



CITY OF NORTH MIAMI BEACH
City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, December 14, 2021
6:00pm

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

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

City Commission Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:07 pm.

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

City Manager Arthur H. Sorey III, Interim City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present.

INVOCATION by Rabbi Zev Roth of Yeshiva Toras Chaim.

Mayor Anthony F. DeFillipo recognized and announced Happy Hanukkah, Merry Christmas, Happy Kwanzaa and Happy New Year.

PLEDGE OF ALLEGIANCE was led by the Mayor and Commission.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

There were no requests for withdrawals, deferments, or additions to the agenda.

Motion to accept agenda made by Commissioner Kramer, seconded by Commissioner Smukler.

Voice Vote: MOTION PASSED 7-0.

PRESENTATIONS/DISCUSSIONS

Mayor Anthony F. DeFillipo recognized Intergovernmental Affairs Liaison Melonie from the Office of Mayor Daniella Levine Cava Burke for the north region of the county. Intergovernmental Affairs Liaison Melonie Burke gave an introduction and provided services the Office of Mayor Daniella Levine Cava can provide to the City of North Miami Beach. Intergovernmental Affairs Liaison Melonie Burke thanked Commissioner Smukler for inviting her to speak in front of the Commission.

City Manager Sorey III presented the rendering of the Canal Park West project that was agreed on by the residents and stated an email will be sent out to the board tomorrow basically approving and moving the project forward.

Commissioner Fleurimond thanked Intergovernmental Affairs Liaison Melonie Burke for her presentation and requested to have a committee from the county for the equitable distribution of the funds that was made available through the infrastructure bill that was passed by the U.S. president.

PUBLIC COMMENT

Mayor DeFillipo opened the meeting for public comment.

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

1. Ketley Joachim
2. Larry Baum
3. Todd Kissel
4. David Templer
5. Roger Wedger
6. Francine Delarosa
7. Gabriel Sultan

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

City Manager Sorey III requested Police Chief Rand to address the residents' concerns regarding crimes being reported in the Skylake area.

Police Chief Rand gave statistically information regarding the area of NE 18th Avenue, east to NE 22nd Avenue from Miami Gardens Drive North to 196th Terrance and advised the crime rate has decreased by 30% from the previous year. Chief Rand stated he has instructed the units to increase patrol in that area regarding a speeding complaint from a resident and to have bike patrol in that area on the weekend. Chief Rand advised he will contact the Miami Dade Major of Intercoastal station to make sure they know of the concerns from the unincorporated residents and advised that Commander Philome has contacted residents regarding establishing a crime watch.

ANNOUNCEMENTS

Public Affairs presented a video announcing upcoming events in the city as follows:

- a. 2021 is the 95th anniversary of the City of North Miami Beach once known as Fulford by the Sea founded in 1926.
- b. Publix Gift Cards Distribution event hosted by Mayor and Commission will be held on Saturday, December 11th, 2021, 10:00 a.m. at Uleta Park Community Center, 386 NE 169th Street and Wednesday, December 15th, 2021, 8:00 a.m. at Kevin R. Sims Aquatic Center, 1980 NE 171st Street.
- c. Street Market Sundays' event hosted by the Community Redevelopment Advisory Board will be held every Sunday from 10:00 a.m. to 5 p.m. on 164th Street and 19th Avenue.
- d. Gingerbread House event hosted by NMB Library will be held on Thursday, December 16th, 2021, from 5:30 p.m. to 7 p.m. at the North Miami Beach Library, 1601 NE 164th Street.
- e. The deadline to enter the Holiday Home Decorating Contest hosted by Beautification Committee, Liaison Commissioner Barbara Kramer is Saturday, December 18th, 2021.
- f. Snow Fest and Community Safety Day Parade event hosted by the City of North Miami Beach will be held on Saturday, December 11th, 2021, from 5:30 pm to 11:00 p.m. at City Hall, 17011 NE 19th Avenue.

- g. Holiday Literacy Concert hosted by Jill Tracey, Commissioner Daniela Jean in partnership with State Senator Shevrin Jones will be held on Monday, December 20th, 2021, from 6:00 p.m. to 8:00 p.m. at the Littman Theater, 17011 NE 19th Avenue.
- h. 2021 NMB Police Swearing-in Ceremony hosted by the North Miami Beach Police Department will be held on Thursday, December 30th, 2021, 11:00 a.m. at the Julius Littman Performing Arts Theater.
- i. Soup Joumou event hosted by Commissioner Paule Villard will be held on Saturday, January 1st, 2022, from 9:30 am to 11:30 a.m. at the Littman Theater, 17011 NE 19th Avenue.
- j. Employee Appreciation Day hosted by the City of North Miami Beach took place on Wednesday, December 8th, 2021.

CITY COMMISSION REPORTS

Commissioner Fleurimond thanked everyone for participating in tonight's meeting; congratulated all employee award recipients and thanked the City Manager along with staff for hosting the employee appreciation event; wished everyone Happy Holidays, Happy Hanukkah, Happy Kwanzaa, Happy New Year and Happy and safe holiday; requested the City Manager to get some signage up for the Brightline high speed railway; acknowledged the recent infrastructure bill passed and requested the City Manager to look into that with the Miami Dade League of Cities.

Commissioner Joseph wished everyone a Happy New Year, festive holiday, and Merry Christmas; gave condolences after the devastation that occurred to the Midwest area; gave condolences to Former Congresswoman Carrie Meek and family; gave condolences to former Chief of Staff Greg Williams whose mother passed away; and requested everyone to stay safe during their travels and see everyone next year.

Commissioner Kramer wished everyone a Merry Christmas, Happy Kwanzaa, happy and healthy New Year; hoped that the new year will bring normalcy, inflation gets corrected, and life gets better for everyone; requested her colleagues to follow the charter and do things that are according to the law.

Commissioner Smukler requested the public to contact her if anyone is in need of food assistance and she would provide information on the many food distribution locations held within the city of North Miami Beach; thanked the police department for keeping the residents, businesses, visitors, employees, and families safe and for their hard work and dedication; wished the Park and Recreation Director and his wife a happy 8th anniversary today; thanked Commissioner Fleurimond for acknowledging the need for signage for Brightline high speed railway and requested the City Manager to reach out to Brightline to help educate the residents and visitors so no more accidents happen: wished everyone a Merry Christmas, Happy Kwanzaa, and Happy New Year; and quoted "Local voices make local choices."

Commissioner Villard gave condolences to former Chief of Staff Greg Williams whose mother passed away; gave condolences to people in Kentucky and to Cap, Haiti after a truck filled with gas exploded from an accident; invited senior citizens to Getting Fit and Active with Coach D event every Tuesday and Thursday from 10:00 a.m. to 2:00 p.m. at the McDonald Center 17051 NE 19th Avenue; and requested the City Manager to look into renovating the painting of Uleta Park.

City Manager Sorey III stated the painting of Uleta was already included in the CIP list and it will get painted.

Vice Mayor Jean wished everyone a Happy Holiday and is looking forward to a very successful and productive meeting tonight.

Mayor DeFillipo wished everyone a Happy Holiday, love and appreciation to the residents; encouraged everyone to attend and participate in the commission meetings during public comment; gave condolences to former Chief of Staff Greg Williams on behalf of the city on the passing of his mother; encouraged residents to report anything seen to the police department; requested the City Manager to update the board on legislation

that is starting on January 11th, 2022 in Tallahassee and when the board will be traveling up there; and wished everyone a healthy and happy New Year.

City Manager Sorey III acknowledged Resolution No. R2021-128 accepting grant funds from the State of Florida Department of Economic Opportunity (DEO) in the amount of 11.7 million dollars for water distribution, transmission improvement, resiliency and 6 million dollars for sewer collection improvements. He further stated the city's matching funds is 17 million dollars from the WIFA loan and sewer bonds. City Manager Sorey III wanted to let the residents know the city is obtaining grant funding and thanked the staff for making it possible. He also stated the areas most critical in the master plan will be addressed first.

CONSENT AGENDA

Regular Commission Meeting Minutes of November 16, 2021 (Andrise Bernard, City Clerk)

Resolution R2021-122 for the Purchase of a New Combination Jet/Vacuum Sewer Cleaner Truck (Andrea Suarez Abastida, Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH VAC-CON, INC. FOR THE PURCHASE OF A COMBINATION JET/VACUUM SEWER CLEANER TRUCK IN AN ESTIMATED BUDGETED NOT TO EXCEED AMOUNT OF \$416,071.

Resolution R2021-123 Approving Piggyback Contract for Electronic Supplies to Rexel USA, Inc. (Andrea Suarez Abastida, Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH REXEL USA, INC., FOR THE PURCHASE OF ALLEN BRADLEY PARTS & SERVICE AND ROCKWELL AUTOMATION EQUIPMENT IN AN ESTIMATED BUDGETED AMOUNT OF \$80,000.

Resolution R2021-124 Installation of Transit Shelters, Amenities & Outdoor Equipment ITB-21-072-MC (Judeen Johnson, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID NO. ITB-21-072-MC "TRANSIT SHELTER, AMENITIES & OUTDOOR EQUIPMENT INSTALLATION"; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, TECHGROUPONE, INC., AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ESTIMATED AMOUNT NOT TO EXCEED \$131,660; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-125 Proposed Instrumentation Improvements Via SCADA Systems (Andrea Suarez Abastida, Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH REVERE CONTROL SYSTEMS INC., FOR THE PURCHASE OF THE SCADA SYSTEM SERVICES IN AN ESTIMATED BUDGETED AMOUNT OF \$94,430.00.

Resolution R2021-126 DLIS ARPA Computer Aided Design Grant (Edenia Hernandez, Library Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT AMERICAN RESCUE PLAN ACT (ARPA) GRANT FUNDS IN THE AMOUNT OF \$63,136.00

FROM THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FLORIDA FOR COMPUTER AIDED DESIGN CLASSES IN PARTNERSHIP WITH MIAMIDADE COLLEGE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE SAID AGREEMENT WITH THE DIVISION ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-127 DLIS ARPA MDC Collaboration Grant (Edenia Hernandez, Library Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT AMERICAN RESCUE PLAN ACT (ARPA) GRANT FUNDS IN THE AMOUNT OF \$52,432.00 FROM THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FLORIDA FOR EDUCATIONAL CLASSES IN PARTNERSHIP WITH MIAMI-DADE COLLEGE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE SAID AGREEMENT WITH THE DIVISION ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-128 Accept Grant Funds FL DEO (Andrea Suarez Abastida, Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT GRANT FUNDS FROM THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO); AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE SAID AGREEMENT WITH THE DEO ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-129 Purchase of Computer Hardware, Software, and other Equipment from CDW Government, LLC (Ricardo Castillo, Chief Information Officer)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO UTILIZE THE NATIONAL IPA CONTRACT #2018011-01 FOR THE PURCHASE OF COMPUTER HARDWARE, SOFTWARE AND OTHER EQUIPMENT FOR CITY DEPARTMENT OPERATIONS FROM CDW GOVERNMENT, LLC IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) FOR FY 2021-22; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

Resolution No. R2021-134 Department of Justice - Law Enforcement Mental Health and Wellness Act Grant (Richard Rand, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT THE LAW ENFORCEMENT MENTAL HEALTH WELLNESS ACT (LEMHWA) GRANT FUNDS IN THE AMOUNT OF \$125,000.00 PER YEAR FOR TWO YEARS FROM THE DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR USE TOWARDS SALARY AND BENEFITS FOR FULLTIME MENTAL HEALTH WELLNESS AND POLICY ADMINISTRATOR; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2021-135 Office of Attorney General Victim of Crimes Act (VOCA) Grant (Richard Rand, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL, AS THE PASS-THROUGH AGENCY FOR THE VICTIMS OF CRIME ACT (VOCA) PROGRAM, ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$119,371.00 FOR FY 2021-2022 FOR USE TOWARDS THE SALARY AND BENEFITS OF THE CITY'S VICTIMS ADVOCATE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve the Consent Agenda made by Commissioner Fleurimond, seconded by Commissioner Smukler.

Voice Vote: MOTION PASSED 7-0.

QUASI-JUDICIAL LEGISLATION

Resolution R2021-94 Cookies MMD Conditional Use Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-175 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A 3,878 SQUARE FOOT MEDICAL MARIJUANA DISPENSARY, AS PROPOSED ON PROPERTY ZONED B-2 GENERAL BUSINESS DISTRICT, LOCATED AT 17150 BISCAYNE BOULEVARD, NORTH MIAMI BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Bernard explained the Jennings Disclosure requirement of naming the individuals with whom the item was discussed and the subject matter of any communication regarding the item.

Commissioner Villard disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Jean disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Mayor Anthony F. DeFillipo disclosed the individual names to whom he spoke on the Jennings Form and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Smukler disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Joseph disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Kramer disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2021-94 into the record.

City Clerk Bernard asked anyone who will be speaking and providing testimony on this item to raise their right hand to be sworn in. Community Development Director Kent Walia, Attorney Matthew Amster, Attorney Ian Bacheikov, and Todd Kissel were sworn in.

City Manager Sorey, III introduced Kent Walia, Director of Community Development who provided a brief explanation of the Cookies MMD conditional use request to the Mayor and Commission.

Community Development Director Kent Walia introduced the Cookies MMD conditional use request located at 17150 Biscayne Blvd to the Mayor and Commission and stated the applicant is here to present the item.

Attorney Ian Bacheikov on behalf of Cookies Florida presented the Cookies MMD conditional use request and plans.

Mayor DeFillipo opened the meeting for public comment.

City Clerk Bernard read the rules of public comment into the record.

1. Todd Kissel

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

Mayor and Commission began discussion on the Cookies MMD conditional use request.

Community Development Director Kent Walia stated if the conditional use goes towards the applicant and the use cease operation or goes to a different operation then that conditional use goes away or if 180 days vacant and another medical marijuana would want to use the space, they would have to apply for conditional use.

Interim City Attorney stated he will get with the Community Development Director regarding the lighting requirements.

Community Development Director Kent Walia stated the condition is written so that the windows are frosted or glazed to block the visibility and can work with the applicant to determine how far it goes up.

Motion to approve Resolution No. R2021-94 Cookies MMD conditional use request made by Commissioner Fleurimond, seconded by Commissioner Smukler.

Voice Vote: MOTION PASSED 7-0.

Mayor DeFillipo requested to have a roll call vote.

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

MOTION PASSED 7-0.

LEGISLATION

Ordinance No. 2021-10 (Second and Final Reading) Amendment to the Retirement Committee Membership Requirements Section

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY PROVIDING FOR AN AMENDMENT TO THE RETIREMENT COMMITTEE MEMBERSHIP REQUIREMENTS SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. 2021-10 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Motion to **approve** Ordinance No. 2021-10 to amend the retirement committee membership requirements section made by Commissioner Fleurimond, seconded by Commissioner Villard.

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

MOTION PASSED 7-0.

Ordinance No. 2021-12 (Second and Final Reading) Site Plan Expiration Ordinance (Kent Walia, Director of Community Development)

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 BY AMENDING CHAPTER XXIV, “ZONING AND LAND DEVELOPMENT,” ARTICLE XV “OTHER DEVELOPMENT REVIEW PROCEDURES,” SECTION 24-172, “SITE PLAN REVIEW,” SUBSECTION (I), “EXPIRATION” TO ESTABLISH THE REQUIREMENT THAT SITE PLAN APPROVAL EXPIRES TWELVE MONTHS FROM THE DATE OF APPROVAL UNLESS A MASTER BUILDING PERMIT IS ISSUED; AND AMENDING CHAPTER XXIV, “ZONING AND LAND DEVELOPMENT,” APPENDIX A “LAND DEVELOPMENT FEE SCHEDULE,” SUBSECTION (E)(3) “MISCELLANEOUS REQUESTS”; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. 2021-12 into the record.

Mayor DeFillipo opened the meeting for public comment.

City Clerk Bernard read the rules of public comment into the record.

1. Matthew Amster

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

Interim City Attorney Ottinot stated it is 18 months to apply for the building permit.

Community Development Director Kent Walia spoke regarding Ordinance No. 2021-12 site plan expiration ordinance and stated it is 12 months from the day of site plan approval that a building permit must be applied for. If the applicant receives an extension rather it is from the commission or from the administration, it extends the deadline to one year from the date. With Ordinance No. 2021-12 site plan expiration ordinance, it would be 18 months to receive a building permit.

Mayor and Commission began discussion on Ordinance No. 2021-12 site plan expiration ordinance.

Interim City Attorney Ottinot stated the ordinance is not retroactive.

Community Development Director Kent Walia stated the department compared fees from different municipalities, took an average of the rates and used \$1,500 as the fee for 6 months with the administrative extension.

Interim City Attorney Ottinot stated the language in the ordinance will be amended and revised to state if an approved site plan is seeking a major modification, then it is subject to this ordinance however current approved site plans are grandfathered in unless the site plan must be modified with a new site plan or any major modifications.

Interim City Attorney Ottinot requested Community Development Director Kent Walia to provide the commission with a list of all approved site development.

Motion to approve Ordinance No. 2021-12 site plan expiration ordinance as amended with retroactive language made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

MOTION PASSED 7-0.

Ordinance No. 2021-13 (Second and Final Reading) Prohibiting Employees to Serve on Certain Boards (City Manager Arthur H. Sorey III)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING ARTICLE VII ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS”; SPECIFICALLY AMENDING SECTION 2-32.1 TO PROHIBIT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH FROM SERVING ON CERTAIN BOARDS, COMMITTEES, AND COMMISSIONS EXCEPT FOR BOARDS, COMMITTEES, COMMISSIONS THAT REQUIRED EMPLOYEE MEMBERSHIP BY LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. 2021-13 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Motion to approve Ordinance No. 2021-13 prohibiting employees to serve on certain boards made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

MOTION PASSED 5-2 with Mayor DeFillipo and Commissioner Kramer oppose.

Ordinance No. 2021-14 (Second and Final Reading) Requiring the Automatic Removal of Members Convicted of a Felony During Service on Boards (Commissioner Fortuna Smukler)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING ARTICLE VII ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS”; SPECIFICALLY AMENDING SECTION 2-32.4 TO REQUIRE THE AUTOMATIC REMOVAL OF BOARD, COMMITTEE, AND COMMISSION MEMBERS CONVICTED OF A FELONY DURING THE TIME OF SERVICE UNLESS SUCH MEMBERS DEMONSTRATE THE RESTORATION OF CIVIL RIGHTS BY THE STATE OF FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. 2021-14 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Motion to approve Ordinance No. 2021-14 requiring the automatic removal of members convicted of a felony during service on boards made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

MOTION PASSED 7-0.

Ordinance No. 2021-15 (First Reading) Amending Chapter XIX Water and Sewer Relating to 10% Water Conservation Surcharge (Andrea Suarez Abastida, Director of NMB Water)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, AMENDING CHAPTER XIX, ENTITLED “WATER AND SEWERS” OF THE CITY CODE OF ORDINANCES, SPECIFICALLY AMENDING SECTION 19-24, ENTITLED “EMERGENCY WATER CONSERVATION RATES” TO REVISE THE SECTION TITLE AND TO PROVIDE FOR ECONOMIC INCENTIVES FOR WATER CONSERVATION TO CLARIFY THE CONTINUED IMPOSITION OF A 10% SURCHARGE, ON WATER CONSUMPTION THAT EXCEEDS PER MONTH WATER USAGE BY NMB WATER CUSTOMERS, EFFECTIVE RETROACTIVELY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. 2021-15 into the record.

Interim City Attorney Ottinot stated this ordinance is to clarify the legal issue that was resolved recently that will preclude any future lawsuits that may be filed against the city relating to the 10% surcharge.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Motion to approve Ordinance No. 2021-15 amending Chapter XIX water and sewer relating to 10% water conservation surcharge made by Commissioner Kramer, seconded by Commissioner Fleurimond.

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

MOTION PASSED 7-0.

Resolution R2021-130 To Study the Feasibility of Extending the Trolley Bus Service Route to Golden Glades Multimodal Transportation Center, Jackson North Memorial Hospital, and Aventura Mall (Commissioner Fortuna Smukler and Vice Mayor Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DETERMINE THE FEASIBILITY OF EXTENDING THE NORTH MIAMI BEACH TROLLEY SERVICE BUS ROUTE TO INCLUDE ROUTES TO GOLDEN GLADES MULTIMODAL TRANSPORTION CENTER, JACKSON NORTH MEMORIAL HOSPITAL; AND AVENTURA MALL; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Resolution R2021-130 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Commissioner Smukler introduced the resolution to extending the trolley bus service route to Golden Glades Multimodal transportation center, Jackson North Memorial Hospital and Aventura Mall. She also expressed the need for the extension and it would be a tribute to the late Norman Edwards.

Vice Mayor Jean express that her request is not for a feasibility study however to consider this route and requested actuality and not feasibility.

City Manager Sorey III presented the transportation budget to the Mayor and Commission. City Manager Sorey III stated the transportation budget is 2.7 million dollars with the transit bus service budget of 1.3 million dollars of the 2.7 million dollars. He further stated the remaining funds goes to staffing, fixing of roads, road paving, curbing, and sidewalks. The feasibility will allow further conclusion on how the transit system will be more efficient to implement the other items. What is being looked at now is how the system is being used per City Manager Sorey III. City Manager Sorey further reiterated the transportation budget and advised the additional funding for extending the route is not known at this time.

City Manager Sorey III confirmed the trolley service extends to Jackson North Memorial Hospital currently.

Mayor and Commission began discussion on extending the trolley bus service route.

Commissioner Villard requested the City Manager to look into the route on NE 8th Avenue.

Mayor DeFillipo and Commissioner Fleurimond requested the current trolleys to be wrapped in something that is aesthetically pleasing and that represents the city.

Vice Mayor Jean requested the resolution to be amended to actually extending the route and not a feasibility study.

Interim City Attorney Ottinot stated based on the fiscal impact and not knowing where the money is coming from, the resolution was drafted to have the City Manager determine whether there is funding to support the additional routes. If the commission based on the direction of the Vice Mayor want to direct the City Manager to extend the

route and revise the resolution, then they have the right to do it. The issue is does the City Manager have the money right now.

Vice Mayor Jean requested the resolution to be amended to actually extending the routes and adding NE 8th Avenue as another route.

City Manager Sorey III stated for the record he has provided the numbers and there will be concessions that have to be made to extend the route.

Commissioner Joseph requested the city to make contact with Aventura Mall to see if the city can supplement the cost for the additional route.

Motion to approve the amended resolution to actually extending the routes and adding NE 8th Avenue as another route made by Vice Mayor Jean, seconded by Commissioner Joseph.

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

MOTION FAILED 3-4 with Commissioner Kramer, Commissioner Smukler, Commissioner Fleurimond and Mayor DeFillipo oppose.

Motion to approve Resolution R2021-130 feasibility study of extending the trolley bus service route to Golden Glades Multimodal Transportation Center, Jackson North Memorial Hospital, and Aventura Mall made by Commissioner Fleurimond, seconded by Commissioner Smukler.

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

MOTION PASSED 5-2 with Commissioner Kramer and Mayor DeFillipo oppose.

Resolution R2021-131 Authorizing the City Manager or Designee to Seek Affordable Housing Proposal for Property located at N.E. 174th Drive in North Miami Beach with Folio No. 07-2112-012-0260 (Commissioner McKenzie Fleurimond)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SEEK AFFORDABLE HOUSING PROPOSALS FOR THE REDEVELOPMENT OF THE VACANT PROPERTY LOCATED ON NE 174TH DRIVE IN NORTH MIAMI BEACH WITH FOLIO NO. 07-2112-012-0260; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Resolution R2021-131 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Commissioner Fleurimond introduced the affordable housing proposal in the Uleta area and expressed that the property was inundated with illegal dumping and was not generating any tax revenue. Commissioner Fleurimond stated he bought this to the City Manager to request assistance in locating an organization that can build an affordable house for anyone who is in need of affordable housing.

Mayor and Commission began discussion on seeking affordable housing proposal for the property.

City Manager Sorey III presented the property that is in question to the Mayor and Commission.

Community Development Director Kent Walia stated the minimum footprint size for that property is 1,500 square feet with a maximum of 1,800 square feet.

City Manager Sorey III clarified the city would convey the land over once the city partners with the non-profit organization to build the house then the individual would obtain a mortgage and be responsible for paying for everything to buy the house. City Manager Sorey III further stated there would be some type of lottery process where the city would come up with some parameters to see who wins the rights to purchase the house.

Mayor and Commission continued discussion on seeking affordable housing proposal for the property.

City Manager Sorey III stated the property is zoned for a single-family residence only.

Community Development Director Kent Walia stated the minimum lot size for the RS2 district is 7,000 square feet and there cannot be an exception for one property. The comprehensive plan would have to be amended, increasing the density for all RS2 unless a new district was created.

Motion to approve Resolution R2021-131 authorizing the City Manager or designee to seek affordable housing proposal for property located at N.E. 174th Drive in North Miami Beach with Folio No. 07-21 12-012-0260 made by Commissioner Joseph, seconded by Commissioner Fleurimond.

Voice Vote: MOTION PASSED 6-1 with Mayor DeFillipo opposed.

Resolution R2021-132 Purchase of Computer Hardware, Software, and other Peripherals from SHI International Corporation (Ricardo Castillo, Chief Information Officer)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE UTILIZATION OF THE NATIONAL IPA CONTRACT #2018011, FOR THE PURCHASE OF COMPUTER HARDWARE, SOFTWARE AND OTHER PERIPHERALS FOR CITY DEPARTMENT OPERATIONS FROM SHI INTERNATIONAL CORPORATION FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND (\$500,000) DOLLARS ANNUALLY AS ALLOCATED IN CITY DEPARTMENT DURING ANNUAL BUDGET PROCESS FOR THE DURATION OF THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS TO EFFECTUATE THE PURCHASES; PROVIDING AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

Interim City Attorney Ottinot read the title of Resolution R2021-132 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Motion to approve Resolution R2021-132 purchasing of computer hardware, software, and peripherals from SHI international corporation made by Commissioner Joseph seconded by Commissioner Fleurimond.

Voice Vote: MOTION PASSED 7-0.

Resolution R2021-133 Freebee Pilot Project (Commissioner Michael Joseph)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BEEFREE LLC D/B/A/ FREEBEE TO PROVIDE ON-DEMAND FREE TRANSPORTATION SERVICES TO THE RESIDENTS OF NORTH MIAMI BEACH; PROVIDING THE

CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Resolution R2021-133 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

City Manager Sorey III advised the financing portion still needs to be looked at to see how the city can enhance and make the routes more efficient in order to fund this project and to look at the transportation budget as a whole. City Manager Sorey III stated the difference with this resolution is it would do a portion of the CRA and transportation fund.

Commissioner Joseph introduce Resolution R2021-133 Freebee Pilot project and requested Jason Spiegel from Freebee Pilot to give a more in-depth explanation on the Freebee Pilot project.

Freebee Co-Founder/ Managing Partner Jason Spiegel gave a brief explanation of the Freebee Pilot project and range of cost.

Mayor and Commission began discussion on the freebee pilot project.

Interim City Attorney Ottinot stated the city will use the same framework as the City of Aventura used to negotiate the contract with Freebee, it will save on advertisement cost and time however it will allow for price negotiations.

Motion to approve the amend Resolution R2021-133 freebee pilot project and removing the word execute from the resolution made by Commissioner Kramer, seconded by Commissioner Joseph.

Voice Vote: MOTION PASSED 7-0.

APPOINTMENTS

Appointing Commissioner Smukler as Vice Mayor effective December 17, 2021

Motion to approve the appointment of Commissioner Smukler as Vice Mayor effective December 17, 2021, made by Commissioner Joseph, seconded by Mayor DeFillipo.

Voice Vote: MOTION PASSED 7-0.

Reappointment of Donard St. Jean to the Planning and Zoning Board

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Motion to approve the reappointment of Donard St. Jean to the Planning and Zoning Board made by Commissioner Joseph, seconded by Mayor DeFillipo.

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

DISCUSSION ITEMS

Mayor DeFillipo notified City Manager Sorey III that there is a large pothole located at N.E. 10th Avenue and 175th Street and request the City Manager to address this to prevent any injuries or damages. City Manager Sorey III stated he will get it taken care of.

Pension Office (Commissioner Barbara Kramer)

Commissioner Kramer began discussion on the status of the pension office and the pension office relocating to the chamber office with the moving date of January.

City Manager Sorey III reported the original date is December 31st, 2021.

Commissioner Kramer requested an extension for the pension office.

City Manager Sorey III expressed if the board requests for the date to be moved he will accept however he is working on a deadline to renovate the second-floor lounge and moving the Public Affairs Department to the second floor.

Mayor and Commission further discussed the pension office.

City Manager Sorey III agreed to change the moving date to January 14th, 2022 with the boards' consensus.

Sanitation Services (Commissioner Barbara Kramer)

Commissioner Kramer began discussion on the sanitation services and the number of complaints that are being reported.

City Manager Sorey III provided a memo to the board regarding solid waste fund deficit and gave an overview. City Manager Sorey III stated during negotiations staff advised him of additional charges that were added and needed to be bought back. He further stated during the outsourcing of the sanitation department, all of the capital and assets were turned over to Waste Management which included the garbage trucks, containers etc. At that point, the rate for the city was \$16 for the trash pick-up when the city outsourced the complete operation and kept the employees instead of outsourcing. In turn, the rate increased from \$16 to \$38 then to \$60.87 per residential household by Waste Management. The increase was not moved on to the residents until May 1st, 2021, and a deficit occurred. The city continued to pay without collecting additional money from the residents. The deficit would have been approximately 4.4 million dollars if the rate was not passed on to the residents on May 1st, 2021. Once that was completed, the deficit will be approximately 2.7 to 3 million dollars. City Manager Sorey III expressed his concern regarding moving employees from the sanitation fund at which time he stated he froze all vacant positions and worked with the union to move these individuals into the vacant slots. As they move towards the agreement with Coastal, they have agreed to fund a clean team/ beautification team of part-timers at a rate of \$18 an hour with a cost of \$163,000. The residential rate would be approximately \$48, and the commercial accounts will receive 26% discount on what they are currently paying. The 2.7 million dollars to 3 million dollars deficit will remain if the city does not have a surplus of a minimum of \$500,000 a year for the next 4 years to keep the residents' rates status quo and lower the commercial rates.

Mayor and Commission began discussion on sanitation services.

Commissioner Smukler requested the City Manager to obtain pricing from Miami Dade Sanitation Department regarding providing services to the city.

Commissioner Joseph requested the City Manager to provide a feasibility study on bringing back sanitation in house in the next special meeting regarding sanitation.

City Manager stated there will be a scheduled special meeting in January to further discuss sanitation alone.

CITY MANAGER'S REPORT

City Manager Sorey III began discussion regarding the upcoming National League of Cities event that falls on the scheduled Commission Meeting on March 15th, 2022. City Manager Sorey III suggested moving the scheduled Commission Meeting to the rollover date on March 24th, 2022.

Motion to approve moving scheduled Commission Meeting date from March 15, 2022, to March 24, 2022, made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

MOTION PASSED: 5-2 with Commissioner Kramer and Mayor DeFillipo oppose.

CITY ATTORNEY'S REPORT

Interim City Attorney Ottinot began discussion on FAA Litigation status report and advise the board an email was sent out advising the city has directed a law firm out of California to file an administrative order with the aviation administration which includes the city and other local municipalities. Interim City Attorney Ottinot advise he received \$40,000 worth of legal bills mostly from the previous fiscal year from the law firm stating the budget was \$300,000 and the city would be billed \$295,000 leaving North Bay Village responsible for \$5,000. Interim City Attorney Ottinot requested authority to re-negotiate the fees to ensure the fees are split equally or terminate the agreement.

Mayor and Commission began discussion on the litigation agreement.

Interim City Attorney Ottinot stated he will send the agreement to the mayor and stated the agreement was signed by the previous City Attorney and previous City Manager.

Motion to approve giving the Interim City Attorney authority to re-negotiate the litigation agreement made by Commissioner Joseph, seconded by Commissioner Kramer.

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

MOTION PASSED: 7-0.

MAYOR'S DISCUSSION

Mayor DeFillipo began discussion on a vote taken by the current commission that violated the Charter Section 2.3 regarding compensation requiring a 5-2 majority vote. Mayor DeFillipo continued to state the board voted for compensation on two occasions for medical and on the \$6,500 which were compensation where a 4-3 vote was casted. He stated he asked the ethics department for their opinion and advised the ethics department also stated it was compensation and it was a violation of the Charter Section 2.3. Mayor DeFillipo asked the commission to rescind the vote.

Mayor and Commission began discussion on the casted votes.

Interim City Attorney Ottinot stated he has not received any written opinion from ethics and stated he is comfortable with the action the commission has taken. He stated Charter Section 2.3 does not preclude the actions the commission has taken.

Mayor DeFillipo read Charter Section 2.3 - Compensation into the record.

Mayor and Commission continued discussion on Charter Section 2.3 - Compensation.

CITY COMMISSION REPORTS

No reports were heard.

ADJOURNMENT

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

ATTEST:

(SEAL)

Andrise Bernard, CMC, City Clerk