



CITY OF NORTH MIAMI BEACH
City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, December 20, 2022
6:00pm

Mayor Anthony F. DeFillipo
Vice Mayor Michael Joseph
Commissioner Jay Chernoff
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Phyllis S. Smith
Commissioner Fortuna Smukler

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 6:08 p.m.

Present at the meeting in the City Commission Chambers were Mayor Anthony F. DeFillipo, Commissioner Jay Chernoff, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Phyllis S. Smith, and Commissioner Fortuna Smukler. City Manager Arthur H. Sorey III, City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present. Vice Mayor Michael Joseph was absent.

2. INVOCATION by Reverend Evorn Burke (Oak Grove Missionary Baptist Church)

3. PLEDGE OF ALLEGIANCE was led by Skyler Bah from Fulford Elementary School

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

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

- a. Per Commissioner Smukler, item 9.14 titled Resolution No. R2022-166 Authorizing the City Manager or Designee to Create a Marketing Campaign for Tourism, International Trade, and Transportation will be pulled for discussion and heard before legislation.
- b. Consent Agenda Item 9.15. (Resolution No. R2022-167) will be deferred to the next City Commission Meeting.

- c. Per Commissioner Smith, a discussion regarding Conflicting City Event Scheduling will be added to Discussions as Item 15.6.
- d. Per Mayor DeFillipo, item 18 titled Mayor's Discussion will be heard after the Consent Agenda.
- e. Per Commissioner Smith, Discussion item 15.5 titled Discussion Regarding North Miami Beach Finance will be heard after the Mayor's Discussion item.

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

Voice Vote: MOTION PASSED 5–1 with Commissioner Fleurimond oppose and Vice Mayor Joseph absent.

5. PRESENTATIONS/DISCUSSIONS

5.1. Proclamation Recognizing Enid Weisman, Former Mayor of the City of Aventura (Commissioner McKenzie Fleurimond and Commissioner Fortuna Smukler)

Proclamation Recognizing Enid Weisman, Former Mayor of the City of Aventura was presented by Commissioner McKenzie Fleurimond and Commissioner Fortuna Smukler.

5.2. Proclamation Recognizing Kiwanis Day (Commissioner Daniela Jean)

Proclamation Recognizing Kiwanis Day was presented by Commissioner Daniela Jean.

5.3. Florida Power and Light Storm Secure Underground Program Overview (David Scott, Director of Public Works)

Public Works Director David Scott Department introduced Florida Power and Light representatives to present the Florida, Power and Light storm secure underground program.

Representatives from Florida Power and Light (FPL) gave a presentation on the Storm Secure Underground Program.

Mayor and Commission began discussion on the storm secure underground program.

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. Emily Ponce – 1870 NE 157th Terr North Miami Beach, FL 33162

Police Chief Harvette Smith reported on the uptick in violent crimes reported. She advised a task force has been established with other local neighboring agencies. She encouraged the community to provide tips by calling Crime Stoppers at 305-471-TIPS or calling her directly at 305-948-2995. Police Chief Harvette Smith requested to set up a Police and Community Together (PACT) meeting in the area which is considered zone 5.

Commissioner Smukler requested the return of the PACT meeting for the entire city.

Police Chief Harvette Smith spoke regarding future PACT Meetings. She reported there are two meetings per zone each year and it usually goes according to the crime trends.

2. Norman Axelman – 1710 NE 170th St

Mayor DeFillipo recognized Former State Representative Joseph S. Geller and State Representative Christopher Benjamin

3. Irene Pilinger
4. Ludrika Komik
5. Saundra Douglas - 1523 NE 152nd St
6. Former Commissioner Barbara Kramer
7. Keith Myers - 1440 NE 177th St
8. Leslie Sardinia
9. Ana Bonet
10. Claudia Gallegos - 16558 NE 26th Ave
11. Dayanara Torres Sosa
12. James Babcock - 2499 NE 136th St
13. Jeb Handwerger - 1091 NE 166th St
14. Mubarak Kazan
15. Eileen Damaso
16. Karen Harrold

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

7. ANNOUNCEMENTS

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

8. CITY COMMISSION REPORTS

Commissioner Chernoff thanked everyone for attending this evening City Commission Meeting; thanked the citizens for their public comments; he reported during his campaign residents requested the city to have somebody answering the phones and communicating with the residents instead of them trying to find a number. He reported that was a big priority; he requested the City Manager and Public Works to do a study on what it would take for the city to bring sanitation back in house; thanked all the departments who put together the Snow Fest event and Hanukkah lighting ceremony. He stated

they are doing a wonderful job; he requested the Parks and Recreation Department to look into making 3 to 4 tennis courts into pickleball courts; he wished his wife of 32 years a Happy Anniversary and announced his anniversary is December 30; he wished everyone a Merry Christmas, Feliz Navidad, Happy Kwanzaa, and Happy New Year.

Commissioner Fleurimond announced his birthday is on December 30th and congratulated Commissioner Chernoff on his wedding anniversary; congratulated his new colleagues and stated he is looking forward to working with them; he reported he received an email regarding the mayor's residency which stated the mayor does not reside in the City of North Miami Beach. He stated for tonight until he gets the responses he can't vote on things when he feels that there's a question about the mayor's residency; wished everyone a Happy Holiday and left the dais.

Commissioner Jean welcomed the new commissioners and returning commissioners; thanked Principal Dr. Rodriguez from Fulford Elementary school and her student for being present at this meeting; gave kudos to North Miami Beach Barracudas for placing 5th out of 24 in the South Florida Recreational Swim League Championships. She recognized the Coaches and all the swimmers who participated; thanked everyone who participated in the Holiday Literacy Concert, the sponsors and for the toy donations; she reported she attended the Bright Line grand opening in the City of Aventura and stated she is looking forward to speaking a little bit more to one of the items that was placed on the regular agenda.

Commissioner Smith announced she was going to share a message tonight from her three grandchildren and how happy they were of their grandmother. She stated her grandchildren said the city is lucky to have her; she reported there are a lot of problems with the Code Compliance department; she reported the communication is so poor and she could not reach out to anyone in the city. She stated communication and efficiency are really something that the city has to try its best to live by; she announced she is on a hunt and if anybody can help her in looking for the money. She said it took her two years to get the water plant back and she understands the city saved \$7 million a year by having the water plant back. She continued to state her focus is to bring sanitation back in house.

Commissioner Smukler agreed with the pickleball idea at the tennis courts; announced there will be a food distribution at Victory Pool on Wednesday, December 21 from 9 am to 12 pm. She is looking for volunteers and fellow commissioners to be present at the food distribution; thanked Parks and Recreation Department for always helping and setting up the Diaper Drive throughout the different city locations. She reported one in three US families struggled to afford diapers for their babies; thanked the Police Department for keeping residents, businesses, visitors, employees, families, and her family safe. She thanked the Police Department for always being there to help; she apologized for getting out of line a few minutes ago and speaking over someone when she shouldn't have; she thanked Commissioner Jean, Commissioner Smith, and Commissioner Chernoff for staying here and not paying attention to what could be a rumor. She stated she ironically she had seen Mayor DeFillipo driving into eastern shores on a weeknight at 11:00 p.m.; she wished everyone a Happy Hanukkah Merry Christmas, Happy Kwanzaa and Happy New Year; she quoted local voices make local choices.

Mayor DeFillipo congratulated Commissioner Daniela Jean for the Holiday Literacy Concert and stated it was fabulous; wished everyone a Happy Holiday; thanked everyone for coming to this evening City Commission Meeting; he stated his family have been pillars of this community since the 1950s

going back to his grandfather and stated your mayor is your mayor. He stated he notified the City Clerk of his new address and has documented everything correctly with the Human Resources department. He continued to state his address has always been in North Miami Beach and that he is a real estate investor who invest in properties everywhere in North Miami Beach and Davie. He reported he will be purchasing another house in Boca Raton and that he is in the middle of negotiations.

Commissioner Fleurimond returned to the dais during Mayor's Commission Report.

9. CONSENT AGENDA

9.1. Regular Commission Meeting Minutes of October 18, 2022 (Andrise Bernard, City Clerk)

9.2. Resolution No. R2022-154 Sole Source Purchase of Equipment from MKI Services, Inc. (Andrea Suárez-Abastida, 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 ISSUE A SOLE SOURCE PURCHASE ORDER TO MKI SERVICES, INC., FOR THE PURCHASE OF HAYWOOD GORDON EQUIPMENT THAT SUPPORTS THE NORTH MIAMI BEACH WATER DEPARTMENT'S NORWOOD WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$71,000; AND PROVIDING AN EFFECTIVE DATE.

9.3. Resolution No. R2022-155 ATS/Verra Mobility (Harvette Smith, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE CONTRACT AMENDMENT WITH AMERICAN TRAFFIC SOLUTIONS, INC., D/B/A/ AS VERRA MOBILITY, FOR THE TRAFFIC SAFETY RED LIGHT CAMERA PROGRAM; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

9.4. Resolution No. R2022-156 Renaming State Road 826/Sunny Isles Blvd. to Anthony Reznik Blvd. (David Scott, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE EFFORTS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO RENAME A PORTION OF STATE ROAD 826 TO ANTHONY REZNIK BOULEVARD; PROVIDING FOR TRANSMITTAL AND PROVIDING FOR AN EFFECTIVE DATE.

9.5. Resolution No. R2022-157 Memorandum of Understanding with the City of Sunny Isles Beach, Florida for a Joint Procurement Process (Phillip Ford, Chief Procurement Officer)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SUNNY ISLES BEACH, FLORIDA FOR

A JOINT PROCUREMENT PROCESS; AUTHORIZING THE CITY MANAGER TO CONDUCT AN INVITATION TO BID AND DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.6. Resolution No. R2022-158 Purchase of Electric Motor and Pump Repair Services from Condo Electric Corp. (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 CONDO ELECTRIC CORP., FOR ELECTRIC MOTOR AND PUMP REPAIR SERVICES IN AN ESTIMATED BUDGETED AMOUNT OF \$120,000 AND TO RENEW THE AGREEMENT SUBJECT TO APPROVED BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING AN EFFECTIVE DATE.

9.7. Resolution No. R2022-159 Sole Source Purchase of Equipment from TriNova, Inc. (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 ISSUE A SOLE SOURCE PURCHASE ORDER TO TRINOVA, INC., FOR THE PURCHASE OF PUMPS AND FLOWMETER EQUIPMENT THAT SUPPORTS THE NORTH MIAMI BEACH WATER DEPARTMENT'S NORWOOD WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$70,000; AND PROVIDING FOR AN EFFECTIVE DATE.

9.8. Resolution No. R2022-160 Sole Source Purchase of Equipment from RDP Technologies, Inc. (Andrea Suárez-Abastida, NMB Water Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ISSUE A SOLE SOURCE PURCHASE ORDER TO RDP TECHNOLOGIES, INC. FOR LIME SLAKER EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$95,000; AND PROVIDING FOR AN EFFECTIVE DATE.

9.9. Resolution No. R2022-161 Purchase Tires, Tubes, and Services Via State of Florida Contract No. 25172500-19-ACS (David Scott, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE PIGGYBACKING OF THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES CONTRACT NO. 25172500-19-ACS TIRES, TUBES AND SERVICES; FURTHER AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED ANNUAL EXPENDITURE OF \$370,000 AS APPROVED IN THE BUDGET APPROPRIATION PROCESS; AND PROVIDING AN EFFECTIVE DATE.

9.10. Resolution No. R2022-162 Purchase of Tank Cleaning Services from Razorback, LLC (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 RAZORBACK, LLC TO PERFORM WATER STORAGE TANK CLEANING; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$130,000 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.

9.11. Resolution No. R2022-163 Purchase of Additional Liquid Corrosion Inhibitor Chemicals (Orthophosphate) for NMB Water from Carus Corporation (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 AN INCREASE IN ANNUAL EXPENDITURE WITH CARUS CORPORATION LLC, TO FURNISH LIQUID CORROSION INHIBITOR CHEMICALS (ORTHOPHOSPHATE) TO NMB WATER; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ADDITIONAL ANNUAL EXPENDITURE OF \$50,000; AND PROVIDING AN EFFECTIVE DATE.

9.12. Resolution No. R2022-164 Certification of General and Run-Off Election Results (Andrise Bernard, City Clerk)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING AND ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION FOR THE ELECTION OF COMMISSION SEAT 2, COMMISSION SEAT 4, AND COMMISSION SEAT 6, AND THE RUN-OFF ELECTION HELD ON NOVEMBER 22, 2022 FOR COMMISSION SEAT 2; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

9.13. Resolution No. R2022-165 Purchase of OEM Parts and Services for Public Works Fleet Management Division (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 UTILIZATION OF MULTIPLE CONTRACTS FROM COOPERATIVES AND LOCAL MUNICIPALITIES FOR THE PURCHASE OF OEM PARTS AND SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED ANNUAL EXPENDITURE OF \$214,000 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.

9.14. (MOVED TO LEGISLATION) Resolution No. R2022-166 Authorizing the City Manager or Designee to Create a Marketing Campaign for Tourism, International Trade, and Transportation (Commissioner Daniela Jean)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DEVELOP A MARKETING CAMPAIGN TO PROMOTE TOURISM, INTERNATIONAL TRADE, AND TRANSPORTATION INITIATIVES IN THE CITY OF NORTH MIAMI BEACH; AUTHORIZING THE CITY MANAGER OR CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

9.15. (DEFERRED) Resolution No. R2022-167 Approving the Interlocal Agreement for Administrative Support Services with the Community Redevelopment Agency (CRA) (Joann Milord, CRA Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SUPPORT SERVICES WITH THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ("CRA"); AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT AND TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AUTHORIZING THE CITY CLERK TO FILE THE INTERLOCAL AGREEMENT WITH THE CLERK OF THE CIRCUIT COURT; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve the consent agenda made by Commissioner Chernoff, seconded by Mayor DeFillipo.

Voice Vote: MOTION PASSED 6-0 with Vice Mayor Joseph absent.

Mayor's Discussion

Mayor DeFillipo requested the Commission to discuss management and legal. He advised he has some reservations he would like to discuss and requested his colleagues to provide their opinions on this matter.

Mayor and Commission began discussion on the Charter Officers.

Commissioner Jean stated she was not feeling well and left the dais.

Mayor DeFillipo requested the resignation of the City Attorney.

Motion made to request the termination of the City Attorney made by Mayor DeFillipo, seconded by Commissioner Chernoff.

Mayor and Commission continued discussion on the resignation of the City Attorney.

Commissioner Fleurimond expressed his displeasure with the process and left the dais.

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 at 8:48 pm.

The following items were not heard:

10. QUASI-JUDICIAL

10.1. Resolution No. R2022-68 Awning Variance Request (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A NON-USE VARIANCE FROM ARTICLE VIII, SECTION 24-81(A)(2) OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE, TO PERMIT AN EXISTING AWNING LOCATED AT 2811 NE 164TH STREET FOR PROPERTY OWNERS ANA AND MARK ANTONIO TO ENCROACH 17 FEET INTO THE SIDE INTERIOR SETBACK, WHEREAS THE CODE ALLOWS A MAXIMUM OF 5 FEET; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

10.2. Resolution No. 2022-168 BH 164 Site Plan and Ten (10) Variance Requests (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 TEN NON-USE VARIANCES FOR THE CONSTRUCTION OF A 400,576 GROSS SQUARE FEET, 32-STORY, MIXED-USE DEVELOPMENT WITH 400 RESIDENTIAL UNITS, AND 1,825 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE 587 PARKING SPACES ON A 1.95-ACRE PARCEL LOCATED AT 2261 NE 164TH STREET; GRANTING A VARIANCE FROM SECTION 24-58(K)(2)b.i. TO ALLOW DECORATIVE SCREENING OF THE PARKING GARAGE FRONTING NE 164 STREET (PRIMARY FRONTAGE), IN LIEU OF THE REQUIRED LINER BUILDING; GRANTING A VARIANCE FROM SECTION 24-58 FIGURE MU-8 TO REDUCE THE REQUIRED 15-FOOT TOWER SETBACK ON THE SOUTHEAST CORNER TO 7'-2"; GRANTING A VARIANCE FROM SECTION 24-58(J)(3)c.,iv.,1., TO REVERSE THE CONFIGURATION OF THE LANDSCAPE STRIP AND SIDEWALK AND PERMIT A SECONDARY STREET WITH THE

SIDEWALK ADJACENT TO THE DRIVE LANES ON BOTH SIDES; GRANTING A VARIANCE FROM SECTION 24-93(C)(2)(a) TO ALLOW FOR HANDICAPPED PARKING SPACES TO BE EIGHTEEN (18) FEET IN LENGTH; GRANTING A VARIANCE FROM SECTION 24-58(R)(2)c. TO ALLOW FOR A MAXIMUM FLOOR TO FLOOR HEIGHT OF 18'-8" ON THE 7TH LEVEL; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO REDUCE THE REQUIRED TEN (10) FEET SETBACK OF THE SECONDARY STREET TO A SETBACK OF ZERO (0'); GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO ALLOW FOR A SETBACK OF 125'-7" FROM THE PRIMARY STREET; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO REDUCE THE REQUIRED NINETY PERCENT (90%) FRONTAGE AND ALLOW SEVENTY-SEVEN (77%) PERCENT OF FRONTAGE ALONG THE PRIMARY STREET; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO REDUCE THERE QUIRED NINETY PERCENT (90%) FRONTAGE AND ALLOW SEVENTY-ONE (71%) PERCENT OF FRONTAGE ALONG THE CANAL GREENWAY; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO INCREASE THE REQUIRED SETBACK OF FIFTEEN (15) FEET TO 80'-7" OF THE CANAL GREENWAY TYPE CG-2; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

10.3. Resolution No. 2022-169 Biscayne Office Complex Site Plan and Conditional Use Requests (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 MODIFICATION FOR THE CONSTRUCTION OF A 18,000 GROSS SQUARE FEET, THREE-STORY COMMERCIAL BUILDING AND APPROVING A CONDITIONAL USE APPLICATION FOR A SIX-STORY 68,200 GROSS SQUARE FEET PARKING GARAGE STRUCTURE WITH 248 SPACES ON A 3.49 ACRE PARCEL LOCATED AT 15801, 15805, 15807 BISCAYNE BOULEVARD; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

11. LEGISLATION

11.1. Ordinance No. 2022-09 (Second and Final Reading) Property Rights Element (Kent Walia, Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT AS REQUIRED BY AND IN CONFORMITY WITH SECTION 163.3177(6)(i), FLORIDA STATUTES (2021); PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR

CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

11.2. Ordinance No. 2022-11 (Second and Final Reading) Shopping Cart Regulations (Commissioner Fortuna Smukler)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER IX OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO CREATE A NEW SECTION ENTITLED "SHOPPING CART REGULATIONS" TO ESTABLISH GUIDELINES FOR THE RECOVERY OF STOLEN OR ABANDONED SHOPPING CARTS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

11.3. Resolution No. R2022-170 Lien Amnesty Program (Arthur H. Sorey, City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING A CITY-WIDE CODE VIOLATIONS ENFORCEMENT LIEN AMNESTY PROGRAM; PROVIDING FOR THE REDUCTION OF CODE COMPLIANCE LIEN AMOUNTS; AUTHORIZING THE CITY MANAGER TO APPROVE SETTLEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

11.4. Resolution No. R2022-171 Ratification of Washington Park Design Change Order (David Scott, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND RATIFYING A CHANGE ORDER TO THE WASHINGTON PARK DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND KCI TECHNOLOGIES INC., FORMERLY KEITH AND SCHNARS, P.A. BY INCREASING THE AMOUNT OF THE AGREEMENT BY THREE HUNDRED SIXTY-NINE THOUSAND, SIX HUNDRED NINETY-SIX DOLLARS (\$369,696.00) TO CONTINUE ENHANCEMENTS TO THE DESIGN CRITERIA; AND PROVIDING FOR AN EFFECTIVE DATE.

11.5. Resolution No. R2022-172 Purchase Authorization of Staff Augmentation and Project Management Support Services for Public Works from Black & Veatch (David Scott, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING WORK ORDER #4 BETWEEN THE CITY OF NORTH MIAMI BEACH AND BLACK & VEATCH CORPORATION TO PROVIDE PROGRAM MANAGEMENT AND STAFF AUGMENTATION IN THE AMOUNT NOT TO EXCEED \$524,617.00 ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE WORK ORDER #4 AND TO ISSUE A NOTICE TO

PROCEED RELATING TO WORK ORDER #4; AND PROVIDING AN EFFECTIVE DATE.

12. BUSINESS TAX RECEIPTS - None

13. APPOINTMENTS

13.1. Reappointing Marc Einbinder to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)

13.2. Reappointing Eric Isicoff to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)

13.3. Reappointing Fabio Nick to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)

13.4. Reappointing James Stamatis to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)

13.5. Reappointing William Avila to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)

13.6. Reappointing Daniel Bakalarz to the Eastern Shores First Addition Security Guard Special Taxing District (Andrise Bernard, City Clerk)

13.7. Reappointing David Templer to the Eastern Shores First Addition Security Guard Special Taxing District (Andrise Bernard, City Clerk)

13.8. Reappointing Lior Sharabani to the Eastern Shores First Addition Security Guard Special Taxing District as an Alternate (Andrise Bernard, City Clerk)

13.9. Appointing Jane Paglino to the Beautification Committee (Andrise Bernard, City Clerk)

14. MISCELLANEOUS ITEMS

15. DISCUSSION ITEMS

15.1. Discussion Regarding Purchase Cards (P-Cards) for Commissioners (Commissioner Jay Chernoff)

15.2. Discussion Regarding the Frequency of Commission Meetings (Commissioner Jay Chernoff)

15.3. Discussion Regarding Commission Members' Aides (Commissioner Jay Chernoff)

- 15.4. Discussion Regarding Procedure/Policy for City Events, Commissioner Names and Pictures on Social Media, Handouts/Flyers, Favors, etc. (Commissioner Fortuna Smukler)
- 15.5. Discussion Regarding North Miami Beach Finance (Commissioner Phyllis Smith)
- 16. **CITY MANAGER'S REPORT**
- 17. **CITY ATTORNEY'S REPORT**
- 18. **MAYOR'S DISCUSSION** – Heard after the Consent Agenda.
- 19. **CITY COMMISSION REPORTS**
- 20. **NEXT REGULAR COMMISSION MEETING** - Tuesday, January 17, 2023

ATTEST:

(SEAL)


Andrise Bernard, MMC, City Clerk