



CITY OF NORTH MIAMI BEACH
City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, January 18, 2022
6:00pm

Mayor Anthony F. DeFillipo
Vice Mayor Fortuna Smukler
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Michael Joseph
Commissioner Barbara Kramer
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 6:33 p.m. 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 Reverend A.D. Lenoir of Westview Baptist Church.

PLEDGE OF ALLEGIANCE was led by the Mayor and Commission.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

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

- a. Per the request of City Manager Sorey III, the item entitled "Intention of the Service Agreement for Sanitation Collection" will be added to the Consent Agenda as item 9.13.
- b. Per the request of Mayor DeFillipo, the continuation of the Mayor's Discussion item regarding Mayor and Commission Compensation leftover from the previous Commission Meeting will be heard after the Consent Agenda.

City Manager Sorey III stated that item 9.13 regarding the service agreement for sanitation collection extension date will be amended to June 1, 2022.

Commissioner Fleurimond requested item 15.2 regarding Resolution R2022-18 moved to 11.4 under legislation.

Motion to approve the amended agenda made by Vice Mayor Smukler, seconded by Mayor DeFillipo.
Voice Vote: MOTION PASSED 7-0.

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. Mubarak Kazan
2. Ari Sklar

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

Vice Mayor Smukler requested City Manager Sorey III to provide an update on the Mishcon Park project and to expedite the project.

City Manager Sorey III provided an update on the Mishcon Park project and stated the city is working with Miami-Dade County on the drainage and waiting on the approval of the turf manufacture by Miami-Dade County and the park will probably be ready by the summer.

CITY COMMISSION REPORTS

Commissioner Fleurimond stated no report at this time.

Commissioner Jean wished everyone a Happy New Year, to stay safe, wear masks and get vaccinated; thanked everyone who attended the meeting.

Commissioner Joseph stated he echoes the same sentiments as Commissioner Jean.

Commissioner Kramer wished everyone a Happy New Year.

Commissioner Villard wished everyone a Happy New Year and thanked everyone who attended the first commission meeting of the new year; announced yesterday was the celebration of Dr. Martin L. King's life and legacy; quoted "...a person should be judge by the content of their character and not by the color of their skin" by Dr. Martin L. King; stated other commissioners and herself are subject to racial attacks and it is met with silence from the community; quoted "...in the end, we will remember not the words of our enemies but the silence of our friends. I wait for the day we can all live in the world as brothers and sisters as dreamers..." by Dr. Martin L. King.

Vice Mayor Smukler welcomed everyone and wished everyone a Happy New Year; thanked the police department for putting up signs near the railroad tracks in reference to slowing down; announced the Free Mammogram Service event will be held on Saturday, January 29, 2022, from 8 am to 4 pm at the Mobile Mammogram Van (Washington Park); announced the Literacy fair event will be held on Sunday, January 30, 2022, from 2 p.m. to 5 p.m.; announced the Heart Health Walk event will be held on February 20, 2022, at 8 a.m.; requested the City Manager to provide the cost of insourcing sanitation and to provide the information to the Commission.

Mayor DeFillipo announced Bike 305 event in March; announced the State of the City Address will be coming shortly; stated he reaffirms his support for the police department, Police Chief Rand, does not support defunding the police department and supports Police Chief Rand; thanked everyone.

CONSENT AGENDA

Regular Commission Meeting Minutes of December 14, 2021 (Andrise Bernard, City Clerk)

Resolution R2022-02 Procurement of New Police Vehicles (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 EXECUTE AN AGREEMENT WITH BARTOW FORD FOR THE PURCHASE OF POLICE VEHICLES IN AN ESTIMATED BUDGETED AMOUNT OF \$349,702.76.

Resolution R2022-03 Procurement of Police Radios and Police Radio-Related Equipment (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 EXECUTE AN AGREEMENT WITH MIAMI-DADE COUNTY ITD RADIO COMMUNICATIONS FOR THE PURCHASE OF POLICE RADIOS AND POLICE RADIO RELATED EQUIPMENT IN AN ESTIMATED BUDGETED AMOUNT OF \$66,863.50.

Resolution R2022-04 Appointment of Special Magistrate Gilbert Squires (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REAPPOINTING GILBERT K. SQUIRES, PURSUANT TO SECTION 14-8.13 OF THE CODE ORDINANCES, TO SERVE AS A SPECIAL MAGISTRATE TO HEAR CODE VIOLATION MATTERS AND IMPOSE FINES, LIENS, AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF THE CITY'S CODE OF ORDINANCES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2022-05 Appointment of Special Magistrate Steven Rothstein (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REAPPOINTING STEVEN H. ROTHSTEIN, PURSUANT TO SECTION 14-8.13 OF THE CODE ORDINANCES, TO SERVE AS A SPECIAL MAGISTRATE TO HEAR CODE VIOLATION MATTERS AND IMPOSE FINES, LIENS, AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF THE CITY'S CODE OF ORDINANCES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2022-06 Office of Justice Programs Body Worn Camera Implementation Program Grant (Richard Rand, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE ACCEPTANCE OF A GRANT FOR THE CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT BODY WORN CAMERA PROGRAM IN THE AMOUNT OF \$150,000.00 FROM THE OFFICE OF JUSTICE PROGRAMS ("OJP") WITHIN THE U.S. DEPARTMENT OF JUSTICE; PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2022-07 Allen Park DeLeonardis Youth Center Fitness Equipment (Andrew Plotkin, Director of Parks and Recreation)

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 LIFE FITNESS, LLC. AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$97,127.14 AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2022-08 Purchase of Master Water Storage Tank Cleaning and Repair Services (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 CROM LLC., FOR THE PURCHASE OF MASTER WATER STORAGE TANK CLEANING AND REPAIR SERVICES IN AN ESTIMATED BUDGETED AMOUNT OF \$135,200.62.

Resolution R2022-09 Purchase of Equipment Tool and Rental Services (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 SUNBELT RENTALS, INC., FOR THE PURCHASE EQUIPMENT TOOL AND RENTAL SERVICES IN AN ESTIMATED BUDGETED AMOUNT OF \$55,500.00.

Resolution R2022-10 Landscape Beautification Grant Agreement (Judeen Johnson, Director of Public Works)

A RESOLUTION OF THE COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING A FLORIDA DEPARTMENT OF TRANSPORTATION HIGHWAY BEAUTIFICATION GRANT IN THE AMOUNT OF \$99,095; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT ON BEHALF OF THE CITY; AUTHORIZING IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2022-11 Establishment of a Paid Parental Leave Policy (Francisco Rios, Director of Human Resources)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ESTABLISH A PAID PARENTAL LEAVE POLICY OF SIX WEEKS FOR EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2022-12 Adopting New 401a Retirement Plan Benefits for Rehired Retirees (Francisco Rios, Director of Human Resources)

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 ENTER INTO AND EXECUTE AN AGREEMENT WITH MISSION SQUARE RETIREMENT, FORMERLY KNOWN AS ICMA-RC CORPORATION, TO CREATE A DEFINED CONTRIBUTION RETIREMENT PLAN FOR CERTAIN NMB WATER EMPLOYEES WHO WERE REHIRED BY THE CITY UPON THE TRANSITION OF PROVIDING WATER SERVICE IN-HOUSE; PROVIDING THE CITY MANAGER OR CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2022-XX Intention of the Service Agreement for Sanitation Collection

Motion to approve the consent agenda made by Vice Mayor Smukler, seconded by Mayor DeFillipo
Voice Vote: MOTION PASSED 7-0.

ANNOUNCEMENTS

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

- a. The City of North Miami Beach Welcomes V Edition of the 2022 Miami International Ballet Competition on January 19, 2022 to January 23, 2022 at the Julius Littman Performing Arts Theater.
- b. Free Mammogram Service event hosted by Commissioner Smukler will be held on Saturday, January 29, 2022 from 8 am to 4 pm at the Mobile Mammogram Van at the Washington Park Community Center.
- c. Literacy Fair hosted by Vice Mayor Smukler will be held on Sunday, January 30, 2022 from 2:00 p.m. to 5:00 p.m. at the NMB Library, 1601 N.E. 164 Street.
- d. Night of Excellence event hosted by Commissioner Daniela Jean will be held on Tuesday, February 1, 2022 at 6 p.m., at the Julius Littman Performing Arts Theater.
- e. NMB Bites Soul Food Edition event hosted by the CRA will be held on Saturday, February 5, 2022 from 5 p.m. to 9 p.m. at the Senator Gwen Margolis Amphitheater.
- f. Heart Health Walk event hosted by City of North Miami Beach and Commission of the Status of Women along with Vice Mayor Fortuna Smukler will be held on February 20, 2022 from 9 a.m. to 1 p.m. at the Snake Creek Canal.
- g. Presented a slideshow of the SnowFest event on December 18, 2022.

City Manager Sorey III announced an update on the purchase of the Senior Center and advised that the city will be moving forward with renovations as soon as possible.

Discussion Item

Mayor DeFillipo began a discussion on a vote regarding compensation at a Commission Meeting in November of 2021. Mayor DeFillipo stated that he began discussion on the vote during the December 2021 Commission Meeting and he would like to continue at this time. Mayor DeFillipo stated that the board voted for compensation where a 4-3 vote was casted and once, he read the City Charter, he believed the board was in violation of the City Charter. Mayor DeFillipo asked a member of the Commission on the prevailing side of the previous vote to rescind the vote. Mayor and Commission began discussion on the vote regarding compensation.

Interim City Attorney Ottinot stated that he was notified by the City Manager that he was merely just taking discretion allowance from one line item on the budget to a different line item and the charter does not require five votes for allowance, it requires five votes for compensation. He advised that it has been consistent with the use of the allowance in the past and there is nothing in the charter that precludes a cap on the allowance. He advised that the City Charter does not preclude a cap on the allowance and no one has told the City Manager that they do not want the allowance.

Mayor and Commission continued discussion on the vote regarding compensation.

Motion to table the discussion on the vote regarding compensation made by Commissioner Fleurimond, seconded by Commissioner Joseph.

No vote was taken.

Mayor and Commission continued discussion on the vote regarding compensation.

Motion to move the discussion on the vote regarding compensation to after Quasi-Judicial Legislation made by Vice Mayor Smukler, seconded by Commissioner Fleurimond.

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

MOTION PASSED 5-2 with Commissioner Joseph and Commissioner Villard opposed.

QUASI-JUDICIAL LEGISLATION

Resolution R2022-13 Bali Residential Building Site Plan Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN AND ONE NON-USE VARIANCE FROM THE ZONING AND LAND DEVELOPMENT CODE (“CODE”) FOR THE CONSTRUCTION OF 67,101 SQUARE FOOT, NINE-STORY MULTIFAMILY DEVELOPMENT, CONSISTING OF 58 DWELLING UNITS AND 63 PARKING SPACES; GRANTING A NON-USE VARIANCE FROM SECTION 24-58(S)(3)(a) TO PERMIT A ZERO FOOT TOWER SETBACK FROM THE PODIUM, WHERE THE CODE REQUIRES A MINIMUM SETBACK OF 15 FEET ON A 0.287 ACRE PARCEL LOCATED AT 1904 NE 167 STREET, NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-13 into the record.

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.

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.

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 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.

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 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.

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 Nina Boniske, Owner Yair Marianowski, Parking Consultant A.J. Perkins, Architect Christina Fandino, Owner Yair Marianowski, and

Landscape Architect Diego Vanderbiest representing Bali Residential building site plan request were sworn in.

City Manager Sorey III requested Kent Walia, Director of Community Development to provide a brief over of the Bali residential building site plan request to the Mayor and Commission.

Community Development Director Kent Walia introduced the Bali residential building site plan request and the applicant.

Attorney Nina Boniske gave a presentation on the Bali residential building site plan.

Parking Consultant A.J. Perkins gave a presentation on the ParkPlus high density parking systems.

Mayor and Commission began discussion on the ParkPlus high density parking systems and Bali residential building site plan.

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

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

No Public Comment.

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

Attorney Nina Boniske summarized the economic benefits of approving the Bali residential building site plan request.

Architect Christina Fandino spoke regarding on the architecture structure of Bali residential building site plan.

Owner Yair Marianowski spoke regarding the pricing of units. He also stated the units are usually affordable or mid-range and not luxury.

Vice Mayor Smukler and Commissioner Kramer requested the City Manager and Community Development Director to look into the parking code and make some changes due to lack of parking requirements for developments.

Mayor and Commission began discussion on the ParkPlus high density parking systems and Bali residential building site plan.

Community Development Director Kent Walia explained the current parking code and stated that the minimum required parking space is 63 spaces with 10 additional spaces if needed.

Architect Christina Fandino spoke on the parking and the loading area.

Commissioner Joseph requested the City Manager to conduct a study on placing parking meters at new developments.

Motion to **approve** Resolution 2022-13 Bali residential building site plan request made by Commissioner Fleurimond, seconded by Vice Mayor Smukler.

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

MOTION PASSED 7-0.

Resolution R2022-14 HR NMB Site Plan and Three Variances Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN AND THREE RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE (“CODE”) FOR THE CONSTRUCTION OF 572,456 SQUARE FOOT, TWENTY-THREE STORY MIXED-USE DEVELOPMENT, CONSISTING OF A THIRTY UNIT HOTEL, 7,328 SQUARE FEET OF RETAIL SPACE, 334 RESIDENTIAL UNITS, AND 410 PARKING SPACES; AND GRANTING A VARIANCE FROM SECTION 24- 58.2(G) TABLE MU/EC-1 TO PERMIT A HOTEL ON A APPROXIMATELY 1.086 ACRE PARCEL, WHEREAS THE CODE REQUIRES A MINIMUM OF 2 ACRES; AND GRANTING A VARIANCE FROM SECTION FROM SECTION 24-58(S)(3) FIGURE MU-8 TO PERMIT THE BUILDING TO HAVE A ZERO FOOT INTERIOR SIDE SETBACK FROM THE EAST PROPERTY LINE, WHERE THE CODE REQUIRES A MINIMUM OF 30 FEET WHEN ABUTTING ZERO LOT LINES AND AN ALLEY IS NOT EXISTING OR PROPOSED; AND GRANTING A VARIANCE FROM SECTION FROM SECTION 24-58(S)(3) FIGURE MU-8 TO PERMIT TOWER AT ZERO FOOT SETBACK FROM THE PODIUM, WHERE THE CODE REQUIRES A MINIMUM SETBACK OF 15 FEET; ON A 1.086 ACRE PARCEL LOCATED AT 2040 NE 163 STREET, NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-14 into the record.

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.

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.

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 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.

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 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.

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 Javie Vasquez, Raul Carrars representing the architect firm and Traffic Consultant Juan Espinoza representing HR NMB site plan and three variances request were sworn in.

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

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

No Public Comment.

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

City Manager Sorey III requested Kent Walia, Director of Community Development to provide a brief over on the HR NMB site plan and three variances request to the Mayor and Commission.

Community Development Director Kent Walia introduced the HR NMB site plan and three variances request and the applicant.

Attorney Javie Vasquez gave a presentation on the HR NMB site plan and three variances request.

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

No Public Comment.

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

Mayor and Commission continued discussion on the HR NMB site plan and three variances request.

Raul Carrars represented the architect firm and spoke regarding the hotel accessibility from the residential area.

Mayor and Commission began discussion on the HR NMB site plan and three variances request.

Motion to approve Resolution 2022-14 HR NMB site plan and three variances request with the amendment to allow the City Manager to negotiate on community benefits pursuant to the community benefits ordinance no later than the insurance of the building permit with other minor amendments made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

MOTION PASSED 7-0.

Resolution R2022-15 Blackbird Coffee Site Plan Modification Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN MODIFICATION, CONDITIONAL USE, AND ONE RELATED

VARIANCE FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A FAST FOOD RESTAURANT WITH DRIVE THRU WITHIN AN EXISTING 675 SQUARE FOOT BUILDING LOCATED AT 14200 BISCAYNE BOULEVARD; GRANTING A VARIANCE FROM SECTION 24-95 (B) TO PERMIT A TOTAL OF 5 PARKING SPACES, WHERE THE CODE REQUIRES A MINIMUM OF 14 PARKING SPACES; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-15 into the record.

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.

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.

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 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.

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 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.

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 Mike Pizzi, Jeff Hurley and Traffic Engineer Gregory Prytyka representing Blackbird Coffee site plan were sworn in.

Community Development Director Kent Walia introduced the Blackbird Coffee site plan modification request and the applicant.

Attorney Mike Pizzi gave a presentation on the Blackbird Coffee site plan.

Owner Jeff Hurley spoke regarding the Blackbird Coffee company and site plan.

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

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

No Public Comment.

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

Mayor and Commission began discussion on the Blackbird Coffee site plan request.

Traffic Engineer Gregory Prytyka went over the traffic study of the Blackbird Coffee site plan.

Mayor and Commission continued discussion on the Blackbird Coffee site plan request.

Motion to approve Resolution 2022-15 Blackbird Coffee site plan modification request with the amendment to allow the City Manager to negotiate on community benefits pursuant to the community benefits ordinance no later than the insurance of the building permit made by Commissioner Kramer, seconded by Commissioner Joseph.

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

MOTION PASSED 7-0.

Resolution R2022-16 NE 146th Street Multi-Tenant Development Site Plan Modification Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN MODIFICATION FOR THE DEVELOPMENT OF A 8,000 SQUARE FOOT, ONE-STORY RETAIL BUILDING, WITHIN A 501,943 SQUARE FOOT PARCEL CONTAINING AN EXISTING 137,846 RETAIL BUILDING LOCATED AT 14585 BISCAYNE BOULEVARD; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-16 into the record.

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.

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.

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 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.

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 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.

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 Alan Rosenthal, Owner Daniel Salas, Owner Darrell Lee, Architect Dan Colonial, Architect Oscar Pinoyo, Traffic Engineer Juan with David Plummer and Associates, and Mark from BS Boca Landscaping representing NE 146th Street multi-tenant development site plan modification request were sworn in.

Community Development Director Kent Walia introduced the NE 146th Street multi-tenant development site plan modification request and the applicant.

Attorney Alan Rosenthal gave a presentation on the NE 146th Street multi-tenant development site plan.

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

No Public Comment.

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

Mayor and Commission began discussion on the NE 146th Street multi-tenant development site plan modification request.

Motion to approve Resolution 2022-16 NE 146th Street multi-tenant development site plan modification request made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

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

MOTION PASSED 7-0.

Discussion Item

Mayor DeFillipo continued discussion on a vote regarding compensation at a Commission Meeting in November of 2021. Mayor DeFillipo asked a member of the Commission on the prevailing side of the previous vote to rescind the vote. Mayor and Commission discussed the previous vote regarding compensation.

LEGISLATION

Ordinance No. 2021-15 (Second and Final 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 Hans Ottinot read the title of Ordinance No. R2021-15 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. 2021-15 amending Chapter XIX Water and Sewer relating to 10% water conservation surcharge made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

MOTION PASSED 7-0.

Ordinance No. 2022-01 (First Reading) Moving Quorum and Ethical Duty to Remain at a Commission Meeting to Article X Code of Ethics (Commissioner Barbara Kramer)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER II “STRUCTURE OF CITY GOVERNMENT,” ARTICLE I, “THE CITY COMMISSION,” SECTION 2-1.1 “MEETINGS OF THE CITY COMMISSION,” SUBSECTION (a), “QUORUM REQUIRED/ETHICAL DUTY TO REMAIN AT CITY COMMISSION MEETINGS,” BY DELETING THE REQUIREMENTS CONCERNING THE DUTY TO REMAIN AT CITY COMMISSION MEETINGS AND MOVING THE REQUIREMENTS TO ARTICLE X “CODE OF ETHICS” IN A NEWLY CREATED SECTION 2-79.14 ENTITLED “ETHICAL DUTY OF REMAIN AT CITY COMMISSION MEETINGS”; AUTHORIZING THE CITY CLERK TO TRANSMIT THE ORDINANCE TO THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST FOR ENFORCEMENT PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. R2022-01 into the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Mayor and Commission began discussion on moving quorum and ethical duty to remain at a Commission Meeting to Article X in the City Code.

Interim City Attorney Ottinot stated that based on his personal knowledge he does not have any recollection of any local municipality in Miami-Dade County having a similar ordinance.

Mayor and Commission continued discussion on moving quorum and ethical duty to remain at a Commission Meeting to Article X in the City Code.

Interim City Attorney Ottinot read the ordinance in detail into the record.

Motion to approve Ordinance No. 2022-01 moving quorum and ethical duty to remain at a Commission Meeting to Article X Code of Ethics made by Commissioner Kramer, seconded by Mayor DeFillipo.

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

MOTION FAILED: 3-4 with Commissioner Fleurimond, Commissioner Jean, Commissioner Joseph and Commissioner Villard opposed.

Resolution R2022-17 Joining Opioid Litigation (Mayor and City Commission)

A RESOLUTION OF THE COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY OF NORTH MIAMI BEACH TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN RELATING TO THE OPIOID LITIGATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND RELATED AGREEMENTS; PROVIDING INSTRUCTIONS TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution R2022-17 into the record and explained the opioid litigation.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

Motion to approve Resolution R2022-17 joining the Opioid litigation made by Commissioner Kramer, seconded by Vice Mayor Smukler.

Voice Vote: MOTION PASSED 7-0.

Resolution R2022-18 Establishment of a Tuition Reimbursement Policy (Francisco Rios, Director of Human Resources)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPAND THE CITY'S TUITION REIMBURSEMENT PROGRAM TO INCLUDE PART-TIME EMPLOYEES; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution R2022-18 in the record.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

City Manager Sorey III introduced Human Resource Director Francisco Rios.

Human Resources Francisco Rios gave an overview on establishing tuition reimbursement policy for part-time employees.

Mayor and Commission began discussion on establishing tuition reimbursement policy for part-time employees.

Motion to approve the establishment of a tuition reimbursement policy for part-time employees made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

MOTION PASSED: 4-3 with Commissioner Kramer, Vice Mayor Smukler and Mayor DeFillipo opposed.

APPOINTMENTS

Appointment of Stanley Brown to the Eastern Shores First Addition Security Guard Special Taxing District (ESFASGSTD) Board

Motion to approve the appointment of Stanley Brown to the Eastern Shores First Addition Security Guard Special Taxing District (ESFASGSTD) Board made by Commissioner Kramer, seconded by Mayor DeFillipo.

Voice Vote: MOTION PASSED 7-0.

DISCUSSION ITEMS

Transportation

City Manager Sorey III gave a presentation on on-demand transportation cost analysis, trolley expansion routes, and the ride sharing pilot program. City Manager Sorey III presented the proposed trolley expansion routes totaling \$\$463,400 and the proposed ride sharing pilot program totaling \$530,098 along with the feasibility study.

City Manager Sorey III introduced ProKel CEO and founder Kelly Gonzalez Jr.

ProKel CEO/Founder Kelly Gonzalez Jr. introduced Matt Kendrick, Business Officer for TRC Routing Company and a presentation on the trolley service was given.

ProKel CEO/Founder Kelly Gonzalez Jr. presented the cost and overall savings to the city.

City Manager Sorey III stated that ProKel updated their presentation since he last reviewed it and will need additional time to review the updated information.

Mayor and Commission began discussion on the trolley service.

Motion to authorize the City Manager to go into conversation and negotiation to valid said numbers presented by ProKel and return before this Commission at a later date made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

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

City Manager Sorey III introduced the owner of Freebee.

Motion to approve extending the commission meeting to ten minutes after midnight made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

MOTION PASSED 4-3 with Commissioner Kramer, Vice Mayor Smukler and Mayor DeFillipo opposed.

The owner of Freebee gave a brief overview of the pilot program for Freebee.

Mayor and Commission began discussion on transportation.

City Manager Sorey III stated that he has promotional funds from CRA that could be used for the Freebee program and he will look into other funding sources.

Motion to approve to explore the Freebee program and bring it back to the board made by Mayor DeFillipo, seconded by Commissioner Kramer.

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

MOTION PASSED 4-3 with Commissioner Fleurimond, Commissioner Joseph and Commissioner Villard opposed.

Censure Commissioner Paule Villard for Misrepresenting Herself as Vice Mayor

Commissioner Kramer began discussion on censuring Commissioner Paule Villard for misrepresenting herself as Vice Mayor.

Mayor and Commission began discussion on censuring Commissioner Paule Villard for misrepresenting herself as Vice Mayor.

Motion to approve censuring Commissioner Paule Villard for misrepresenting herself as Vice Mayor was made by Commissioner Kramer, seconded by Mayor DeFillipo.

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

MOTION FAILED 2-5 with Commissioner Fleurimond, Commissioner Jean, Commissioner Joseph, Commissioner Villard and Vice Mayor Smukler opposed.

Censure Commissioner Paule Villard for Failing to Comply with City Ordinance 2016-9

Commissioner Kramer began discussion on censuring Commissioner Paule Villard for failing to comply with City Ordinance 2016-9.

Mayor and Commission began discussion on censuring Commissioner Paule Villard for failing to comply with City Ordinance 2016-9.

Motion to approve censuring Commissioner Paule Villard for Commissioner Paule Villard for failing to comply with City Ordinance 2016-9 was made by Commissioner Kramer, seconded by Mayor DeFillipo.

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

MOTION FAILED 2-5 with Commissioner Fleurimond, Commissioner Jean, Commissioner Joseph, Commissioner Villard and Vice Mayor Smukler opposed.

Censure Commissioner McKenzie Fleurimond for Failing to Comply with City Ordinance 2016-9

Commissioner Kramer began discussion on censuring Commissioner McKenzie Fleurimond for failing to comply with City Ordinance 2016-9.

Mayor and Commission began discussion on censuring Commissioner McKenzie Fleurimond for failing to comply with City Ordinance 2016-9.

Motion to approve censuring Commissioner Paule Villard for Commissioner McKenzie Fleurimond for failing to comply with City Ordinance 2016-9 was made by Commissioner Kramer, seconded by Mayor DeFillipo.

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

MOTION FAILED 2-5 with Commissioner Fleurimond, Commissioner Jean, Commissioner Joseph, Commissioner Villard and Vice Mayor Smukler opposed.

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 12:07 am.

ATTEST:

(SEAL)

Andrise Bernard, CMC, City Clerk