

CITY OF NORTH MIAMI BEACH

City Hall, Commission Chambers, 2nd Floor 17011 NE 19th Avenue North Miami Beach, FL 33162 Tuesday, October 15, 2024 6:00 PM

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

City Attorneys Greenspoon Marder LLP

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

- 1. ROLL CALL OF CITY OFFICIALS
- 2. INVOCATION

Moment of Silence in Recognition of the Hostages Held in Israel (Commissioner Fortuna Smukler)

- 3. PLEDGE OF ALLEGIANCE
- 4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA
- 5. PRESENTATIONS / DISCUSSIONS
 - 5.1. County Updates (Miami-Dade County Commissioner Marleine Bastien, District 2)
 - 5.2. Introduction by Florida State Representative-Elect Wallace Aristide, for District 107
 - 5.3. Presentation of the FY 2024 Third Quarter Budget vs Actual Report

(Sheron Stewart, Budget Administrator)

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. Budget Workshop Minutes of August 21, 2024 (Andrise Bernard, MMC, City Clerk)
- 9.2. Budget Hearing Minutes of September 10, 2024 (Andrise Bernard, MMC, City Clerk)
- 9.3. Commission Conference Minutes of September 17, 2024 (Andrise Bernard, MMC, City Clerk)
- 9.4. Regular Commission Meeting Minutes of September 17, 2024 (Andrise Bernard, MMC, City Clerk)
- 9.5. Resolution No. R2024-110 to Approve Change Order for Swimming Pool Chemicals from Allied Universal Corp (Andrew Plotkin, Parks & Recreation Director)

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH ALLIED UNIVERSAL CORP. FOR SWIMMING CHEMICALS: INCREASING THE CONTRACT AMOUNT BY \$25,000.00; 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**; **SUBJECT** TO BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS: AND PROVIDING FOR AN EFFECTIVE DATE.

- 9.6. Resolution No. R2024-111 To Approve Cloud-Based Phone System Piggyback for Ring Central (Ricardo Castillo, Chief Information Officer)
- 9.7. Resolution No. R2024-112 to Approve Recommendation of Award ITB-24-011-AS Pest & Rodent Control 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 THE AWARD OF INVITATION TO BID NO. ITB-24-011-AS PEST & RODENT CONTROL SERVICES WITH TWO LOWEST RESPONSIVE AND RESPONSIBLE BIDDERS: NORTHWEST EXTERMINATING CO., LLC AND TOWER PEST CONTROL, INC. AS PRIMARY AND SECONDARY VENDORS RESPECTIVELY, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH BOTH THE PRIMARY AND

SECONDARY VENDORS IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$90,000.00; 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

9.8. Resolution No. R2024-113 to Approve a Piggyback Contract with Good Year Tire & Rubber Company for the Purchase of Tires, Tubes, 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 GOODYEAR TIRE & RUBBER COMPANY FOR THE PURCHASE OF TIRES, TUBES AND SERVICES, IN AN ESTIMATED ANNUAL BUDGETED AMOUNT OF \$370,000.00; 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.

9.9. Resolution No. R2024-114 To Approve Florida International University North Campus/Biscayne - North Miami Beach Transit-Overlay District Master Plan Grant (Edward Ng, AICP, Interim Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE ACCEPTANCE OF THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION (MIAMI-DADE TPO) MUNICIPAL GRANT ADMINISTERED BY MIAMI-DADE TPO; 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.

9.10.Resolution No. R2024-115 To Approve Agreement for Traffic Congestion at 163 Street and Biscayne Boulevard (Commissioner Fortuna Smukler)

A RESOLUTION OF THE MAYOR & CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, EXPRESSING SUPPORT FOR A COLLABORATIVE REQUEST TO THE MIAMIDADE TRANSPORTATION PLANNING ORGANIZATION AND

THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PRIORITIZE A STUDY ADDRESSING TRAFFIC CONGESTION AT THE INTERSECTION OF 163RD STREET AND BISCAYNE BOULEVARD; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A JOINT LETTER WITH NEIGHBORING CITIES; PROVIDING FOR DISTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

10.1.Ordinance No. 2024-12 (Second Reading) The Offices of NMB, LLC. Request for Zoning Map Amendment (Edward Ng, Interim Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE OF MIAMI CITY NORTH BEACH, APPROVING/DENYING THE REZONING APPLICATION TO ALLOW FOR AN AMENDMENT IN THE ZONING CODE MAP FROM RM-23: RESIDENTIAL MID-RISE MULTIFAMILY (HIGH DENSITY) DISTRICT TO B-1: LIMITED BUSINESS DISTRICT. FOR PARCELS LOCATED AT 17031 AND 17051 NE 20th AVENUE: PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR OF ORDINANCES IN CONFLICT THEREWITH: PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

10.2.Resolution No. R2024-116 Approving/Denying Variances for 174 Shoppes (Edward Ng, AICP, Interim Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF OF MIAMI BEACH. CITY NORTH APPROVING/DENYING A VARIANCE FROM SECTION 24-52(D)(5) TO ALLOW FOR A MINIMUM PERVIOUS AREA OF 13.5%, IN LIEU OF THE REQUIRED 20%; APPROVING/DENYING A VARIANCE FROM SECTION 24-122(A)(1), TO ALLOW FOR A 0' 0" LANDSCAPE BUFFER, WHERE FIVE (5) FEET IS REQUIRED; APPROVING/DENYING A VARIANCE FROM SECTION 24-122(B) (1)(a). TO ALLOW FOR A 5' 6" LANDSCAPED ISLAND. IN LIEU OF THE TEN (10) FEET REQUIRED; APPROVING/DENYING A VARIANCE FROM SECTION 24- 122(B)(1)(b), TO ALLOW FOR (10) CONTIGUOUS PARKING SPACES LANDSCAPED AREA, IN LIEU OF THE REQUIRED EIGHT (8) PARKING SPACES; APPROVING/DENYING A VARIANCE FROM SECTION 24-52(D)(1), TO ALLOW FOR A LOT AREA OF 1.28 ACRES (56,090 SF), IN LIEU OF THE REQUIRED THREE (3) ACRES: APPROVING/DENYING A VARIANCE FROM SECTION 24-52(D)(3), TO PERMIT A FRONT SETBACK OF 8' 11" FOR **BUILDING 1, IN LIEU OF THE REQUIRED TWENTY-FIVE (25)**

FEET: APPROVING/DENYING A VARIANCE FROM SECTION 24-52(D)(3), TO PERMIT A FRONT SETBACK OF 5' 8" FOR BUILDING 2, IN LIEU OF THE REQUIRED TWENTY-FIVE (25) FEET: APPROVING/DENYING A VARIANCE FROM SECTION 24-52(D)(3), TO ALLOW FOR A REAR SETBACK OF 0' 0" FOR BUILDING 1, IN LIEU OF THE REQUIRED TWENTY (20) FEET; APPROVING/DENYING A VARIANCE FROM SECTION 24-52(D) (3), TO PERMIT A REAR SETBACK OF 0' 0" for BUILDING 2, IN REQUIRED OF THE **TWENTY** LIEU (20) APPROVING/DENYING A VARIANCE FROM SECTION 24-97, TO PERMIT THE ALLOWANCE OF TWO LOADING SPACES DURING OFF BUSINESS HOURS ONLY; APPROVING/DENYING A VARIANCE FROM SECTION 24-95(B), TO PERMIT THE ALLOWANCE OF EIGHTY (80) PARKING SPACES, IN LIEU OF THE REQUIRED ONE HUNDRED AND FOUR (104) SPACES REQUIRED; AND APPROVING/DENYING THE SITE PLAN APPLICATION WITH CONDITIONS FOR THE CONSTRUCTION OF AN EIGHT THOUSAND EIGHT HUNDRED AND THIRTY SEVEN (8,837) SQUARE FOOT (PHASE 01), ELEVEN THOUSAND ONE HUNDRED AND SIXTY THREE (11,163) SQUARE FOOT (PHASE 02) AND THREE THOUSAND FOUR HUNDRED AND TWENTY SIX (3,426) SQUARE FOOT (PHASE 03) SHOPPING CENTER COMPRISED OF TWO BUILDINGS TOTALING TWENTY THREE THOUSAND FOUR HUNDRED AND TWENTY SIX (23,426) SQUARE FEET, ELEVEN (11) INDEPENDENT BAYS, AND EIGHTY (80) PARKING SPACES, LOCATED AT 17450 BISCAYNE PROVIDING BOULEVARD: FOR **FINDINGS** OF CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN **EFFECTIVE DATE.**

10.3.Resolution No. R2024-117 Approving/Denying Site Plan and Variances for Feldman House (Edward Ng, AICP, Interim Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF NORTH THE CITY OF MIAMI BEACH. FLORIDA. APPROVING/DENYING A VARIANCE FROM SECTION 24-95(B) TO ALLOW FOURTEEN (14) PARKING SPACES IN LIEU OF THE THREE TWENTY (23) **PARKING** SPACES **REQUIRED:** APPROVING/DENYING A VARIANCE FROM SECTION 24-122(A) (1) TO ALLOW FOR A 2' 1" LANDSCAPE BUFFER IN LIEU OF THE FIVE (5) FOOT BUFFER REQUIRED: APPROVING/DENYING A VARIANCE FROM SECTION 24-122(B)(1)(a) TO PERMIT THE ALLOWANCE OF ONE TERMINAL ISLAND AT THE END OF EACH PARKING ROW, IN LIEU OF ONE ON EACH END; APPROVING/DENYING A VARIANCE FROM SECTION 24-122(B) (1)(b) TO PERMIT THE ALLOWANCE OF THIRTEEN (13) CONTIGUOUS PARKING SPACES BETWEEN LANDSCAPED AREA IN LIEU OF THE REQUIRED EIGHT (8) PARKING SPACES; AND APPROVING/DENYING THE SITE PLAN APPLICATION WITH CONDITIONS FOR THE CONSTRUCTION OF A 35- FOOT, TWO-STORY WAREHOUSE BUILDING WITH 11,408 SQUARE FEET OF WAREHOUSE SPACE AND 3,331 SPQUARE FEET OF OFFICE MEZZANINE SPACE, LOCATED AT 1981 NE 153rd STREET; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

11. LEGISLATION

11.1.Ordinance No. 2024-13 (Second Reading) Text Amendment for Multi-Family Parking Regulations (Edward Ng, AICP, Interim Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER 24 OF THE CITY CODE ENTITLED "ZONING AND DEVELOPMENT" BY SPECIFICALLY AMENDING ARTICLE 5 ENTITLED "ZONING USE DISTRICTS" TO MODIFY THE RESIDENTIAL CATEGORY MINIMUM AND MAXIMUM REQUIREMENTS FROM SECTION 24-58.1 FULFORD MIXED-USE TOWN CENTER DISTRICT "TABLE MU/TC-5 MINIMUM AND MAXIMUM PARKING REQUIREMENTS BY USE", SECTION 24-58.2 MIXED-USE EMPLOYMENT CENTER DISTRICT "TABLE MU/EC-5 MINIMUM AND MAXIMUM PARKING REQUIREMENTS BY USE", SECTION 24-58.3 MIXED-USE NEIGHBORHOOD CENTER DISTRICT "TABLE MU/NC-5 MINIMUM AND MAXIMUM PARKING REQUIREMENTS BY USE", SECTION 24-58.4 ARCH CREEK MIXED-USE CORRIDOR DISTRICT "TABLE MU/C-5 MINIMUM AND MAXIMUM PARKING REQUIREMENTS BY USE", SECTION 24-58.5 SOUTHERN MIXED-USE WATERFRONT DISTRICT "TABLE MU/SWF-5 MINIMUM AND MAXIMUM REQUIREMENTS BY USE", SECTION PARKING NORTHERN MIXED-USE WATERFRONT DISTRICT "TABLE MINIMUM AND MAXIMUM MU/NWF-5 **REQUIREMENTS BY USE", SECTION 24-58.7 - EASTERN MIXED-**USE WATERFRONT DISTRICT "TABLE MU/EWF-5 MINIMUM AND MAXIMUM PARKING REQUIREMENTS BY USE", SECTION 24-58.8 - INTERNATIONAL BOULEVARD DISTRICT (MU/IB). PART III. URBAN DESIGN STANDARDS, "TABLE MU/IB-7. MINIMUM AND MAXIMUM PARKING REQUIREMENTS BY USE"; AND TO AMEND ARTICLE IX SECTION 24-93 ENTITLED "PARKING LOT DESIGN STANDARDS" TO

- SUBSECTION (L) "MULTI-FAMILY TANDEM PARKING" AND SUBSECTION (M) "VALET PARKING" AND SUBSECTION (N) "FEE-BASED PARKING"; AND AMEND ARTICLE IX SECTION 24-95 ENTITLED "MINIMUM SPACE REQUIREMENTS" TO CLARIFY AND INCREASE PARKING SPACE REQUIREMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 11.2.Ordinance No. 2024-14 (First Reading) Biscayne Overlay District (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 **DEVELOPMENT"**; AMENDING ARTICLE V, ENTITLED "ZONING USE DISTRICTS"; AMENDING SECTION 24-52, ENTITLED "B-2 **GENERAL BUSINESS DISTRICT", TO CREATE SUBSECTION 24-**52.1 ENTITLED "B2 GENERAL BUSINESS DISTRICT OVERLAY", TO PROVIDE SPECIFIC REQUIREMENTS, AND TO PROVIDE UNIFORM DEVELOPMENT STANDARDS FOR PROPERTIES FACING THE BISCAYNE CORRIDOR WITHIN THE B2 GENERAL BUSINESS DISTRICT; PROVIDING FOR CONFLICTS, SCRIVENER ERRORS, SEVERABILITY, AND CODIFICATION: AND PROVIDING FOR AN EFFECTIVE DATE.
- 11.3.Ordinance No. 2024-15 (First Reading) Purchase, Sale or Lease of Public Lands and Real Property (Shereece George Depusoir, Chief Procurement Officer)
 AN ORDINANCE AMENDING SECTION 3-3 FORMAL CONTRACT PROCEDURES AND CREATING SEC 3-6 PURCHASE, SALE OR LEASE OF PUBLIC LANDS IN CHAPTER III PROCUREMENT OF THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES TO PROVIDE FOR POLICIES FOR THE ACQUISITION, SALE, AND LEASE OF PUBLIC PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND

PROVIDING FOR AN EFFECTIVE DATE.

- 11.4.Resolution No. 2024-118 to Approve City Events, Fee Waiver, and Facility Usage Policy (Mario A. Diaz, City Manager)

 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTING THE CITY EVENTS, FEE WAIVER, AND FACILITY USAGE POLICY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.
- 11.5.Resolution No. R2024-119 To Approve Coastal Waste & Recycling

of Florida Contractual Obligation Donation Allocations (Marline Monestime, Chief of Staff)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING "ADDITIONAL CONTRACTOR OBLIGATIONS" OF THE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND COASTAL WASTE & RECYCLING OF FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

11.6.Resolution No. R2024-120 to Approve City Commission Meeting Dates for the 2025 Calendar Year (Andrise Bernard, MMC, City Clerk)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SETTING THE DATES FOR THE CITY COMMISSION MEETINGS FOR THE 2025 CALENDAR YEAR; AND PROVIDING FOR AN EFFECTIVE DATE.

11.7.Resolution No. R2024-121 to Approve All Webbs Enterprise Change Order (Pedro Melo, Interim NMB Water Director)

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH. FLORIDA, APPROVING AND AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH ALL WEBB'S ENTERPRISE. INC., INCREASING THE CONTRACT AMOUNT BY \$260,000.00; 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: SUBJECT TO THE BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS: AND PROVIDING FOR AN EFFECTIVE DATE.

- 11.8.Resolution No. R2024-122 To Approve Washington Park Sewer & Lift Station (Sam Zamacona, Public Works Director)
- 11.9.Resolution No. R2024-123 To Approve External Audit Services (Sophia Taylor, Interim Finance Director)
- 11.1 Resolution No. R2024-124 To Approve Motorola Radios Piggyback (Nelson Camacho, Interim Chief of Police)
- 12. BUSINESS TAX RECEIPTS None
- 13. APPOINTMENTS None
- 14. MISCELLANEOUS ITEMS None

15. DISCUSSION ITEMS15.1.Branding (Vice Mayor Phyllis S. Smith)

- 16. CITY MANAGER'S REPORT16.1.NMB Water Updates & Highlights (September 2024)
- 17. CITY ATTORNEY'S REPORT- None
- 18. CITY COMMISSION REPORTS
- 19. MAYOR'S DISCUSSION
- 20. NEXT REGULAR CITY COMMISSION MEETING
 Thursday, October 24, 2024
- 21. ADJOURNMENT