



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 Zopen
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 Sheron 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 Zepen
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 THYSSENKRUPP 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 Amendment 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/EWF), 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