



## **CITY OF NORTH MIAMI BEACH**

City Commission Meeting  
City Commission Chambers  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162  
**Tuesday, February 21, 2023**  
**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**

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#### **1. ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 6:22 p.m.

Present at the meeting in the City Commission Chambers were Mayor Anthony F. DeFillipo, Commissioner Jay Chernoff, 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. Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, and Vice Mayor Joseph was absent.

City Clerk Andrise Bernard had to step away from the chambers and Assistant City Clerk Stephanie Molière announced there was no quorum.

#### **2. INVOCATION** by Pastor Ginger Medley (Fulford Methodist Church).

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

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

Assistant City Clerk Molière began to announced the following changes to the agenda:

- a. Per the request of Commissioner Smith, Item 14.1 (Appointing Commissioner Chernoff as Vice Mayor) will be moved to after the Mayor's Discussion

City Attorney Ottinot advised the Mayor and Commission that due to lack of quorum no further city business can be conducted.

**7. 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. Karen Harold
2. Leslie Saudenia
3. Former Commissioner Barbara Kramer
4. Keith Myers
5. Mubarak Kazan
6. Daniel Pierre
7. William Rice
8. Ketley Joachim - 210 NE 170<sup>th</sup> ST
9. Sandra Douglas
10. Tricia Harris
11. Leslie Kaplan - 1331 NE 173<sup>rd</sup> ST
12. Bruce Lamberto - 3420 NE 165<sup>th</sup> ST
13. Jeb Handwerker
14. Lynn Su
15. Trish Miller
16. David Zapien - 971 NE 158<sup>th</sup> ST
17. Alter Gumbarte - 16450 Miami Drive #705
18. Maria Hauck
19. Magdalena Ammarati
20. Chris Myers

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

Mayor and Commission began an open discussion.

Mayor DeFillipo introduced Attorney Michael Pizzi to speak regarding the recent court hearing.

Attorney Pizzi spoke regarding the recent court hearing and the court's decision.

Mayor and Commission continued the open the discussion.

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 8:10 pm.

**The following items were not heard:**

**5. MAYOR'S DISCUSSION**

**5.1. Discussion Regarding City Manager and City Attorney**

6. **PRESENTATIONS / DISCUSSIONS**

6.1. Freebee Pilot Presentation (David Scott, Public Works Director)

8. **ANNOUNCEMENTS**

9. **CITY COMMISSION REPORTS**

10. **CONSENT AGENDA**

10.1. **Regular City Commission Meeting Minutes of December 20, 2022 (Andrise Bernard, City Clerk)**

10.2. **Regular City Commission Meeting Minutes of January 17, 2023 (Andrise Bernard, City Clerk)**

10.3. **Resolution No. R2022-166, 6C 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.

10.4. **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.

10.5. **Resolution No. R2022-172 Ratification of Staff Augmentation & 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 AND RATIFYING 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 NOTICE TO PROCEED RELATING TO WORK ORDER #4; AND PROVIDING AN EFFECTIVE DATE.

**10.6. Resolution No. R2023-01 Lease Agreement with Industrial Communications for Quantar Repeaters (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 INDUSTRIAL TOWER AND WIRELESS, LLC FOR A FIVE-YEAR TOWER LEASE AGREEMENT WITH OPTIONS TO RENEW FOR TEN ADDITIONAL ONE-YEAR TERMS AND AUTHORIZING THE CITY MANAGER TO EXPEND THE ESTIMATED EXPENDITURE OF \$384,958.80, PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; FURTHER AUTHORIZING CONTRACT RENEWALS IN AN AMOUNT THAT DOES NOT EXCEED THE BUDGETED ALLOCATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**10.7. Resolution No. R2023-02 Change Order to the Interlocal Agreement between the City of North Miami Beach and Florida International University Board of Trustees (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 TO THE INTERLOCAL AGREEMENT WITH THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ANNUAL BUDGET ALLOCATION; PROVIDING THE CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**10.8. Resolution No. R2023-03 Office of the Attorney General VOCA Grant Funds (Harvette Smith, Chief of Police)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL, AS THE PASSTHROUGH AGENCY FOR THE VICTIMS OF CRIME ACT (VOCA) PROGRAM; ACCEPTING ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$91,455.00 FOR USE TOWARDS THE SALARY AND BENEFITS OF THE CITY'S VICTIMS ADVOCATE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AMENDMENT AND IMPLEMENT THE TERMS; AND PROVIDING AN EFFECTIVE DATE.

**10.9. Resolution No. R2023-04 Change Order for Construction Services from Teams Contracting Inc. (Andrew Plotkin, Parks & Recreation and Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN EXPENDITURE WITH TEAM CONTRACTING, INC., TO FURNISH GENERAL CONTRACTING AND CONSTRUCTION MANAGEMENT SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ADDITIONAL EXPENDITURE OF \$500,000; AND PROVIDING AN EFFECTIVE DATE.

**10.10 Resolution No. R2023-07 Authorizing Piggybacking The City of St. Petersburg, Florida's Contract With LMK PIPE, LLC (Andrea Suárez Abastida, PMP Director 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 PIGGYBACK THE CITY OF ST. PETERSBURG, FLORIDA'S CONTRACT WITH LMK PIPE RENEWAL LLC, FOR AS NEEDED WASTEWATER

SEWER LINE EMERGENCY REPAIRS IN AN ESTIMATED ANNUAL AMOUNT OF \$65,000 AND IF APPLICABLE, TO RENEW THE PIGGYBACK SUBJECT TO APPROVED BUDGET APPROPRIATION AND AVAILABILITY OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

**10.11 Resolution No. R2023-08 Ratification of Change Order for Agreement with Harris Computer for Maintenance, Printing and Mailing Services (Andrea Suárez Abastida, PMP Director NMB Water)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND RATIFYING A CHANGE ORDER, THEREBY AMENDING THE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND N. HARRIS COMPUTER CORPORATION INCREASING THE CONTRACT AMOUNT OF THE AGREEMENT BY ONE HUNDRED AND SIXTY-EIGHT THOUSAND EIGHT HUNDRED AND THIRTY DOLLARS (\$168,830) FOR UTILITY BILLS PRINTING, MAILING AND POSTAGE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER, AND TO DO ALL THINGS NECESSARY IN FURTHERANCE OF THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE.

**10.12 Resolution No. R2023-09 Change Order for Purchase of Hoses, Connectors, Clamps, Fittings and Related Items (Andrea Suárez Abastida, PMP Director NMB Water)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN ANNUAL EXPENDITURE FOR THE UTILIZATION OF MIAMI DADE COUNTY CONTRACT RTQ-01299 HOSES, CONNECTORS, FITTINGS, CLAMPS & RELATED ITEMS FOR THE PURCHASE OF PARTS AND SUPPLIES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ANNUAL EXPENDITURE OF \$52,000; PROVIDING THE CITY MANAGER OR DESIGNEE WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

**10.13 Resolution No. R2023-10 Award of RFP-22-075-MC Insurance Brokerage Services - Agent of Record (Francisco Rios, Human Resources Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER WHO CONCURS WITH THE EVALUATION COMMITTEE AND APPROVING THE RANKING OF THE MOST HIGHLY QUALIFIED FIRMS THAT RESPONDED TO REQUEST FOR PROPOSALS RFP-22-075-MC - INSURANCE BROKERAGE SERVICES - PROPERTY INSURANCE AGENT OF RECORD; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TOP-RANKED, MOST-QUALIFIED FIRM AND, IF NEGOTIATIONS ARE UNSUCCESSFUL, WITH THE NEXT HIGHEST RANKED FIRM SUCCESSIVELY AND AUTHORIZING THE CITY MANAGER TO EXPEND A ANNUAL BUDGETED AMOUNT NOT TO EXCEED \$60,000; AND PROVIDING FOR AN EFFECTIVE DATE.

**10.14 Resolution No. R2023-11 Purchase and Delivery of Three Well Pumps and Motors from Afton Pumps, Inc. (Andrea Suárez Abastida, PMP Director 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 ISSUE A SOLE SOURCE PURCHASE ORDER TO AFTON PUMPS, INC. FOR THE PURCHASE OF WELL PUMPS AND MOTORS IN AN ESTIMATED



BUDGETED AMOUNT OF \$295,000; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND SAID AMOUNT; AND PROVIDING AN EFFECTIVE DATE.

**10.15 Resolution No. R2023-12 Purchase of Additional Technology Solutions, Products and Services from IT Partners, LLC (Ricardo Castillo, IT 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 IT PARTNERS LLC, FOR TECHNOLOGY SOLUTIONS, PRODUCTS AND SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ADDITIONAL ANNUAL EXPENDITURE OF \$35,000; AND PROVIDING AN EFFECTIVE DATE.

**10.16 Resolution No. R2023-13 Purchase of Additional Landscape Material Services from Gardening Angel Nursery, 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 AN INCREASE IN ANNUAL EXPENDITURE WITH GARDENING ANGEL NURSERY, INC., TO PURCHASE LANDSCAPE MATERIAL SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ADDITIONAL ANNUAL AMOUNT OF \$31,000; AND PROVIDING AN EFFECTIVE DATE.

**10.17 Resolution No R2023-14 Approval of Agreement Extension with BEEFREE, LLC D/B/A FREEBEE for On-Demand Transportation Services (David Scott, Public Works Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AGREEMENT EXTENSION WITH BEEFREE, LLC D/B/A FREEBEE, FOR ON-DEMAND TRANSPORTATION SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT ATTACHED AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**10.18 Resolution No. R2023-15 Change Order for Contract No. 21-54-SG Citywide Grounds Maintenance from Country Bills Lawn Maintenance (David Scott, Public Works 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 COUNTRY BILL'S LAWN MAINTENANCE, INC., FOR THE PURCHASE OF CITYWIDE GROUNDS MAINTENANCE SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ADDITIONAL ANNUAL EXPENDITURE OF \$250,000; AND PROVIDING AN EFFECTIVE DATE.

**10.19. Resolution No. R2023-16 Approving the Agreement With Sustainable Design & Construction Services, Inc. (Marline Monestime, Economic Development Manager)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXTEND AN AGREEMENT WITH SUSTAINABLE DESIGN & CONSTRUCTION SERVICES, INC. TO PROVIDE HOUSING CONSULTING AND TECHNICAL SERVICES FOR THE OWNER-OCCUPIED HOME

REHABILITATION PROGRAM IN AN AMOUNT NOT TO EXCEED \$49,500;  
AND PROVIDING FOR AN EFFECTIVE DATE.

**11. QUASI-JUDICIAL**

**11.1. 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.

**11.2. 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.

**11.3. 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.

**12. LEGISLATION**

**12.1. 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.

**12.2. 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.

**12.3. Ordinance No. 2023-01 (First Reading) Moving Quorum and Ethical Duty to Remain at a Commission to Article X Code of Ethics (Mayor Anthony F. DeFillipo)**

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



- 12.4. **Ordinance No. 2023-02 (Final Reading) Administrative Site Plan Process (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 CODE BY AMENDING CHAPTER XXIV, ENTITLED "ZONING AND LAND DEVELOPMENT," ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES," SECTION 24-172 "SITE PLAN REVIEW," TO DELETE SUBSECTION (K) ENTITLED "LIMITED ADMINISTRATIVE AUTHORITY FOR SITE PLAN AMENDMENTS" AND CREATE A NEW SUBSECTION 24-172.1 ENTITLED "ADMINISTRATIVE SITE PLAN PROCESSES"; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 12.5. **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.
- 12.6. **Resolution No. R2023-05 Budget Amendment Property Insurance (Marcia Fennell, Chief Financial Officer & Francisco Rios, Human Resources & Risk Management Director)**  
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2022 TO SEPTEMBER 30, 2023, FOR THE LIABILITY SELF INSURANCE FUND; AND PROVIDING AN EFFECTIVE DATE.
- 12.7. **Resolution No. R2023-06 Renaming N.E. 151 Street Irv David Boulevard (Mayor Anthony F. DeFillipo)**  
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RENAMING A PORTION OF NORTHEAST 151 STREET BETWEEN BISCAYNE BOULEVARD AND WEST DIXIE HIGHWAY "IRV DAVID BOULEVARD"; AUTHORIZING THE CITY MANAGER TO ERECT PROPER SIGNAGE AND TO DO ALL THINGS NECESSARY TO IMPLEMENT THE RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.
- 12.8. **Resolution No. R2023-17 Award of RFP-22-029-MC Design Build for SCADA and Radio Telemetry System Improvements (WATR2009) (Andrea Suárez Abastida, Director NMB Water)**  
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER WHO CONCURS WITH THE EVALUATION COMMITTEE AND APPROVING THE RANKING OF THE MOST HIGHLY QUALIFIED FIRMS THAT RESPONDED TO REQUEST FOR PROPOSALS RFP-22-029-MC DESIGN BUILD FOR SCADA AND RADIO TELEMETRY SYSTEM IMPROVEMENTS (WATR2009); AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TOP-RANKED, MOST-QUALIFIED FIRM AND, IF NEGOTIATIONS ARE UNSUCCESSFUL, WITH THE NEXT HIGHEST RANKED FIRM SUCCESSIVELY AND AUTHORIZING THE CITY MANAGER TO EXPEND A BUDGETED AMOUNT NOT TO EXCEED \$3,000,000; AND PROVIDING FOR AN EFFECTIVE DATE.

**12.9. Resolution No. 2023-18 Active Design Guidelines (Kent Walia, Community Development Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE IMPLEMENTATION OF ACTIVE DESIGN MIAMI: DESIGN AND POLICY STRATEGIES FOR HEALTHIER COMMUNITIES AS DEVELOPED BY THE MIAMI CENTER FOR ARCHITECTURE AND DESIGN (MCAD); SUPPORTING STAFF'S EFFORTS TO INCORPORATE STRATEGIES INTO PLANNING FUNCTIONS WHERE FEASIBLE; AND PROVIDING FOR AN EFFECTIVE DATE.

**12.10. Resolution No. 2023-19 Award of ITB-22-051-MC Corona del Mar Phase II Lateral Connections (SEWR2006) (Andrea Suárez Abastida, Director NMB Water)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID ITB-22-051-MC CORONA DEL MAR PHASE II - LATERAL CONNECTIONS (SEWR2006); AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT PLUMBER MIKES, INC. AND EXPEND AN BUDGETED AMOUNT UP TO BUT NOT TO EXCEED \$927,731; 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.

**12.11. Resolution No. R2023-20 Sergeant At Arms Repeal (Arthur H. Sorey, III, City Manager)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DIRECTING THE CITY MANAGER OR DESIGNEE TO REPEAL THE POLICE DEPARTMENT'S SERGEANT-AT-ARMS DETAIL POLICY AND TERMINATE THE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

**13. BUSINESS TAX RECEIPTS - None**

**14. APPOINTMENTS**

- 14.1. Appointing Jay Chernoff as Vice Mayor effective February 22, 2023 (Andrise Bernard, City Clerk)
- 14.2. Reappointing Eric Isicoff to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.3. Reappointing Fabio Nick to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.4. Reappointing James Stamatis to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.5. Reappointing Marc Einbinder to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.6. Reappointing William Avila to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.7. Reappointing Daniel Bakalarz to the Eastern Shores First Addition Security Guard Special Taxing District (Andrise Bernard, City Clerk)

- 14.8. Reappointing David Templer to the Eastern Shores First Addition Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.9. Reappointing Lior Sharabani to the Eastern Shores First Addition Security Guard Special Taxing District as an Alternate (Andrise Bernard, City Clerk)
- 14.10. Appointing Jane Paglino to the Beautification Committee (Andrise Bernard, City Clerk)
- 14.11. Appointing Irene Pilinger to the Education Committee (Andrise Bernard, City Clerk)
- 14.12. Appointing Anthony Mazzone to the Public Utilities Commission (Andrise Bernard, City Clerk)
- 14.13. Reappointing Allison Robie to the Public Utilities Commission (Andrise Bernard, City Clerk)
- 14.14. Appointing Julian Kreisberg to the Planning and Zoning Board (Andrise Bernard, City Clerk)
- 14.15. Appointing Gregory Thomas to the Planning and Zoning Board (Andrise Bernard, City Clerk)
- 14.16. Appointing Hubert Dube to the Code Enforcement Board (Andrise Bernard, City Clerk)
- 14.17. Appointing Dayanara Torres to the Code Enforcement Board (Andrise Bernard, City Clerk)
- 14.18. Appointing Jasmine Rivera to the Economic Development Commission (Andrise Bernard, City Clerk)
- 15. **MISCELLANEOUS ITEMS**
- 16. **DISCUSSION ITEMS**
  - 16.1. Discussion Regarding the Frequency of Commission Meetings (Commissioner Chernoff)
  - 16.2. Discussion Regarding Commission Members' Aides (Commissioner Chernoff)
  - 16.3. Discussion Regarding Procedure/Policy for City Events, Commissioner Names and Pictures on Social Media, Handouts/Flyers, Favors, etc. (Commissioner Smukler)
  - 16.4. Discussion Regarding North Miami Beach Finances (Commissioner Smith)
  - 16.5. Support to not-for-profit 501(C)(3) in the City (Commissioner Smith)
- 17. **CITY MANAGER'S REPORT**
- 18. **CITY ATTORNEY'S REPORT**
- 19. **CITY COMMISSION REPORTS**
- 20. **NEXT REGULAR CITY COMMISSION MEETING - Tuesday, March 21, 2023**

**ATTEST:**

**(SEAL)**

  
Andrise Bernard, MMC, City Clerk