. Air Compressor Upgrade on Slaker #1.
 - a. A base, roof, and side shields were fabricated in-house for Slaker #1.
- III. Wastewater Telemetry/SCADA
 - a. SCADA Team started their annual PM on the Lift Station SCADA Systems.
 - b. Installation of new Radars began.
- IV. Polymer Mixer Pumps
 - a. Polymer Mixer pumps were brought back into service.
 - b. New electrical closures & piping.
- V. Antiscalant Flow Meter Installation.
 - a. A new flow meter was added to the system for better chemical dosing.
 - b. New piping designs.

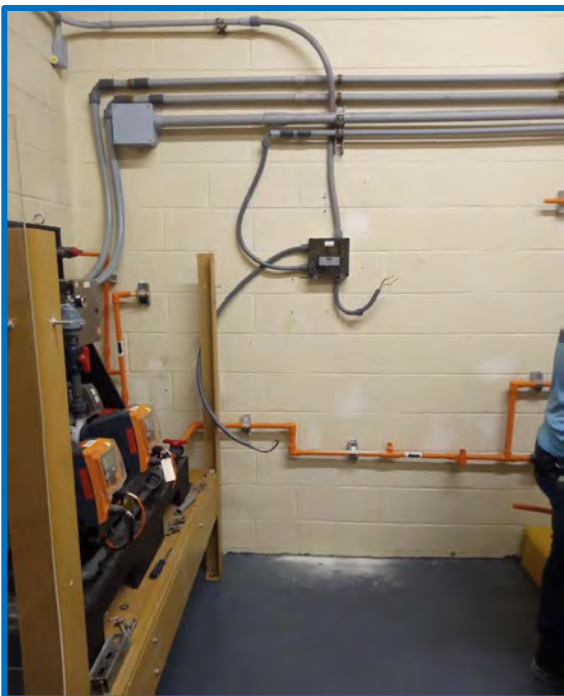
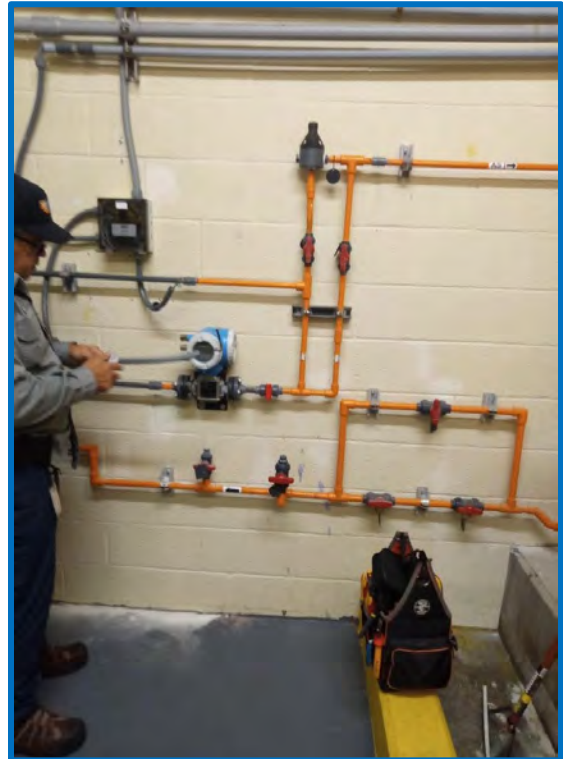
Air Compress Roof Welding



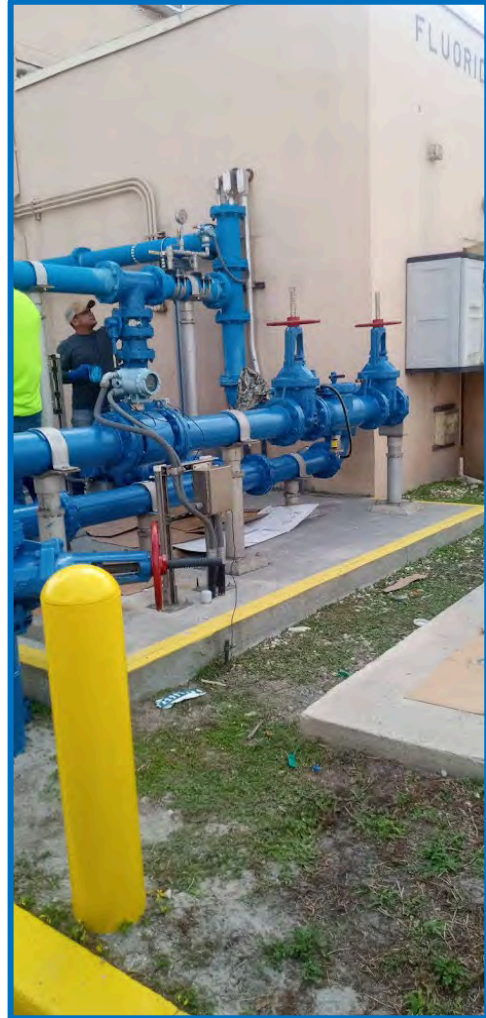
Air Compressor Shield Fabrication



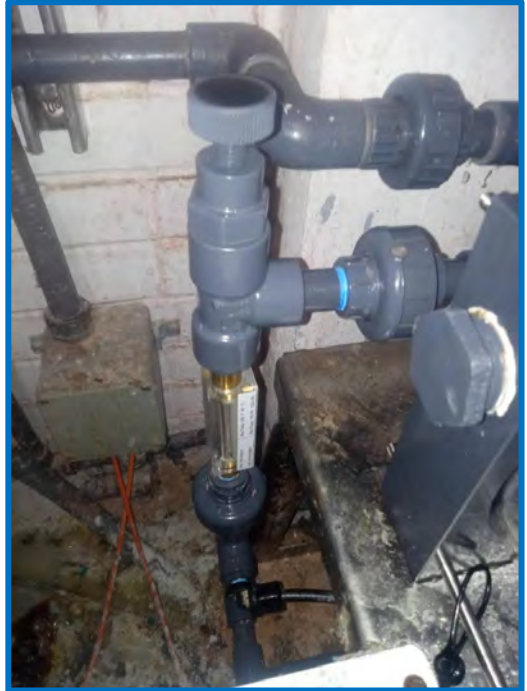
Antiscalant Flow Meter Install



Painting of CO2



Polymer Mixer



Polymer Mixer Repair



Well 4 Painting

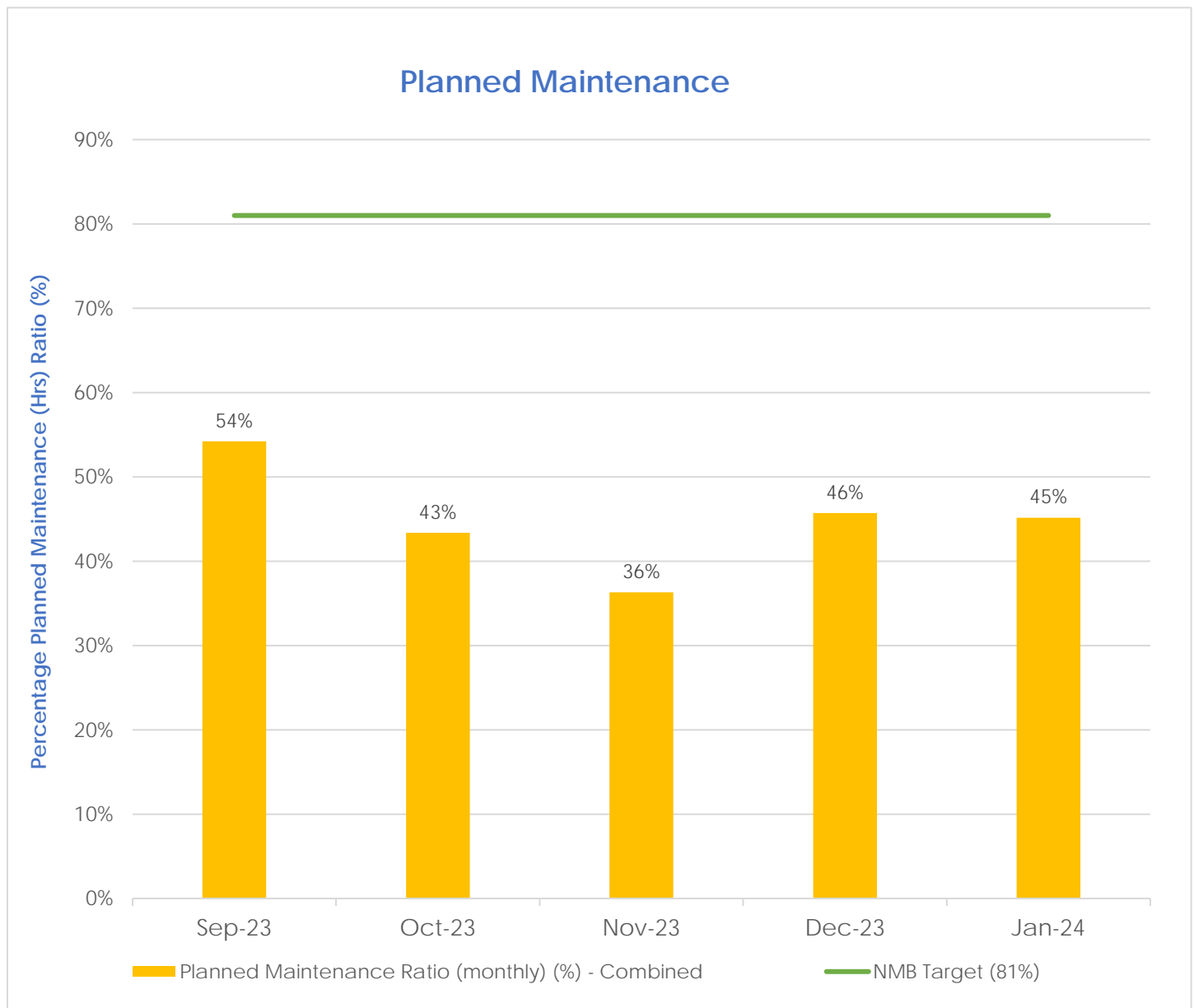
6.



Wastewater Collection Maintenance (910)

Planned Maintenance

NMB Water is focused on wellfield protection maintenance needed as identified in the SSES report and continue working on FDOT relocations in Miami Gardens. Crews also continue to handle customer service requests and emergency repairs.

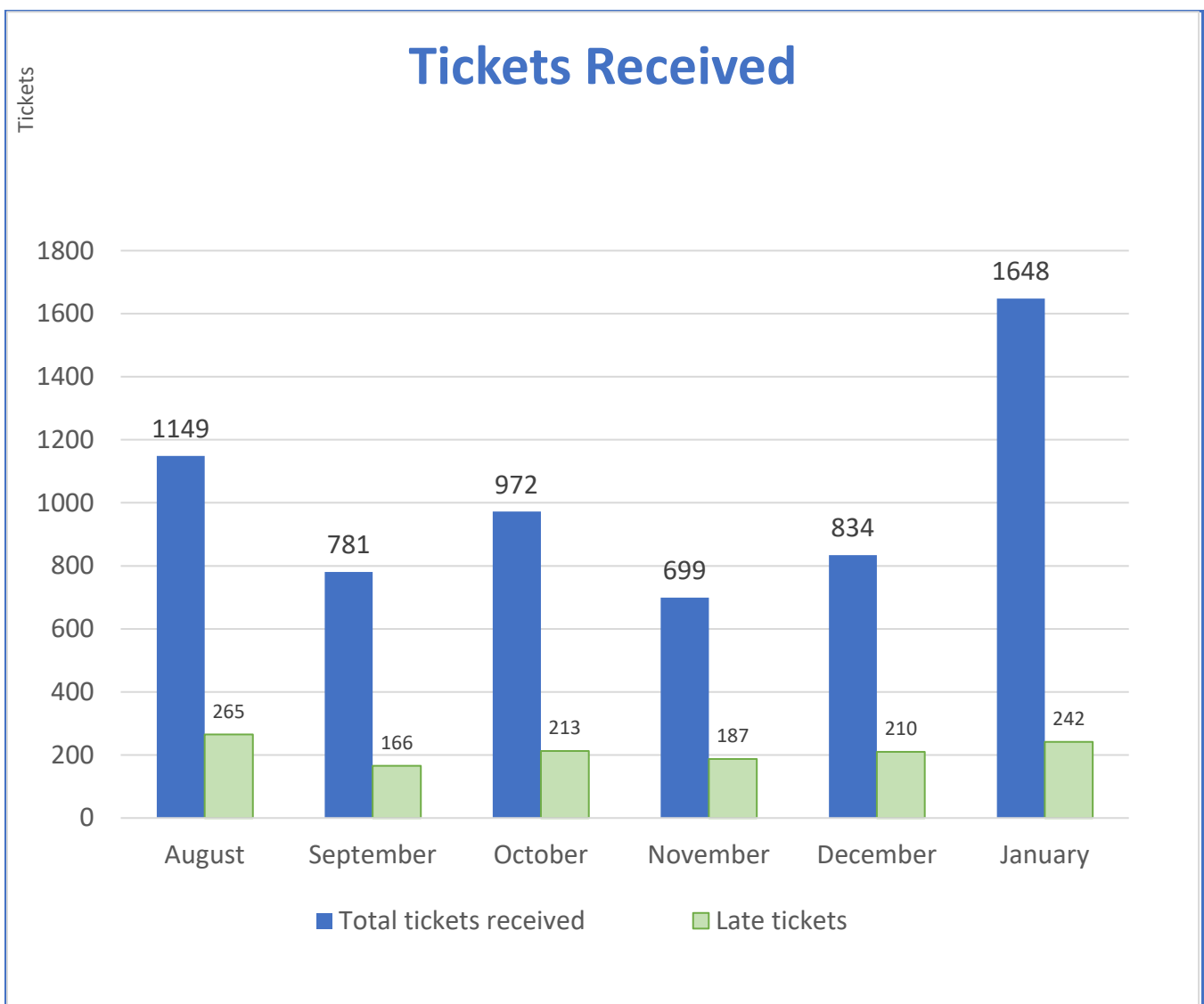


7. Infrastructure Coordination (912)

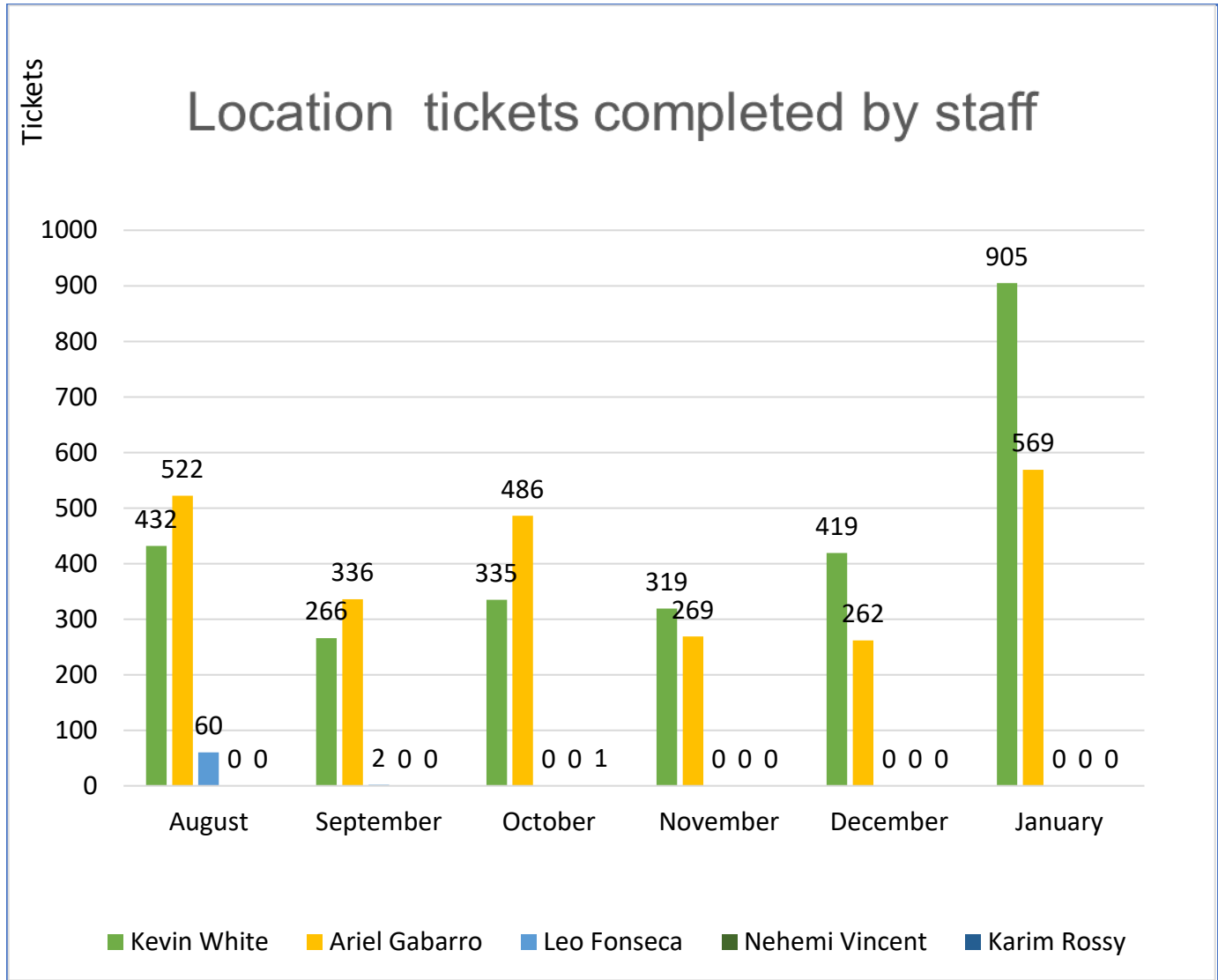
Location Tickets

NMB Water is mandated by Florida Statute Chapter 556 to respond to the Sunshine 811 locate ticket within two full business days from receipt. That is our goal.

Note: we have seen these past couple of years an influx of construction in the service area and have had upwards of 100 new tickets a day and backlogs of close to 500 tickets. Currently, the team has two full-time locators and three additional staff, including inspectors and an infrastructure manager, that help as needed to protect NMB Water infrastructure. The current backlog is between 200-300 tickets daily.

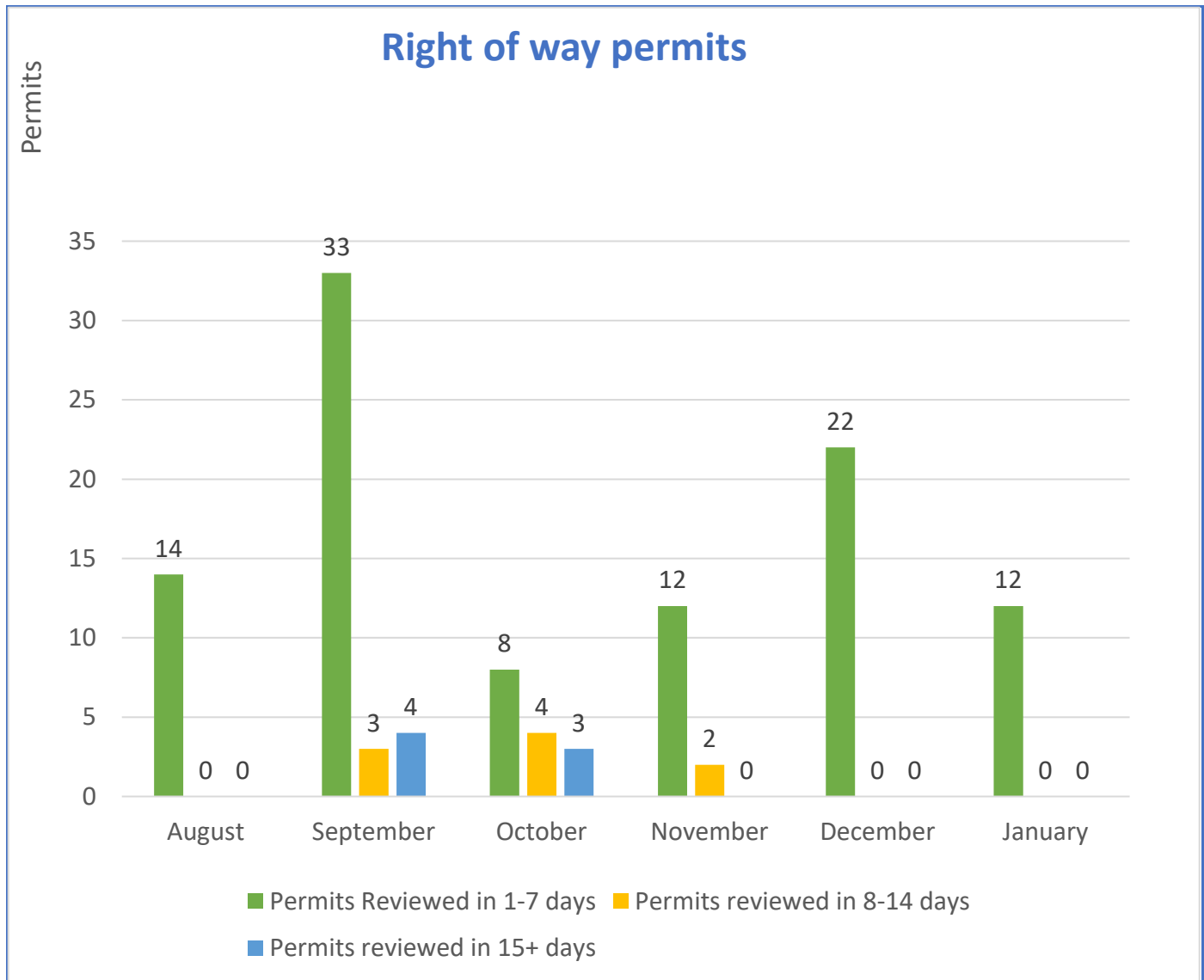


The Engineering and Infrastructure Division currently has two full-time locators. Staff has tried to keep up with the workload by assisting however they can. In order to deal with the high volume of work, they are in the process of hiring a new (third) locator to alleviate this need.



Right of way Permits

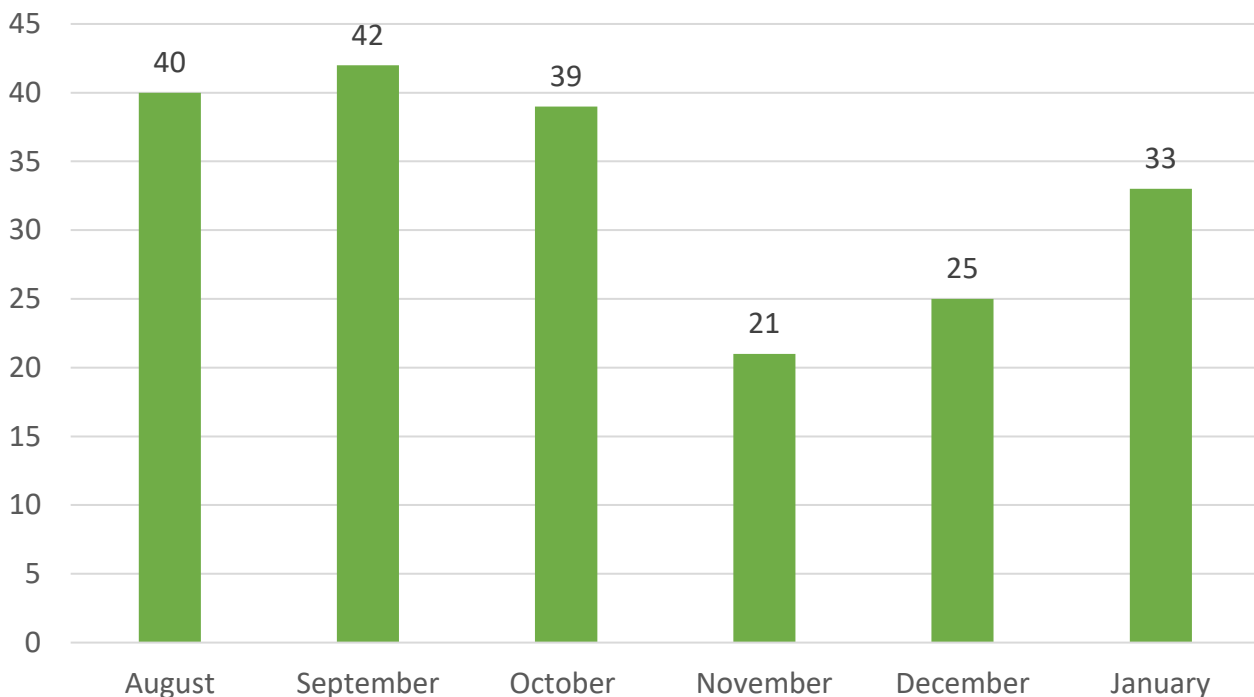
The Engineering and Infrastructure division receives Public Works Engineering Permits (Right of way) permits to review for compliance with our water and sewer requirements. Our goal is to turn them around within a week of receipt.



Utility Records Requests

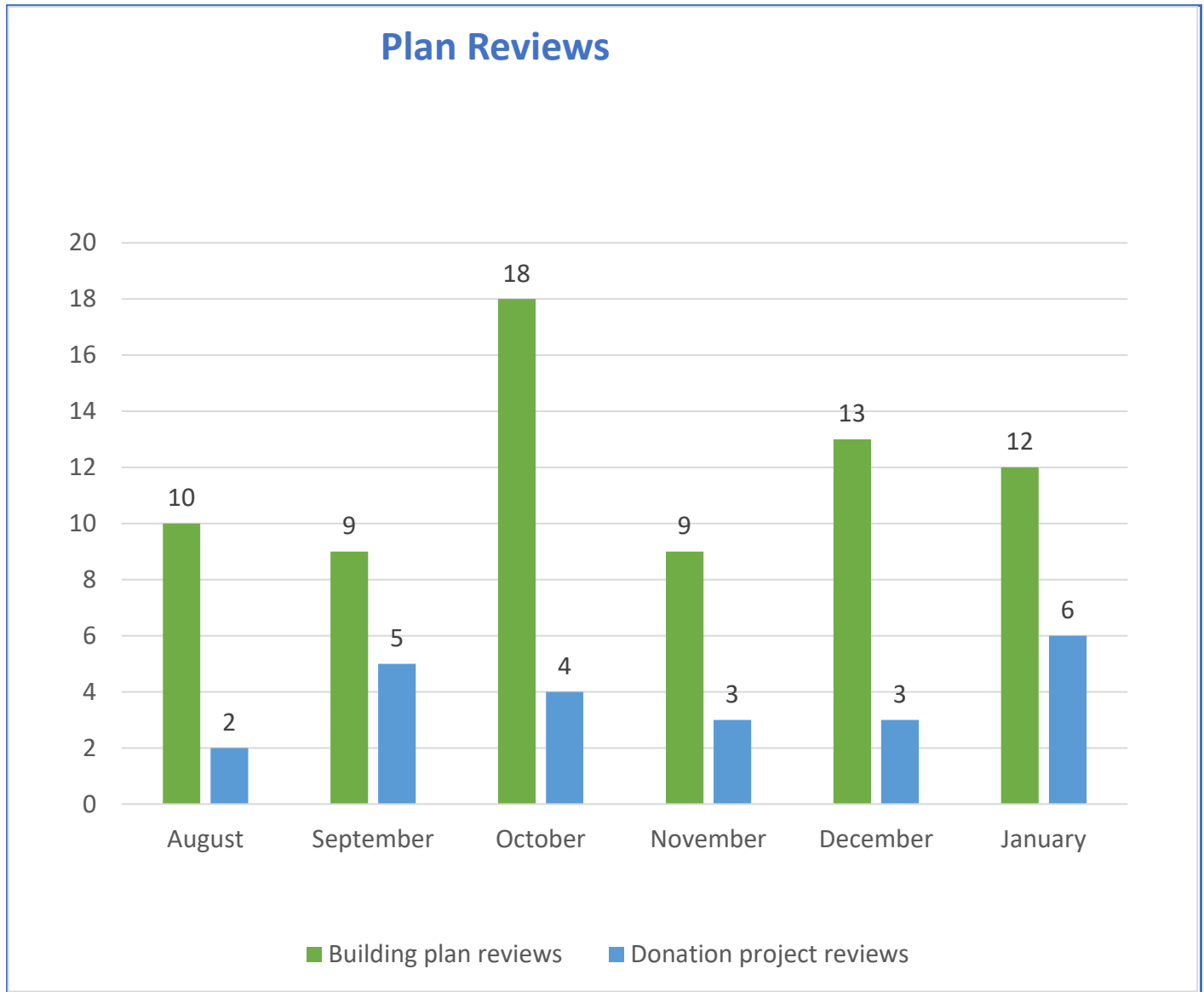
The Engineering and Infrastructure division receives Utility Records requests from consultants designing developer driven projects as well as other utility consultants doing work in the right of way. They need to show what else is in the right of way near their project to avoid conflicts or simply to connect to our utility lines. This provides another layer of damage prevention. The goal is to turn these requests around within 5 business days and usually do. Record requests include GIS and related documents such as scanned as-builts. Occasionally, we receive requests from public records requests from the City Clerk office.

Utility Records Requests



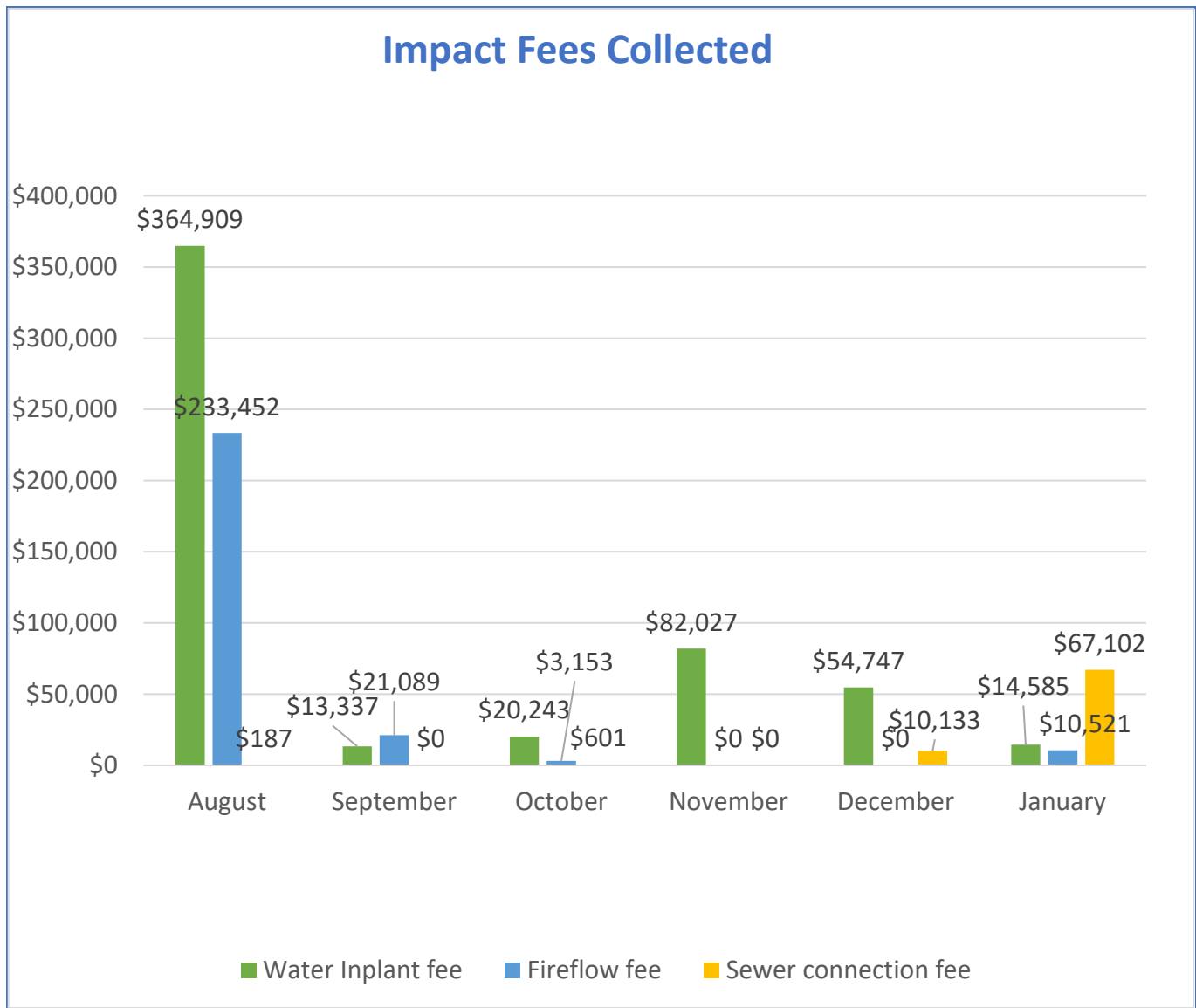
Plan Reviews

The Engineering and Infrastructure division reviews building plans for assessment of water and sewer connection and Fire flow fees. They also review developer driven donation projects for water actual connections to our system. This type of review can be time consuming and sometimes requires a lot of back-and-forth interaction.



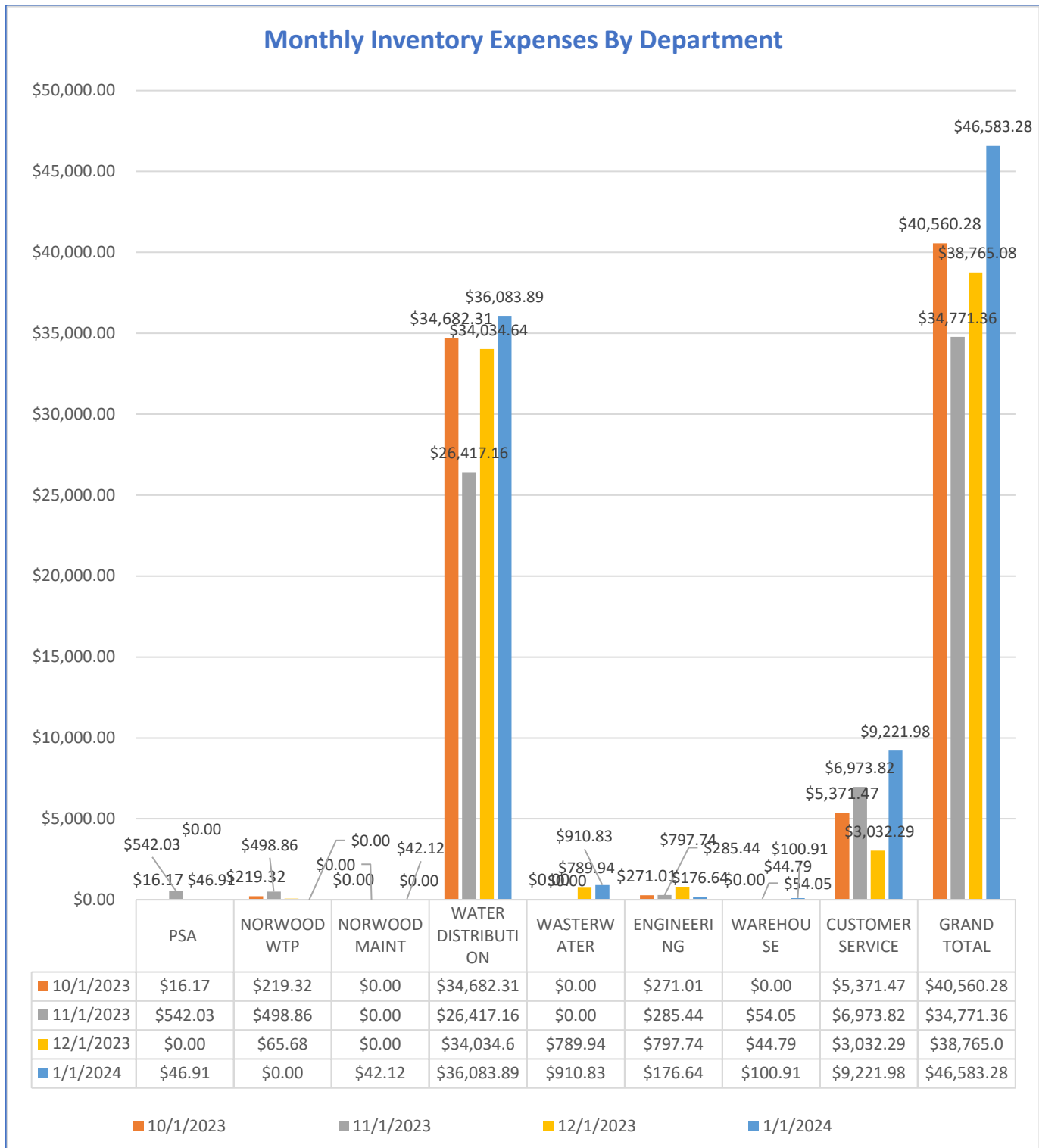
Impact Fees Collected

The Engineering and Infrastructure division reviews building plans for assessment of sewer connection and fire flow fees. The amounts collected are based on regional growth at the present time and not an indicator of our performance. The amounts collected are based on regional growth at the present time and not an indicator of our performance.

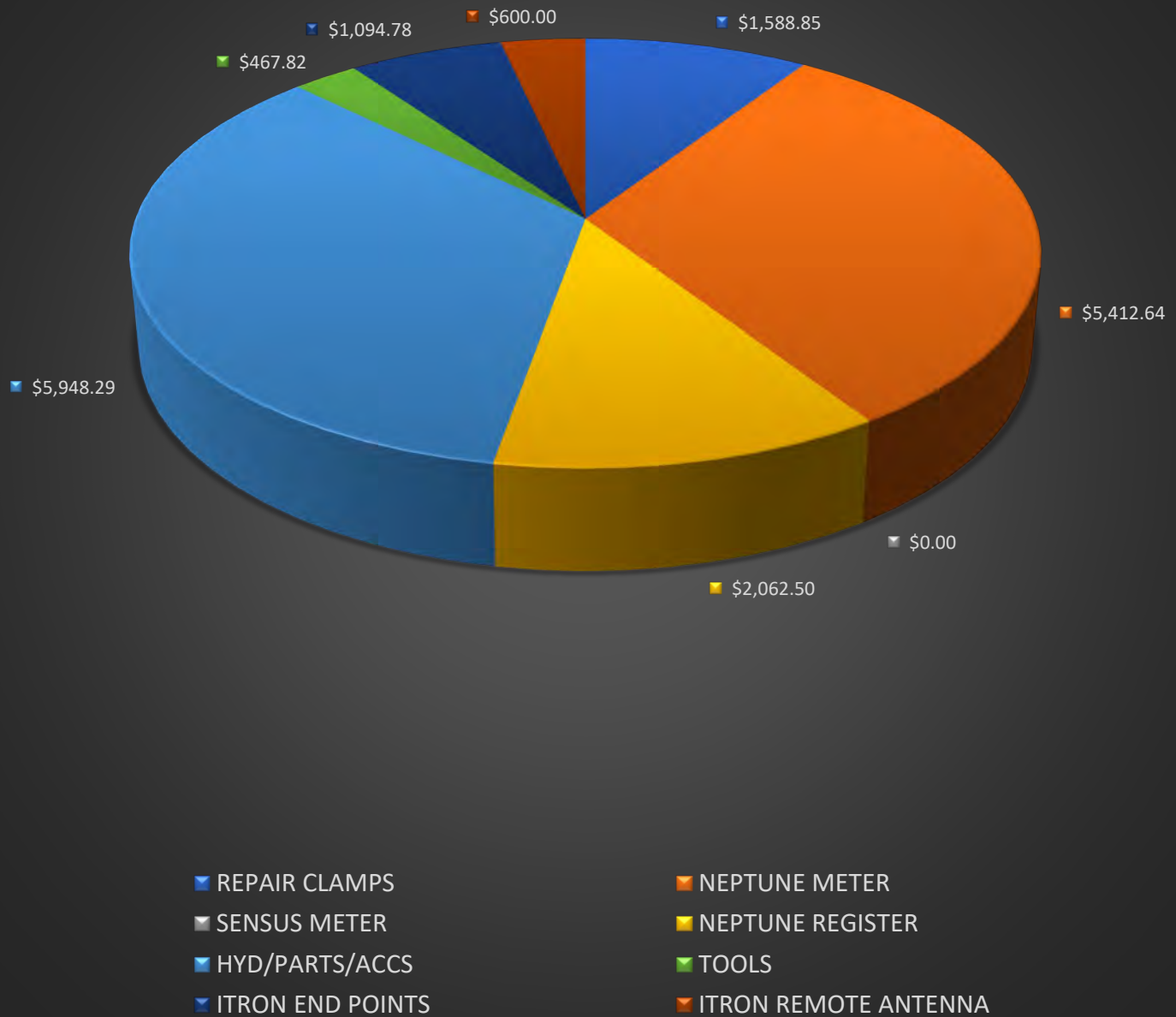


8. Warehouse

The Operation Center Warehouse is located at: 2101 NE 159th Street and is part of the NMB Water Division. The warehouse is comprised of approximately 4,000 square feet of covered space and 1,000 square feet of open space (Phase II). The graph below presents the total cost of equipment spent by each NMB Water division. A total cost of \$46,583.28 was utilized this month.

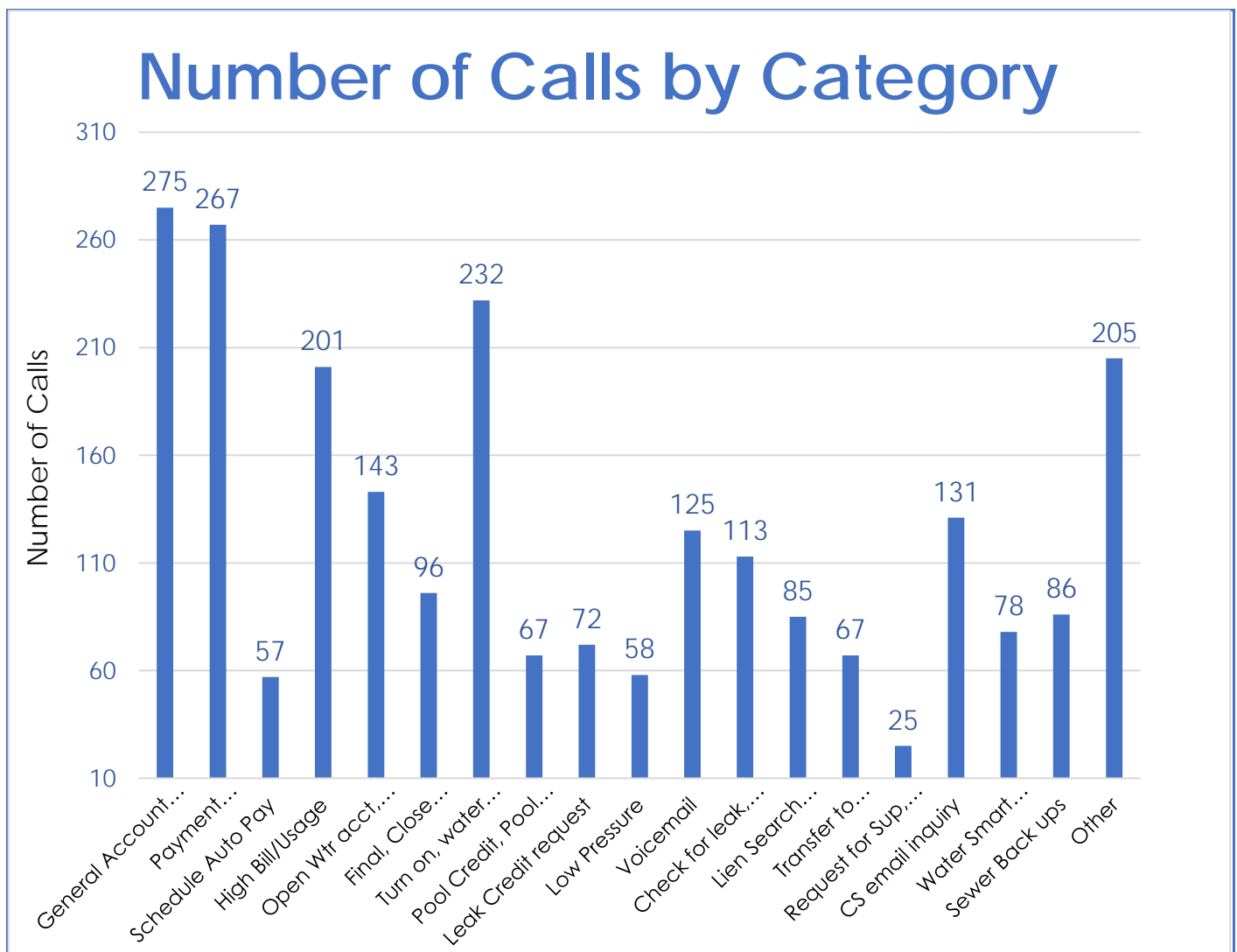


SUMMARY COST-DEMAND ITEMS F/ REPAIRS & MAINTENANCE



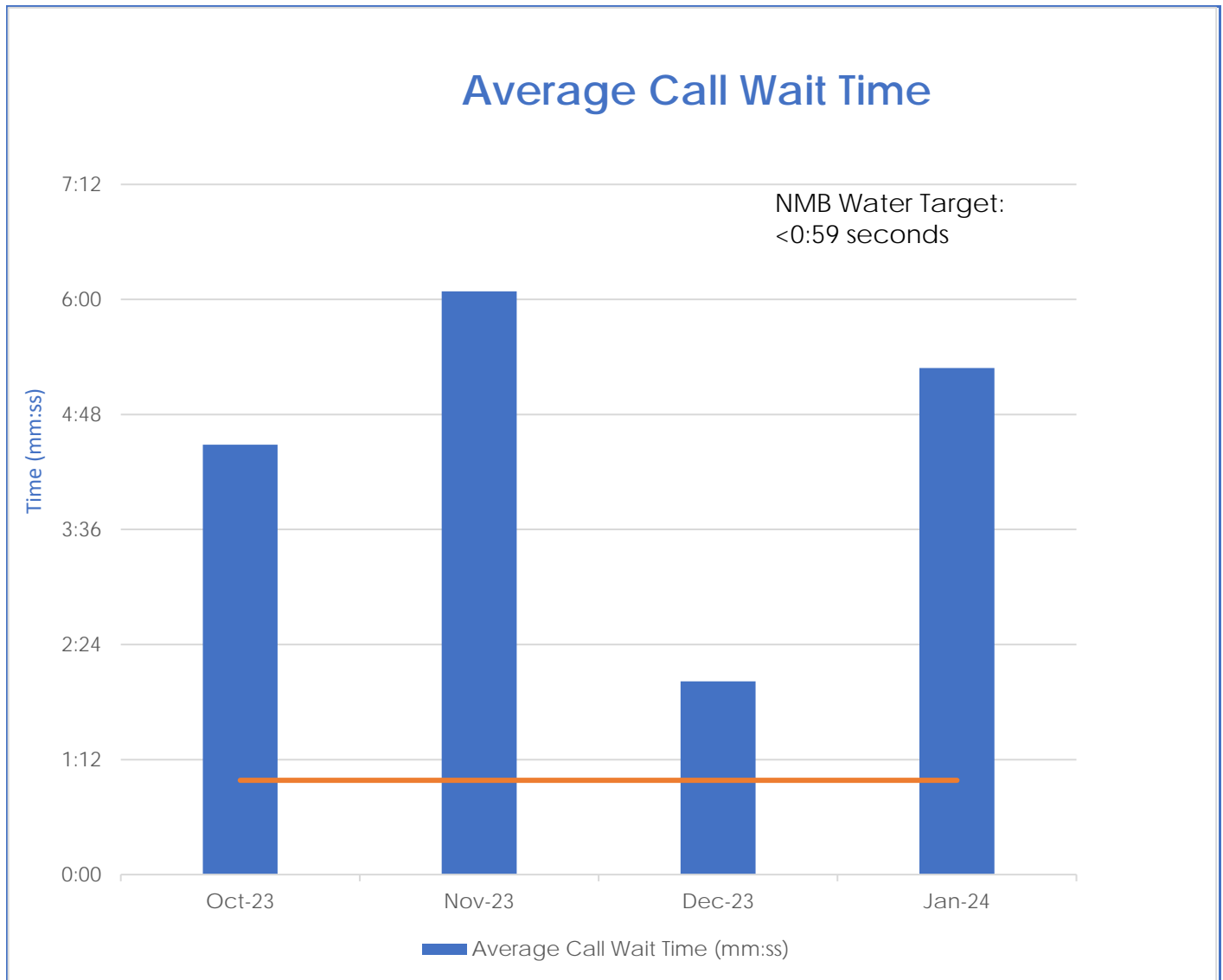
9. Customer Service (916)

Customer Service (CS) provides services for meter reading, Itron and Invoice Cloud management, billing, money-collection, and call center to approximately 34,950 customer accounts. A total of 2,436 calls were received during this reporting period. A total of 2,383 calls were answered in which the average hold time per call was 1 minute and 43 seconds. The chart below shows the number of calls per category recorded for the month of January. Category labeled "other" includes late fee waivers, estimated bill, meter and sanitation inquiries. (Note: Not all the calls were categorized)



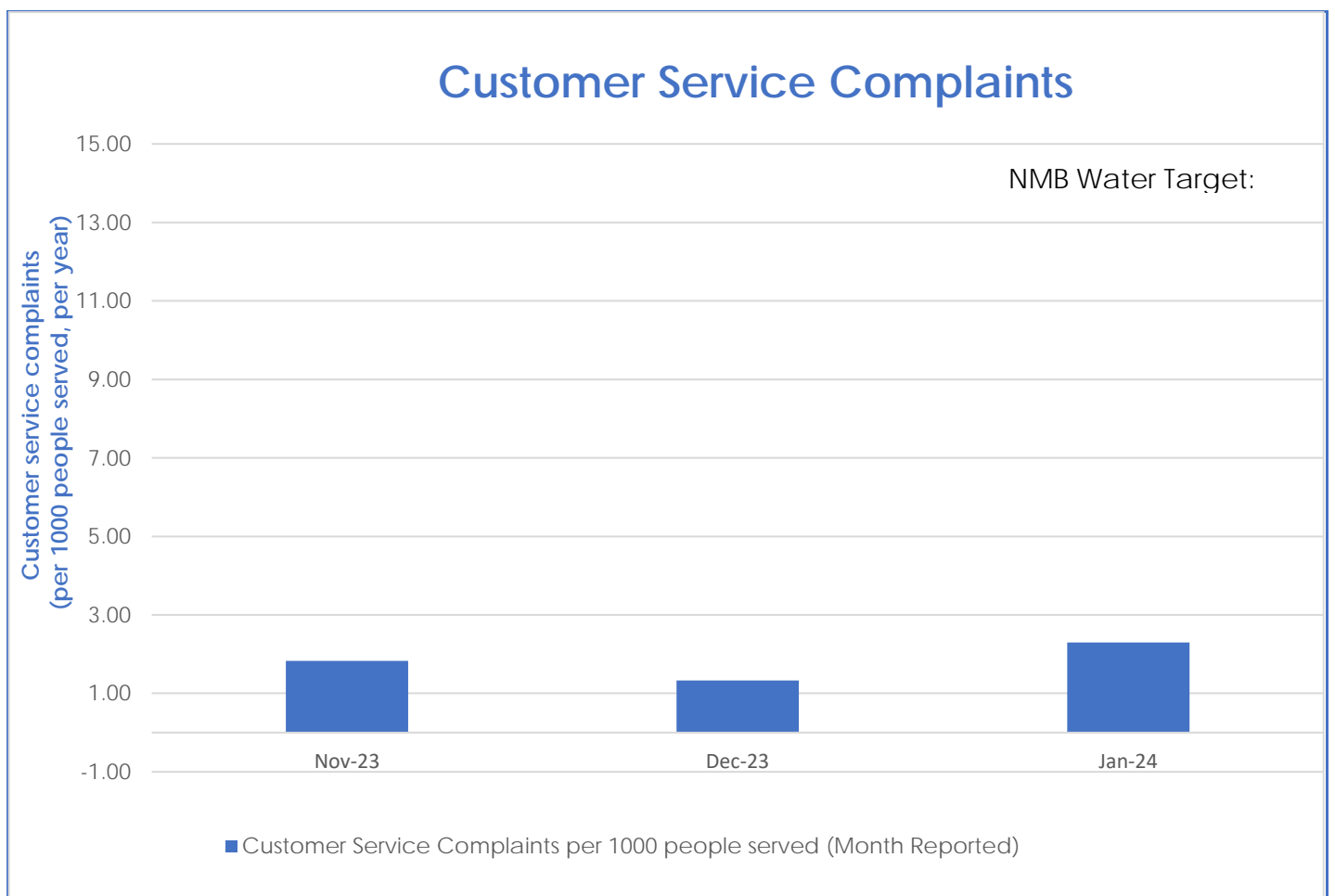
Average Call Wait Time

Average call wait time is the amount of time an inbound call spends waiting in queue or for a callback, also known as the average speed of answer. The traditional wait time for a call uses the wait time of <0:59 seconds. The average call wait time increase significantly due to time spent going over bills/and or collections inquiries with customers.



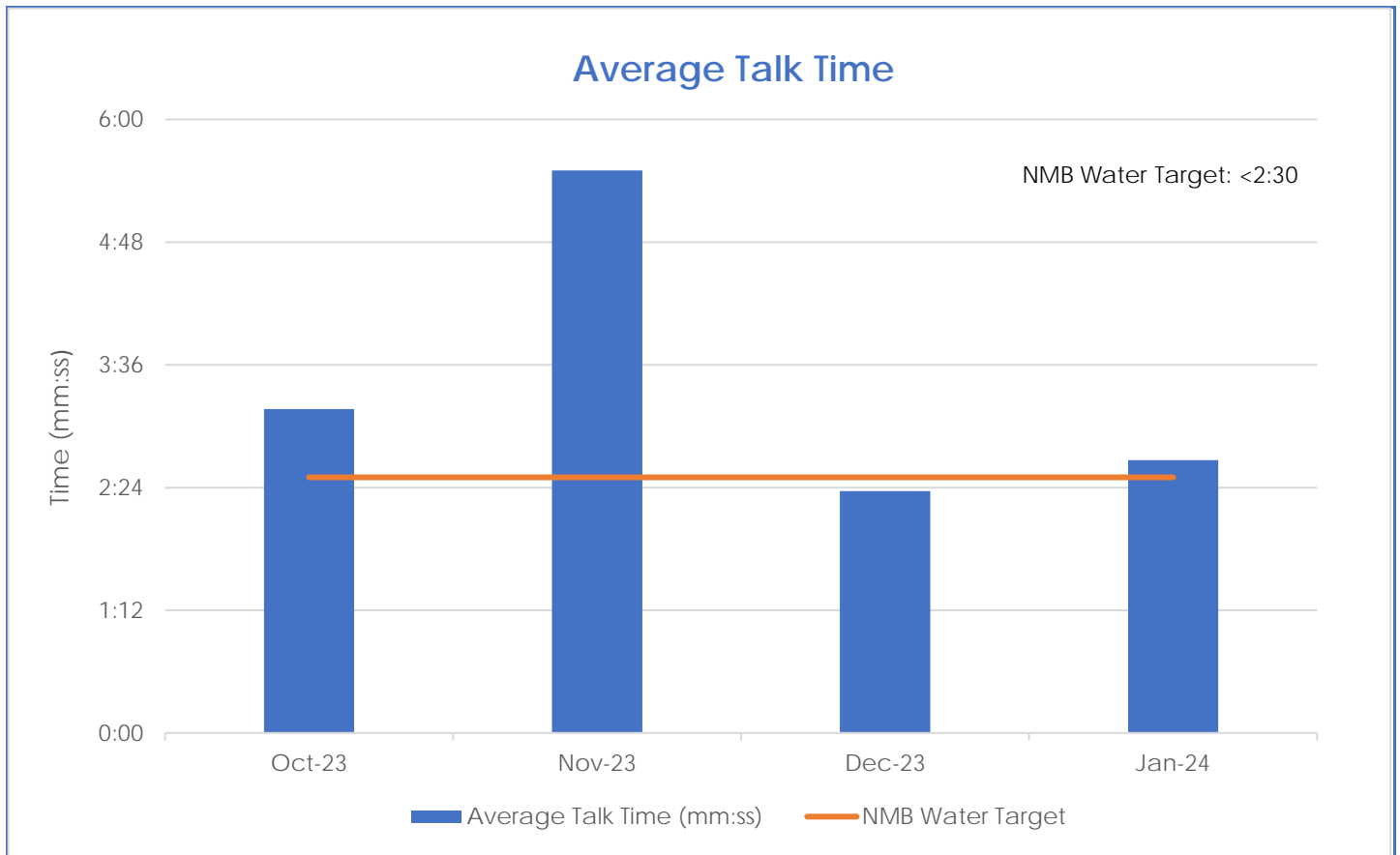
Customer Service Complaints

This KPI captures the complaint frequency provided by the utility per 1,000 accounts. AWWA defines customer service complaints in reference to relationship factors such as courteousness, helpfulness, professionalism, and responsiveness. We will utilize the following to capture customer complaints: estimated bills, high bills, low water pressure, leaks, request for supervisor, Water Smart issues, sanitation issues, and sewer backups. Our target goal has been adjusted from five (5) to fifteen (15) complaints per 1000 customers a month because of the influx of complaints during billing cycles. There was a significant increase this month in customer service complaints as the call volume increased with regards to the following topics: bill inquiries, estimated bills, leaks and requests to speak to supervisory staff.



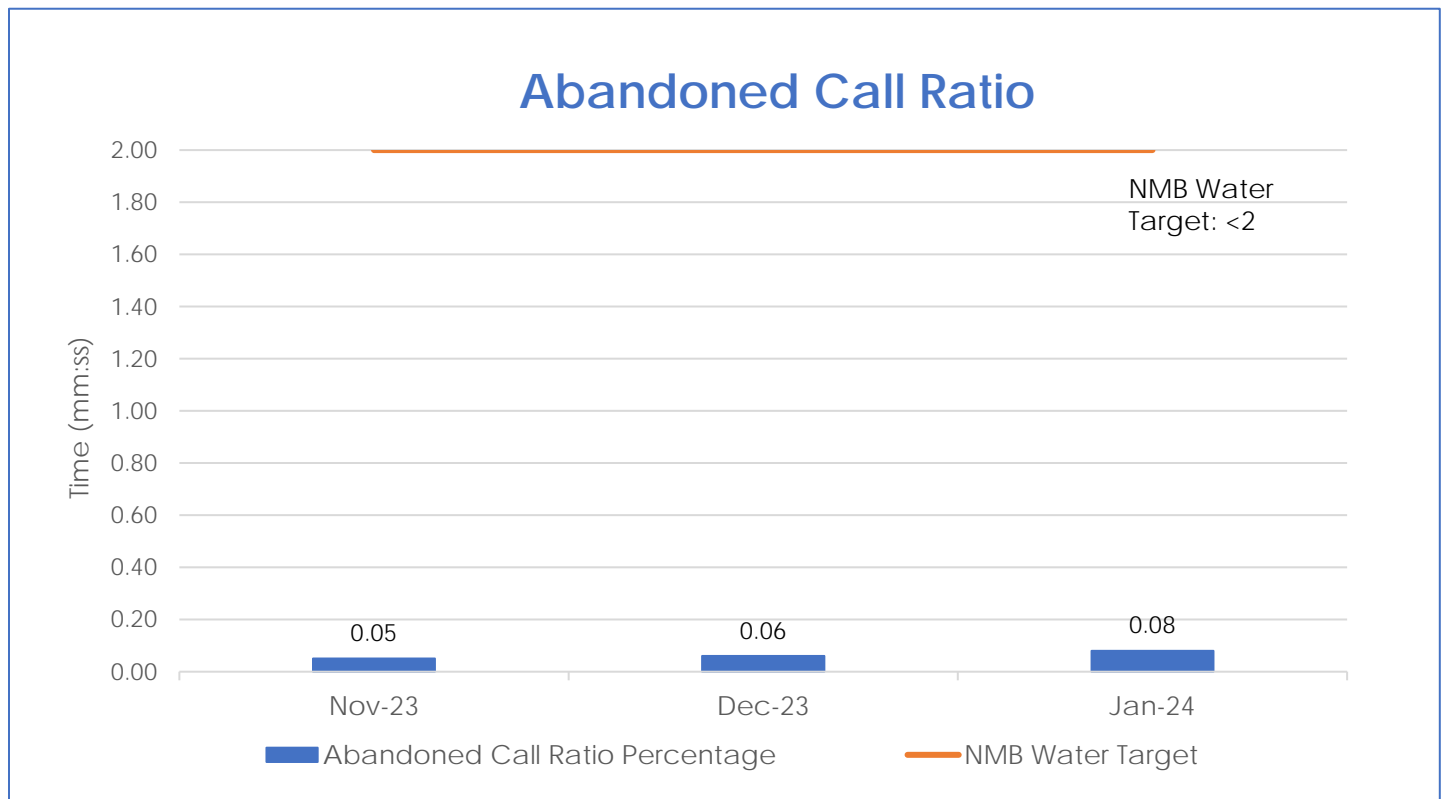
Average Talk Time

Average talk time (ATT) is the amount of time that a Customer Service Representative (CSR) spends handling customer calls and resolving their queries. The Average Talk Time increased slightly as agents spent additional time assisting customers with billing/collection inquiries.



Abandoned Call Ratio

The abandoned call rate is the ratio between the number of the calls terminated before they could be answered and the total number of calls. This is important for KPIs that indicate customer satisfaction and service level. A high abandonment rate is often used as a signal by call centers to improve the response time. The increase in call volume in January may have led to the increase in abandoned call ratio.





**City Manager's Report
16.3.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	
VIA:	
DATE:	March 19, 2024

RE: NMBPD Monthly Report (February 2024)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

📎 NMBPD Monthly Report and Stats Feb 2024



HIGHLIGHTS & SIGNIFICANT INCIDENTS

NORTH MIAMI BEACH POLICE
DEPARTMENT
MONTHLY REPORT
FEBRUARY 2024



Prepared by
Deputy Chief
Nelson Camacho
March 5, 2024



HIGHLIGHTS & SIGNIFICANT INCIDENTS

ADMINISTRATIVE DIVISION

- Annual firearms qualifications ongoing.
- New Recruitment Team formed.
- NMBPD jobs announcement given to Miami-Dade College for posting.
- Meeting held with City selected vendor to assist with Recruitment and Branding.
- Attended Miami-Dade College BLE graduation.
- Registered for Career Fair in Miami-Dade and Broward Counties.
- Processing 5 Police Officers, 4 Cadets, 7 Dispatchers, and 2 Service Aids
- Conducted interviews for Police Officers, Cadets, and Dispatchers.
- Posted ads for Crime Scene Technician and Police Cadets
- Officers attended 25 trainings and schools.

OPERATIONS DIVISION

- Calls for service: 8418 (Includes Watch Orders, Night Eyes, and Community Contacts).
- Arrests: 106 (46 felonies)
- Traffic Stops: 598
- Officer Yehuda Topper was recognized as TOP COP.
- New Sergeants Maria Pinillos, Michael Mendez, and Mauricio Villanueva completed their training on 02-28-2024 and are on their own.
- Sergeant Shaunetta Anderson was transferred to the Ethics and Integrity Unit on 02-29-2024.
- Major Juan Pinillos was transferred to the Investigative Division.
- Captain Lino Diaz was transferred to the Operations Division and is the Acting Major.
- PPO Camejo is scheduled to complete the FTO Program 03-06-2024.
- PPO Blatt is scheduled to complete the FTO Program 03-20-2024.
- Officer Arias completed the FTO Program and is a solo officer.
- Swore in new Officers Alain Batista and Christopher Ramirez. Currently going through orientation training.
- Officers Carlos Castillo, Jonathan Perigny, and Kevin Sherrod were cleared for full duty.
- Officer H. Cooper conducted a traffic stop and yielded 3 rifles, two arrests, and information on three more subjects in the vehicle. One of the subjects was involved in a high-profile homicide and other homicides and shootings in various jurisdictions. One rifle was linked to a contact shooting in County's jurisdiction.
- The Special Response Team (SRT) conducted three search warrants, surveillance on a home invasion subject, and a compliance check.

Prepared by
Deputy Chief
Nelson Camacho
March 5, 2024



HIGHLIGHTS & SIGNIFICANT INCIDENTS

COMMUNITY PARTNERSHIP DIVISION

- Meetings Attended:
 - Commission Workshop and Commission Meetings attended
 - PACT meeting at Uleta Park
 - Crime Prevention attended Wake Up NMB
 - National PAL Executive Board
 - Chamber of Commerce lunch
 - Commission Workshop
 - Commission Meeting
 - PAL of South Florida
 - Presentation at Senior Center
 - Stakeholder from Zone 3
- Events Attended
 - Farm Share event conducted at Victory Park.
 - Cookies with Rookies at Chic-Fil-A with MDPD.
 - Harmony of Heritage Black History Celebration
 - CG Bethel Food Drive
 - JFK and Horace Mann Middle School PD Station tour
 - Comicon at the McDonald Center
 - Year of the Dragon Celebration
 - Valentine's Day Dinner and Dance
 - PAL opening cheer and football day.
 - Heart Health Walk
 - City Manager Talking Tour
 - Coffee With a Cop
- Complaints Handled
 - Traffic/Motor Unit conducted special enforcement in Zones 3 and 5 with 94 citations written and 38 parking tickets issued. Speed trailers were also set in Zone 5
- Complaints Handled (Continued)
 - Investigated complaint of aggressive dogs @1524 NE 182 St.
 - 7 dogs captured.
 - Building Inspector called out and other violations discovered.
 - 1281 NE 181 St (Via Fix-It-NMB) Abandoned Home:
 - No suspicious persons or personal property inside the residence.
 - Abandoned sofa in the rear which Public Works came and picked up.
 - 3582 NE 171 St (Loud Revving Vehicle):
 - Vehicle and owner located, warned and educated. No violations

Prepared by
Deputy Chief
Nelson Camacho
March 5, 2024



HIGHLIGHTS & SIGNIFICANT INCIDENTS

- observed in police presence.
- Officers advised to remain vigilant and if observed with the violations to cite. Complainant advised that we will keep an eye out and allow the process to work if cited.
- 16395 Biscayne Blvd (Animal Neglect Complaint)
 - Animal Services is investigating and we will assist if they need us to. Complainant was advised.

INVESTIGATIVE DIVISION

- 1492 NE 172 St (Squatters and stolen scooters)
 - 28 scooters and scooter type items recovered, including narcotics and fraud activity.
 - Still following-up to link up owner/victims with their properties.
- 14641 Biscayne Blvd (Publix), Organized Scheme to Defraud, and fraud using stolen credit cards and information.
 - Search Warrant served, subject arrested, and fraudulent activity evidence Seized.
- Search Warrant (3681 NE 170 St) Title Fraud
 - Approximately \$89,000 US Currency found
 - Fraud evidence seized.
 - Three Firearms seized. Subject is a convicted felon.
 - New Detectives S. Dostaly and L. Fleitas-Betancourt on 5th week of training and progressing well.
 - Sergeant Aldo Alfonso was sworn in at the State Attorneys' Office Human Trafficking Task Force.
- Tactical Investigation Unit
 - Investigated suspicious incident at 18425 NE 19 Av. Working with Homeland Security.
- Tactical Apprehension Team
 - Investigating Fentanyl activity in our city with DEA.
 - Conducted two operations with Miami-Dade CSIT. Met with North Miami PD and they will be joining us on operations addressing crime trends jointly affecting our shared areas.
- DEA Groups:
 - \$200,000 seized.

Prepared by
Deputy Chief
Nelson Camacho
March 5, 2024



NORTH MIAMI BEACH POLICE DEPARTMENT

TARGETED CRIMES (JAN - FEB 2024)



ROBBERY		
	YTD 23	YTD 24
JAN	8	4
FEB	7	3
TOTAL	15	7

BURGLARY (RESIDENCE)		
	YTD 23	YTD 24
JAN	10	6
FEB	5	4
TOTAL	15	10

BURGLARY (NON-RESIDENCE)		
	YTD 23	YTD 24
JAN	2	7
FEB	4	3
TOTAL	6	10

MOTOR VEHICLE THEFT		
	YTD 23	YTD 24
JAN	14	34
FEB	9	17
TOTAL	23	51

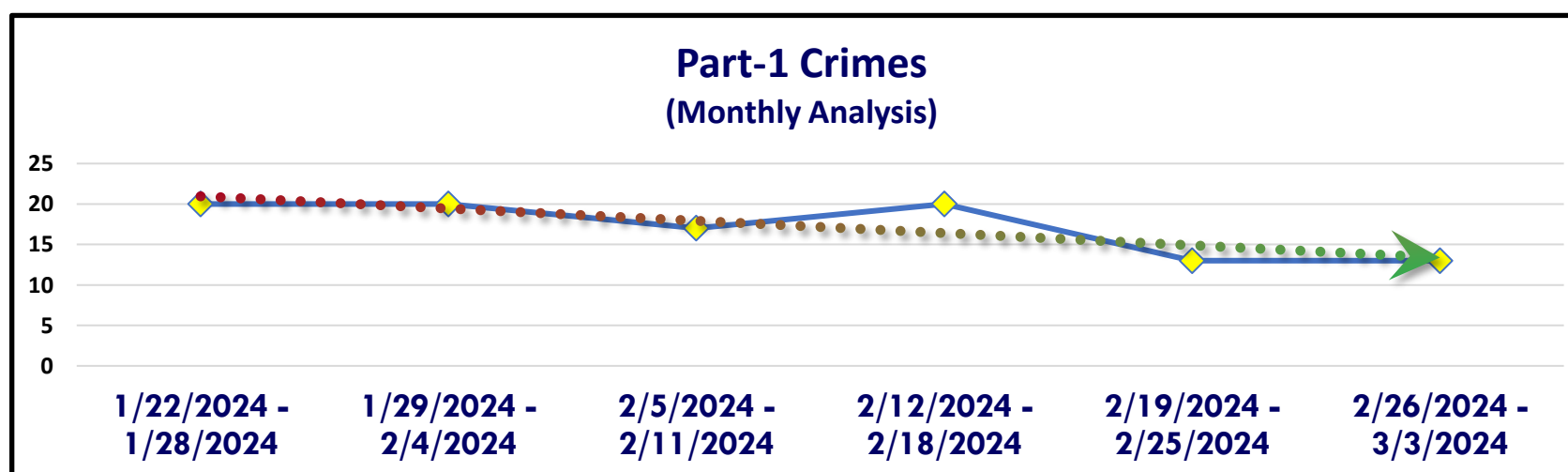
NOTE: The data reflected above is in National Incident-Based Reporting System (NIBRS) format. NIBRS captures details on each single crime incident—as well as on separate offenses within the same incident—including information on victims, known offenders, relationships between victims and offenders, arrestees, and property

DATA BELOW IS NOT IN NIBRS FORMAT											
ROBBERY (ARMED)			ROBBERY (STRONG-ARM)			BURGLARY (VEHICLE)			ASSAULT (AGGRAVATED)		
	YTD 23	YTD 24		YTD 23	YTD 24		YTD 23	YTD 24		YTD 23	YTD 24
JAN	4	1	JAN	4	3	JAN	27	21	JAN	7	17
FEB	3	2	FEB	4	1	FEB	16	23	FEB	6	6
TOTAL	7	3	TOTAL	8	4	TOTAL	43	44	TOTAL	13	23

HOMICIDE		
	YTD 23	YTD 24
JAN	1	0
FEB	1	0
TOTAL	2	0

SEXUAL BATTERY		
	YTD 23	YTD 24
JAN	1	1
FEB	1	1
TOTAL	2	2

NOTE: The data reflected above is in National Incident-Based Reporting System (NIBRS) format. NIBRS captures details on each single crime incident—as well as on separate offenses within the same incident—including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes.



The past 6 weeks currently reflect an overall downward trend in reported Part-1 crimes.

Report Date: 3/4/2024 10:40 AM

Created By: C.Lee Dorgilles



**City Attorney's Report
17.1.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	
VIA:	
DATE:	March 19, 2024

RE: Authorization to Initiate Legal Action Against Property Owner & Property Located at 2151 NE 163rd St. a/k/a the "Graffiti Building."

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- ☐ Memo
- ☐ Open Violations
- ☐ Images

MEMORANDUM

TO: Mayor and City Commission
FROM: John R. Herin, Jr., Interim City Attorney
DATE: March 11, 2024
RE: **Property Located at 2151 NE 163rd St. - a/k/a the "Graffiti Building" ("Property")**

Mayor and Commissioners, the purpose of this memo is to: (1) make you aware of the on-going code case against the Property; and (2) obtain Commission authorization to initiate a foreclosure or injunctive (nuisance) relief proceeding against the Property because of the property owner's failure to bring the code violations into compliance.

As depicted in the attached photographs, the Property is in disrepair, and has been so for many years. According to City staff, the Property is used as a dumping ground for inoperative vehicles and trash and debris. As a result of the failure of past and current owners to repair and maintain the Property in accordance with the requirements of the Code of Ordinances City of North Miami Beach, Florida, 2008 ("City Code"), over \$700,000.00 in fines have been levied against the Property and the City has recorded a lien against the Property. See attached list of open code violations.

At this time, the City Attorney's Office, with the recommendation of the City Manager and Director of Community Development, is requesting Commission authorization to either foreclose on the recorded lien, or seek injunctive relief to obtain an order from the circuit court directing the property owner to bring the Property into compliance with the City Code.

JRH

cc: Mario Diaz, City Manager
David Scott, Deputy City Manager

Owner: 2101 AVENTURA PROP OWNER LLC Complaint Number: 180913-41
C/O BIZZI AND PARTNERS DEV Violation Type: PARKING AREA MAINT
55 E 59 ST 24 FLR Complaint Date: 09/13/2018
NEW YORK CITY NY 10022 Comply Date: **UNRESOLVED**
Case Number: 192140
Source: CIT

Location: 2151 NE 163 ST
07-2216-007-0040

Comments: PLEASE RESEAL AND RESTRIPE PARKING AREA (WITH PERMIT)
NOV GREEN CARD RETURNED BUT NOT SIGNED 10/10/18 BK.
NOV POSTED ON PROPERTY BY ALRIDGE MERISIER 10/12/18 MA.
ADDRESS UPDATED 03/25/19 BK.
NOV DELIVERED 03/29/19 BK.
MAG 07/11/19 DELIVERED 6/25/19 BK.

Owner: 2101 AVENTURA PROP OWNER LLC Complaint Number: 180913-49
C/O BIZZI AND PARTNERS DEV Violation Type: PAINT BUILDING
55 E 59 ST 24 FLR Complaint Date: 09/13/2018
NEW YORK CITY NY 10022 Comply Date: **UNRESOLVED**
Case Number: 192142
Source: CIT

Location: 2151 NE 163 ST
07-2216-007-0040

Comments: PLEASE CLEAN AND PAINT EXTERIOR WALLS, DOORS AND WALKWAY
WHERE NEEDED (WITH PERMITS)
NOV GREEN CARD RETURNED NOT SIGNED 10/10/18 BK.
NOV POSTED ON PROPERTY BY ALRIDGE MERISIER 10/12/18 MA.
ADDRESS UPDATED 03/25/19 BK.
NOV DELIVERED 03/29/19 BK.
MAG 07/11/19 DELIVERED 06/25/19 BK

Owner: 2101 AVENTURA PROP OWNER LLC Complaint Number: 180913-50
C/O BIZZI AND PARTNERS DEV Violation Type: BUILDING MAINTENANCE
55 E 59 ST 24 FLR Complaint Date: 09/13/2018
NEW YORK CITY NY 10022 Comply Date: **UNRESOLVED**
Case Number: 192143
Source: CIT

Location: 2151 NE 163 ST
07-2216-007-0040

Comments: PLEASE REPAIR DAMAGED EXTERIOR WINDOW AND SIGNAGE LOCATED
NEAR THE FRONT GATE
NOV GREEN CARD RETURNED NOT SIGNED 10/10/18 BK.
NOV POSTED ON PROPERTY BY ALRIDGE MERISIER 10/12/18 MA.
ADDRESS UPDATED 03/25/19 BK
NOV DELIVERED 03/29/19 BK.
MAG 07/11/19 DELIVERED 06/25/19 BK.

Owner: 2101 AVENTURA PROPERTY OWNERS Complaint Number: 191022-02
LLC C/O BIZZI & PARTNERS DEV Violation Type: ILLEGAL CONSTRUCTION
55 E 59 ST - 24 FLOOR Complaint Date: 10/22/2019
NEW YORK CITY NY 10022 Comply Date: **UNRESOLVED**
Case Number: 192823

Location: 2151 NE 163 ST
07-2216-007-0040

Source: CEO

Comments: BV18-156R

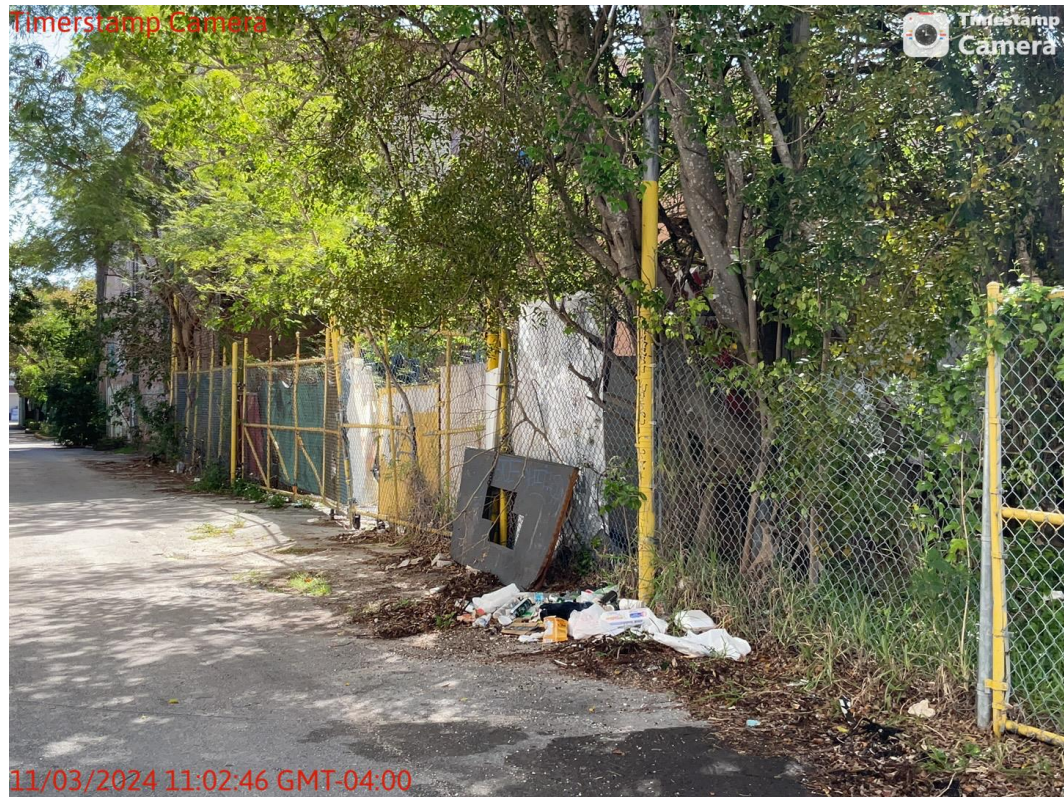
MIAMI-DADE COUNTY ORD 8-11(F) 40 YEAR RE
RECERTIFICATION AS PER SECTION 8-11(F) OF THE MIAMI-DADE
COUNTY ORDINANCES. A FLORIDA REGISTERED ARCHITECT OR
ENGINEER (A/E) MUST INSPECT THIS BUILDING AND FURNISH A
REPORT TO THIS OFFICE. ANY BUILDING NOT IN COMPLIANCE WITH
THE MIAMI-DADE RECERTIFICATION ORDINANCE IS CONSIDERED AN
UNSAFE STRUCTURE AND CAN BE DEMOLISHED PURSUANT TO SECTION
8-5(A) (6) OF THE MIAMI-DADE COUNTY ORDINANCES.
THIS VIOLATION IS NOT CLOSED UNTIL PERMIT APPLICATIONS ARE
OBTAINED WITHIN 30 DAYS, THE NECESSARY PERMITS ARE ISSUED
WITHIN A 180 DAYS AND RECEIVE A FINAL INSPECTION.
MAG 12/12/19 DELIVERED 11/26/19 BK.
UPDATED NEW OWNER INFORMATION 12-3-19 SS
MAG 1/9/20 DELIVERED 12/23/19 MA.
MAG 03/12/20 DELIVERED 02/24/20 BK.
MAG 09-29-20 MAY HAVE BEEN DELIVERED; SIGNED COV19 AND DATED
09-14-2020 SS
MAG NORH 9-9-21 DELIVERED 08-26-2021 SS

Owner: 2101 AVENTURA PROPERTY OWNER	Complaint Number: 210628-33
LLC C/O BIZZI AND PARTNERS DEV	Violation Type: BUILDING MAINTENANCE
55 E 59 STREET - 24 FLOOR	Complaint Date: 06/28/2021
NEW YORK CITY NY 10022	Comply Date: UNRESOLVED
	Case Number: 214566

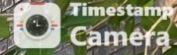
Location: 2151 NE 163 ST
07-2216-007-0040

Source: CEO

Comments: REPAIR THE DAMAGED METAL VENT AT THE BASE OF PROPERTY ON
163RD ST.
NOV GREEN CARD MARKED "RT 31 COV-19" 07-06-2021 SS
UPDATED OWNER 08-17-2021 SS
MAG 9-9-21 DELIVERED 08-26-2021 SS
MAG NORH 1-13-22 DELIVERED 12-23-2021 SS
MAG NORH 2-10-22 DELIVERED 01-26-2021 SS



Timestamp Camera



11/03/2024 11:03:09 GMT-04:00

Timestamp Camera



11/03/2024 11:03:58 GMT-04:00

