



CITY OF NORTH MIAMI BEACH
City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, June 21, 2022
6:00pm

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

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

City Commission Meeting Agenda

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:23 p.m.

Present at the meeting in the Littman Performing Arts Theater were Mayor Anthony F. DeFillipo, Vice Mayor McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Michael Joseph, Commissioner Fortuna Smukler and Commissioner Paule Villard. City Manager Arthur H. Sorey III, City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present. Commissioner Barbara Kramer was not present.

INVOCATION by Pastor Ginger Medley (Fulford United Methodist Church)

Mayor DeFillipo requested a moment of silent mediation and pray for world peace and unity.

PLEDGE OF ALLEGIANCE was led by the Mayor and Commission.

4. 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 Attorney Hans Ottinot, presentation documents for item 11.2 General Employees' Pension Plan were added to the agenda.
- b. Per the request of Mayor DeFillipo, items 9.9, 9.10, 9.12, 9.15, 9.22 are to be pulled from the consent agenda and heard after Quasi-Judicial Legislation.

Motion to approve the amended agenda made by Mayor DeFillipo, seconded by Commissioner Smukler.

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

MOTION FAILED 2-4 with Commissioner Jean, Commissioner Joseph, Commissioner Villard, and Vice Fleurimond oppose.

Motion to approve the agenda as is made by Commissioner Joseph, seconded by Vice Mayor Fleurimond.

Voice Vote: **MOTION PASSED 6-0.**

5. PRESENTATIONS/DISCUSSIONS

5.1 Chief Financial Officer Presentation of the Annual Comprehensive Financial Report (ACFR) for the Year Ended September 30, 2021 (Marcia Fennell, Chief Financial Officer)

Chief Financial Officer Marcia Fennell announced the presentation of the Annual Comprehensive Financial Report (ACFR) for the year ending September 30, 2021. She thanked the finance staff and introduced the independent auditing firm of Caballero, Fierman, Llerena and Garcia LLP.

The auditor from the firm of Caballero, Fierman, Llerena and Garcia LLP gave a presentation on the Annual Comprehensive Financial Report (ACFR) for the year ending September 30, 2021, and the results. The report details the financial condition of the City and consists of two parts: the introductory section and the financial section.

City Manager Sorey III highlighted and stated the four-million-dollar deficits is from the sanitation fund that has been discussed during previous city commission meeting. He further stated the auditors are discussing the same deficit.

The auditor continued to present the Annual Comprehensive Financial Report (ACFR) for the year ending September 30, 2021.

City Manager Sorey III thanked the auditors and expressed the audit was not completed during its normal timeframe however the audit will still meet the state deadline and not affect the city's GAFO standing or the satisfaction with state requirements. The factors that contributed to the city being two months behind were turnovers and the implementation of Excut-time, Energov and Docu-Sign programs. He advised all programs are up and running.

Mayor and Commission began discussion on the Annual Comprehensive Financial Report (ACFR).

The auditor explained the amount in the governmental funds and the unassigned fund balance.

Mayor and Commission continued discussion on the Annual Comprehensive Financial Report (ACFR)

The auditor spoke regarding the reserved requirement amount by law and gave a brief background of the firm and his professional experience.

City Manager Sorey III thanked Chief Financial Officer Marcia Fennell for her hard work and welcomed the new Finance Director.

6. PUBLIC COMMENT

Mayor Anthony F. 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. Keith Myers
2. Marylin Baumoehl
3. Jeb Handwerger
4. Mireille Edward
5. Representation of Norma Fuentes
6. David Zapen
7. Lorenzo Hall
8. Ketley Joachim

9. Janice Coakley
10. Mubarak Kazan
11. Tricia Harris

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

City Manager Sorey III addressed sanitation complaints and stated there is a .6% rate of missed pick-up. He advised the city is receiving less calls regarding sanitation and will continue to push the recycling schedule out to the public.

Senior Vice President of Business Development John Casagrande for Coastal Waste and Recycling spoke regarding any concerns of sanitation and Coastal Waste and Recycling.

7. ANNOUNCEMENTS

Public Affairs Manager Phillip Tavernier presented a video announcing upcoming events in the city.

8. CITY COMMISSION REPORTS

Commissioner Jean congratulated the Police Department on receiving the excelsior status recently and for being able to secure that covenant. She stated to the police department to continue to do a great job; announced for those of you who are interested in picking up the summer guide to feel free to do so; congratulated all the commissioners for taking part in the summer literacy campaign; recognized the celebrated Juneteenth holiday event and stated the holiday dignified freedom for all especially for black Americans who are not receiving their freedom as of 1865 and congratulated Commissioner Joseph for leading that charge; thanked everyone for being here tonight and wished for a very successful meeting.

Commissioner Joseph recognized the celebrated Juneteenth holiday event and expressed support for its return next year; wished everyone a happy 4th of July and expressed the need for firework safety; expressed support for youth swimming lessons; reminded everyone of the recycle date; wished everyone a great safe summer.

Commissioner Smukler announced the next food distribution for the City of North Miami beach is Saturday, July 16th, City Hall at 9:00 a.m. and thanked Farm Share, Joshua's Heart, Jackson Memorial Hospital (North), Chick-fil-A, 7/11 convenience store and all the volunteers; congratulated Chief Harvette Smith for becoming the permanent Chief of Police; congratulated the Police Department for achieving the Excelsior status once again; announced the Library Board members as well as herself would like to express their sympathies to the family of Mickey Cooper, a resident and library board member who passed away last week; wished everyone a happy first day of summer and expressed support for pool safety and wearing wear sunscreen; wished everyone a Happy Independence Day and expressed support for fireworks safety; wished everyone peace and prosperity for the upcoming Jewish holiday; quoted "local voices make local choices".

Commissioner Villard stated there are seven elected officials and expressed she is here to work hard and is also available 24 hours for any concern, any questions or comments; wished all the fathers a Happy Father's Day especially fathers that are here in the great city of North Miami beach; announced on Friday, June 24th the seniors luncheon and expressed that the senior luncheon has been here before during Commissioner Phyllis Smith term and stated nothing has changed. She stated the luncheon is a sponsored event and this Friday it will be sponsored by Dr. Chen Medical Center and Primary Care Medical Center; announced the event Get Fit with Coach D; stated we are working to make sure our communities are together and thanked everyone.

Vice Mayor Fleurimond recognized the CRA meeting that provided a lot of updates on what the city is doing for economic development and small business development; thanked everyone who participated in the

Juneteenth event spearheaded by Commissioner Michael Joseph that shed some light on the HBCU Greek culture and some of the great bands in and around Miami-Dade and Broward counties ; thanked the staff, Athalie Edwards, City Manager Sorey III, Assistant City Manager Gedel Merzius, Assistant City Manager Kemarr Brown, Lorita Jackson, Nadia Brewton, Parks and Recreation and everyone that put their hands together to make the job fair a success. He announced there were 280 people who attended the job fair and the city hired ten people on the spot averaging somewhere in the \$30,000 plus salary as well as other vendors hired people on the spot; recognized the Police Department for obtaining the Excelsior award and stated the Police Department is Excelsior and the Police Department is moving in the right direction with the leadership of Harvette Smith and all of the command staff; requested the City Manager to make the Police Department more competitive by creating a bonus structure with the compensation packages; wished Commissioner Villard a happy early birthday; stated he is looking forward to an expedient meeting and thanked everyone.

Mayor DeFillipo reported to the City Manager issues of bottles are found all over the parking lot in the alleyway off of 19th Ave and 182 right behind Circle K store and requested the Police Department to conduct a watch order; stated he is looking forward to being able to lower the mileage rate with the consensus of his colleagues to go down at least one point for the taxpayers; reported he is concerned regarding a security guard who was fired that worked here at the city of North Miami beach who wasn't given an opportunity or a break; thanked everyone.

Vice Mayor Fleurimond requested City Manager Sorey III to advised on the security guard.

City Manager Sorey explain the security person did not work for the city but for the private company the city contracts with and he has no hiring or firing power. He expressed that on the heels of the shooting in Texas, the security guard was gone for a few hours from her post. The security guard job is to watch the lobby and she left her post. He further advised he is responsible for everybody in this building to make sure everyone is safe, and the security guard had an obligation to be there at the post and she was not there. The company was contacted to let them know that she left her post thereafter the company sent the city a new employee. He did not fire her and only reported what was happening and that he wasn't pleased with it. He advised it would have been a different conversation if there had been a mass shooting here at the city of North Miami beach and the security guard chose to leave their post for two hours leaving him at fault for not protecting his employees that he was sworn in to protect. He has an obligation to his employees and to the commission to make sure that the day-to-day operations at the City of North Miami Beach are running correctly.

Proclamation Recognizing Chick-fil-A (Commissioner Smukler)

Mayor and Commission presented a proclamation to the Chick-fil-A franchise owner.

9. CONSENT AGENDA

- 9.1. Regular Commission Meeting Minutes of April 19, 2022 (Andrise Bernard, City Clerk)**
- 9.2. Resolution No. R2022-66 Purchase of Flygt Pumps, Parts, and Repairs from Xylem Water Solutions USA, Inc. (Andrea Suárez 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 XYLEM WATER SOLUTIONS USA, INC. FOR THE PURCHASE OF FLYGT PUMPS, PARTS AND4 REPAIRS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEED TO EXPEND THE ESTIMATED EXPENDITURE OF \$150,000; AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.

- 9.3. **Resolution No. R2022-67 Ratification of Contract Award No. ITB-22-024-SG Landscape Improvements SR860/N.E. 183rd Street from N.E. 6th Avenue to N.E. 10th Avenue (Emmanuel Adediran, Interim Director of Public Works)**
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-22-024-SG “LANDSCAPE IMPROVEMENTS SR860/NE 183rd STREET FROM N.E. 6TH AVENUE TO N.E. 10TH AVENUE”; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, VISUALSCAPE, INC. AND FURTHER AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ESTIMATED BUDGETED AMOUNT OF \$247,355; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.4. **Resolution No. R2022-70 - Awarding of ITB-21-047-MC Master Pump Station #4 Force Main Re-Routing (SEWR2002) (Andrea Suárez Abastida, NMB Water Director)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID ITB-21-047-MC “MASTER PUMP STATION #4 FORCE MAIN RE-ROUTING (SEWR2002)”; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH RIC-MAN INTERNATIONAL, INC. AND EXPEND AN BUDGETED AMOUNT UP TO BUT NOT TO EXCEED \$1,939,855.95; 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.
- 9.5. **Resolution No. R2022-71 Express Support for Tenant's Bill of Rights Ordinance in Miami-Dade County (Commissioner Paule Villard)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, EXPRESSING STRONG SUPPORT FOR THE TENANT’S BILL OF RIGHTS ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY; DIRECTING THE CITY MANAGER OR DESIGNEE TO WORK WITH OFFICIALS FROM MIAMI-DADE COUNTY TO EDUCATE RESIDENTS IN NORTH MIAMI BEACH ABOUT THE TENANT’S BILL OF RIGHTS; AND FURTHER DIRECTING THE CITY MANAGER OR DESIGNEE TO PROVIDE MIAMI-DADE HOUSING ADVOCATES WITH TEMPORARY USE OF CITY FACILITIES TO PROVIDE EDUCATIONAL FORUMS ABOUT THE TENANT’S BILL OF RIGHTS; PROVIDING DIRECTION TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.6. **Resolution No. R2022-72 Recognizing National Police Week (Commissioner Paule Villard and Commissioner Daniela Jean)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RECOGNIZING NATIONAL POLICE WEEK IN APPRECIATION OF LAW ENFORCEMENT OFFICERS; PROVIDING DIRECTION TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.7. **Resolution No. R2022-73 Award of ITB-22-023-MC N.E. 151st Street & N.E. 14th Avenue Roundabout (Phillip Ford, Chief Procurement Officer)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID ITB-21-047-MC– “ITB-22-023-MC N.E. 151st STREET & N.E. 14th AVENUE ROUNDABOUT”; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER

INTO AN AGREEMENT WITH PERRIN INTERNATIONAL SERVICES, INC. AND EXPEND AN BUDGETED AMOUNT UP TO BUT NOT TO EXCEED \$424,821.65; 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.

9.8. Resolution No. R2022-74 Purchase of Furniture from Global Furniture (Phillip Ford, Chief Procurement Officer)

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 GLOBAL INDUSTRIES, INC. DBA GLOBAL FURNITURE GROUP FOR THE PURCHASE AND INSTALLATION OF OFFICE FURNITURE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$72,000 AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.

9.9. Resolution No. R2022-75 Professional Services - Rubin Turnbull & Associates (Arthur H. Sorey III, City Manager)

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 A PROFESSIONAL SERVICES AGREEMENT BETWEEN RUBIN, TURNBULL & ASSOCIATES AND THE CITY OF NORTH MIAMI BEACH FOR LOBBYING SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED AMOUNT OF \$93,750 FOR SAID SERVICES AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.

9.10. Resolution No. R2022- 76 City Hall 2nd Floor Office Renovation Project Change Order (Emmanuel Adediran, Interim Public Works 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 EXECUTE A CHANGE ORDER WITH BESPOKE CONSTRUCTION MANAGEMENT, LLC FOR THE INSTALLATION OF A CHILL WATER AIR HANDLER HVAC SYSTEM IN THE “HR RENOVATIONS, CITY HALL SECOND FLOOR PROJECT” AT A COST OF \$52,338.95; AND PROVIDING AN EFFECTIVE DATE.

9.11. Resolution No. R2022-77 Professional Services, EL Waters & Company LLC (Kent Walia, Community Development 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 EXECUTE A PROFESSIONAL PLANNING AND ZONING SERVICES AGREEMENT BETWEEN EL WATERS AND COMPANY LLC AND THE CITY OF NORTH MIAMI BEACH FOR PROFESSIONAL SERVICES TO THE PLANNING AND ZONING DEPARTMENT; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$250,000; AND PROVIDING AN EFFECTIVE DATE.

9.12. Resolution No. R2022-78 Amending the Comprehensive Policy Governing Travel Expenditures for Mayor and City Commission

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE COMPREHENSIVE POLICY GOVERNING TRAVEL EXPENDITURES FOR THE MAYOR AND MEMBERS OF THE CITY COMMISSION; PROVIDING FOR EFFECTIVE DATE.

9.13. Resolution No. R2022-79 Ratification of Purchase Order 220777 for N.E. 15th Avenue Bridge Improvements from Bridge Masters Construction (Emmanuel Adediran, Interim Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING A CHANGE ORDER FOR BRIDGE MASTERS CONSTRUCTION IN THE AMOUNT OF \$136,250 FOR ADDITIONAL SPALL AND JOINT REPAIR SERVICES AT 15th AVENUE OVER SNAKE CREEK CANAL; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.14. Resolution No. R2022-80 Change Order for Purchase for Potable Water Automated Meter Reading (AMR) System from Sunstate Meters and Supplies Inc. (Andrea Suarez Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER BETWEEN THE CITY OF NORTH MIAMI BEACH AND SUNSTATE METERS AND SUPPLIES, INC. INCREASING THE CONTRACT AMOUNT FROM ANNUAL EXPENDITURE OF \$49,000 TO \$98,000 TO CONTINUE THE PURCHASE AND DELIVERY WATER METERS AND SUPPLIES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

9.15. Resolution No. R2022-81 Change Order for Purchase of OEM Parts and Services from Environmental Products of Florida (Emmanuel Adediran, Interim Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER BETWEEN THE CITY OF NORTH MIAMI BEACH AND ENVIRONMENTAL PROJECTS OF FLORIDA INCREASING THE CONTRACT AMOUNT FROM ANNUAL EXPENDITURE OF \$45,600 TO \$150,000.00 TO CONTINUE THE PURCHASE AND DELIVERY OF OEM PARTS AND SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

9.16. Resolution No. R2022-82 Purchase and Delivery of Well Pump and Motor from Afton Pumps, Inc. (Andrea Suárez Abastida, NMB Water 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 EXECUTE AN AGREEMENT WITH AFTON PUMPS, INC. FOR THE PURCHASE OF WELL PUMP AND MOTOR; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$128,639; AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.

- 9.17. **Resolution No. R2022-83 Supporting Autism Awareness (Mayor Anthony F. DeFillipo)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING PRINCIPLES OF INCLUSION FOR INDIVIDUALS WITH AUTISM AND OTHER SPECIAL NEEDS, AND URGING ACTION BY NATIONAL, STATE, AND LOCAL GOVERNMENTS, BUSINESSES, AND RESIDENTIAL COMMUNITIES CONSISTENT WITH THESE PRINCIPLES; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.18. **Resolution No. R2022-84 Purchase of Fleet Vehicles from Alan Jay Automotive Management (Emmanuel Adediran, Interim Public Works 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 EXECUTE AN AGREEMENT WITH ALAN JAY AUTOMOTIVE MANAGEMENT FOR THE PURCHASE OF FLEET VEHICLES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED ANNUAL EXPENDITURE OF \$500,000; AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.
- 9.19. **Resolution No. R2022-85 Purchase of Life and Fire Safety Services from Cintas Corporation No.2 (Emmanuel Adediran, Interim Public Works 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 EXECUTE AN AGREEMENT WITH CINTAS CORPORATION NO.2 FOR THE PURCHASE OF LIFE AND FIRE SAFETY SERVICES FOR ALL CITY FACILITIES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED ANNUAL EXPENDITURE OF \$100,000 AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.
- 9.20. **Resolution No. R2022-86 Change Order for Purchase of Carbon Dioxide from Airgas USA (Andrea Suarez Abastida, NMB Water Director)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER BETWEEN THE CITY OF NORTH MIAMI BEACH AND AIRGAS USA, LLC. INCREASING THE CONTRACT AMOUNT FROM ANNUAL EXPENDITURE OF \$32,000 TO \$100,000.00 FOR THE PURCHASE AND DELIVERY OF CARBON DIOXIDE; AND AUTHORIZING THE CITY MANAGER OR
DESIGNEE TO EXECUTE THE CHANGE ORDER AND TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.21. **Resolution No. R2022-87 Change Order for Purchase of Antiscalant from American Water Chemicals, Inc (Andrea Suarez Abastida, NMB Water Director)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER BETWEEN THE CITY OF NORTH MIAMI BEACH AND AMERICAN WATER CHEMICALS, INC. INCREASING THE CONTRACT AMOUNT FROM ANNUAL EXPENDITURE OF

\$98,000 TO \$155,000.00 TO PURCHASE AND DELIVERY OF AWE A-102 PLUS ANITSCALENT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER AND TO ALL THINGS TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.22. Resolution No. R2022-88 Condemning Recent Mass Shootings in the United States (Vice Mayor McKenzie Fleurimond, Commissioner Paule Villard, Commissioner Fortuna Smukler)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CONDEMNING THE DOMESTIC TERRORIST ATTACK AGAINST THE ELEMENTARY SCHOOL AGED STUDENTS IN UVALDE, TEXAS; CONDEMNING THE DOMESTIC TERRORIST ATTACK AGAINST THE AFRICAN-AMERICAN COMMUNITY IN BUFFALO, NEW YORK; CONDEMNING THE DOMESTIC TERRORIST ATTACK AGAINST THE ASIAN-AMERICAN COMMUNITY IN LAGUNA HILLS, CALIFORNIA; AND CONDEMNING THE DOMESTIC TERRORIST ATTACK AGAINST THE JEWISH COMMUNITY IN PITTSBURGH, PENNSYLVANIA; EXPRESSING CONDOLENCES TO THE FAMILIES OF VICTIMS OF DOMESTIC TERRORISM; URGING THE PRESIDENT OF THE UNITED STATES, CONGRESS, THE FLORIDA GOVERNOR AND THE LEGISLATURE OF THE STATE OF FLORIDA TO BAN ASSAULT WEAPONS; URGING THE PASSAGE OF SENSIBLE GUN REGULATIONS TO PREVENT MASS MURDER AND GUN VIOLENCE IN THE UNITED STATES; DIRECTING THE CITY CLERK TO SEND THIS RESOLUTION TO THE PRESIDENT OF THE UNITED STATES, FLORIDA U.S. SENATORS, LEADERS OF THE SOUTH FLORIDA CONGRESSIONAL DELEGATION AND CHAIR OF THE CONGRESSIONAL BLACK CAUCUS, THE FLORIDA GOVERNOR AND THE PRESIDING OFFICERS OF THE FLORIDA LEGISLATURE; MAYOR AND COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY; AND MIAMI-DADE LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor and Commission began discussion the consent agenda.

Mayor DeFillipo requested City Manager Sorey III to further discuss items 9.7, 9.3, 9.9, 9.10, 9.12, and 9.15.

City Manager Sorey III provided an explanation to the following items:

Item 9.9. Resolution No. R2022-73 Award of ITB-22-023-MC N.E. 151st Street & N.E. 14th Avenue Roundabout

City Manager Sorey III advised this resolution is simply a traffic calming device that has been in the capital improvement plan for a couple of years and is now ready to go to construction to alleviate the problem for both intersections.

Item 9.3 Resolution No. R2022-67 Ratification of Contract Award No. ITB-22-024-SG Landscape Improvements SR860/N.E. 183rd Street from N.E. 6th Avenue to N.E. 10th Avenue

City Manager Sorey III advised this is actually part of the FDOT right away that the city has a joint use agreement with to maintain these medians on 183rd St.

Item 9.9 Resolution No. R2022-75 Professional Services - Rubin Turnbull & Associates

City Manager Sorey III advised this is for federal lobbying and it was out prior to him coming to this city. This is just the second year of an agreement that the city had with Turnbull. He also advised the \$90,000 amount is

over the course of a year and it will be broken into monthly installations. The firm is responsible for the \$1.1 million dollars that the city received federally and right now there is a pending amount for about \$2 million.

Item 9.10 Resolution No. R2022- 76 City Hall 2nd Floor Office Renovation Project Change Order

City Manager Sorey III advised the HVAC handler on the second floor was not connected to the whole system. The change order for \$52,000 is to have it all on the same motherboard or component that can control everything remotely for the second floor. He advised the renovations are going well as he has reported in his monthly report and anticipate being done in September.

Item 9.12 Resolution No. R2022-78 Amending the Comprehensive Policy Governing Travel Expenditures for Mayor and City Commission

City Manager Sorey III advised he believe the per diem amount is set to 25% of whatever the GSA government rate is for per diem and felt it was strange. The resolution is to change it to match all city employees to 100% of the GSA rate when they travel. He advised it's no need for it to be separated between employees and commission because everyone works here and this is more consistent with all of the neighboring cities.

Item 9.15 Resolution No. R2022-81 Change Order for Purchase of OEM Parts and Services from Environmental Products of Florida.

City Manager Sorey III introduced Purchasing Supervisor Meghan Bennett to speak on Resolution No. R2022-81 Change Order for Purchase of OEM Parts and Services from Environmental Products of Florida.

Purchasing Supervisor Meghan Bennett spoke regarding item 9.15 Resolution No. R2022-81 Change Order for Purchase of OEM Parts and Services from Environmental Products of Florida. She advised this is a request to increase the contract for environmental product for heavy equipment parts for city vehicles such as vactor trucks and sweepers.

Mayor DeFillipo spoke regarding item 9.22 Resolution No. R2022-88 Condemning Recent Mass Shootings in the United States 9.22. He stated he is in support of Resolution 2022- 88 however he does not support taking anybody's amendment right away to bear arms and warned about sending stuff like this to the governor's office because at the end of the day the city needs the governor's help, and the city needs appropriations in Tallahassee to go our way.

Motion to approve the consent agenda made by Vice Mayor Fleurimond, seconded by Commission Joseph. Voice Vote: **MOTION PASSED 5-1** with Mayor DeFillipo oppose.

Vice Mayor Fleurimond requested item 11.2 Ordinance No. 2022-07 (First Reading) General Employees' Pension Plan Amendment (Mayor and City Commission) to be heard before Quasi-Judicial. There was a consensus reached among the commission.

11.2 Ordinance No. 2022-07 (First Reading) General Employees' Pension Plan Amendment (Mayor and City Commission)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, BY AMENDING SECTION 6.01, NORMAL RETIREMENT; AMENDING SECTION 6.13, COST OF LIVING ADJUSTMENTS; AMENDING SECTION 6.14, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ottinot read the title of Ordinance No. 2022-07 into the record.

Vice Mayor Fleurimond spoke regarding Ordinance No. 2022-07 (First Reading) General Employees' Pension Plan Amendment.

Pension Plan Administrator Renaldo Gayle spoke regarding Ordinance No. 2022-07 (First Reading) General Employees' Pension Plan Amendment. He stated the ordinance being presented to the commission aims to address pension benefits for the remaining 46 as of today city employees. He stated in historical context note, the City made changes to the pension fund back in 2013 resulting in a two-tier benefits program and the major changes were as follows, the benefits multiplier, the normal retirement eligibility, cost of living adjustments and maximum drop participation. He further stated the changes being addressed are the pension benefits that were promised to these employees that were hired and vested prior to October 2013 and at the time the change was to approximately 150 to 200 active and vested members. It has now drop down to 46.

Pension Plan Administrator Renaldo Gayle reported before the changes were made in October 2013 the employees had a 3% final average payroll per year at 3% multiplier. That has changed to a two-tier benefits plan and benefits earned after 2013 were getting calculated at 2.5% rate as opposed to 3%. The cost of living which is the third item used to be 2.25% annually on October 1st after retirement however it's 0.75% three years after retirement. Only the current actively employed members who were vested at the time of the change which is now 46 out of the 128 members will benefit from this resolution.

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

1. Eloine Cox-Houghton
2. E. Medina
3. Janice Coakley
4. Mubarak Kazan
5. Lorenzo Hall

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

City Manager Sorey III stated the financial impact is approximately \$230,000 a year.

The Mayor and Commission requested the City Manager to look into creating the same ordinance for the police department.

Motion to approve Ordinance No. 2022-07 made by Vice Fleurimond, seconded by Mayor DeFillipo.

Roll Call Vote: Joseph – Yes, Smukler – Yes, Villard – Yes, Jean – Yes, Fleurimond – Yes, DeFillipo - Yes.
PASSED 6-0.

10. QUASI-JUDICIAL LEGISLATION

10.1 Resolution R2022-44 NMB Place Site Plan Approval and Four Related Non-Use Variances (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN AND FOUR RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE CONSTRUCTION OF A 1,219,643 SQUARE FOOT MIXED-USE DEVELOPMENT, CONSISTING OF TWO, TWENTY-EIGHT STORY TOWERS WITH 11,540 SQUARE FEET OF RETAIL SPACE, 6,810 SQUARE FEET OF OFFICE, 700 RESIDENTIAL UNITS, AND 957 PARKING SPACES ON A 1.86 ACRE PARCEL LOCATED AT 1959 AND 1999 N.E. 164th STREET; GRANTING A VARIANCE TO PERMIT DECORATIVE SCREENING OF THE PARKING GARAGE FOR THE EAST AND WEST TOWER FRONTING ALONG N.E. 164th STREET, WHERE THE CODE REQUIRES A 20 FOOT DEEP LINER BUILDING; GRANTING A

VARIANCE TO PERMIT A 98.21% IMPERVIOUS AREA AT THE PODIUM LEVEL, WHERE THE CODE PERMITS A MAXIMUM IMPERVIOUS AREA OF 90% AT THE PODIUM LEVEL; GRANTING A VARIANCE TO PERMIT THE EAST SIDE OF THE EAST TOWER AT 7'7" TO 11'4" SETBACK FROM THE PODIUM, WHERE THE CODE REQUIRES A MINIMUM SETBACK OF 15 FEET; AND GRANTING A VARIANCE TO PERMIT A FURNISHINGS/GREEN AREA WITH A WIDTH OF 12'6", WHERE THE CODE REQUIRES AN 18 FOOT WIDTH ALONG THE N.E. 19th AVENUE GREENWAY; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor DeFillipo stated he is recusing his self because he was a realtor in the business negotiations for the seller and he will pass the gavel over to the Vice Mayor. Mayor DeFillipo left the dais.

City Attorney Hans Ottinot read the title of Resolution No. R2022-44 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.

Commissioner 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 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 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.

Commissioner Joseph disclosed he spoke with the Scott Greenwald, Jeffrey Bercow, the attorney, the consultants, Joe Gallagher and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Fleurimond disclosed he spoke with the developer, Scoot Greenwald, the attorney, Mitch Elderstein, the City Manager, the City Attorney, Joe Gallagher and confirmed that he 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, Jeffrey Bercow, Matthew Amster, Scott Greenwald, Raul Carreras, Kansas Goodrum and Andrew Dolkart were sworn in.

Vice Mayor Fleurimond requested Kent Walia, Director of Community Development to provide a brief overview of the NMB Place Site Plan Approval and Four Related Non-Use Variances to the Mayor and Commission.

Community Development Director Kent Walia introduced the NMB Place Site Plan Approval and Four Related Non-Use Variances and the applicant.

Attorney Matt Amster gave an explanation on the modification of the NMB Place Site Plan, benefits and donation for community initiatives.

Vice Mayor Fleurimond opened the meeting for **PUBLIC COMMENT**.

No Public Comment.

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

Vice Mayor and Commission began discussion on Resolution R2022-44 NMB Place Site Plan Approval and Four Related Non-Use Variances.

Motion to approve Resolution R2022-44 NMB Place Site Plan Approval and Four Related Non-Use Variances to the next Commission Meeting made by Commissioner Joseph, seconded by Commissioner Smukler.

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

MOTION PASSED 5-0 with Mayor DeFillipo off the dais.

10.2 Resolution No. R2022-69 "Jungle Boys" Minor Site Plan Amendment (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING A MINOR SITE PLAN APPROVAL WITH A CONDITIONAL USE UNDER RESOLUTION NO. 2019-111, TO GRANT A MINOR SITE PLAN REVISION TO CHANGE THE EXTERIOR ELEVATIONS AT 3495 NORTH MIAMI BEACH BOULEVARD, NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Hans Ottinot read the title of Resolution No. R2022-69 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.

Commissioner 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.

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 Joseph disclosed he spoke with attorneys for this project, city staff and planning/zoning board and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Fleurimond disclosed he spoke with the City Manager, Kent Walia, the City Attorney, attorneys representing the project and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Mayor DeFillipo disclosed he has not spoken to anyone on this item and confirmed that he 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, and Ian Bacheikov were sworn in.

City Manager Sorey, III requested Kent Walia, Director of Community Development to provide a brief overview of the "Jungle Boys" Minor Site Plan Amendment to the Mayor and Commission.

Community Development Director Kent Walia introduced the "Jungle Boys" Minor Site Plan Amendment and the applicant.

Ian Bacheikov from Akerman firm gave a presentation on the modification of the "Jungle Boys" Minor Site Plan Amendment.

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

No Public Comment.

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

Mayor and Commission began discussion on "Jungle Boys" Minor Site Plan Amendment.

Motion to approve the Resolution No. R2022-69 "Jungle Boys" Minor Site Plan Amendment by Vice Mayor Fleurimond, seconded by Commissioner Joseph.

Roll Call Vote: Villard – Yes, Jean – Yes, Joseph – Yes, Fleurimond – Yes, DeFillipo – Yes, Smukler – Yes.
MOTION PASSED 6-0.

10.3 Resolution No. R2022-89 168 Professional Office Building Site Plan Approval (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN, FOR A 14,700 SQUARE FOOT, FOUR STORY OFFICE BUILDING ON A 10,125 SQUARE FOOT LOT IN THE MIXED USE INTERNATIONAL BOULEVARD DISTRICT, LOCATED AT 11 NW 168TH 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.

City Attorney Hans Ottinot read the title of Resolution No. R2022-89 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.

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.

Commissioner 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 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 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 Joseph disclosed he spoke with city staff, planning/zoning board and the City Attorney and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Fleurimond disclosed he spoke with the City Manager, city staff, the City Attorney, Gustavo Bolado and confirmed that he 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, Gustavo Bolado and architect were sworn in.

City Manager Sorey, III requested Kent Walia, Director of Community Development to provide a brief overview of the Professional Office Building Site Plan Approval to the Mayor and Commission.

City Manager Sorey III thanked the applicant for their patience.

Community Development Director Kent Walia introduced the Professional Office Building Site Plan Approval and the applicant.

Gustavo Bolado and the architect gave a presentation on the modification of the Professional Office Building Site Plan Approval.

Mayor and Commission began discussion on Professional Office Building Site Plan Approval.

City Attorney Ottinot stated the commission has basically requested through the community benefits ordinance that developers work with the City Manager and his self to agree on community benefits and negotiate benefits.

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

No Public Comment.

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

Motion to approve Resolution No. R2022-89 168 Professional Office Building Site Plan and allow the City Manager with the City Attorney to discussion community benefits by Vice Mayor Fleurimond, seconded by Commissioner Joseph.

Roll Call Vote: Jean – Yes, Joseph – Yes, Smukler – Yes, Villard – Yes, Fleurimond – Yes, DeFillipo – Yes.
MOTION PASSED 6-0.

10.4 Resolution No. R2022-45 Echad Site Plan Request (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING CONDITIONAL USE, SITE PLAN, AND RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE CONSTRUCTION OF A DEVELOPMENT CONSISTING OF THREE TOWERS WITH APPROXIMATELY 12,258 SQUARE FEET OF RETAIL SPACE, 3,866 SQUARE FEET OF RESTAURANT SPACE, 77,856 SQUARE FEET OF OFFICE SPACE, 223 HOTEL UNITS, AND 526 PARKING SPACES; GRANTING FOUR VARIANCES FROM SEC. 24-52(D)(3) REQUIRED MINIMUM YARD SETBACKS; GRANTING A VARIANCE FROM SEC. 24-52(D)(7)(a) REQUIRING USES PERMITTED TO BE CONDUCTED ENTIRELY WITHIN AN ENCLOSED AND ROOFED STRUCTURE; GRANTING A VARIANCE FROM SEC. 24-81(A)(3) FOR REGULATIONS OF BALCONIES ENCROACHING ON REQUIRED SETBACKS; AND GRANTING CONDITIONAL USE APPROVAL FOR A HOTEL, ON PROPERTY LOCATED AT 851 NE 167 STREET, NORTH MIAMI BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Hans Ottinot read the title of Resolution No. R2022-45 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.

Commissioner 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 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 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.

Commissioner Joseph disclosed he spoke with Attorney Wasserman, the property owner, the developer, city staff, the City Attorney, planning/zoning board and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Fleurimond disclosed he spoke with Attorney Wasserman, the developer, the City Manager, the City Attorney and confirmed that he 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, Ethan Wasserman were sworn in.

City Manager Sorey, III requested Kent Walia, Director of Community Development to provide a brief overview of the Echad Site Plan Request to the Mayor and Commission.

Community Development Director Kent Walia introduced the Echad Site Plan Request and the applicant.

Ethan Wasserman gave a presentation on the modification of the Echad Site Plan Request.

Mayor and Commission began discussion on Echad Site Plan Request.

City Attorney Ottinot advised the proper community benefits in the past with certain clients with this project would have the same condition to negotiate with same with respect to community benefits this is consistent with this project.

Ethan Wasserman advised his client is happy to make a voluntary profit for \$65,000 towards the project and are happy to work with staff on the right application of those proceeds to the city however one caveat to mention different from previous applications is that funds are to be paid at the time of construction financing that will come out of the loan package.

Mayor and Commission continued discussion on Echad Site Plan Request.

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

No Public Comment.

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

Motion to approve the Resolution No. R2022-45 Echad Site Plan Request with \$65,000 payment upon insurance of permit by Commissioner Joseph, seconded by Mayor DeFillipo.

Roll Call Vote: Joseph – Yes, Smukler – Yes, Villard – Yes, Jean – Yes, Fleurimond – Yes, DeFillipo – Yes. **MOTION PASSED 6-0.**

11.LEGISLATION

11.1 Ordinance No. 2022-06 (Second and Final Reading) Payment of Relocation Costs for Displaced Residents Section 14-9 Unsafe Structures (Commissioner Michael Joseph)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XIV ENTITLED “BUILDING AND HOUSING”; AND MORE SPECIFICALLY CREATING A NEW SECTION 14-9 ENTITLED “PAYMENT OF RELOCATION COSTS BY OWNERS OF RESIDENTIAL BUILDINGS FOR DISPLACED RESIDENTS”; PROVIDING FOR PAYMENT OF RELOCATION COSTS BY THE CITY OF NORTH MIAMI BEACH UPON AN OWNERS’S FAILURE TO PAY; REQUIRING REIMBURSEMENT TO THE CITY OF NORTH MIAMI BEACH FOR ANY RELOCATION COSTS PAID BY THE CITY; PROVIDING FOR PLACEMENT OF A LIEN ON OWNERS PROPERTY FOR ANY UNREIMBURSED RELOCATION EXPENSES INCURRED BY THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ottinot read the title of Ordinance No. 2022-06 into the record and advised the county is in support of this ordinance.

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

No Public Comment.

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

Motion to approved Ordinance No. 2022-06 made by Commissioner Joseph seconded by Vice Mayor Fleurimond.

Roll Call Vote: Smukler – Yes, Villard – Yes, Jean – Yes, Joseph – Yes, Fleurimond – Yes, DeFillipo - X.
MOTION PASSED 6-0.

11.3 Ordinance No. 2022-08 (First Reading) North Miami Beach Gas Franchise Ordinance Renewal (Arthur H. Sorey, III, City Manager)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING TO PIVOTAL UTILITY HOLDINGS, INC. D/B/A FLORIDA CITY GAS, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE GAS FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENT OF A FRANCHISE FEE TO THE CITY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

City Attorney Ottinot read the title of Ordinance No. 2022-08 into the record and gave a brief explanation.

Assistant Manager Brown spoke regarding Ordinance No. 2022-08 and stated three locations have been identified for the FPL charging stations which are the library, City Hall and Mishcon park. They are anticipating that permits will be submitted this week and installation should be completed by the end of the fiscal year. She advised they will certainly work with public works and the Police Department to ensure that they are monitored and being compliant.

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

No Public Comment.

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

Motion to approve Ordinance No. 2022-08 made by Vice Mayor Fleurimond, seconded by Commissioner Joseph.

Roll Call Vote: Villard – Yes, Joseph – Yes, Smukler – Yes, Fleurimond – Yes, DeFillipo - Yes.
MOTION PASSED 6-0.

11.4 Resolution No. R2022-90 Establishing the Proposed Millage Rate for Fiscal Year 2023 (Marcia Fennell, Chief Financial Officer)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2022/2023, THE CALCULATED "ROLLED- BACK" RATE, AND THE DATE, TIME, AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CITY CLERK AND CITY MANAGER TO TRANSMIT THIS RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF SECTION 200.065, FLORIDA STATUTES, AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ottinot read the title of Resolution No. 2022-90 into the record.

City Manager stated he wanted everybody to understand that we're not finalizing the millage rate for the 2022-2023 fiscal year at this time and only putting together the tentative mileage rate which will go out on everyone's tax notices in August. He stated whatever rate that is set now will go out on the tax notice and it will let all the residents know what our proposed tentative mileage rate is which is 6.2.

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

1. Keith Myers

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

City Manager Sorey III advised the commission has to vote to let everyone know what the starting point is going to be. He stated when you get your tax notice it will list the dates of the first budget hearing but it's by law has to submit it to the property appraiser's office, and they'll send it out to the resident by the end of July.

Mayor and Commission began discussion on Resolution No. 2022-90.

Motion to approve Resolution No. 2022-90 made by Commissioner Joseph, seconded by Vice Mayor Fleurimond.

Voice Vote: MOTION PASSED 6-0.

City Manager Sorey III stated there will be advertisement for the second meeting once we finish with the first meeting as required by law.

11.5 Resolution No. R2022-91 Approval of Work Order #3 Black & Veatch for Program Management and Staff Augmentation (Andrea Suarez Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING WORK ORDER #3 BETWEEN THE CITY OF NORTH MIAMI BEACH AND BLACK & VEATCH CORPORATION TO PROVIDE ONGOING PROGRAM MANAGEMENT AND STAFF AUGMENTATION IN THE AMOUNT NOT TO EXCEED \$4,693,552.72 ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE WORK ORDER #3 AND TO ISSUE NOTICE TO PROCEED RELATING TO WORK ORDER #3; 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.

City Attorney Ottinot read the title of Resolution No. 2022-91 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 stated Black and Veatch handles and manages all the capital projects for the city. He advised with renegotiating of this new contract, Black and Veatch did not raise any of their rates and all their rates stayed exactly the same. This item has been brought before the PUC Commission and it has been approved.

Mayor and Commission began discussion on Resolution No. 2022-91

City Manager Sorey III reported capital projects are on the dashboard of NMB Water website, but he has not done an update to the commission specifically on water projects. He will at the next meeting put in the presentation section to do an update on all the water projects.

Deputy Director Sam Zamacona stated this item was presented to the PUC commissioners and they had no objections.

Motion to approve Resolution No. 2022-91 made by Vice Mayor Fleurimond, seconded by Mayor DeFillipo.
Voice Vote: MOTION PASSED 6-0.

12. BUSINESS TAX RECEIPTS – None

13. APPOINTMENTS – None

14. MISCELLANEOUS ITEMS – None

15. DISCUSSION ITEMS

15.1 Update Regarding Civil Service Board (Vice Mayor Fleurimond and Commissioner Smukler)

Vice Mayor Fleurimond requested staff to work with Union Leader Janice Coakley and maybe one other person from HR to establish a committee

City Manager Sorey III recommended appointing new members to the civil service board.

City Attorney Ottinot advised to work with Miss Coakley, HR, himself to come up with a game plan and present it.

The Mayor and commission gave consensus to the City Manager and City Attorney to move forward with creating a committee with HR and the union to re-establish the civil service board prior to the changes.

15.2 Proposing City Commission Recess in July (Vice Mayor Fleurimond)

Vice Mayor Fleurimond proposed a recess for July and in addition to that the recess to also include any major events with no additional events added.

Voice Vote: MOTION PASSED 5-1 with Commissioner Jean oppose.

15.3 Affordable Housing Workshop (Vice Mayor Fleurimond)

Vice Mayor Fleurimond requested to focus on affordable housing and to also discuss an Affordable Housing Trust whereby some of these funds that the city is getting from developers can go and specifically be allocated towards affordable housing.

Mayor and commission gave a consensus to the City Manager and City Attorney to move forward with the affordable housing workshop.

16. CITY MANAGER'S REPORT

City Manager Sorey III reported during the affordable housing workshop there will be a presentation and will make sure to have one-on-one briefings and provide a copy of that study prior to the workshop to make sure everyone is up to date He thanked Chief Financial Officer Marcia Fennell and her finance staff for their hard work on the CAFR and again apologize for stretching them thin with trying to implement some of the other things that were really needed. He reported his monthly report has gone out to everyone which reports the work that has been done over the past month. The report normally is out by the 10th of every month and

gives a recap of the month prior. He thanked everyone for the support and definitely thank all the staff and all of the directors for their hard work.

17. CITY ATTORNEY'S REPORT

City Attorney Ottinot reported he is working with the City Manager relating to zoning incentives regarding affordable housing workshop additionally he reported Commissioner Jean wants the city to emphasize and focus on art in public places and will come up with some proposed legislation to require developers and also city to improve its incentive program.

18. MAYOR'S DISCUSSION

Mayor DeFillipo reiterate he wants to lower the mileage rate and is very keen on seeing that happen. He stated he is happy with the recess in July and thinks that all of the departments really need this time to reconvene especially planning and zoning who have been exacerbated by so many projects. He also spoke regarding sanitation and apologies for not attending all events however he is trying his best to get around to all these events. He reported his colleagues are doing a phenomenal job representing the city and showing that we as the mayor and Commission care about everything that goes.

19. CITY COMMISSION REPORTS

Commissioner Jean requested the City Manager to implemented some of her suggestions regarding community improvement; requested the City Manager to look into the issue with the Sundevils football team having some issues with their practice facilities and for management to touch base with parks to see what was going.

Commissioner Joseph requested everyone to stay safe this summer and encourage teaching kids how to swim; thanked everyone and stated to stay safe; reminded everyone recycling is tomorrow.

Commissioner Smukler reported she would like to lower the mileage rate; wished everybody a good night; requested the City Manager to go on a ride along with her to see some needed improvements in the community.

Commissioner Villard congratulated Commissioner Joseph on the Juneteenth event; reported her birthday is coming pretty soon and thanked Commissioner Jean for the beautiful flowers she received tonight ; thanked everyone and wished everyone a great night.

Vice Mayor Fleurimond recognized the airplane that had a landing gear issue and had to have an emergency landing at the Miami International Airport that caught on fire on the tarmac; thanked the City Manager's office, the City Attorney's office, and all city staff; addressed the current Sundevils football team issue.

Mayor DeFillipo reported he is looking forward the City Manager giving an update on when commission will be going back to chambers hopefully in August; expressed he has had a great event at the Miami-Dade County Cities event and thanked the City Manager for showing up; he reported he was installed as the second vice president for the Miami-Dade League of Cities.

20. NEXT REGULAR CITY COMMISSION MEETING

Tuesday, August 16th, 2022

21. ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 11:23 p.m.