



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

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

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

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**City Commission Meeting Minutes**

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**ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 6:12 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 Barbara Kramer, Commissioner Fortuna Smukler and Commissioner Paule Villard. City Manager Arthur H. Sorey III, Interim City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present.

**INVOCATION** by Rabbi Yigal Kutnovsky (Kabbalah Center).

**PLEDGE OF ALLEGIANCE** was led by the Mayor and Commission.

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA**

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

- a. Per the request of Commissioner Kramer, Discussion Item #15.1 regarding Interim City Attorney Position will be withdrawn from the agenda.
- b. Per the request of Commissioner Kramer, discussion on park benches will be added to the agenda under Discussion Item #15.2,
- c. Per the request of Commissioner Kramer, discussion on dog park request will be added to the agenda under Discussion Item #15.3.
- d. Per the request of City Manager Sorey III, City Manager presentation will be moved from Item #16.1 to Presentations/Discussions as Item #5.1.
- e. Per the request of Vice Mayor Fleurimond, Item #15.1 regarding Civil Service Board Update will be withdrawn from the agenda and replaced with a Discussion concerning the City Attorney Contract.

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

## **5. PRESENTATIONS/DISCUSSIONS**

### **5.1 City Manager Presentation**

City Manager Sorey III recognized his one-year anniversary and advise the official date is April 21<sup>st</sup>, 2022. City Manager Sorey III also gave a report of all the accomplishments made by his Office within the past year.

### **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 Buamoehl

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

## **7. ANNOUNCEMENTS**

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

Mayor DeFillipo announced to the public to follow the city's social media accounts for the upcoming National Day of Prayer event scheduled on May 5<sup>th</sup>, 2022.

## **8. CITY COMMISSION REPORTS**

Commissioner Jean thanked the residents, and everyone present for attending the Commission Meeting; congratulated the City Manager for celebrating his one-year anniversary in service and is grateful for everything that is happening in the city and looking forward to the great things to come; stated let's have a great productive meeting.

Commissioner Joseph wished the residents a happy and safe week; stated to stay safe; announced recycling pick-up is tomorrow.

Commissioner Kramer wished Muslim residents a Happy Ramadan, and for Jewish residents a Happy Passover; stated great announcements for all events; reminded everyone of Arbor Day scheduled for next Friday, April 29<sup>th</sup>, 2022, 10:30 am at Donald Bonhan Park.

Commissioner Smukler announced the upcoming Farm Share Food Distribution event on April 26<sup>th</sup> at Uleta Park beginning at 9 am, May 21<sup>st</sup> at Allen Park, June 15<sup>th</sup> at Victory Pool, and July 16<sup>th</sup> at the Operations Center; announced the celebration of the Independence Day for Israel on May 4<sup>th</sup> at the NMB Library and where the Mayor Raymond Marin Memorial Scholarship in honor of former Mayor Raymond Marin will be awarded; thanked Commissioner Jean for bring forward the Mayor Raymond Marin Memorial Scholarship; announced the Mother's Day Home Delivery of Love event on May 6<sup>th</sup>, 2022 and encouraged registration for a delivery; announced upcoming free Mammogram Mobile on May 14<sup>th</sup> at Uleta Park and October 1<sup>st</sup> at the NMB Library for Breast Cancer Awareness Month; wished everyone Happy Ramadan, Happy Passover, Happy Earth Day, Blessings for Orthodox Easter and Eid al-Fitr and Happy Mother's Day; quoted "Local voices make local choices".

Commissioner Villard thanked God for having all of us here together working making a difference in this great city; congratulated the City Manager on his one-year anniversary and stated we really appreciate you,

your presents in the city has really made a big impact and we are moving forward in the right direction; congratulated the City Attorney and firm as well as thanked the City Attorney for great impact; announced on April 27<sup>th</sup>, 2022 the Clergy Appreciation Day event from 9:30 am to 11:30 am; announced Friday, May 29<sup>th</sup> the Senior Luncheon and every last Friday of the month that serve over 100 seniors a hot lunch; announced May is Haitian Heritage Month with scheduled event A Taste of Haiti on May 7<sup>th</sup>.

Vice Mayor Fleurimond made a statement of a word that came to his mind which was co-exist and stated if that word can be taken throughout the holiday season celebration of Passover, Ramadan, Easter with the focus on co-existing that it would be very important; gave condolence to Former Mayor Raymond Marin's family who passed away; highlighted the canvassing efforts of the CRA under the direction of Joan Milord as well as the Florida International University Small Business Development Center where they were knocking on doors to meet small business owners. He applauded that effort and looked forward to gathering more information from small businesses; congratulated the City Manager on his one-year anniversary and stated he deserved to be applauded for that; requested the City Manager to update the city motto and recommended it to be "One City"; requested everyone to co-exist and move this meeting along expeditiously.

Mayor DeFillipo wished many blessings to all for those who are observing any holiday, Passover, Ramadan, Easter, blessed everyone and blessed this city; acknowledge the city has a great diverse population that should be grown to love and embrace; congratulated staff, everyone and fellow commission for driving that message because it would not be possible without everyone; announced the NMB pool facilities are open, summer is coming and to keep an eye out for kids around the pool while also practicing pool safety; announced Park and Recreation Department is available to schedule aftercare programs or activities; announced if anyone who is a part of the Special Taxing District in Eastern Shores and has not received their decal to get in and out of the guardhouse to contact the city at 305-948-2900; requested everyone to be patience during the construction time in Eastern Shores.

## **9. CONSENT AGENDA**

### **9.1 Regular Commission Meeting Minutes of March 24, 2022 (Andrise Bernard, MMC, CityClerk)**

#### **9.2 Resolution No. R2022-51 for Purchase of Uleta Playground Safety Surface Replacement from Robertson Industries, (Andrew Plotkin, Director of Parks and Recreation)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH ROBERTSON INDUSTRIES, INC. AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$125,602.80; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **9.3. Resolution No. R2022-52 Establishing a Pool of Pre-Qualified Contractors to Perform Residential Rehabilitation in Accordance with the City's Housing Rehabilitation Program (Phillip Ford, Chief Procurement Officer)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A POOL OF PRE-QUALIFIED CONTRACTORS TO PERFORM RESIDENTIAL REHABILITATION IN ACCORDANCE WITH THE CITY'S HOUSING REHABILITATION PROGRAM, AT A COST NOT TO EXCEED SEVEN HUNDRED NINETY THOUSAND DOLLARS (\$790,000) ANNUALLY, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS**

**CONTAINED IN REQUEST FOR QUALIFICATIONS NO. RFQ-22-025-PF; FURTHER AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AGREEMENTS FOR THE PROVISION OF STATED SERVICES WITH THE SELECTED FIRMS, PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**9.4 Resolution No. R2022-53 Purchase and Installation of Baffle Curtain from CROM Corporation (Andrea Suarez-Abastida, Director of NMB Water)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH CROM LLC., FOR THE PURCHASE AND INSTALLATION OF BAFFLE CURTAIN FOR 800,000-GALLON GROUND STORAGE TANK IN AN ESTIMATED BUDGETED AMOUNT OF \$74,285.68.**

**9.5. Resolution No. R2022-54 Ratification of Purchase Order 220891 to Enterprise Rent a Car (Phillip Ford, Chief Procurement Officer)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING A CHANGE ORDER FOR ENTERPRISE RENT A CAR ("ENTERPRISE") IN THE AMOUNT OF \$150,000 FOR ADDITIONAL RENT A CAR SERVICES FOR NMB WATER WHEN LEASED VEHICLES ARE DELAYED DUE TO COVID-19 FUFILLMENT ISSUES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**9.6. Resolution No. R2022-55 Ratification of Emergency Purchase Order 220863 to PSI Technologies, Inc. (Andrea Suarez Abastida, Director NMB Water Department)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING AN EMERGENCY PURCHASE ORDER FOR PSI TECHNOLOGIES, INC., IN THE AMOUNT OF \$67,138.72 FOR EMERGENCY REPAIR SERVICES COMPLETED FOR THE SURGE RELIEF VALVES FOR THE WATER SUPPLY SYSTEM; 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. R2022-56 Ratification of Purchase Order 220781 to AT&T/PRO-CLUB for Internet and voice services (Ricardo Castillo, Chief Information Officer)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, WAIVING COMPETITIVE BIDDING REQUIREMENTS AND RATIFYING THE PURCHASE OF AT&T'S INTERNET & VOICE BUNDLE SERVICES IN AN AMOUNT NOT TO EXCEED \$111,600.00; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS TO EFFECTUATE THE PURCHASE; AND PROVIDING AN EFFECTIVE DATE.**

**9.8. Resolution No. R2022-57 FDOT Turf Agreement (Judeen Johnson, Public Works Department)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A TURF AND LANDSCAPE MAINTENANCE AGREEMENT, INCLUDING RENEWAL OPTIONS, BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE**



**FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"); PROVIDING THE TERMS AND CONDITIONS FOR THE MAINTENANCE RESPONSIBILITIES AND FOR THE REIMBURSEMENT OF TURF AND LANDSCAPE MAINTENANCE ELEMENTS FROM FDOT TO THE CITY OF NORTH MIAMI BEACH.**

**9.9. Resolution No. R2022-58 Approving an Agreement with Shaw Industries for Flooring Materials with Related Supplies and Services (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 SHAW INDUSTRIES FOR FLOORING MATERIALS WITH RELATED SUPPLIES AND SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$105,000; AS APPROVED IN THE BUDGET APPROPRIATION.**

**9.10. Resolution No. R2022-59 Purchase of Emergency Generator for Public Services Administration Building (Emmanuel Adediran, Interim Director of Public Works)**

**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 PIONEER CRITICAL POWER FOR THE REPLACEMENT OF THE GENERATOR LOCATED IN PUBLIC SERVICES IN THE AMOUNT OF \$ 72,865; AND PROVIDING AN EFFECTIVE DATE.**

**9.11. Resolution No. R2022-60 CRA Budget Amendments (Joann Milord, CRA Director)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY'S FISCAL YEAR 2021-22 AMENDED BUDGET; AUTHORIZING THE CITY MANAGER TO TRANSMIT THE AMENDED BUDGET TO MIAMI-DADE COUNTY; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ALL ACTION NECESSARY TO COMPLETE THE APPROVAL PROCESS FOR THE COMMUNITY REDEVELOPMENT AGENCY'S FISCAL YEAR 2021-22 AMENDED BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

## **10. QUASI-JUDICIAL**

**10.1. Resolution No. R2022-44 NMB Place Site Plan Approval and Four Related Non-Use Variances (Kent Walia, AICP, 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 NE 164 STREET; GRANTING A VARIANCE TO PERMIT DECORATIVE SCREENING OF THE PARKING GARAGE FOR THE EAST AND WEST TOWER FRONTING ALONG NE 164 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 NE 19 AVENUE GREENWAY; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor DeFillipo announced the Commission he has worked with the owner of the existing property for over a year and has been his realtor. Mayor DeFillipo advised he will pass the gavel to the Vice Mayor and requested the City Clerk to provide him with the form 8B to fill out.

Interim City Attorney Hans Ottinot requested Mayor DeFillipo to confirm for the record is he declaring he has a conflict with this matter.

Mayor DeFillipo confirmed and stated he will be stepping out while this is discussed and submit the proper paperwork. Mayor DeFillipo left the dais.

Interim 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 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 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 was off the dais.

Commissioner Joseph disclosed he spoke with the developer, developer's counsel, 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.

Vice Mayor Fleurimond disclosed he spoke with representatives of the developer, the firm, Jeff Bercow, Matt Amster, Mitch Edelstein, Joe Gallagher, City Manager, City Attorney with his team 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, Matt Amster, Raul Carreras, Andy Dolkart, Scott Greenwald, Juan Espinosa, and Jeff Bercow were sworn in.

Vice Mayor Fleurimond requested the City Attorney to advise if the Commission has met all the requirements per Florida Statute with the respect to any conflict of interest.

Interim City Attorney Ottinot stated under Florida law if you have a conflict of interest you have to declare it on the dais and you have to walk out additionally this Commission also has recently passed an ethics amendment relating to ensuring no city official not just elected should be involved in any development project that they may have and prohibit from having a financial interest involved. Interim City Attorney Ottinot advised he will need to obtain more facts however he has his concerns. Interim City Attorney Ottinot advise there was only one exception relating to if you are working on a family matter as a broker and does not believe there was a grandfather provision.

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. He advised the site plan approval is subject and contingent upon the future approval of the alleyway abandonment request in the event that the applicant were to seek CRA funding in the future, they would have to comply with ZLDC section 2458.1 for CRA funding and assessments.

Raul Carreras, Partner with Architect and Engineering Firm of Bermello Ajamil and Partners gave an explanation on the modification of the NMB Place Site Plan.

Attorney Matt Amster gave an explanation on the four related non-use variances.

Economic Expert Andy Dolkart gave an economic overview on NMB Place Site Plan.

Architect and Developer Scott Greenwald gave the applicant's strategy and plans for the NMB Place Site Plan.

Attorney Matt Amster summarized the NMB Place Site Plan.

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 modification of the NMB Place Site Plan Approval and Four Related Non-Use Variances.

Interim City Attorney Ottinot stated he believes city staff and developer provided documents that the alleyway is owned by the city and as a condition of approval which the developer as they have admitted tonight that if the city vacates the alleyway, they will give the city a half a million dollars and the survey has confirmed the alleyway is owned by the city.

City Manager Sorey III advise this is consistent with other municipalities.

Interim City Attorney Ottinot spoke regarding the easement given by the developer in the front and the easement has not been finalized yet.

Community Development Director Kent Walia spoke regarding the easement. He stated there was a condition that was made there would be public access easement for that motor court area, it could never be completely blocked off but would remain public access for that alleyway and function just as it is now.

Vice Mayor and Commission continued discussion on NMB Place Site Plan Approval and Four Related Non-Use Variances.

Community Development Director Kent Walia spoke regarding the traffic related concerns in relation to FDOT comprehensive plan and the variance process.

A representative of the NMB Place Site Plan along with Attorney Matt Amster summarized the modification of the NMB Place Site Plan, its status and plan's available parking spaces.

Vice Mayor and Commission continued discussion on NMB Place Site Plan Approval and Four Related Non-Use Variances with Attorney Matt Amster.

City Manager Sorey III stated his conversation with the applicant definitely included if they were asking for CRA dollars that the city would expect a form of set-aside for affordable and work-force housing. He stated that if work-force affordable housing is used, it must be to the City of North Miami Beach level work-force housing.

Attorney Matt Amster stated it is their belief that all the units are meeting the work-force housing as defined as able to be analyzed and that is how the CRA which again is the separate application process that follows this site plan approval that they will be analyzing for and those discussions are ongoing and so any commitment to that he thinks would be proper based on working together with the CRA to evaluate the numbers appropriately.

Community Development Director Walia spoke regarding the approval process and what happens if CRA funding is not received for the applicant. He also spoke regarding the current minimum parking ordinance for the applicant.

The Vice Mayor and Commission continued discussion on the NMB Place Site Plan with Attorney Matt Amster and Scott Greenwald.

Commissioner Smukler requested staff to look into increasing the minimum parking requirements under the city ordinance.

Interim City Attorney Ottinot gave legal advisement regarding vacating the alleyway.



**Motion to defer** 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 Vice Mayor Fleurimond.

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

**MOTION PASSED 4-2** with Commissioner Kramer, Commissioner Smukler opposed and Mayor DeFillipo recused from the dais.

**10.2. Resolution No. R2022-61 NMB Venus Site Plan Approval and Three Related Non-Use Variances**  
**(Kent Walia, AICP, Community Development Director)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN AND THREE RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE CONSTRUCTION OF A 651,620 SQUARE FOOT MIXED-USE DEVELOPMENT, CONSISTING OF ONE, TWENTY-SIX-STORY TOWER WITH 10,760 SQUARE FEET OF RETAIL SPACE, 439 RESIDENTIAL UNITS, AND 497 PARKING SPACES ON A 1.013 ACRE PARCEL LOCATED AT 2050 NE 164 STREET ; GRANTING A VARIANCE TO PERMIT DECORATIVE SCREENING OF THE PARKING GARAGE FRONTING ALONG NE 164 STREET, WHERE THE CODE REQUIRES A 20-FOOT-DEEP LINER BUILDING; GRANTING A VARIANCE TO PERMIT A 13'-2" TOWER SETBACK FROM THE PODIUM ALONG NE 164 STREET, WHERE THE CODE REQUIRES A MINIMUM SETBACK OF 15 FEET; AND GRANTING A VARIANCE TO PERMIT A 0'-0" TOWER SETBACK FROM THE PODIUM ALONG NE 21 AVENUE, WHERE THE CODE REQUIRES A MINIMUM SETBACK OF 15 FEET; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-61 into the record.

Mayor DeFillipo returned to the dais.

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 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 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 developers, counsel, city staff, City Attorney, David Weitz, Eric Rodic, Ethan Wasserman 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 developers, attorney representing the developers, City Manager, City Attorney, Kent Walia, David Weitz Eric Rodic, Ethan Wasserman 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, David Weitz, and Ethan Wasserman were sworn in.

City Manager Sorey, III requested Kent Walia, Director of Community Development to provide a brief overview of the NMB Venus Site Plan Approval and Three Related Non-Use Variances to the Mayor and Commission.

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

Ethan Wasserman gave a presentation on the modification of the NMB Venus Site Plan Approval and Three Related Non-Use Variances.

David Weitz gave a brief overview on the artwork of the NMB Venus Site Plan.

Ethan Washerman announced \$125,000 will be given to the city for affordable housing needs or education related needs and two payments will be given before insurance of permit with two additional payments will come off the revenue from the project.

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

**No Public Comment.**

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

Mayor and Commission began discussion on NMB Venus Site Plan Approval and Three Related Non-Use Variances along with Ethan Wasserman.

Commissioner Smukler requested staff to come up with a way to fix the parking issues within the city.

**Motion to approve** Resolution R2022-61 NMB Venus Site Plan Approval and Three Related Non-Use Variances with the receipt of two \$25,000 payments prior to the issuance of permits made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

**MOTION PASSED 7-0.**

## **11. LEGISLATION**

### **11.1 Ordinance No. 2022-05 (Second and Final Reading) Providing Clarification to In Service Distribution When a Member Becomes Reemployed (Police and Fire Retirement Board)**

**AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING CLARIFICATION WITH REGARD TO CERTAIN IN-SERVICE DISTRIBUTIONS BY AMENDING ARTICLE VI, "RETIREMENT BENEFITS", SECTION 6.01 "NORMAL RETIREMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interim City Attorney Ottinot read the title of Ordinance No. 2022-05 into the record.

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

**No Public Comment.**

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

**Motion to approve** Ordinance No. 2022-05 made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

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

**MOTION PASSED 6-0** with Commissioner Jean away from the dais.

### **11.2 Ordinance No. 2022-06 (First 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.**

Interim City Attorney Ottinot read the title of Ordinance No. 2022-06 into the record.

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

1. Jeb Handwerger

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

Interim City Attorney Ottinot spoke regarding Ordinance No. 2022-06 and the implementation of the ordinance.

Mayor and Commission began discussion on Ordinance No. 2022-06.

**Motion to table** Ordinance No. 2022-06 made by Commissioner Kramer, seconded by Mayor DeFillipo.

Interim City Attorney Ottinot gave an explanation of Ordinance No. 2022-06.

Mayor and Commission continued discussion on Ordinance No. 2022-06.

Commissioner Smukler requested clarification from Miami-Dade County on their similar ordinance.

**Motion to table** Ordinance No. 2022-06 made by Commissioner Kramer, seconded by Mayor DeFillipo.

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

**Motion to approve** Ordinance No. 2022-06 made by Commissioner Joseph, seconded by Commissioner Villard.

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

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

**11.3 Resolution No. R2022-62 Approving an Agreement with Garland/DBS Inc. for the Purchase of Restoration and Enhancement Services for Various City Facilities (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 GARLAND/DBS, INC. FOR THE PURCHASE OF RESTORATION AND ENHANCEMENT SERVICES FOR VARIOUS CITY FACILITIES; AND AUTHORIZING THE CITY MANAGER OR DESIGNED TO EXPEND THE ESTIMATED EXPENDITURE OF \$2,000,000; AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.**

Interim City Attorney Ottinot read the title of Resolution No. R2022-62 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 requested Chief Procurement Officer Phillip Ford to provide a brief overview on Resolution No. R2022-62.

Chief Procurement Officer Phillip Ford gave an explanation on Resolution No. R2022-62 and the piggyback process.

City Manager Sorey III advised the resolution gives the City Manager's office the ability with all the capital projects in the holding pattern to move quickly with the holding amount not to exceed \$2 million dollars therefore if any of these projects come up, the City Manager's Office can go to this bid and complete the flooring. He also advised the city will receive better pricing if the National Co-op Bid is used instead of individual bids.

Chief Procurement Officer Phillip Ford further explained Resolution No. R2022-62 and advise the capital improvement plan identifies these projects and those projects were associated with an estimated expenditure. He also advised the city is simply taking those previously approve estimated expenditures and asking that the city utilize a contract to get the services done.

Mayor and Commission began discussion on Resolution No. R2022-62.

**Motion to approve** Resolution No. R2022-62 with an amended amount of 1.8 million dollars made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

**MOTION PASSED 7-0.**

**11.4 Resolution No. R2022-63 Approving an Agreement with Trane for the Purchase of HVAC Products, Installation Services and Related Products & Services (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 TRANE FOR THE PURCHASE OF HVAC PRODUCTS, INSTALLATION SERVICES AND RELATED PRODUCTS & SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$700,000; AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.**

Interim City Attorney Ottinot read the title of Resolution No. R2022-63 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 requested Chief Procurement Officer Phillip Ford to provide a brief overview on Resolution No. R2022-62.

Chief Procurement Officer Ford gave a brief explanation on Resolution No. R2022-62 and National Co-op piggyback process.

**Motion to approve** Resolution No. R2022-63 made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

**Roll Call Vote:** Joseph – Yes, Kramer Yes, Villard – Yes, Smukler – Yes, Jean – Yes, Fleurimond – Yes, DeFillipo – Yes. **MOTION PASSED 7-0.**

**11.5 Resolution No. R2022-64 Ratifying the CBA Between the City and IUPA Bargaining Unit (Francisco Rios, Human Resources Director)**

**A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT (“AGREEMENT OR CBA”) BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO, LOCAL 6005, BARGAINING UNIT; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO EXECUTE THE AGREEMENT PROVIDED THAT THE AGREEMENT IS REVIEWED FOR FORM AND LEGAL SUFFICIENCY BY THE CITY ATTORNEY; AND PROVIDING FOR EFFECTIVE DATE.**

Interim City Attorney Ottinot read the title of Resolution No. R2022-64 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 thanked the IUPA bargaining unit and staff for negotiating a fair agreement.

City Manager Sorey III requested Human Resources Director Frank Rios to give a presentation on Resolution No. R2022-64.

Human Resources Director Frank Rios gave a presentation on Resolution No. R2022-64.

City Manager Sorey III recognized Human Resources Director Frank Rios, Chief Financial Officer Marcia Fennell, Interim City Attorney Hans Ottinot, Assistant Human Resources Director Andrew Bejel and his self as the negotiation team. He advised he will be working on the compression issues with Command Staff.

Mayor and Commission began discussion on Resolution No. R2022-64.

City Manager Sorey III reviewed the negotiation process with the Commission.

**Motion to approve** Resolution No. R2022-64 made by Commissioner Joseph, seconded by Commissioner Villard.

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

**MOTION PASSED 7-0.**

**11.6. Resolution No. R2022-65 Recognizing Front-Line Workers (Commissioner Paule Villard)**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RECOGNIZING AND APPRECIATING THE SERVICES OF**

**FRONT-LINE WORKERS IN MIAMI-DADE COUNTY DURING THE COVID-19 PANDEMIC;  
DIRECTIONS TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interim City Attorney Ottinot read the title of Resolution No. R2022-65 into the record.

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

1. Jeb Handwerger

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

Commissioner Smukler left the dais due to feeling under the weather.

Mayor and Commission began discussion on Resolution No. R2022-65.

**Motion to approve** Resolution No. R2022-65 made by Commissioner Joseph, seconded by Mayor DeFillipo.  
**Voice Vote: MOTION 6-0** with Commissioner Smukler away from the dais.

**13. APPOINTMENTS**

**13.1 Appointing Geraldine Lazarre to the Economic Development Commission (Vice Mayor McKenzie Fleurimond)**

**13.2 Appointing as George Ray III Ex-Officioto the Economic Development Commission (Vice Mayor McKenzie Fleurimond)**

**13.3 Appointing Jordan Desnick as Ex Officio to the Eastern ShoresFirstAdditionSecurity GuardSpecialTaxingDistrict Board (ESFASGSTD)(Andrise Bernard, City Clerk)**

**13.4 Appointing Maria Furey to the Beautification Committee (Andrise Bernard, MMC, City Clerk)**

City Clerk Bernard requested one motion for all appointments and read the appointments into the record.

**Motion to approve** appointing Geraldine Lazarre to the Economic Development Commission, appointing as George Ray III Ex-Officio to the Economic Development Commission, appointing Jordan Desnick as Ex Officio to the Eastern ShoresFirst Addition Security GuardSpecial TaxingDistrict Board, and appointing Maria Furey to the Beautification Committee made by Commission Fleurimond, seconded by Mayor DeFillipo.

**Voice Vote: MOTION PASSED 6-0** with Commissioner Smukler away from the dais.

**DISCUSSION ITEMS**

**15.1 Regarding Interim City Attorney Position (Commissioner McKenzie Fleurimond)**

Commissioner Fleurimond began discussion on the city attorney position and recognized the services the current Interim City Attorney has provided thus far. He requested Interim City Attorney Hans Ottinot to be promoted to the City Attorney and requested a vote on his contract for the City Attorney as \$60,000 monthly rate with the same billable rate.

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

1. Jeb Handwerger

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

Mayor and Commission began discussion on the city attorney position and contract.

City Manager Sorey III stated the total budget for the City Attorney's Office is \$930,000.

Interim City Attorney Ottinot read the City Attorney's Office accomplishments and thanked the City Attorney's Office staff along with support staff.

**Motion to approve** promoting Interim City Attorney Hans Ottinot to City Attorney with a \$60,000 monthly rate and the same billable rate made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

**MOTION PASSED 4-2** with Commissioner Kramer and Mayor DeFillipo oppose.

### **15.2 Discussion on Park Bench and 15.3 Dog Park Request**

Commissioner Kramer began a discussion on park benches and a dog park request. She advised on behalf of the Beautification Committee, they would like to recognize Former State Representative/Councilman John Patrick Julien and Councilwoman Jackie Smith on two park benches.

City Manager Sorey III stated he will look into the plaques for park benches and dog park request.

**Motion to approve** the City Manager to look into the plaques for park bench and dog park request made by Commissioner Kramer, seconded by Mayor DeFillipo. No vote was taken. The City Commission gave consensus to the City Manager to look into the plaques for the park benches and dog park request.

### **16. CITY MANAGER'S REPORT**

City Manager Sorey III announced the City Manager's Report has been sent out for the last two months to the Commission and employees of the city. He also thanked his staff. He announced City Line newsletter has been posted on the website and will be posted Quarterly as well as thanked Public Affairs for their hard work.

### **17. CITY ATTORNEY'S REPORT**

City Attorney Ottinot reported he sent out the City Attorney's Yearly Quality Report to members of Commission and staff. He thanked the city staff, City Manager for their support and reviewed the pending inquires by the Commission.

### **18. MAYOR'S DISCUSSION**

Mayor DeFillipo recognized the release of City Line newsletter and thanked the City Manager; requested staff to provide a flyer for the Eastern Shores residents who have not received their pass for the guard shack; congratulated the City Attorney; reminded the public regarding North Miami Beach election date which will be on November 2<sup>nd</sup>, 2022; thanked everyone; requested the City Line Newsletter to be in different languages; spoke regarding the Quasi-Judicial voting results.

### **19. CITY COMMISSION REPORTS**

Commissioner Jean clarified her previous comment and stated it was in the line with we are all sacrificing to be here whether you are feeling well or not it is part of our mission. She also stated her comment did not have any notion of negativity.



Commissioner Joseph wished everyone a happy safe Week; announced Recycling Day is tomorrow; congratulated IUPA.

Commissioner Kramer wished everyone a great evening.

Commissioner Villard announced the North Miami Beach election is November 2<sup>nd</sup>, 2022 and urged residents to register to vote.

Vice Mayor Fleurimond congratulated IUPA and look forward to addressing the command staff as well; announced Heritage Day in Washington Park and look forward to seeing everyone there.

City Manager Sorey III reported he will be sending out a correspondence outlining all the boards and their liaisons this week. He will be working with the City Clerk to send out who is the liaisons for each board.

Mayor DeFillipo wished everyone a good night and thanked the police officers who serve the great city of North Miami Beach.

**20. ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 11:46 p.m.

**ATTEST:**

**(SEAL)**



Andrise Bernard, MMC, City Clerk