



CITY OF NORTH MIAMI BEACH
City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, August 16, 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 Minutes

1. ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:30 p.m.

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

2. INVOCATION by Reverend Ronald Fox of St. Ann's Episcopal Church

3. PLEDGE OF ALLEGIANCE – was led by the Mayor and Commission

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

City Manager Arthur H. Sorey III announced presentation items 5.2 and 5.3 will be pulled from the agenda.

City Clerk Andrise Bernard announced discussion item 15.7 will be withdrawn from the agenda.

Vice Mayor Fleurimond requested to move legislation items 11.3, 11.4, 11.5, 11.6, 11.7, 11.11 to the Consent Agenda.

Mayor and Commission began discussion on the requests for withdrawals, deferments, and additions to the agenda.

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

Roll Call Vote: Jean – Yes, Joseph – Yes, Kramer – No, Villard – Yes, Fleurimond – Yes, DeFillipo – No.
MOTION PASSED 4-2 with Commissioner Kramer, Mayor DeFillipo oppose, Commissioner Smukler absent.

Motion to table discussion item 15.1 City Manager’s Position made by Commissioner Villard, seconded by Commissioner Joseph.

Roll Call Vote: Joseph – Yes, Kramer – No, Villard - Yes, Jean – Yes, Fleurimond – Yes, DeFillipo – No
MOTION PASSED 4-2 with Commissioner Kramer, Mayor DeFillipo oppose, and Commissioner Smukler absent.

Mayor and Commission continued discussion on the requests for withdrawals, deferments, and additions to the agenda.

5. PRESENTATIONS/DISCUSSIONS

5.1. ARP Presentation (Athalie Edwards, Senior Advisor)

City Manager Sorey III introduced Senior Advisor Athalie Edwards to give a presentation on the American Rescue Plan.

Senior Advisor Athalie Edwards gave a presentation on the American Rescue Plan which included the background information, project details, infrastructure upgrades, capital gain, economic stabilization, and development readiness.

City Manager Sorey III reported there is an additional 10 million dollars expected from the federal government with 5 million dollars of the 10 million dollars not allocated. City Manager Sorey III stated he wanted to go over the American Rescue Plan projects and just update the public on where these projects are. He also stated the second portion of funds will be received around October and he will come back to the board to see what are some of the priorities and how to move forward.

Mayor and Commission began discussion on the ARP presentation.

City Manager Sorey III stated that the city must account for every dollar spent and send a report to the federal government. He reported 19 businesses have received relief already and the city has provided mortgage and rental assistance. He advised there are still business grants, mortgage and rental assistance funds available. Residents can call the Community Redevelopment Agency or pickup an application. He advised it is a strenuous application process where residents must meet the financial requirements however the funds for the rental and mortgage assistance go directly to the lender or the landlord. City Manager Sorey III also reported the city is raising the cap amount of \$300 for the We Care program to allow more people to qualify for help.

Mayor and Commission continued discussion on the ARP presentation.

5.4. Affordable House Presentation (Kent Walia, Community Development Director)

City Manager Sorey III introduced Community Development Director Kent Walia to present the affordable housing presentation.

Community Development Director Kent Walia gave a presentation on affordable housing. The presentation included the executive summary, housing stock, and the steps to affordable housing.

Mayor and Commission began discussion on the affordable housing presentation.

Motion to approve the City Manager to look into the Fulford site, the Taylor Park site and their compatibility with affordable workforce housing made by Vice Mayor Fleurimond, seconded by Commissioner Jean.

Voice Vote: MOTION PASSED 6-0 with Commissioner Smukler absent.

5.5. Trolley Expansion Presentation (David Scott, Public Works Director)

City Manager Sorey III introduced Public Works Director David Scott to present the trolley expansion presentation.

Public Works Director David Scott gave a presentation on the trolley expansion. The presentation included the intentions of the expansion, the current routes, the proposed route, and the options to expand the trolley routes.

Mayor and Commission began discussion on the trolley expansion presentation.

Public Works Director Scott reported the estimated amount for operations is a little over \$240,000. He reported the City Manager recommended to lease the vehicle for the pilot term for about \$10,000 a month for a year.

City Manager Sorey III stated he will look into having a survey option on the Freebee app.

Mayor and Commission continued discussion on the trolley expansion presentation.

Motion to approve trolley expansion option one as amended to include redesign of the trolley made by Commissioner Jean, seconded by Commissioner Joseph.

Voice Vote: MOTION PASSED 5-1 with Mayor DeFillipo oppose and Commissioner Smukler absent.

6. PUBLIC COMMENT

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

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

1. Jay Chernoff
2. C. Stoner
3. Irene Pilinger
4. Lesley Kaplan
5. Mireille Edwards

City Manager Sorey III stated the city is in the process of obtaining a speed bump in the area of Philippe Derosé Park and are working with the county under an agreement to start installing the speed bumps themselves. He reported the cost to the city is approximately \$10,000.

6. Lauren Rios
7. Marilyn Baumohl
8. Keith Myers
9. Bruce Lamberto
10. Lorenzo Hall
11. Ducaisse Benoit
12. Mubarak Kazan

7. ANNOUNCEMENTS

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

City Manager Sorey III introduced Assistant City Manager Gedel Merzius to present the transportation update.

Assistant City Manager Gedel Merzius gave a presentation on the transportation connectivity update which included the trolley service, traffic calming devices, Freebee service, bicycle pathway and the road and infrastructure improvements.

Motion to hear item 11.1 Ordinance No. 2022-07 General Employees' Pension Plan Amendment before the consent agenda and after the city commission reports made by Commissioner Joseph, seconded by Commissioner Villard.

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

MOTION PASSED 4-1 with Commissioner Kramer oppose, Mayor DeFillipo off the dais and Commissioner Smukler absent.

Mayor DeFillipo left the dais for the remainder of the City Commission Meeting.

8. CITY COMMISSION REPORTS

Commissioner Kramer stated she has no committee reports because her committee doesn't get to meet because no one's arranging it for her and she hope that gets fixed; spoke regarding the consent items and stated she trust that the manager needs the things that he needs that was on the consent agenda and requested putting money into remodeling the theater; requested the City Attorney to do something with the Public Utilities Commission because they haven't met and asked her colleagues to please find people that are going to be responsible and come to these meetings.

Commissioner Jean wished all of the students a successful year as they begin school; requested the City Attorney to speak to that Public Utilities Commission issue that was remedied today; gave special thanks to North Miami Beach Police Department for a successful gun buyback event and also for continuing with the PAL program who she saw went out of town with a successful excursion; she stated she has had dialogue with the City Manager as it relates to American Rescue Plan and seeing more direct impact for the community with moving forward with the next 5 million dollars; she mentioned to the residents with monkey pox and different health disparities that are going on. She wants everyone to remain vigilant; expressed a happy Black Business Month and stated Vice Mayor Fleurimond, the Economic Development Cahir will be partnering with her and Community Redevelopment Agency on that and she is looking forward to it; wished Commissioner Joseph a Happy early Birthday; she stated she wants to see everyone here on Sunday for the voters' outreach event; thanked everyone.

Commissioner Joseph thanked Commissioner Jean for the birthday wishes; encouraged the residents to utilize the FreeBee app and is hoping to partner up with Commissioner Villard to help the seniors at the upcoming senior events to assist them on using the FreeBee app for services; he wished all the students a safe and blessed school year and hope they learn a lot.

Commissioner Villard wished Commissioner Joseph a Happy Birthday; thanked all the sponsors for the Back to School Giveaway event that was held on Sunday and stated it was such an amazing event where over 500 students in the community were served. She stated the parents were so happy and the kids were happy to go home with an iPad that they wouldn't be able to really afford; recognized Howell Calderon; she stated people over politics, it's not about politics it's about serving the residents. As a retired police officer from the City of Miami Police Department, she used to protect and serve and that's exactly what she is still doing as a Commissioner serving her community and her residents; quoted Shirley Chisholm with saying "service is the rent that you pay for room on this earth".

Vice Mayor Fleurimond thanked all of his colleagues for maintaining their calm, collected and staying for this meeting so that they can continue the order of business. He recognized Commissioner Kramer, Commissioner Joseph, Commissioner Villard, Commissioner Jean and thanked them for staying the course so that this meeting can continue; recognized Mrs. Kaplan regarding her statement on being progressive and proactive. He stated there's been a lot of changes happening very quickly but it's because there are a lot of people here with a lot of energy that really want to make the residents proud and really want to take this city to another level; recognized the Back to School giveaway event with giving away over 500 book bags along with laptops, iPads, bicycles on Sunday to students who are getting ready to go to school. He reported the event was featured on Telemundo and NBC6; he spoke regarding green space, the goal of the city is to replace whatever is lost and maximize its green space; recognized Miami-Dade Police Officer who was responding to a burglary and was shot in the head last night. He stated prayers are going out to his family and to the whole team at Miami-Dade PD, City of Miami, all the municipalities and their police departments; expressed appreciation to North Miami Beach Police Department and is making sure that they get everything they need to stay safe out there.

11.1. Ordinance No. 2022-07 (Second and Final 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 Hans Ottinot read the title of Ordinance No. R2022-07 into the record.

Vice Mayor Fleurimond opened the meeting for public comment.

1. Janice Coakley
2. Eloine Cox-Haughton

Vice Mayor Fleurimond and Commission began discussion on Ordinance No. 2022-07 general employees' pension plan amendment.

City Attorney Ottinot stated the pension board has voted to hire an actuary board to review the cost of adding the police department employees to this ordinance and proposed to amend the ordinance to an effective date of December to include the police department employees once the actuary report comes back.

Vice Mayor Fleurimond and Commission began discussion on Ordinance No. 2022-07 general employees' pension plan amendment.

Motion to approve Ordinance No. 2022-07 as amended with effective date of December 1st made by Commissioner Jean, seconded by Commissioner Joseph.

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

MOTION PASSED 5-0 with Commissioner Smukler and Mayor DeFillipo absent.

9. CONSENT AGENDA

- 9.1. **Regular Commission Meeting Minutes of June 21, 2022 (Andrise Bernard, City Clerk)**
- 9.2. **Resolution No. R2022-92 Affordable Housing Study (Kent Walia, Community Development Director)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING THE AFFORDABLE HOUSING RESOURCES AND NEED ANALYSIS (“THE AFFORDABLE HOUSING STUDY”), AS A GUIDE TO SERVE THE CITY IN IMPLEMENTING AFFORDABLE HOUSING STRATEGIES; SUBJECT TO AND CONTINGENT UPON THE CITY’S APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.3. **Resolution No. R2022-93 Renewal of Independent Auditing Services Agreement with Caballero, Fierman, Llerena, and Garcia, LLP (Marcia Fennell, Chief Financial Officer)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A ONE YEAR CONTRACT EXTENSION WITH ALBERNI CABALLERO & FIERMAN, LLP FOR THE PROVISIONS OF INDEPENDENT AUDITING SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.4. **Resolution No. R2022-94 Award of ITB-21-046-MC Cravero Pump Station Force Main Replacement (SEWR2004) (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-21-046-MC “CRAVERO PUMP STATION FORCE MAIN REPLACEMENT (SEWR2004)”; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO AN AGREEMENT WITH RESTATE CONSTRUCTION, LLC AND EXPEND BUDGETED AMOUNT UP TO BUT NOT TO EXCEED \$338,855; 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. R2022-95 Renewal of Agreement with Azteca Systems, LLC for Cityworks Software (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 AZTECA SYSTEMS, LLC FOR CITYWORKS SOFTWARE IN AN ESTIMATED BUDGETED ANNUAL EXPENDITURE OF \$63,000 AND RENEWALS; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.6. **Resolution No. R2022-96 Change Order for Contract No. 21-009-MC Corona Del Mar Phase II for C&W Pipeline Inc. (Andrea Suárez Abastida, NMB Water Director)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER FOR C&W PIPELINE, INC. IN THE AMOUNT OF \$256,685.16 FOR THE INSTALLATION OF 120 LF OF 24-INCH CEMENT LINED DUCTILE IRON PIPE, FITTINGS, AND ADDITIONAL CONCRETE IN THE CORONA DEL MAR PHASE II CONSTRUCTION PROJECT; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.7. Resolution No. R2022-97 Change Order for Contract No. 21-035-MC for Honey Hill Watermain Rehabilitation WATR2010 for Master Road Finishers (Andrea Suárez Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING A CHANGE ORDER FOR MASTER ROAD FINISHERS CORP. IN THE AMOUNT OF \$79,140 FOR ADDITIONAL 360 LF OF IRON PIPE, FITTINGS, AND VALVES FOR THE HONEY HILL WATERMAIN SYSTEM REHABILITATION CONSTRUCTION PROJECT; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.8. Resolution No. R2022-98 Award of RFQ-22-018-MC Acquisition of Professional Architectural and Engineering Services (Phillip Ford, Chief Procurement Officer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO SELECT, APPROVE AWARD, AND EXECUTE AGREEMENTS WITH QUALIFIED CONSULTING FIRMS TO PROVIDE PROFESSIONAL SERVICES ON AN AS-NEEDED BASIS TO QUALIFIED FIRMS THAT RESPONDED TO RFQ-22-018-MC "ACQUISITION OF PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES", WHICH WAS COMPETITIVELY SOLICITED, FOR ARCHITECTURAL, ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURAL SERVICES AS DEFINED IN FLORIDA STATUTES CHAPTER SECTION 287.055, THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT (CCNA) FOR VARIOUS PROFESSIONAL SERVICES AS DETERMINED BY THE EVALUATION COMMITTEE IN THE BEST INTEREST OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

9.9. Resolution No. R2022-99 Florida Department of Environmental Protection Land and Water Conservation Grant Fund Program (Andrew Plotkin, Parks and Recreation Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND AND WATER CONSERVATION FUND PROGRAM IN THE APPROXIMATE AMOUNT OF \$200,000; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AND AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND APPROVING THE REQUISITE MATCHING FUNDS OF \$200,000; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

9.10. Resolution No. R2022-100 Subscription (SAAS) Agreement with Governmentjobs.com, Inc. dba NEOGOV (Francisco Rios, Human Resources & Risk Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO A SOFTWARE AS A SUBSCRIPTION (SaaS) AGREEMENT WITH GOVERNMENTJOBS.COM, INC. DBA NEOGOV FOR THE PROVISIONS OF RECRUITMENT, HIRE, AND DEVELOPMENT OF THE CITY'S WORKFORCE IN THE AMOUNT OF \$178,484; AUTHORIZING THE CITY MANAGER

OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.11. Resolution No. R2022-101 Technical Trainer (Ricardo Castillo, Chief Information 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 VITAVER AND ASSOCIATES, INC. FOR THE PURCHASE OF INFORMATION TECHNOLOGY STAFF AUGMENTATION FOR A NOT TO EXCEED AMOUNT OF \$63,000; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.12. Resolution No. R2022-102 Coaching and Training Services (Francisco Rios, Human Resources & Risk 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 ENTER INTO AN AGREEMENT WITH LGL CONSULTING & EXECUTIVE ADVISORY GROUP, LLC TO PROVIDE COACHING AND TRAINING FOR DEPARTMENT DIRECTORS AND SENIOR MANAGEMENT; IN A NOT TO EXCEED AMOUNT OF \$65,000; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

9.13. Resolution No. R2022-103 Trolley Expansion (Commissioner Daniela Jean and Commissioner Fortuna Smukler)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING CITY STAFF TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH MIAMI DADE COUNTY AND AVENTURA MALL TO EXTEND TROLLEY SERVICES TO THE GOLDEN GLADES TRANSPORTATION MODAL AND AVENTURA MALL; PROVIDING THE CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.14. Resolution No. R2022-104 Change Order for Contract No. 20-053-SG Generator Maintenance Services from All Power Generator Corp (Phillip Ford, Chief Procurement Officer)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER FOR ALL POWER CORP.; INCREASING THE CONTRACT'S ANNUAL EXPENDITURE BY AN ADDITIONAL \$35,000 FOR THE PURCHASE OF GENERATOR MAINTENANCE SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

9.15. Resolution No. 2022-105 Purchase of Holiday Lighting Services from Christmas Designers-FL (Andrew Plotkin, Parks & Recreation 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 FLORIDA CDI, LLC DBA CHRISTMAS DESIGNERS TO FURNISH, DELIVER AND INSTALL HOLIDAY LIGHTING AND DECOR; AUTHORIZING THE CITY MANAGER OR

DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$75,500 AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

9.16. Resolution No. R2022-106 Purchase of John Deere Excavators from Dobbs Equipment, LLC (Andrea Suarez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH DOBBS EQUIPMENT, LLC FOR THE PURCHASE OF TWO JOHN DEERE MINI EXCAVATORS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$71,878.00 AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

9.17. Resolution No. R2022-107 Purchase of Sidewalk Replacement and Installation Services from Metro Express, Inc. (David Scott, 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 METRO EXPRESS, INC. FOR THE PURCHASE OF SIDEWALK REPLACEMENT AND INSTALLATION SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$450,000 AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.

9.18. Resolution No. R2022-108 Change Order for Elevator Maintenance Services from Thyssenkrupp Elevator (David Scott, 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 THYSSENKRUPP ELEVATOR FOR THE PURCHASE OF ELEVATOR EQUIPMENT, SERVICE, REPAIR, AND RELATED SERVICES FOR ALL CITY FACILITIES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$120,000 AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; 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. R2022-109 Purchase to Furnish, Deliver, and Install Bronze Statue (Andrew Plotkin, Parks & Recreation Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING A PURCHASE ORDER ISSUED TO AMERICAN BRONZE FOUNDRY, INC. IN THE AMOUNT OF \$58,300 TO FURNISH, DELIVER AND INSTALL A BRONZE STATUE OF DR. MARTIN LUTHER KING JR.; 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. R2022-110 Change Order for Contract No. 21-006-SG NMB Police Department Restroom Renovation with Florida Palm Construction, Inc. (Harvette Smith, NMBPD Chief)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER BETWEEN CITY OF NORTH MIAMI BEACH AND FLORIDA PALM CONSTRUCTION, INC. INCREASING THE CONTRACT AMOUNT BY AN ADDITIONAL \$80,224 TO CONTINUE THE NMB POLICE DEPARTMENT RESTROOM RENOVATIONS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.21. **Resolution No. R2022-111 Change Order for Allen Bradley & Rockwell Automation Equipment from Rexel USA, 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 FOR REXEL USA, INC.; INCREASING THE CONTRACT'S ANNUAL EXPENDITURE BY AN ADDITIONAL \$25,386 FOR THE PURCHASE OF ALLEN BRADLEY PARTS & SERVICE AND ROCKWELL AUTOMATION EQUIPMENT; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.22. **Resolution No. R2022-128 Appointing Loreal Arcscott, Esq. as Special Magistrate for Code Enforcement**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING, IN ACCORDANCE WITH SECTION 14-8 OF THE CITY'S CODE OF ORDINANCES, THE CITY MANAGER'S RECOMMENDATION TO APPOINT LOREAL ASCOTT, ESQ. TO SERVE AS 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 AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 9.23. **Resolution No. R2022-129 Appointing Georgia Thomas, Esq. as Special Magistrate for Code Enforcement**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING, IN ACCORDANCE WITH SECTION 14-8 OF THE CITY'S CODE OF ORDINANCES, THE CITY MANAGER'S RECOMMENDATION TO APPOINT GEORGIA THOMAS, ESQ. TO SERVE AS 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 AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 11.3. **Resolution No. R2022-118 COVID Relief Gift Cards from ARPA Funds (Commissioner Paule Villard)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ALLOCATE \$225,000 FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE PURCHASE OF 1,500 PUBLIX GIFT CARDS VALUED AT \$150.00 EACH TO BE ISSUED TO RESIDENTS OF NORTH MIAMI BEACH WHO HAVE EXPERIENCED FINANCIAL HARDSHIP AND FOOD INSECURITY AS A RESULT OF THE COVID-19 PANDEMIC; PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO DEVELOP A PROCESS TO REQUEST PROOF OF RESIDENCY BEFORE THE ISSUANCE OF A GIFT CARD TO ANY RESIDENT AND TO ENSURE THE ISSUANCE OF ONE GIFT CARD PER HOUSEHOLD; DIRECTING THE CITY MANAGER OR DESIGNEE TO DISTRIBUTE THE GIFT CARDS NO LATER THAN THIRTY (45) DAYS FROM THE EFFECTIVE DATE OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

11.4. Resolution No R2022-119 Black Business Month August 2022 (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING THE MONTH OF AUGUST 2022, AS “BLACK BUSINESS MONTH”; DIRECTING THE CITY MANAGER OR DESIGNEE TO HIGHLIGHT THAT AUGUST 2002 IS BLACK BUSINESS MONTH VIA THE CITY SOCIAL MEDIA PAGES; PROVIDING FOR AN EFFECTIVE DATE.

11.5. Resolution No. R2022-120 Award of ITB-22-022-MC NE 153rd Street Roadway and Drainage Improvements (Andrea Suárez Abastida, NMB Water Director and David Scott, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID “ITB-22-022-MC NE 153rd STREET ROADWAY AND DRAINAGE IMPROVEMENT”; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO AN AGREEMENT WITH C&W PIPELINE, INC. AND EXPEND AN BUDGETED AMOUNT UP TO BUT NOT TO EXCEED \$1,085,797; 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.

11.7. Resolution No. R2022-122 Sister Cities (Commissioner Paule Villard)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORTHMIAMI BEACH, FLORIDA AND CAP-HAITIEN IN THE COUNTRY OF HAITI; PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO ESTABLISH THE SISTER RELATIONSHIP THROUGH SISTER CITIES INTERNATIONAL AND TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR EFFECTIVE DATE.

11.11. Resolution No. R2022-126 Authorizing Veteran Parking Space at City Facilities (Commissioner Paule Villard)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER

OR HIS DESIGNEE TO INSTALL ONE DESIGNATED PARKING SPACE FOR U.S. ARMED FORCES VETERANS AT ALL CITY OWNED FACILITIES THAT ARE GENERALLY OPENED TO THE PUBLIC PRIOR TO VETERANS DAY OF NOVEMBER 11, 2022; PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve the consent agenda made by Commissioner Joseph, seconded by Commissioner Villard.

Voice Vote: MOTION PASSED 5-0 with Commissioner Smukler and Mayor DeFillipo absent.

10. QUASI-JUDICIAL

10.1. Resolution No. R2022-112 McDonald's Minor Site Plan Modification (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO APPROVE THE SITE PLAN MODIFICATION TO MODIFY THE OUTDATED ARCHITECTURAL FEATURES OF THE EXISTING MCDONALD'S FAST FOOD RESTAURANT LOCATED AT 2239 NE 163 STREET; 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. R2022-112 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 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.

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 Joseph disclosed he spoke to the City Manager, city staff, City Attorney's office, and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed he spoke to staff, City Manager, City Attorney's office, Kent Walia, other team members of the City Manager's office, 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, all applicants and presenters were sworn in.

Community Development Director Kent Walia introduced the McDonald's minor site plan modification request and the applicant.

Civil Engineer Peter Van Rens of Kimley-Horn and Associates representing the applicant presented the McDonald's minor site plan modification request.

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 McDonald's minor site plan modification request.

Motion to approve Resolution 2022-112 McDonald's minor site plan modification request made by Commissioner Joseph, seconded by Commissioner Villard.

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

MOTION PASSED 5-0 with Commissioner Smukler and Mayor DeFillipo absent.

10.2. Resolution No. R2022-113 North Academy (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-175 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A 4,342 SQUARE FOOT EDUCATIONAL FACILITY, AS PROPOSED ON PROPERTY ZONED MU/TC FULFORD MIXED USE TOWN CENTER, LOCATED AT 1813 NE 163rd STREET, 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. R2022-113 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 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.

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 to City Manager, city staff, attorney and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed he spoke to city staff including City Manager, Kent Walia, City Attorney and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Community Development Director Kent Walia introduced the North Academy site plan request and the applicant.

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 the North Academy site plan.

Motion to approve Resolution 2022-113 North Academy site plan request made by Commissioner Villard, seconded by Commissioner Joseph.

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

MOTION PASSED 5-0 with Commissioner Smukler and Mayor DeFillipo absent.

10.3. Resolution No. R2022-114 Orthopedic Care Center (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-175 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A 3,888 SQUARE FOOT MEDICAL OFFICE BUILDING, AS PROPOSED ON PROPERTY ZONED RO RESIDENTIAL OFFICE DISTRICT, LOCATED AT 17200 NE 19th AVE, 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. R2022-114 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 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.

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 to the developer, city staff, City Manager, City Attorney and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed he spoke to city staff, City Manager, City Manager's staff, Kent Walia, City Attorney, and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Community Development Director Kent Walia introduced the Orthopedic Care Center site plan request and the applicant.

Attorney Kerry Rosenthal representing the applicant spoke regarding the Orthopedic Care Center background and site plan request.

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 the Orthopedic Care Center site plan.

Motion to approve Resolution 2022-114 Orthopedic Care Center site plan request made by Commissioner Joseph, seconded by Commissioner Villard.

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

MOTION PASSED 5-0 with Commissioner Smukler and Mayor DeFillipo absent.

10.4. Resolution No. R2022-115 MuV North Miami Beach (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, FOR THE GRANTING A MINOR SITE PLAN MODIFICATION AND CONDITIONAL USE APPROVAL FOR THE OPERATION OF A MEDICAL MARIJUANA DISPENSARY WITHIN AN EXISTING 3,977 SQUARE FOOT BUILDING LOCATED AT 16635 NE 19th AVENUE WITHIN THE FULFORD MIXED-USE TOWN CENTER (MU/TC) ZONING DISTRICT, 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. R2022-115 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 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.

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 to developer's counsel, lobbyist, city staff, City Attorney, City Manager and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed he spoke to City Attorney, City Manager, City Manager's team, Kent Walia, attorneys representing the organization and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Kramer updated her Jennings Disclosure to include Wesley Hevia.

Community Development Director Kent Walia introduced the MuV North Miami Beach site plan request and the applicant.

Attorney Ian Bacheikov representing the applicant gave a presentation on the MuV North Miami Beach site plan request.

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

1. Jeb Handwerger

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

Mayor and Commission began discussion on the MuV North Miami Beach site plan.

Community Development Director Kent Walia stated where it says the applicant, its successors, assignees are permitted to operate as a medical marijuana dispensary only in the event recreational marijuana is legalized no sales of recreational marijuana will be permitted at this location verbiage is an older version that was used in other municipalities and has since been updated with any additions to the scope of services not indicated herein which is for medical marijuana dispensary only shall may require further review by the Community Development department to determine the compliance with the land development regulations. He stated if the applicant ever tried to change the scope of what's being approved tonight, they would have to come before the Commission to see if it complies with the code.

Mayor and Commission continued discussion on the MuV North Miami Beach site plan.

Attorney Ian Bacheikov stated the signage with the name and logo as was approved by the Department of Health.

Design Professional of MuV stated he is responsible for the design of the MuV dispensaries and would be personally responsible for designing and improving the signage. He further stated it's important for them to

retain the brand orange for MuV itself however for the medical cannabis dispensary lettering would certainly be amenable to letting them blend more into the wall behind it.

Community Development Director Kent Walia stated he will get with the applicant with the modifications and bring it back to the board for review.

Motion to approve Resolution 2022-115 MuV North Miami Beach site plan request as amended made by Commissioner Joseph, seconded by Commissioner Villard.

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

MOTION PASSED 5-0 with Commissioner Smukler and Mayor DeFillipo absent.

10.5. Resolution No. R2022-116 Trulieve MMD (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-175 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A 62,562 SQUARE FOOT MEDICAL MARIJUANA DISPENSARY, AS PROPOSED ON PROPERTY ZONED MU/EC MIXED USE EMPLOYMENT CENTER DISTRICT, LOCATED AT 2250 163RD STREET, SUITE 1, 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. R2022-116 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 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.

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 to City Attorney, city staff, City Manager, legal representative of Trulieve, lobbyist for Trulieve and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed he spoke to City Manager’s office, City Attorney’s office, Kent Walia, the legal team representing Trulieve and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Community Development Director Kent Walia introduced the Trulieve MMD site plan request and the applicant.

Attorney Ian Bacheikov representing the applicant gave a presentation on the Trulieve site plan request and advised his client would be willing to give support to the Police Athletic League once opened.

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

1. Jeb Handwerger

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

Mayor and Commission began discussion on the Trulieve MMD site plan.

Attorney Ian Bacheikov expressed the rendering on the building is what is currently, and it does have in smaller verbiage Medical Marijuana Treatment Center which is the term as defined in the state statute for this type of business.

Motion to approve Resolution 2022-116 Trulieve MMD site plan request made by Commissioner Joseph, seconded by Commissioner Villard.

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

MOTION PASSED 4-1 with Commissioner Jean oppose, Commissioner Smukler and Mayor DeFillipo absent.

10.6. Resolution No. R2022-117 Soleste on the Bay (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 APPLICATION WITH CONDITIONS AND SIX NON-USE VARIANCES FOR THE CONSTRUCTION OF A 759,439 GROSS SQUARE FEET, MIXED-USE DEVELOPMENT WITH 363 APARTMENT UNITS, AND 14,582 SQUARE FEET OF GROUND FLOOR COMMERCIAL AND RESTAURANT SPACE AND 645 PARKING SPACES ON A 2.15-ACRE PARCEL LOCATED AT 16375 BISCAYNE BLVD; GRANTING A VARIANCE TO REDUCE THE TOWER SETBACK FROM THE PODIUM TO ZERO INCHES ALONG THE SOUTHERN PROPERTY LINE; GRANTING A VARIANCE TO EXTEND THE LENGTH OF THE BUILDING TO 386'-6"; GRANTING A VARIANCE TO REDUCE THE FRONT AND REAR FRONTAGES; GRANTING A VARIANCE TO ALLOW ARCHITECTURAL SCREEN IN-LIEU OF AN ACTIVE LINER ALONG BISCAYNE BLVD; GRANTING A VARIANCE TO ALLOW A GROUND FLOOR HEIGHT OF TWENTY FEET; GRANTING A VARIANCE TO PROVIDE ZERO PERCENT FENESTRATION ALONG THE NORTHEASTERN, EASTERN, AND SOUTHEASTERN FRONTAGES; 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. R2022-117 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 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.

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 to developer's attorney, developer, developer's team, City Manager, city staff, City Attorney and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed he spoke to Mr. Wasserman, Kent Walia, City Manager, City Attorney, Developer Robert Suris and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Community Development Director Kent Walia introduced the Soleste on the Bay site plan request and the applicant.

Attorney Ethan Wasserman (Greenberg Traurig) representing the developer gave a presentation on the Soleste on the Bay site plan and stated his client will make a voluntarily proffer of \$100,000 towards education and affordable housing.

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

No Public Comment.

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

Mayor and Commission began discussion on the Soleste on the Bay site plan.

Motion to approve Resolution 2022-117 Soleste on the Bay site plan request as amended with a volunteer proffer of \$100,000 upon the issuance of the permit made by Commissioner Joseph, seconded by Commissioner Villard.

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

MOTION PASSED 5-0 with Commissioner Smukler and Mayor DeFillipo absent.

Commissioner Kramer expressed feeling ill and left the dais for the remainder of the City Commission Meeting.

Due to lack of quorum, the City Commission meeting was adjourned.

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned.

The following items were not heard:

11. LEGISLATION

11.2. Ordinance No. 2022-08 (Second and Final 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.

11.6. Resolution No. R2022-121 Washington Park Right-of-Way Abandonment (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE VACATION AND ABANDONMENT OF 30 FOOT WIDE 12,054 SQUARE FEET PORTION OF NE 153rd TERRACE RIGHT-OF-WAY IN BETWEEN NE 14th COURT TO NE 15th COURT FOR THE EXPANSION AND REDEVELOPMENT OF THE WASHINGTON PARK COMMUNITY CENTER AND PARK; SUBJECT TO AND CONTINGENT UPON THE CITY'S APPROVAL.

11.8. Resolution No. R2022-123 Letter of Intent to Purchase Property Located at 1911 NE 172nd Street (Arthur H. Sorey, III, City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A LETTER OF INTENT ("LOI") BETWEEN THE CITY OF NORTH MIAMI BEACH AND KEYS BUILDINGS, LLC FOR THE PURCHASE OF A BUILDING LOCATED AT 1911 N.E. 172nd AVENUE ("PROPERTY"), ATTACHED HERETO AS EXHIBIT "A"; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO EXECUTE A PURCHASE AGREEMENT FOR THE PROPERTY AT A PRICE NOT TO EXCEED ONE MILLION SIX HUNDRED SEVENTY THOUSAND DOLLARS (1,670,000.00); AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

11.9. Resolution No. R2022-124 Vacating Alleyway NMB Place Located at 1959 NE 164th Street (Arthur H. Sorey, III, City Manager and Hans Ottinot, City Attorney)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE VACATION AND ABANDONMENT OF A PORTION OF A 20- FOOT WIDE ALLEYWAY TOTALING 2,800 SQUARE FEET LOCATED IN BETWEEN LOTS 18, AND 19 THROUGH 21 WITH PHYSICAL ADDRESS OF 1959 NE 164th STREET, ACCORDING TO THE PLAT THEREOF "FULFORD BY THE SEA SECTION "F", AS RECORDED IN MIAMI-DADE COUNTY PLAT BOOK 8, PAGE 64, AS MORE FULLY DESCRIBED IN EXHIBIT "A" IN FAVOR OF THE ADJACENT PROPERTY OWNER, NMB PLACE OWNER LLC, (THE "APPLICANT") PURSUANT TO ZONING RESOLUTION NO. R2022-44; PROVIDING THE CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVING FOR AN EFFECTIVE DATE.

11.10. Resolution No. R2022-125 Creating the Office of Aging and Wellness for Seniors (Commissioner Paule Villard and Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO CREATE THE OFFICE OF AGING AND WELLNESS WITHIN A PARTICULAR CITY DEPARTMENT TO DEVELOP A COMPREHENSIVE PROGRAM FOR SENIORS UPON THE OPENING OF THE NEW SENIOR CENTER IN THE CITY OF NORTH MIAMI BEACH; FURTHER AUTHORIZING THE CITY MANAGER OR DESIGNEE TO CREATE AS SOON AS POSSIBLE A PRIORITY SERVICE LINE FOR SENIORS WHO ARE SIXTY-FIVE (65) YEARS OR OLDER TO FACILITATE THE PAYMENT OF UTILITY BILLS IN CITY HALL; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

11.12 Resolution No. R2022-127 Authorizing Education Fund Account (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO CREATE A SPECIFIC BUDGETARY ACCOUNT TO BE CALLED EDUCATION FUND ACCOUNT TO SUPPORT EDUCATION INITIATIVES FOR RESIDENTS OF NORTH MIAMI BEACH; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

12. BUSINESS TAX RECEIPTS - None

13. APPOINTMENTS

13.1. Appointing Commissioner Barbara Kramer as Vice Mayor effective August 17, 2022 (Andrise Bernard, City Clerk)

14. MISCELLANEOUS ITEMS

15. DISCUSSION ITEMS

15.2. Relieving the High Cost of Living for North Miami Beach Residents (Commissioner Kramer)

15.3. Water Rate Increase (Commissioner Kramer and Commissioner Smukler)

15.4. American Rescue Plan Act Fund (Commissioner Kramer)

15.5. Murals in North Miami Beach (Commissioner Smukler)

15.6. Federal Funding for Environmental Pump Stations (Mayor DeFillipo)

16. CITY MANAGER'S REPORT

17. CITY ATTORNEY'S REPORT

18. MAYOR'S DISCUSSION

19. CITY COMMISSION REPORTS

20. NEXT REGULAR CITY COMMISSION MEETING - Wednesday, September 21, 2022

ATTEST:

(SEAL)

Andrise Bernard, MMC, City Clerk