



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19 Avenue
North Miami Beach, FL 33162

Tuesday, June 17, 2014

7:30 PM

Mayor George Vallejo
Vice Mayor Frantz Pierre
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilwoman Phyllis S. Smith
Councilwoman Beth E. Spiegel

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

AGENDA

1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION** - *None*
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS** - *None*
6. **PUBLIC COMMENT**

To All Citizens Appearing Under Public Comment

The Council has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

Speaking Before the City Council

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any.

If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

Pledge of Civility

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

7. APPOINTMENTS - None

8. CONSENT AGENDA

8.1 Regular Meeting Minutes of May 20th, 2014 (City Clerk Pamela L. Latimore)

9. CITY MANAGER'S REPORT

9.1 Police Department Crime Statistics Update (Chief Dennis)

9.2 Parks and REC Summer Programs Update (Director Murphy)

9.3 Strategic Planning - Final Session, June 25th, 4th Floor City Hall, 6pm

9.4 Nova Southeastern University Expansion of Educational Use (City Manager)

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

Litigation List.

11. MAYOR'S DISCUSSION

12. MISCELLANEOUS ITEMS - None

13. BUSINESS TAX RECEIPTS - None

14. DISCUSSION ITEMS - None

15. LEGISLATION

15.1 Resolution No. R2014-19 (City Manager Ana Garcia)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH WASTE PRO OF FLORIDA, INC., THE FIRST RANKED FIRM, FOR WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES FOR THE CITY OF NORTH MIAMI BEACH, AND PROVIDING AN EFFECTIVE DATE.

15.2 Ordinance No. 2014-5 (Second and Final Reading)(City Planner, Carlos Rivero)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 85 NW 168TH STREET FROM A CLASSIFICATION OF "RO", RESIDENTIAL OFFICE DISTRICT, TO A CLASSIFICATION OF "CF", COMMUNITY FACILITY DISTRICT, AND INSTRUCTING THE COMMUNITY DEVELOPMENT DIRECTOR TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY

OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

15.3 Ordinance No. 2014-6 (Second and Final Reading)(City Planner, Carlos Rivero)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA REZONING PROPERTIES WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 17031 NE 20TH AVENUE AND 17051 NE 20TH AVENUE FROM A CLASSIFICATION OF "RO", RESIDENTIAL OFFICE DISTRICT, TO A CLASSIFICATION OF "RM-23", RESIDENTIAL MID-RISE MULTI-FAMILY (HIGH DENSITY) DISTRICT; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

15.4 Resolution No.R2014-23 Townhouses (City Planner, Carlos Rivero)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT SIX (6) THREE-BEDROOM, THREE-STORY, 2,053 SQUARE FEET TOWNHOUSE UNITS ON TWO LOTS CONTAINING 11,280 SQUARE FEET OF COMBINED LAND, AS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48(D)(2) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THREE THOUSAND SEVEN HUNDRED AND TWENTY SQUARE FEET (3,720 SQ. FT.) OF THE MINIMUM FIFTEEN THOUSAND SQUARE FEET (15,000 SQ. FT.) REQUIRED LOT AREA, WHERE LOT AREA OF ELEVEN THOUSAND TWO HUNDRED AND EIGHTY SQUARE FEET (11,280 SQ. FT.) IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48 (D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TEN FEET (10') OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE FEET (25'), WHERE FRONT YARD SETBACK OF AS CLOSE AS FIFTEEN FEET (15') IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24.48(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE FIFTEEN FEET (15') OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF TWENTY FEET (20'), WHERE INTERIOR SIDE YARD SETBACK OF FIVE FEET (5') IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48 (D)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO ADD FOUR FEET SIX INCHES (4'6") TO THE MAXIMUM BUILDING HEIGHT OF THIRTY-FIVE FEET (35'), WHERE BUILDING HEIGHT OF THIRTY-NINE FEET SIX INCHES (39'6") IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48 (D) (6) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO ADD TWENTY-FIVE PERCENT (25%) TO THE MAXIMUM LOT COVERAGE OF TWENTY-FIVE PERCENT (25%), WHERE LOT COVERAGE OF FIFTY PERCENT (50%) IS PROPOSED, ON PROPERTIES LEGALLY DESCRIBED AS:

The South 40 Feet of Lot C and the North 10 Feet of Lot D, Block 42, Fulford-by-the-Sea, Section "D" according to the Plat thereof, recorded in Plat Book 8, Page 58 of the Public Records of Miami-Dade County, Florida A/K/A 17031 NE 20th Avenue, North Miami Beach, Florida; and The South 25 Feet of Lot B and the North 25 Feet of Lot C, Block 42, Fulford-by-the-Sea, Section "D" according to the Plat thereof, recorded in Plat Book 8,

(P&Z Item No. 14-002 of May 5, 2014)

- 16. CITY COUNCIL REPORTS**
- 17. NEXT REGULAR CITY COUNCIL MEETING - July 1st, 2014**
- 18. ADJOURNMENT**



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM:
VIA:
DATE: Tuesday, June 17, 2014

RE: Regular Meeting Minutes of May 20th, 2014 (City Clerk Pamela L. Latimore)

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

-  [Regular Meeting Minutes of May 20th, 2014 \(City Clerk Pamela L. Latimore\)](#)



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Mayor George Vallejo
Vice Mayor Beth E. Spiegel
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Phyllis S. Smith

City Manager Ana M. Garcia
Interim City Attorney Dotie Joseph
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:35 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel, Council Members Barbara Kramer, Frantz Pierre, Phyllis S. Smith, and Anthony DeFillipo. Also present were City Manager Ana M. Garcia, Interim City Attorney Dotie Joseph, and City Clerk Pamela L. Latimore. Councilwoman Marlen Martell was absent.

INVOCATION The invocation was delivered by Reverend Marta Burke

PLEDGE OF ALLEGIANCE was lead by Mayor and Council along with students from Oak Grove Elementary

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA-

Resolution 2014- 19 was tabled to the June 17th meeting. The meeting minutes for May 6, 2014 were pulled for discussion by Vice Mayor Spiegel. Resolution 2014-20 was added to the legislative tab. The Law Enforcement Trust Fund item was tabled to the June 3, 2014 meeting.

PRESENTATIONS/DISCUSSIONS

State Representative Barbara Watson appeared before Mayor and Council to present an update on the 2014 legislative session.

Council recognized Reverend Marta Burke with a proclamation for her contributions to the community. Reverend Burke thanked Council and the City of North Miami Beach for their support.

Chief Dennis presented Reverend Burke with Volunteer's Service Certificate awarded by the office of the President of the United States.

Reverend Burke thanked the city and stated that her thoughts and prayers will always be with North Miami Beach as she transitions into her new assignment in Hobe Sound, Florida.

Councilman Pierre presented proclamations to notable singer/songwriter Nixon St. Hubert and media correspondent Elizabeth Guerin for their contributions to the Haitian community in honor of Haitian Heritage Month.

Director of Public Services, Barbara Trinkka accepted a proclamation recognizing National Public Works Week.

Chief of Police J. Scott Dennis read a proclamation into the record observing Police Memorial Month.

Mayor Vallejo presented residents Zoltan and Tina Varju with a certificate recognizing them for outstanding community service at Ojus Elementary School.

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

City Clerk Latimore read the rules of public comment into the record. The following person(s) made comments on the record:

1. Former Councilman Philippe Derosé, 18870 NE 21st Avenue, North Miami Beach, FL
2. Deborah Hayden, 16415 NE 32nd Avenue, North Miami Beach
3. Chuck Cook, 1980 NE 175th St. North Miami Beach, FL
4. Rolland Veilleux, 13730 Highland Drive, North Miami Beach, FL
5. Charles Loeb 16800 NE 15th Avenue, North Miami Beach, FL
6. Marilyn Baumöehl, 18635 NE 20th Court, North Miami Beach, FL
7. Muriel Kemp – 1479 N.E. 178th Street, North Miami Beach, FL
8. Richard Riess, 23 NW 169th St, North Miami Beach, FL
9. Janice Coakley, PO Box 600951, North Miami Beach, FL
10. Bruce Lamberto 3420 NE 165th Street. North Miami Beach, FL
11. Daniel Pierre 15240 NE 10th Court. North Miami Beach, FL
12. Mubarak Kazan, 15564 NE 12th Avenue, North Miami Beach, FL

Mayor Vallejo closed the meeting for **PUBLIC COMMENT**.

APPOINTMENTS

Motion to appoint Councilman Pierre as Vice Mayor was made by Councilwoman Smith, seconded by Councilwoman Kramer. **Motion passes 6-0 (Councilwoman Martell was absent).**

CONSENT AGENDA

8.1 Minutes of Regular Council Meeting April 22nd, 2014 (City Clerk Pamela Latimore)

8.2 Minutes of Regular Council Meeting May 6th, 2014 (City Clerk Pamela Latimore) (*Pulled for discussion by Vice Mayor Spiegel*)

8.3 Resolution No. R2014-13 (Ralph Rosado, Assistant City Manager)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING SUPPORT FOR THE TRI-RAIL COASTAL LINK ("TRCL") COMMUTER RAIL SERVICE; AND PROVIDING A COMMITMENT TO DEVELOP A

MEANS TO PROVIDE THE LOCAL SHARE OF FUNDING FOR CAPITAL AND OPERATING COSTS FOR THIS COMMUTER RAIL SERVICE.

8.4 Resolution No. R2014-15 (Chief Procurement Officer Brian O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH NINETEEN (19) PREQUALIFIED FIRMS FOR CONTINUING ARCHITECTURAL AND ENGINEERING SERVICES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION, AND PROVIDING AN EFFECTIVE DATE.

Motion to approve the Consent Agenda was made by Councilman Pierre, seconded by Councilwoman Kramer. **Motion passes 6-0 (Councilwoman Martell was absent)**

CITY MANAGER'S REPORT

City Manager Garcia informed Council that the departmental monthly reports were included in their agenda packets for their review.

City Manager Garcia expressed how pleased she was with the review of the building department by an independent auditor.

Building Official Daniel Ozuna elaborated on the report with a presentation to Council and answered questions from Council.

Finance Director Janette Smith presented Council with the Fiscal Year 2014 2nd Quarter Financial Analysis

City Manager Garcia announced the grand reopening of Allen Park on June 4th and invited the community to attend.

CITY ATTORNEY'S REPORT

Interim City Attorney Joseph informed Council of the litigation list included in their packets and updated them on the resolution a lawsuit.

Litigation List

As of May 20th, 2014

MAYOR'S DISCUSSION: There were no items for discussion.

MISCELLANEOUS ITEMS: There were no miscellaneous items.

BUSINESS TAX RECEIPTS: There were no Business Tax Receipts brought before Mayor and Council.

DISCUSSION ITEMS: There were no items for discussion.

LEGISLATION

Ordinance No. 2014-3 (Second and Final Reading)

AN ORDINANCE AMENDING CHAPTER VI OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ENTITLED “ANIMALS AND FOWL” BY CREATING SECTION 6-9 ENTITLED “RESTRICTIONS ON RETAIL PET SALES”; AMENDING SECTION 6.5-1 “DEFINITIONS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A FINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

The item was read into the record by Interim City Attorney Dotie Joseph. A brief summary was given by Interim City Attorney Joseph.

Mayor Vallejo opened the **PUBLIC HEARING**.

The following person(s) made comments on the record:

1. Don Anthony (Communications Director Animal Rights Foundation of Florida) 1431 North Federal Highway, Fort Lauderdale, FL
2. Terrence Camenzuli, 17151 NE 17th Avenue, North Miami Beach, FL
3. Hallandale Beach Commissioner Michelle Lazarow, 2621 NE 10th Street Hallandale Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**

The item was bought back to Mayor and Council for discussion.

Motion to adopt Ordinance No 2014-3 on second and final reading was made by Councilman Pierre, seconded by Councilwoman Smith.

ROLL CALL VOTE: DeFillipo - **Yes**, Kramer - **Yes**, Martell - **Yes**, Pierre – **Yes**, Smith - **Yes**, Vallejo – **Yes**, Spiegel-**No (Adopted 5 – 1)** (Vice Mayor Spiegel, dissenting) (Councilwoman Martell was absent).

Ordinance No.2014-4 (Second and Final Reading)

AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-73 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED “USE OF THE CITY SEAL PROHIBITED”; PROVIDING FOR THE CITY MANAGER TO APPROVE THE USAGE OF THE CITY SEAL, LOGO AND NAME OF THE CITY AS A SPONSOR; PROVIDING FOR THE PROHIBITION OF THE UNAUTHORIZED USE OF THE CITY LOGO AND NAME AS A SPONSOR; DELETING SECTION 775.083, FLORIDA STATUTES, AS A POTENTIAL

PUNISHMENT FOR VIOLATION OF THIS SECTION; PROVIDING FOR DEFINITIONS OF RELEVANT TERMS; PROVIDING FOR EXCEPTIONS TO THE PROHIBITION ON USAGE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**.

The following person(s) made comments on the record: There were no speakers during Public Hearing.

Mayor Vallejo closed the **PUBLIC HEARING**.

Motion to pass Ordinance No 2014-4 on second and final reading was made by Councilman Pierre, seconded by Councilwoman Kramer.

ROLL CALL VOTE: DeFillipo - Yes, Kramer - Yes, Spiegel - No, Pierre – No, Smith - No, Vallejo – Yes (**Motion Fails 3 – 3**) (Vice Mayor Spiegel, Councilman Pierre, and Councilwoman Smith, dissenting). (Councilwoman Martell was absent)

Resolution No. R2014-20 (Ana Garcia City Manager)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND AVENTURA PROPERTY HOLDINGS, LLC, OWNER OF THE PROPERTY LOCATED AT 2145 N.E. 164TH STREET, TO COMPROMISE, SETTLE AND RELEASE LIENS FOR CODE VIOLATION FINES; REDUCE THE REQUIRED PAYMENT TO SETTLE ACCRUED FINES UNDER CODE ENFORCEMENT BOARD CASE NO. 100837 AND CASE NO. 100782; TO SETTLE AND RELEASE LIENS AND FEES FOR WATER AND SANITATION SERVICE; TO PROVIDE CONDITIONS THEREFORE; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO TAKE SUCH ACTION AND EXECUTE ALL NECESSARY DOCUMENTS THEREFORE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vallejo opened the **PUBLIC HEARING**.

The following person(s) made comments on the record.

1. David Friedman of Coffey Burlington Law Firm 2699 South Bayshore Dr. Miami, FL (Representing Applicant).
2. Terrence Camenzuli, 17151 NE 17th Avenue, North Miami Beach, FL
3. Mubarak Kazan, 15564 NE 12th Avenue, North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

Motion to pass Resolution No 2014-20 on first reading was made by Councilman Pierre, seconded by Councilwoman Kramer.

ROLL CALL VOTE: DeFillipo - **Yes**, Kramer - **Yes**, Spiegel - **Yes**, Pierre – **Yes**, Smith - **No**, Vallejo – **Yes (Passed 6– 0)** (Councilwoman Martell was absent).

Motion to approve use of the City logo for a hurricane preparation event sponsored by Home Depot was made by Councilman Pierre, seconded by Councilwoman Smith. **Motion Passes 6-0 (Councilwoman Martell was absent)**

CITY COUNCIL REPORTS

Councilman DeFillipo thanked the residents and viewers for watching. He expressed solidarity with all of the fallen officers being honored during the memorial. He thanked all of the city employees for their efforts in maintaining the landscaping and other matters. He informed the residents of a new member to the NMB Chamber of Commerce, Lorenzo’s Supermarket. Councilman DeFillipo announced the sale of his former business Precision Computers. He encouraged the patronage

Councilwoman Kramer expressed regret that she could not attend the Police Memorial because of a conflict in scheduling. She wished residents a Happy Memorial Day and expressed support for the troops who make it all possible. She announced May 31, 2014 as the new date for the NMB Magical History tour.

Councilman Pierre thanked the police department for their service and sacrifice in honor of the police memorial service. He urged residents to sign up for library cards and to utilize the facility.

Councilwoman Smith thanked staff for organizing the Police Memorial Service. She thanked Reverend Burke for her contributions to the community. She announced the War Memorial Service during the holiday and urged participation. She wished residents a safe and happy holiday weekend.

Vice Mayor Spiegel expressed regret that she could not attend the memorial service. She informed her colleagues about an ethics conference that she attended at St. Thomas University. She also announced there will be a mandatory ethics training course for all elected officials once the legislation is signed into law. She reminded residents about the recycle collection.

Mayor Vallejo wished residents a Happy Memorial Day and expressed support for the city manager and her staff in light of the negative emails being sent to her office. He thanked Reverend Marta Burke for her contributions to the community. He congratulated sergeant Foy on his promotion. He urged residents to view the documentary commemorating the Fiftieth Anniversary of the Vietnam War.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:05 p.m.

ATTEST:

(SEAL)

Pamela L. Latimore, CMC



City of North Miami Beach
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305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Jose Smith, City Attorney
VIA: Jose Smith, City Attorney
DATE: Tuesday, June 17, 2014

RE: Litigation List

BACKGROUND ANALYSIS: As of June 17, 2014.

RECOMMENDATION:

FISCAL/BUDGETARY IMPACT:

ATTACHMENTS:

▣ [Litigation List](#)

TO: Mayor and City Council
FROM: Jose Smith, City Attorney
DATE: June 17, 2014

LITIGATION LIST

I. Civil Rights:

II. Personal Injury:

III. Other Litigation:

IV. Forfeitures:

* **CNMB v Chung/Ruiz**
\$63,096.00 in US Currency

* **CNMB v De Lavallo/Contino/Webster/Ordaz**
**\$48,000.00 in US Currency; \$2,100.00 in Us Currency;
and \$1,012.00 in US Currency**

* **CNMB v Mendez**
\$25,190.00 in US Currency

* **CNMB v Placencia/Varas/South Florida Federal Credit Union**
\$40,000.00 in US Currency; One 1994 Jeep; and One 2010 Ford

CNMB v Toussaint/Norris
One 2011 Audi S-6 (Rebuilt)

SETTLED
(City was paid \$6,000.00
in exchange for vehicle)

V. Mortgage Foreclosures:

* **Deutsche Bank vs. CNMB(Denchfield a/ka Irvine)**

* **U.S. Bank v. CNMB (Menendez a/k/a Velasquez)**

* **US Bank NA v CNMB (Mihaita)**

* **Regions Bank v CNMB (Rodriguez)**

VI. Bankruptcies:

* **New Cases**



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www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Esmond Scott, Director of Public Works
Brian K. O'Connor, Chief Procurement Officer

DATE: Tuesday, June 17, 2014

RE: Resolution No. R2014-19 (City Manager Ana Garcia)

**BACKGROUND
ANALYSIS:**

The City of North Miami Beach issued RFP (request for proposal) No. 2012-04 for the purpose of seeking a contractor to perform solid waste collections and disposal services for all residential, multifamily and commercial locations within the City. Collection services shall include automated collection of residential garbage carts, automated collection of residential recycling carts, residential bulk trash collections, multi-family and commercial garbage and recycling commodities.

Notices were mailed electronically to 1,464 potential local and national vendors via DemandStar. All local and registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email. Advertisements were placed in the Daily Business Review. Signs and Bid Notices were posted in the City Hall Lobby under Public Notices. The RFP and a brief description were available for download and posted on the City's website.

The proposals were received on March 27, 2012 and the review committee analyzed four proposals, with each proposal ranging from 200 pages to 1,100 pages. To ensure complete transparency, the committee held three publicly advertised review meetings that were open to the public, video taped, and placed on the City's webpage for public viewing. Subsequently, Waste Pro Inc. was the first ranked firm and recommended to the City Manager by the committee.

Two teams of City staff have reviewed the Waste Pro proposal and concluded that the City would save an average of \$2,000,000 annually by outsourcing. These savings include the annual estimated cost of retaining 11 employees (\$850,000) who will be used to enhance City services such as beautification and litter control. Furthermore, the Kessler report (pages 54-55) confirmed these projections by their own estimate of \$2,780,882 in annual savings. After accounting for the 11 retained employees, the Kessler report and the City's estimate of savings are consistent. All analyses based on factual data, indicates an average savings of \$2,000,000 annually.

RECOMMENDATION:

It is the recommendation of the City Manager, based on the evaluation committee's factual findings and supported by the outside consultant, that the City Council authorize the City Manager or her designee, and working with the City Attorney, to enter into negotiations with the top ranked firm, **Waste Pro of Florida, Inc**, with regards to the above-mentioned RFP.

Upon successful negotiations, the City Manager or her designee will then submit the agreement to the City Attorney's office for legal sufficiency and placement on the next available City Council agenda for final approval.

**FISCAL/BUDGETARY
IMPACT:**

Average projected savings of \$2 million dollars per year.

ATTACHMENTS:

- ▢ [City Manager Cover Memo](#)
- ▢ [Procurement timeline](#)
- ▢ [Finance Director Budget Update](#)
- ▢ [Interim City Attorney Legal Memorandum](#)
- ▢ [Waste Pro FAQs](#)
- ▢ [Waste Pro Letters of Recommendation](#)
- ▢ [Waste Pro SE Florida Customer List](#)
- ▢ [Resolution No. R2014-19](#)



City of North Miami Beach, Florida

Ana M. Garcia, City Manager

May 20, 2014

Honorable Mayor George Vallejo
Honorable Vice Mayor Beth Spiegel
Honorable Councilman Anthony F. DeFillipo
Honorable Councilwoman Barbara Kramer
Honorable Councilwoman Marlen Martell
Honorable Councilman Frantz Pierre
Honorable Councilwoman Phyllis S. Smith

Honorable Mayor and City Council,

This year the city of North Miami Beach embarked on a Strategic Plan where our elected officials and senior staff have dedicated countless hours in the pursuit of a key document that will serve as the road map for our City. Our Strategic Plan sets a path of priorities, time lines, accountability and funding related to City Services. Our City Council identified our Mission as follows; The Mission of the North Miami Beach City Government is to provide Excellent Municipal Services in a Financially and Environmentally Responsible manner, while Engaging Our Residents. Within the scope of Financially Responsible, the key means identified by Mayor and Council were as follows; Delivering City Services in the most cost effective and efficient manner, Exploring ways to reduce the cost of service delivery through contracting with other governments or businesses, or using well trained volunteers, and having a responsible tax and fee rate. The number one goal for Mayor and Council from our Strategic Planning sessions was to establish a Financially Sound City.

One of the top priorities identified during the strategic planning sessions by City Council was the direction of our Solid Waste hence, as your City Manager, I am seeking your support to move forward with a process that commenced more than two years ago.

The "sanitation process" has been vetted by 3 City Managers and a multitude of Senior City Administration including our Chief Procurement Officer and our newly appointed City Attorney. Enclosed (exhibit A) please find a memo from our Chief Procurement Officer detailing the Request for Proposals for Solid Waste Services that commenced in October of 2011 as well as the time line for this well executed endeavor.

As mentioned above, the priorities of the Strategic Planning Sessions generate actions and whereas some of those actions can be executed by our administration, other actions require Mayor and Council support and approval in order to execute! In order to meet the Goal of a Financially Sound City, I have asked our Finance Director to prepare a preliminary Budget Update which I have enclosed (exhibit B) that summarizes financial concerns and introduces foreseen challenges with our upcoming budget. It is my recommendation as your Manager and the City's Chief Executive Officer to explore all viable options where City Services can be delivered in an efficient and a cost effective manner. Outsourcing Sanitation allows us to deliver

this service to our residents and businesses in an efficient and proven cost effective manner. The latter mirrors the direction From Mayor and Council pursuant to the outcome of our Strategic Planning sessions.

Outsourcing Sanitation provides the following benefits to our City:

- ✚ Average savings of \$2 million per year a conservative number that will amount to over \$10 million in savings over a 5 year period!
- ✚ Savings from outsourcing Sanitation will allow for more Public Safety Initiatives such as an increase in Police Officers and Code Compliance Officers, much needed Police Fleet replacement, as well as replacement of vans used by our Recreation Departments to transport Youth and Senior Citizens.
- ✚ Enhances City Services by retaining a team of approximately a dozen employees tasked with Beautification Initiatives such as litter control, graffiti removal, City wide pressure cleaning and street sweeping, palm frond and shopping cart removal, City wide trash and garbage sweeps and a multitude of other programs that will contribute to a cleaner and more beautiful NMB.
- ✚ The City will keep newer vehicles and equipment to provide additional services that we currently cannot afford to provide.
- ✚ The City will transfer not only a major part of the cost of doing business, but will also transfer the risks. Elimination of a large amount of insurance cost, pension cost, worker's compensation cost, vehicle replacement cost, fuel cost and a multitude of other cost where savings can be passed on to our City residents.
- ✚ Opportunity for Mayor and Council to reallocate \$4 million in unrestricted funds to enhance our aging infrastructure and park facilities, to purchase video cameras and other preventive and safety equipment, implement a much needed City wide Signage Program, and an opportunity to build our reserves to do a multitude of much needed initiatives that currently we cannot afford to provide.
- ✚ The City retains complete control, we set the fee, we do the billing, and we manage the outsourcing company to ensure our residents receive even better services than what we are able to provide today.
- ✚ Smooth transition as what has been experienced by many Cities in South Florida, such as the City of Hollywood, the City of North Miami, and the City of Sweetwater.

Why negotiate with Waste Pro:

- ✚ Our Evaluation Committee, made up of Senior City Personnel, recommended Waste Pro as the top ranked firm in regards to RFP# 2012-04.
- ✚ We are in receipt of a letter from Waste Pro honoring all prices and conditions of RFP# 2012-04.
- ✚ To re-bid this RFP would take another 4-6 months; a costly and time consuming option, approximately \$166,000 per month.

What we can negotiate with Waste Pro:

- ✚ Retaining City employees from Sanitation Team (as done elsewhere). No one loses their job!
- ✚ Request same days of service for our residents with the same drivers.
- ✚ No cost increase for service for the first 3 years and no increases other than CPI or 3%, whichever is less, for an additional 3 more years. Please note we “the City” set the fee for Sanitation, 6 years of price certainty!
- ✚ Community Sponsorships, scholarships and a multitude of Public/Private Initiatives to benefit our Community.
- ✚ Usage of Innovative State of the Art vehicles with green hydraulics and green oriented technology, as well as phasing to all natural gas vehicles. The latter is in alignment with our Strategic Planning Mission Statement of “Delivering Excellent Municipal Services in a Financially and Environmentally Responsible manner.”
- ✚ New services not currently provided now! Dedicated to NMB residents for the pickup and disposal of hazardous materials.

In my pursuit of facts, Public Works Director Esmond Scott, Chief Procurement Officer Brian O’Connor, and I visited Waste Pro’s Operations Center in Pembroke Pines, as we wanted to further verify and confirm their business operations and speak to staff. To say we were impressed is an understatement. I didn’t leave any stone unturned in regards to research and the validity of our numbers. My Senior Team has been outstanding in all aspects of this endeavor and we are united in our recommendation to you as this is in the best interest of our City. Attached you will find FAQs that we asked of Waste Pro and their response. Additionally, we have included recent letters received from other cities doing business with Waste Pro.

There has been much misinformation regarding this issue which has caused undue delays at the cost of several millions of dollars lost to our City. The facts are indisputable and as your City Manager I must deal with facts, not in emotions. A fact that I must convey to you is that failure to outsource Sanitation will result in significant repercussions to our budget and our personnel where jobs will be lost and services will be greatly reduced and/or eliminated.

We have an opportunity to make major strides in Public Safety and the aesthetics and beautification of our City, or take a major step backwards.

Mayor and Council, considering all the benefits of outsourcing Sanitation and the viable, lengthy, and professional process for RFP# 2012-04, and the significant budget shortfall we are facing, I seek your support to act in a fiscally responsible manner and begin negotiations working with our newly appointed City Attorney, and Waste Pro, on a contract to outsource Sanitation.

Respectfully,

Ana M. Garcia
City Manager
City of North Miami Beach



CITY OF NORTH MIAMI BEACH

Procurement Management Division

TO: Ana M. Garcia, City Manager

FROM: Brian K. O'Connor, Chief Procurement Officer
Mac Serda, Assistant City Manager

DATE: Thursday, May 15, 2014

RE: RFP for Solid Waste Service Procedures

Per your request I have prepared the following outline of events that covers the entire procurement process relating to the Request for Proposal (RFP) for Solid Waste services. I have also included a timeline of the rebidding process and what impacts this would have on staff and resources if we were to rebid this solicitation.

RFP vs. Bid vs. Reverse Auction:

- In October 2011 under the direction of the then City Manager (Lyndon Bonner) the Procurement Management Services staff was asked to obtain various agreements from other governmental agencies throughout South Florida for Solid Waste Services and Recycling. Staff obtained agreements from Florida City, City of Sunrise, City of Tamarac, City of Ft. Lauderdale, City of Miramar, Cutler Bay, and the City of Hollywood. The agreements were distributed to the City Manager and Director of Public Services for their review.
- On January 10, 2012 at the regularly scheduled City Council meeting, the City Manager (Lyndon Bonner) under the City Manager's Report opened a discussion on the options of Bidding, Piggybacking, use of the Reverse Auction process or remaining status quo in regards to services for Solid Waste Collection. It was determined by the City Council that an RFP would be the best solution to solicit these services.

RFP Development Process:

- Under the direction of the City Manager (Lyndon Bonner) the Procurement Management Services Division staff was directed to begin

developing a RFP document for Solid Waste Services. Staff obtained information from the Public Services and Customer Service Departments on the current operations to describe in the solicitation the exact services that are being practiced today. The terms and conditions of other governmental agencies that were applicable to the industry or privatized services were also utilized in the development of the RFP document.

- Procurement staff had several meetings with the City Manager, Public Services staff and Customer Services staff to review the draft document and make revisions as needed.
- Prior to advertisement, the final document consisting of 91 pages was sent to City Manager, Public Services, Customer Services and City Attorney for final review.

RFP Advertisement and Communication :

- The RFP document was finalized and approved on February 1, 2012 the Procurement division advertised RFP No. 2012-04 with a due date of March 1, 2012. Notices were mailed electronically to 1,464 potential local and national vendors via DemandStar. All local and registered City of North Miami Beach vendors under the commodities matching this project's scope were notified via email. Advertisements were placed in the Daily Business Review. Signs and Bid Notices were posted in the City Hall Lobby under Public Notices. The solicitation was available for download and a brief description was posted on the City's website. The solicitation was also advertised in the Waste Hauler's Directory.
- On February 14, 2012, a Non-Mandatory pre-bid conference was held at 2:00 p.m. in the City Council Chambers. All contractors were invited to attend and ask questions of City staff from the Departments of Public Services, Customer Services and the City Manager's Office to obtain a better understanding of the City's requirements. This meeting was videotaped and placed on the City's website for further reference. This video can be viewed at www.citynmb.com/purchasing.
- During the process, a total of 7 addendums were issued with a total of 100 questions answered. In order for the staff to address all of the questions, the original due date of March 1, 2012 was changed to March 27, 2012.
- The City obtained additional specialized legal advice from Nabors Giblin & Nickerson (NGN) to address items such as franchise agreements and commercial recycling issues. NGN was asked to review the entire document to ensure all issues relating to the industry were addressed.

- Town Hall Meetings with the Mayor were held on February 13, 2012 at Washington Park and on February 22, 2012 at Uleta Recreation Center for the purpose of discussing several issues including privatization of Solid Waste Services. The City Manager and Procurement staff attended these meetings to assist in addressing the issues related to Solid Waste services solicitation.
- On Feb 22, 2012 and March 12, 2012 the City Manager (Lyndon Bonner), Public Services Director and Procurement staff met with the Solid Waste Services Division, Fleet Division and ASCME Union President to discuss cost saving measure ideas for the divisions and address any issues regarding the RFP.
- A vehicle inspection was scheduled on Wednesday, February 29, 2012 at 4:00 p.m. at the Operations Center Building located at 2101 NE 159th Street. This meeting provided the opportunity for vendors inspect the fleet equipment in order to provide a price for the purchase of the vehicles.

RPP Response, Review and Recommendation:

Process:

- On March 27, 2012 Procurement staff took receipt of responses from each of the following contractors; Waste Management, Choice, WSI and WastePro proposing to provide Solid Waste Services to the City of North Miami Beach, this RFP opening was videotaped and placed on-line at www.citynmb.com/purchasing.
- Upon receipt of the aforementioned companies' responses (ranging from 200 to 1100 pages) the Procurement staff distributed copies to all review committee members and scheduled a review committee meeting for April 2, 2012 at 2:00 p.m. in the City Council Chambers.
- On April 2, 2012 a review committee comprised of administration and management staff consisting of the Finance Director, Public Services Director, ACM Mac Serda, ACM Roslyn Weisblum and Asst. Director of Public Services convened to review, rank and recommend the top proposal. After thorough discussion and review, the members ranked the proposals and recommended Waste Pro as their number one selection. The video of this meeting is available on-line at www.citynmb.com/purchasing.

- On Friday, April 13, 2012 the City Manager (Lyndon Bonner) requested that the review committee re-convene to further examine the data submitted and verify all the financial calculations.
- The Assistant Director of Information Technology Services was requested to prepare 22 separate financial reports using the rate tables extracted from the Utility Billing System to compare each response against the current rates in the system.
- On Wednesday, April 18, 2012 the review committee re-convened and after further deliberations and review of all the financial data provided by the Assistant Director of Information Technology Services, the committee reaffirmed the original recommendation of Waste Pro. The video of this meeting is available on-line at www.citynmb.com/purchasing.
- On April 19, 2012 the City Manager (Lyndon Bonner) made his written recommendation to the City Council and approved the item to be placed on the next City Council agenda.

Outside Consultant's Review of Solid Waste Operations:

In August 2012, the City issued RFP 2012-20 for Solid Waste and Recycling Services Assessment. This RFP was to provide for an outside consultant to review the current operation of the Solid Waste Division, develop a strategic action plan for cost savings, and assess the proposal from Waste Pro as a private alternative. A selection committee comprised of a cross-section of employees including an employee within the AFSCME bargaining unit and the Superintendent of Operations for Solid Waste reviewed the proposals from the outside consultant, and unanimously selected Kessler Consulting Inc. Kessler assessed NMB's Solid Waste operations and concluded:

- NMB could not compete with the Waste Pro proposal based on a cost comparison
- If NMB drastically reduced services (e.g. eliminate alley pickup, reduce residential garbage pickup to once per week, and layoff 21 employees) the costs for the in-house service would be \$711,454 more expensive, annually, than the outside provider.

Review Committee Revisits the Proposal:

In January 2014, City Manager Ana Garcia brought together a new committee of employees to review the proposal, to recalculate the costs for providing sanitation services in-house and to review if any cost savings could be achieved from outsourcing. Additionally, the group was to review the Kessler report and determine the viability of the report's suggestions. The new group was comprised of the following employees:

- Esmond Scott, Director of Public Works
- Barbara Trinka, CPA, Interim Director of Public Services
- Janette Smith, CPA, Director of Finance
- Mac Serda, Assistant City Manager
- Ana Garcia, City Manager

The committee concluded:

- The Kessler report reduced service levels to a point that failed to provide a service level expected by the residents, business community and potential investors in NMB.
- The Kessler report proposed laying-off 21 employees, which was determined to be overly harsh on the current employees.
- The proposal from Waste Pro showed annual savings of \$2 million annually, plus provide funding for a team of 11 employees to be retained to enhance services not currently provided.
- The staff believed that through negotiations the City would be able to guarantee employment to all displaced employees who were determined to be fit-for-duty.

With the savings of \$2 million annually and the ability for the City to provide employment to all current employees who passed the background and drug test, it was concluded that outsourcing provided a better opportunity for the current employees, and all those who depended on Solid Waste services in NMB.

Council Workshop & Public Comment:

On April 22, 2014, the newly formed committee that was designed to reevaluate the Sanitation operations presented their review of the Kessler report and the financial study comparing the in-house cost to the outside vendor's proposal. Comments from the public and the Mayor and Council were received but a decision was not made on whether to proceed in negotiating with the solid waste vendor.

In May 2014 the City Manager, Public Works Director and Chief Procurement Officer visited, without prior announcement, the Waste Pro facility to assess the operations and seek first-hand information on the service levels and enthusiasm of the Waste Pro employees. The visit to the facility reassured those in

attendance that the operations of Waste Pro and their employees were very efficient and professional.

Re-Solicitation Process

If staff is requested to re-solicit the outsourcing of Solid Waste Services, the following timeline is an estimated schedule of the process that will be required to complete this process.

Preparation to re-solicit: (30 days)

- A project team will need to be commissioned to begin the rebid process.
- Procurement staff will be required to take all past addendum questions and incorporate them into the new solicitation document.
- The document will need to be reviewed by the new Public Works Director, new City Manager, and new City Attorney.

Advertisement: 30 day

- The document will be advertised on the City's web page for 30 days, and advertisements would be placed in the Daily Business Review, Solid Waste trade periodicals and placed on Demandstar.
- A pre-proposal conference will be held 10 days after the initial advertisement. This will include staff from Public Works, City Manager's Office, Finance, Customer Service, and Information Technologies.
- It is typical for vendors/contractors to ask questions regarding the solicitation document during the advertisement period. The Procurement Division will take the question(s) and send them to the appropriate department to obtain the answer(s) and then issue an addendum providing all questions asked and the respective answers for vendors/contractors to view. This requires Public Works, City Manager's Office, Finance, Customer Service, and Information Technologies staff. **The last solicitation contained 100 questions and the City was required to extend the advertisement period by 26 days.**
- A vehicle inspection will be required for the vendor/contractors to view all equipment that will be sold. This requires staff to bring all equipment to one location after all trucks and vehicles have finished their daily routes or duties. This requires extensive coordination between Procurement Staff and Public Works.

Review Process: 30-45 Days

- The Procurement Staff will take receipt of all proposals on the date required and read the names of the responding firms into the public record.
- The Procurement Staff will then review all documents to assure that all submissions provide the necessary documentation, a registered business in the State of Florida, review the BBB for complaints, review Excluded Parties List for Debarments, and verify insurance and bond documents.
- The Procurement staff will be required to conduct an extensive client reference check for all respondents.
- Once the Procurement staff has completed its review, staff will issue all received responsive proposals to the review committee members.
- Review committee members will be required to review all responsive proposals which can range from 200 to 1100 pages each based on the information provided in the last RFP responses. This will include staff from Procurement, City Managers Office, Public Works, Finance, Customer Service, and Information Technologies.
- The Procurement Division will facilitate a review committee meeting where the Review Committee will discuss, rate and rank all proposals. The Committee will have the ability to conduct interviews and site visits if necessary before making a final recommendation to the City Manager.
- Once the committee has made their recommendation, the Procurement Staff will post the City's official intent to negotiate on the City's website. Vendors/Contractors will have a period of three days to lodge a protest if so desired.

Recommendation: 3-4 weeks

- Once the protest period has ended, the Procurement Staff will forward a written recommendation to the City Manager requesting the item be placed on the next Council Agenda.

Disclaimer:

- Upon receipt of any protest the City will stop the process and reconvene the review committee to review the protest. The review committee may conduct further research and interviews to obtain the necessary

information to resolve, reaffirm or make a new recommendation if necessary. (Procurement, City Manager's Office, Public Works, Finance, Customer Service, Information Technology and the City Attorney's Office)

- This process will be conducted during the implementation phases of a new telephone system, Enterprise Resource Planning System (ERP) Contract Completion and implementation, Automatic Meter Reading Systems (AMR), Citywide Healthcare Insurance Provider solicitation and our fiscal year budget process.

City of North Miami Beach Interoffice Memorandum



Finance Department

TO: Ana M. Garcia, City Manager
FROM: Janette Smith, Finance Director, x 2081
DATE: May 2, 2014

RE: Preliminary Budget Update

Pursuant to your request, the following discussion will summarize financial concerns previously reported and introduce foreseen difficulties with the upcoming budget process.

As described in the financial condition analysis presented to you on March 26, 2014, some troubling trends were identified. First, total revenues are decreasing and have decreased for the past five years except 2011. Total revenues have fallen from \$100.5 million in 2009 to \$81.4 million in 2013. Second, expenditures seem to have bottomed out at about \$77 million indicating that further cost cutting opportunities may be limited. Third, the accumulated depreciation to capital assets ratio in the proprietary funds indicates aging fleet, equipment and infrastructure, assets that are in need of repair and replacement.

In response to the declining revenues and the appropriate transfer of police officers' salaries and benefits from the Law Enforcement Trust Fund of approximately \$2.2 million, the fiscal year 2014 budget contemplates using \$2.865 million of previous years' General Fund balance to make up the gap between expected incoming and outgoing funds. In other words, the fiscal year 2014 budget was balanced using savings from previous years.

According to the second quarterly report for the fiscal year ending September 30, 2014, General Fund revenues do not meet expectations. The City was expecting to have collected about \$434,000 more by mid-year than the amount reflected in the records as actually having been received. As is usual during the first half of the year, expenditures are much less than the amount that was expected to have been spent. The expenditure variance is positive \$5.3 million for a net positive variance of \$4.9 million. If the rates of revenue collection and expenditure were to remain constant throughout the year, the increase in fund balance would be about \$2.0 million after taking into consideration the \$2.865 million fund balance carryforward. Typically, the rate of revenue collection decreases and the rate of expenditures increases during the second half of the fiscal

year. For example, during the second quarter of fiscal year 2013 the net positive variance in the General Fund was about \$2.4 million. The fiscal year ended with a positive variance of \$1.3 million. However, City Manager expectations indicate that the budgeted expenditures will be realized. If we indeed assume that the expenditure variance is eliminated by fiscal year end, the General Fund can expect a decrease of fund balance of at least \$2.865 million. If the negative revenue variance carries to year end, we can expect a decrease of about \$3.3 million.

General Fund revenue projections for fiscal year 2015 are premature at this time. A valid estimate will not be available until the end of June. I do not expect an increase of more than 3% over the fiscal year 2014 revenue which would result in about \$43.3 million. Preliminary documents submitted by City staff indicate General Fund expenditures that are nearly the same as fiscal year 2014 or about \$43.6 million. However, there are no capital lease payments or CIP projects recorded as of today. Capital lease expenditures will total approximately \$1.5 million. The Police Department has indicated needs of an additional \$100,000 for overtime to implement the Blue Wave/Blue Crush initiative. Additionally, the Chief has indicated that approximately \$1.1 million is needed for vehicle replacement. This will result in an additional *minimum* decrease in fund balance of \$3.0 million.

The unassigned General Fund balance as of September 30, 2013 was \$12.9 million. A reduction of \$3.3 million in fiscal year 2014 and \$2.8 million in fiscal year 2015 will result in a fund balance of \$6.6 million. The Government Finance Officers Association recommends 2 months of unrestricted fund balance as a minimum fund balance level. This calculates as \$7.2 million of estimated fiscal year 2015 General Fund revenues. While the City would not be in violation of its fund balance policy of 10% General Fund budgeted revenues of \$4.4 million, any unexpected event could easily create a financial crisis.



City of North Miami Beach

Interoffice Memorandum

CITY ATTORNEY'S OFFICE

Phone: (305) 948-2939

Fax: (305) 787-6004

TO: Ana Garcia, City Manager

CC: Brian K. O'Connor, Chief Procurement Officer

FROM: Dotie Joseph, Interim City Attorney

DATE: May 14, 2014

RE: Legal Issues with RFP for Solid Waste Services

I. Executive Summary

The City Council has wide discretion in determining whether to accept or reject bids for municipal services. So long as the decision is made based on facts which reasonably support the desired course of action, and is not arbitrary, capricious or based solely on personal preference, the decision is not subject to judicial interference, even if the decision reached may appear to some persons to be erroneous.

Based on the RFP parameters and applicable law, the City Council has the following options: (A) direct the City Manager to negotiate a contract with the lowest responsible bidder, (B) reject all bids and reissue the RFP (i.e. re-advertise this Bid), or (C) reject all bids and either maintain the status quo (i.e. keep the Sanitation Department in its current form), or reject all bids and modify the status quo (i.e. keep the Sanitation Department and implement some or all of the recommendations of the Kessler Report, or any other modifications).

II. Parameters Set Forth in RFP Language

The language of the RFP expressly reserves the City's right to accept or reject bids submitted in connection with the 2012 RFP for Waste Services. Section 1.59 of the RFP provides:

The City of North Miami Beach may in its sole and absolute discretion, accept or reject, in whole or in part, for any reason whatsoever any or all Bids; re-advertise this Bid; postpone or cancel at any time this Bid process; or, waive any formalities or irregularities in the bidding process. The selection by the City of North Miami Beach shall be based on the bid, which is, in the sole opinion of the City Council of the City of North Miami Beach, in the best interest of the City of North Miami Beach. The issuance of this bid constitutes only an invitation to make presentations to the City of North Miami Beach. The City of North Miami Beach reserves the right to determine, at its sole discretion, whether any aspect of the bid satisfies the criteria established in this

Bid. In all cases the City of North Miami Beach shall have no liability to any contractor for any costs or expense incurred in connection with this bid or otherwise.

RFP, Sec. 1.59 of the (emphasis added). In other sections of the RFP, it is clear that the City is bound by whatever it determines to be “in the best interest of the City.” See RFP, Sec. 1.16(B) (“The City may consider any evidence available to it of the financial, technical and other qualification and abilities of a Bidder, including past performance (experience) in making the award in the best interest of the City.”); RFP, Sec. 1.9.

III. Legal Analysis of Options

In Florida, it is well established that a public entity’s acceptance or rejection of contract bids will be affirmed if challenged in court, unless the action of the public body was arbitrary, unreasonable or capricious. See *Sutron Corporation v. Lake County Water Authority*, 870 So. 2d 930, (Fla. 5th DCA 2004)(contracting authority opted to re-solicit proposals for the contract rather than award it to the lowest responsible bidder).

A. Direct City Manager to Negotiate Contract with Lowest Responsible Bidder

At the last Council Meeting, I advised the Mayor and Council that the RFP process remains viable and in effect, and the City Council may, if it chooses, accept the recommendation of the evaluation committee and direct the City Manager to negotiate a contract with Waste Pro for consideration by the City Council when negotiations are concluded. From my review, the 2012 RFP process complied with the requirements of Florida Law. Further, it is noteworthy that Waste Pro has agreed to “stand behind the price submitted” and “is ready to go into contract negotiations at those rates.” See Exhibit A.

Since Waste Pro is the lowest responsible bidder and has been recommended by the City Manager, the City would likely be exposed to a legal challenge if it awarded the contract to a different contractor that responded to the 2012 RFP. *But c.f.*, *Am. Eng'g & Dev. Corp. v. Town of Highland Beach*, 20 So. 3d 1000, 1001 (Fla. 4th DCA 2009)(Town’s decision to award to second-lowest bidder was permissible pursuant to section 255.20(1)(d)1).

B. Reject All Bids and Reissue the RFP

Notwithstanding, the City Council may also elect to reject all proposals received pursuant to the 2012 RFP, and either reissue the RFP for re-advertising, or maintain the status quo as is or with modifications. The right to reject all bids is reserved to the contracting authority by the terms of the advertisement itself. RFP, Sec. 1.9 (“City may reject all bids whenever it is deemed in the best interest of the City to do so.”). Further, the City expressly reserved the right to “reject, in whole or in part, for any reason whatsoever any or all Bids” in the RFP. RFP, Sec. 1.59. This language is sufficient to allow for a wholesale rejection of all 2012 bids. See *Wester v. Belote*, 138 So. 721 (Fla. 1931).

Rejection must not be arbitrary, unreasonable or capricious, for, without limitation, the purpose of competitive bidding would be circumvented and rejection of all bidders would become a means of allowing a favored bidder another chance to submit a low bid. *Department of Transp. v. Groves-Watkins Constructors*, 530 So. 2d 912 (Fla. 1988)(absent evidence of fraud, or that rejection was to avoid competition, reject all bids could be rejected).

The language of the RFP specifically permits the City to “re-advertise this Bid.” RFP, Sec. 1.59.

C. Reject all Bids, and Maintain the Status Quo or Modify the Status Quo

Alternatively, the City may keep the Sanitation Department in its current form without any adjustments or modifications to address inefficiencies that have been identified.

In deciding whether it is “in the public’s best interest” for the City to perform this project using its own services, employees, and equipment, Florida law regulating contracts for public construction works is instructive, and sets the following guidelines:

“the governing board must consider the estimated cost of the project and the accuracy of the estimated cost in light of any other information that may be presented at the public meeting and whether the project requires an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. The local government may further consider the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public’s best interest.”

Fla. Stat. § 255.20(1)(c)9 (2013). In assessing whether to keep the status quo without any modifications, the City should take into consideration the fiscal issues identified by the City’s Finance Department, the operational issues identified by the Department of Public Works, and those identified by the consultant retained by the City to conduct an independent study of the Sanitation Department which produced the Kessler Report.

Lastly, the City may reject all bids, keep the City’s Sanitation Department and implement some or all of the changes recommended in the Kessler Report. Should the City elect to proceed with this course of action, two requirements should be met: (1) the rejection of the lowest responsible bidder not be arbitrary or capricious; and (2) the City Council must find that having the City use its own services, employees, and equipment must be “in the public’s best interest,” as described above.

IV. Conclusion

In short, the City Council has wide discretion in determining whether to accept or reject bids for municipal services so long as the decision is made based on facts which reasonably support the desired course of action, and is not arbitrary, capricious or based solely on personal preference, the decision is not subject to judicial interference, even if the decision reached may appear to some persons to be erroneous. *Culpepper v. Moore*, 40 So. 2d 366 (Fla. 1949); *Mayes Printing Co. v. Flowers*, 154 So. 2d 859 (Fla. 1st DCA 1963). Even if a public entity makes an erroneous decision about which reasonable people may disagree, the discretion of the public entity to solicit, accept, or reject contract bids should not be interfered with by the courts, absent a showing of dishonesty, illegality, fraud, oppression or misconduct. *Sutron, supra*, at 932; *Capeletti Brothers v. State Dept. General Services*, 432 So 2d 1359 (Fla. 1st DCA 1983); *Culpepper, supra*, 370 (Fla. 1949) (so long as such a public agency acts in good faith, even though it may reach a conclusion on facts upon which reasonable people may differ, the courts will not generally interfere with their judgment, even though the decision reached may appear to some persons to be erroneous).

EXHIBIT A



17302 PINES BLVD
PEMBROKE PINES, FLORIDA 33029
TELEPHONE: (954) 967-4200
FAX: (954) 241-4489

April 16, 2014

Ms. Ana Garcia
City Manager
City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, Florida



RE: .Affirmation of Pricing

Dear Ms. Garcia:

On behalf of Waste Pro of Florida, Inc., this letter will serve to affirm the price proposal for RFP 2012-04 (Solid Waste Collection and Recycling). Waste Pro submitted a letter to the former City Manager stating we would honor our price submitted while the City went through its analysis of the consultant's report and current in-house operations.

Waste Pro would like to confirm to you that we still stand behind the price submitted in the fair and competitive RFP process undertaken by the City and is ready to go into contract negotiation at those rates should the city decide outsourcing is in their best interest.

If you have any questions please feel free to contact me directly. We look forward to servicing the City of North Miami Beach.

Sincerely,

Russell Mackie
Regional Vice President
Waste Pro of Florida, Inc.



Frequently Asked Questions (FAQ's)

- ✓ Will NMB sanitation service with WP be the same?
Yes, the City wrote the scope of services in the RFP to be an "apples-to-apples" comparison of the current services.
- ✓ Will WP provide alley services?
Yes, WP is experienced in servicing Cities with alleyways, and will collect in paved and unpaved alleyways. WP currently has this service in the City of North Miami and Hollywood.
- ✓ Will there be help for disabled citizens?
Yes, WP will bring carts to the curb and return them to their original location for residents with a documented disability who are registered with the City.
- ✓ Will cost increase later?
WP has to abide by the contract negotiated and approved by the City Council. The RFP stipulated that the cost would not increase for the first 3 years. Therefore, WP can only be able to increase its price in accordance with the Consumer Price Index (CPI) with a maximum allowance of 3% per year regardless of the CPI.
- ✓ Will City workers lose their jobs?
WP has committed in writing to hire all the employees in the Sanitation Department.
- ✓ Will the City lose control?
The City will be responsible for ensuring that WP performs sanitation services at a level equal to or better than current service levels.
- ✓ Will the City be able to go back to providing the services in-house?
The City will continue to have the option of returning to in-house sanitation services.
- ✓ Will there be a City Department to call if there are problems?
Yes, like all City contracted services, customers may always call the vendor directly, the City Department or City Manager's Office.



- ✓ What will happen in case of a Hurricane?
The City has contracts with debris removal companies as part of their comprehensive emergency preparedness plan, however, WP is highly experienced in pre- and post-hurricane preparation and recovery. WP has assisted many Cities in recovery efforts after major hurricanes in Florida and throughout the Southeast United States.

- ✓ How will missed pick-ups be resolved?
WP if notified by 3:00 pm will pick-up the same day. If notified after 3pm, it will be picked up next day by 12:00 pm.

- ✓ Are there any Cities who have outsourced sanitation and terminated their contract with a private waste company and has WP ever had a contract terminated?
WP has never had a contract terminated for poor performance or for any reason.

- ✓ Will WP take care of City employees?
Yes, Waste Pro is a leader in the industry with employee retention. WP has a competitive compensation plan for all of its employees, including weekly, monthly and yearly bonuses. WP offers an extensive benefits package with health, dental and life insurance. As part of the benefits package WP contributes to all employee retirement plans by matching a percentage up to 4%.

- ✓ Does WP still have City of North Miami employees working?
Yes, Waste Pro still has employees who were employed with the City of North Miami working. Those employees are happily working the same routes in the City of North Miami with WP.

- ✓ Is WP an experienced company in privatizing?
Yes, WP has the most experience in South Florida in privatizing and transitioning sanitation services from municipal to private services. WP successfully privatized the Cities of Hollywood, North Miami and Sweetwater. WP is the fastest growing solid waste and recycling company in the Southeast, with one hundred-thirty six (136) municipal contracts, fourteen hundred (1400) collection vehicles, serving over one million eight hundred thousand (1,800,000) residences successfully.



City of Ocean Springs

April 30, 2013

RE: WastePro

To Whom It May Concern:

Waste Pro, Inc., formerly Delta Sanitation, has been providing residential, commercial and industrial services for the City of Ocean Springs since 2006.

We have been extremely pleased with the service provided. Their personnel are first class from the men on the truck, through the office staff and all the way up to management. They go the extra mile to accommodate our citizens with solid waste and curbside recycling. They proudly sponsor an Earth Day event in our park that is well attended and play a visible and active role in various civic functions.

I can't think of any other solid waste company our City would want at any price. I highly recommend WastePro for all your solid waste needs.

Respectfully,

Andre L. Kaufman
Director Public Works

clh

P.O. Box 1800
Ocean Springs, MS
39566-1800
1016 Porter Avenue
Ocean Springs, MS 39564

PH 228.875.4236
FX 228.875.7249

Connie Moran
Mayor

Bobby Cox
Alderman at Large

John Gill
Alderman Ward 1

Mark McDonnell
Alderman Ward 2

Eric Cody
Alderman Ward 3

Greg Denver
Alderman Ward 4

Jerry Dalgo
Alderman Ward 5

James Hagan
Alderman Ward 6

City Clerk
228.875.4236

Police Chief
228.875.2211

Fire Chief
228.872.4407

Public Works
228.875.3955

Community
Development and
Planning
228.875.4415

Human Resources
and Risk Management
228.872.3338

Parks and
Leisure Services
228.875.6665



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

May 22, 2013

To whom it may concern:

I just wanted to take a minute to tell you how pleased the City of Winter Park is with Waste Pro. They have been our vendor for more than four years now and service about 8600 residential homes as well as our business community. The transition to Waste Pro was well thought out, prepared and just plain easy. They continue to live up to their promises and we now take less than 10% of the calls we did before we made the change. In addition to doing a good job, they are good Community partners. They participate in Chamber events, Earth Day, Art Festivals, etc. Waste Pro is also working closely with the City and the Environmental Review Board to implement more green initiatives.

I hope this helps you in your decision.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michelle del Valle'.

Michelle del Valle
Assistant City Manager



**TOWN OF
WALNUT GROVE**

MAYOR

J. Brian Gomillion

BOARD OF ALDERMEN

Jerry Darby

Cindy Jones

Mike Johnson

Chip Jones

Teresa Darby

MUNICIPAL CLERK

Dennise Jones-Putnam

PUBLIC WORKS DIRECTOR

Jason Gilbert

POLICE CHIEF

Kevin Polk

MUNICIPAL ATTORNEY

Jeff Webb

MUNICIPAL JUDGE

Evan Thompson

COURT CLERK

Michelle Anderson

CONSULTING ENGINEER

Pickering, Inc.

139 MAIN STREET

POST OFFICE BOX 69

WALNUT GROVE, MS 39189

601-253-2321 PH

601-253-2385 FX

www.walnutgrove-ms.com

January 2, 2014

RE: Waste Pro

To Whom It May Concern:

The Town of Walnut Grove entered into contract with Waste Pro in November 2012. The transition went very smoothly from our in-house twice-weekly garbage collection to once-weekly Waste Pro collection using Waste Pro Carts. Our citizens were very receptive and continue to support the change in service.

Our overall experience with Waste Pro from the field personnel to upper management has been extremely positive. Most importantly, they do what they say they will do and have exceeded our expectations in service to our citizens.

To a municipality or county considering using Waste Pro, the Town of Walnut Grove highly recommends their services.

Respectfully,

TOWN OF WALNUT GROVE

J. Brian Gomillion
Mayor



April 7, 2014

To Whom It May Concern:

**BOARD OF
COUNTY COMMISSIONERS**

Richard Harden
Chairman, District 5

Ralph Thomas
Vice-Chairman, District 1

Randy Merritt
District 2

Howard Kessler, M.D.
District 3

Jerry Moore
District 4

J. David Edwards
County Administrator

Heather J. Encinosa
County Attorney
(850) 224-4070

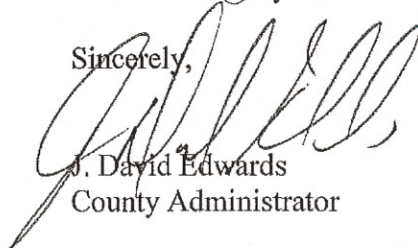
Waste Pro began providing garbage collection service to Wakulla County under an exclusive contract on January 1, 2011. At the time, the County had multiple haulers and we were faced with the potential construction of an expensive transfer station for our future needs. As we considered an RFP, we asked potential vendors to suggest alternatives that would be useful for Wakulla County. During this process we also decided to add the solid waste services as an assessment on our tax roll. Going from a choice of multiple haulers to one mandatory hauler was a challenge to our staff and elected officials.

Waste Pro came in not only as the most cost effective hauler but they also analyzed our needs and made key recommendations for improvements. We were able to forgo building a transfer station as they possessed enough equipment to directly haul waste to another county. Politically, when we started, there were bumps in the road. The selection of Waste Pro as our hauler and partner made this transition successful. Our residents have come to appreciate the services that they provide. We have seen a tremendous decrease in littering since we instituted mandatory garbage collection.

Waste Pro provides Wakulla County with a great service. Waste Pro was instrumental in creating jobs in Wakulla County. All the Waste Pro employees that provide service to Wakulla County also reside within the County. Wakulla County can always rely on Waste Pro when our community needs financial or voluntary support. Wakulla County and Waste Pro have developed a commendable partnership.

I recommend Waste Pro to any municipality that is contemplating a change in its current vendors or privatizing its solid waste collection. Please feel free to contact me should you have any questions at 850.926.0919 ext. 702 or dedwards@mywakulla.com.

Sincerely,



J. David Edwards
County Administrator

Administration Office
Post Office Box 1263
Crawfordville, FL 32326
(850) 926-0919
(850) 926-0940 FAX



Operational Experience Southeast Florida

The following listing is for Waste Pro's current exclusive municipal contracts in Southeast Florida. Waste Pro can provide excellent references from every one of our current or former clients.

<u>Contract Name</u>	<u>Types of Service</u>	<u>Contact Person</u>
City of Hollywood	Residential Garbage Residential Yard Trash Residential Recycling	Charles Lassiter Envir. Services Dir. City of Hollywood P.O. Box 229045 Hollywood, FL 33022 Ph. 954/921-3211 Fax 954/921-3233

Residential Dwelling Count 34,000
Dates of Service: February 2009-Present

City of Miramar	Residential Garbage Residential Yard Waste Residential Recycling Commercial Front Load Commercial Roll off	Tom Good Director Public Works City of Miramar 13900 Pembroke Rd. Miramar, FL 33027 Ph. 954/883-6815 Fax 954/602-3750
------------------------	--	---

Commercial Business 750
Residential Dwelling Count 32,000
Dates of Service: May 2011-Present

City of West Park	Residential Garbage Residential Bulk Residential Recycling	W. Ajibola Balogun City Administrator City of West Park P.O. Box 5710 West Park, FL 33022 Ph. 954/989-2688 Fax 954/989-2684
--------------------------	--	---

Residential Dwelling Count 5,000
Dates of Service: January 2011-Present



City of North Lauderdale Residential Garbage Jack Brady
Residential Yard Waste City Mayor
Residential Recycling City North Lauderdale
Commercial Front Load 701 SW 71st Avenue
Commercial Roll off North Lauderdale, FL 33027
Ph. 954/724-7056
Fax 954-720-2151

Commercial Business 350
Residential Dwelling Count 9,000
Dates of Service: January 2012-Present

City of Pembroke Pines Residential Garbage Rose Colombo
Residential Yard Waste Utilities Director
Residential Recycling City of Pembroke Pines
Commercial Front Load 13975 Pembroke Rd.
Commercial Roll off Pembroke Pines, FL 33027
Commercial Recycling Ph. 954/450-6905

Commercial Business 950
Residential Dwelling Count 38,000
Dates of Service: June 2013-Present

City of Coral Springs Residential Garbage Rich Michaud
Residential Yard Waste Public Works Director
Residential Recycling City of Coral Springs
Commercial Front Load 9551 W. Sample Road
Commercial Roll off Coral Springs, FL 33065
Commercial Recycling Ph. 954/344-1165
Fax: 954/344-5959

Commercial Business 950
Residential Dwelling Count 29,000
Dates of Service: January 2014 Present

City of Sweetwater Residential Garbage Guillermo Cuadre
Residential Yard Waste Chief of Staff
Residential Recycling City of Sweetwater
500 SW 109th Avenue
Sweetwater, FL 33027
Ph. 305/485-4531
Fax 305/223-1270

Residential Dwelling Count 2,500
Dates of Service: March 2012 – Present



City of North Miami

Residential Garbage
Residential Yard Waste
Residential Recycling
Commercial Front Load
Commercial Roll Off

Aleem Ghany
Public Works Director
City North Miami
776 NE 125th Street
North Miami, FL 33161
Ph. 305/495-0154
Fax 954720-2151

Commercial Businesses
Residential Dwelling Count 10,000
Dates of Service: March 2012-Present

City of Port St. Lucie

Residential Garbage
Residential Yard Waste
Residential Recycling
Commercial Front Load
Commercial Roll Off

Mary Ann Verillo
Assistant to City Manager
Port St. Lucie
450 SW Thornhill Dr.
Port St. Lucie, FL 33905
Ph. 772/871-5163
Fax 772/871-5248

Commercial Container Count 1,042
Residential Dwelling Count 61,270
Dates of Service: 2006-Present

St. Lucie County

Residential Garbage
Residential Recycling
Residential Yard Waste

Ron Roberts
Solid Waste Manager
St. Lucie County
2300 Virginia Avenue
Fort Pierce, FL 34982
Ph. 772/462-1631
Fax 772/462-6987

Residential Dwelling Count 20,000
Dates of Service: 2004-Present

Town of Orchid

Residential Garbage
Commercial

Deb Branwell
Town Manager
Town of Orchid
7707-3 US Hwy 1
Vero Beach, F
32961
Ph: 772/569-7686



Fax: 772/569-7688

Residential Dwelling Count 120
Commercial Container Count 5
Dates of Service: 2010-Present

Palm Beach County

Residential Garbage
Residential Yard Waste
Residential Recycling
Commercial Front Load
Commercial Roll Off

John Archambo
Direct. Customer Relations
Solid Waste Authority
7501 N. Jog Rd.
West Palm Beach, FL
33412
Ph. 561/315-2010
Fax 561/640-3400

Residential Dwelling Count 19,660
Service: October 2008-Present

Town Loxahatchee Groves

Residential Garbage
Residential Yard Waste
Residential Recycling
Commercial Roll Off

Mark Kutney
Town Manager
Loxahatchee Groves
14579 Southern Blvd.
Suite 2
Loxahatchee Groves,
FL 33412
Ph. 561/793-2418
Fax 561/793-2420

Residential Dwelling Count 1,260
Service: October 2008-Present

Village of Biscayne Park

Residential Garbage
Residential Yard Waste
Residential Recycling

Heidi Shafran
Village Manager
Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161
Ph. 305/899-8000
Fax 305/891-7241

Residential Dwelling Count 1,298
Service: October 2014

RESOLUTION NO. R2014-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH WASTE PRO OF FLORIDA, INC., THE FIRST RANKED FIRM, FOR WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES FOR THE CITY OF NORTH MIAMI BEACH.

WHEREAS, the City of North Miami Beach issued Request for Proposal Number 2012-04 (“RFP No. 2012-04”) for the purpose of selecting a qualified firm to perform solid waste collection, disposal and recycling services for all residents and commercial locations within the City of North Miami Beach; and

WHEREAS, the annual savings from outsourcing is projected to yield \$10 million over 5 years; and

WHEREAS, the procurement process has been thorough and transparent; and

WHEREAS, outsourcing Sanitation is a key component to the City’s financial well being; and

WHEREAS, the negotiations with Waste Pro will provide the condition that all City employees affected by the outsourcing will be offered a position, provided the employees are “fit for duty”; and

WHEREAS, outsourcing will provide a higher level of service to the residents and businesses in our City while transferring the costs, risks and related liabilities to an outside provider; and

WHEREAS, Request for Proposals Notices were electronically mailed to 1,464 potential local and national vendors, as well as advertised in the Daily Business Review; and

WHEREAS, a total of four companies responded to the City’s RFP No. 2012-04 by the published deadline; and

RESOLUTION NO. R2014-19

WHEREAS, the Evaluation Committee composed of employee representatives, reviewed and evaluated the proposals and ranked Waste Pro of Florida, Inc., as the first ranked provider to perform requested services for the City of North Miami Beach; and

WHEREAS, based on the responses from RFP No. 2012-04, the City Council of North Miami Beach authorizes the City Manager to negotiate an agreement for waste collection, disposal and recycling services between the City of North Miami Beach and first ranked provider, Waste Pro of Florida, Inc.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct and are incorporated herein.

Section 2. The City Manager, or her designee, is hereby authorized and directed to do all things necessary and expedient to carry out the negotiation of an agreement for waste collection, disposal and recycling services with Waste Pro of Florida, Inc. as the first ranked firm.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ **day of June, 2014.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION



JOSE SMITH
CITY ATTORNEY

Sponsored by: Mayor and Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Ana M. Garcia, City Manager
VIA: Carlos M. Rivero, City Planner
DATE: Tuesday, June 17, 2014

RE: Ordinance No. 2014-5 (Second and Final Reading)(City Planner, Carlos Rivero)

BACKGROUND ANALYSIS:

The applicant, OFG Investments, LLC., requests rezoning, of a 26,584 square foot (0.61 acre) property, located at 85 NW 168 Street from RO, Residential Office, to a zoning designation of CF, Community Facility. Planning and Zoning Board approved this item unanimously during the May 5, 2014 meeting, and item was approved unanimously on first reading during the Council meeting of June 3, 2014.

RECOMMENDATION:

Staff supports the request for rezoning of this property. The purpose of RO zoning is “to provide suitable sites for the development of office structures of a low-rise single-family residential character which accommodate low traffic generating uses and can serve as a transitional land use element between single-family residential neighborhoods and major streets or more intensive commercial areas as may be consistent with the City’s Comprehensive Plan.” The design of this particular building does not follow a “low-rise single-family residential character” and is not located where it could “serve as a transitional land use element” as it is fully surrounded by non-residential uses. A Community Facility zoning designation will match this building’s potential to its size and location in such proximity to the Hospital, allowing it to house non-competing medical uses by right and not by conditional use.

This building has been vacant for over five years, producing no economic benefit for its owners or the City. A Community Facility zoning designation will allow it to house any number of medical uses, generating BTR revenue for the city, creating jobs and increasing economic activity for surrounding businesses. Attached please find a photograph of the building associated with this rezoning request.

**FISCAL/BUDGETARY
IMPACT:**

No fiscal impact for FY 2014

ATTACHMENTS:

- ▢ [Staff Report](#)
- ▢ [P&Z Minutes](#)
- ▢ [Existing Building](#)
- ▢ [Ordinance No. 2014-5](#)



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

**STAFF REPORT
GENERATED PER PUBLIC HEARING PROCESS
STARTING WITH THE TRAD MEETING OF
THURSDAY APRIL 3, 2014**

ITEM # 14-005	DETOXIFICATION FACILITY
OWNER OF PROPERTY	OFG INVESTMENTS LLC.
ADDRESS OF PROPERTY	85 NW 168 STREET
FOLIO NUMBER	07-2113-007-0560
LEGAL DESCRIPTION	OLETA TERRACE PB 8-117 LOTS 41 THRU 48 BLK 6 LOT SIZE 26584 SQ FT PARKWAY PROFESSIONAL PLAZA CONDO OR 24908-2749 0906 2
EXISTING ZONING	RO, RESIDENTIAL OFFICE
EXISTING LAND USE	VACANT OFFICE BUILDING
FUTURE LAND USE DESIGNATION	BUSINESS

◆-----◆
The applicant, OFG Investments, LLC., requests rezoning, of a 26,584 square foot (0.61 acre) property, located 85 NW 168 Street from RO, Residential Office, to a zoning designation of CF, Community Facility.

ZONING – The subject property, as well as the properties to the east and, are zoned RO, Residential Office. The property around the west and north is zoned CF, Community Facility. The properties to the south are zoned B-2, General Business Zoning District. (See attached location and zoning map)

EXISTING LAND USE - The subject property currently contains a one-story office building raised on columns and allowing for parking underneath. The property abutting to the east contains an office building followed by a mix of office and multi-family buildings eastward. The property around the west and north houses the Jackson North Hospital Campus. The properties to the south are a mix of commercial and retail uses.

FUTURE LAND USE - The subject property, as well as the properties to the east and south have a future land use designation of Business. The property around the west and north has a future land use designation of Public and Quasi-Public.

THE SITE – The subject property is a corner property containing 26,584 square feet of land with frontage along NW 1st Avenue and NW 168 Street. There is currently a vacant one-story office building raised on columns allowing for parking underneath.

THE PROJECT – The project proposes

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

The purpose of RO zoning is “to provide suitable sites for the development of office structures of a low-rise single-family residential character which accommodate low traffic generating uses and can serve as a transitional land use element between single-family residential neighborhoods and major streets or more intensive commercial areas as may be consistent with the City’s Comprehensive Plan.” The design of this particular building does not follow a “low-rise single-family residential character” and is not located where it could “serve as a transitional land use element” as it is fully surrounded by non-residential uses. A Community Facility zoning designation will match this building’s potential to its size and location in such proximity to the Hospital, allowing it to house non-competing medical uses by right and not by conditional use.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

The Community Development Department recommends approval of this request.

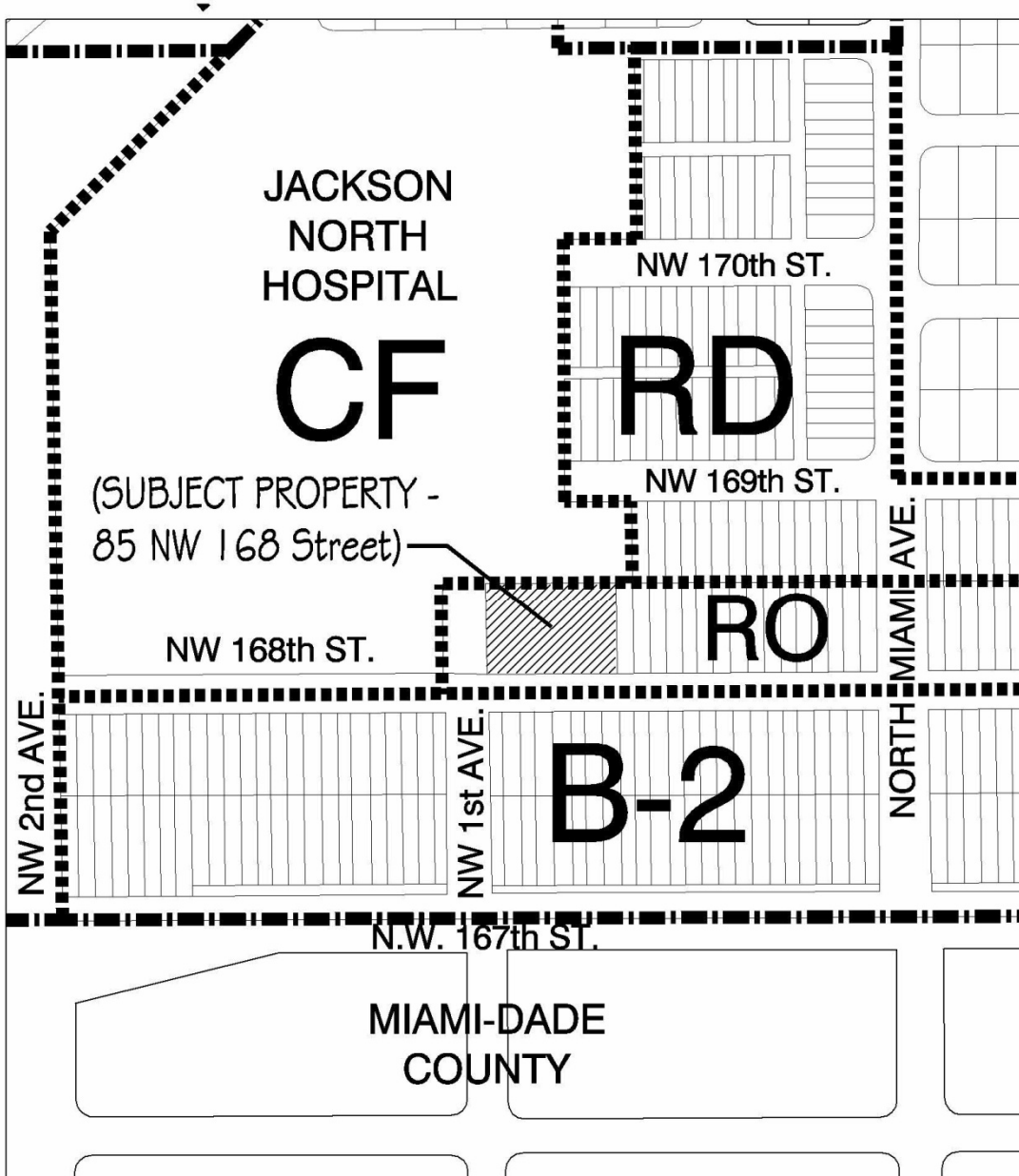
PLANNING & ZONING BOARD (May 5, 2014)

Approved unanimously.

COUNCIL MEETING (June 3, 2014)

Ordinance approved on first reading (unanimous)

LOCATION AND ZONING MAP





City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, MAY 5, 2014

Attendees:

Members - Chair Evan Piper
Julian Kreisberg
Joseph Litowich
Hector Marrero
Saul Smukler-arr at 6:09 p.m.
Jeffrey Lynn
Michael Mosher

Carlos Rivero, Acting City Planner
Kimberly Marcellus, Planning Intern
Ralph Rosado, Assistant City Manager
Dotie Joseph, Interim City Attorney
Brigitte Chiappetta/Prototype, Inc. Board Clerk

1. Pledge of Allegiance

Chair Piper called the meeting to order at 6:05 p.m. The Pledge of Allegiance was recited.

2. Roll Call of Board Members

Roll was called. It was noted that a quorum was present.

3. Approval of Minutes - Meeting of Monday, February 10, 2014

Motion made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve the February 10, 2014, meeting minutes. In a voice vote, the motion passed unanimously.

4. Public Hearing Procedures

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

5. Old Business

- Single family residence at 3141 NE 165 Street
Approved by City Council through a vote of 5 to 2 on March 04, 2014 (approved without height variance; also no elevator access)
- Canal Park Office Building at 3323 NE 163rd Street
Approved by City Council unanimously on March 18, 2014 (no variances)

6. New Business

- a. Site Plan Approval – 469 NE 167th Street, North Miami Beach, Florida**

Mr. Rivero presented this item, noting it is for a conditional use for a retail liquor store, First Class Liquors, currently in the B2 zoning district.

Jean Alexandre, applicant, 469 Northeast 167 Street, North Miami Beach, Florida 33160, explained his plans to open a liquor store. He addressed the landscaping and lighting, mentioning that he had met several times with Mr. Rivero.

Mr. Mosher pointed out that the one-story building on the survey does not match the drawing, and Mr. Rivero clarified that where the survey that does not match is where the applicant secured additional parking. Mr. Rivero showed the proper survey.

Mr. Smukler wondered if "front store" was the correct description of the business, as shown in Item 1, Section D, of the lease. Ms. Joseph replied it was not the appropriate way to describe it, but was not legally insufficient. Mr. Smukler clarified that paragraph 5, "Use of Premises," refers to Item 1, Section D. Mr. Alexandre stated that the landlord specified that language, but he is using the entire store; he further clarified that there is another building in the middle, and his is in the front. Chair Piper thought the usage of "front store" was understood.

Chair Piper wondered if the existing bathroom was handicap-compliant and said that might be a question for the Building Department. Mr. Rivero will make a note of it at the time of permitting.

Chair Piper inquired about the air conditioning unit being inside the building, but was informed it was a rooftop unit.

Vice Chair Kreisberg confirmed that the Board's purpose was to decide if that space was appropriate for a liquor store. Mr. Rivero noted the owner has already met the parking and landscape requirements.

Mr. Alexandre commented that he has a liquor store in Pinecrest but wants to close it for family reasons.

Mr. Rivero stated that Mr. Alexandre has provided a liquor survey and directed the Board's attention to Page 2, Item 7, in the staff report. He explained that a liquor survey is made to prove that there is no other similar business within 1500 feet. Out of all the staff, the Leisure Services Director did not recommend approval of the use at this location; also one email was received from a resident who is opposed (which has been distributed to the Board).

Mr. Rivero continued that Leisure Services thought it was too close to the Community Center, but there is nothing in the code to prohibit that.

Mr. Litowich asked about customer access to the liquor; Mr. Alexander explained there would be glass all around, so that the customer cannot physically touch the liquor - there will be an attendant to get it. He added they will be open from 10:00 or 11:00 a.m.

until 2:00 a.m. Mr. Alexandre added they will open later on Sunday, maybe at noon. Chair Piper said that the hours will be addressed as part of the BTR (Occupational License) process.

Mr. Alexandre explained that he wants bulletproof glass around the liquor for security reasons. Mr. Litowich felt that might portray a message that the City is not safe.

In response to Chair Piper's question about loitering, Mr. Alexander stated they will have a sign saying that no customer is to open a bottle within 100 feet from the store, and they will have cameras covering the entire perimeter of the building. He continued that the clerks will watch the cameras on two large screens inside the store and would be able to leave their cage to go outside if necessary. Mr. Rivero commented that the police actually provide the No Loitering sign, and they have the authority to remove anybody who is loitering, once they are called out.

Mr. Lynn was curious how many employees would be in the store at any time, and Mr. Alexandre said there would be two in the busy times - himself and somebody else. In the morning when it is not very busy, there might be only one clerk.

Regarding customer use of the accessible bathroom, Mr. Alexandre said he is not supposed to allow the customers to use it. Chair Piper hoped the Building Department would address that issue.

Mr. Rivero directed the Board's attention to Sheet A-3, pointing out the lighting for the exterior of the building - two lights at the rear wall. Mr. Smukler noted a discrepancy where the calculations on Sheet A-3 say there are three lights, but he can only see two; Chair Piper reminded the Board it is not up to them to be reviewing those aspects of the plan.

The amount of lighting was discussed in terms of exterior safety, with Chair Piper recommending that they ask for the maximum amount of lighting around the property. Mr. Alexandre responded that there is lighting on the front and side, and he would be agreeable to adding lighting in the rear.

Chair Piper then opened and closed the public hearing as there was no one from the public wishing to speak on this item.

An email forwarded by Lewis Hackbart was read into the record, expressing his strong objection to the package store, citing that it would not be conducive to family living in a residential area and would devalue homes and some businesses in the neighborhood.

It was staff's recommendation that they proceed with the application request and approve subject to staff's 10 conditions listed in the staff report. Mr. Rivero mentioned a possible 11th condition pertaining to the lighting: that maximum allowable outdoor lighting be included in the project.

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve the site plan and the conditional use with the 10 conditions and with an additional 11th condition that the applicant will provide the maximum allowable lighting for the exterior on all sides. In a roll call vote, the motion passed 5-2.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	No
Michael Mosher	Yes
Jeffrey Lynn	No

b. Rezoning, Site Plan Approval, and Variances - 17031 & 17051 NE 20th Avenue, North Miami Beach, Florida

Mr. Rivero presented the case, noting it is for a six-townhouse development taking up two lots which are currently zoned RO (Residential Office).

Gustavo Bolado, 346 Conservation Drive, Weston, Florida, related how the developers explored different ways of developing the property, deciding on the townhouses. He felt the townhouses would increase the value of the area.

Mr. Litowich asked about the first variance, involving tying the two lots together. Mr. Bolado responded that the issue is about the density. He clarified that the two lots together were 11,280 square feet.

Mr. Litowich confirmed that the front setback would be on 20 Avenue, and cars will be parked immediately to the east of the sidewalk. Mr. Rivero stated that the setback variance is created by the wing walls, not the entire structure; Mr. Bolado said that from the property line to the base of the column is 19.5 feet. Mr. Litowich feared that situation would impede pedestrian traffic.

Mr. Bolado explained that Request #4 related to the height of the building and was for the front of the building where the sign is. He also confirmed that all the variances are necessary for the project to work.

Chair Piper reviewed the prior zoning designations and the existing buildings on the property. Mr. Rivero stated that none of the uses on the property now are single family homes. If the existing buildings were demolished, any newly built structures would have to be single family homes that could have a conditional use of office. Mr. Rivero read the uses for RO zoning and remarked that the proposed use is more conducive to the neighborhood than single family residential.

Vice Chair Kreisberg confirmed that the “straight-in” parking that is now on 20 Avenue will be gone. Mr. Rivero elaborated that there will be swales with driveway aprons, driveways, and some landscaping.

Monica Posin, 20432 Northeast 10 Court Road, Miami, Florida, property manager for the project, spoke on behalf of the owners. Ms. Posin described the current buildings on the block: offices and triplexes. They are targeting a sale price per unit of \$400,000 (\$200 per square foot).

It was confirmed that the middle units will not have awnings.

Mr. Bolado discussed the design for open space. The recycling bins will be in an enclosed section in front where the parking is. He also said they are going to connect to the sewer on 20 Avenue and 171 Street.

The elevation of the building was discussed, and it was noted that was a Building Department issue.

Chair Piper then opened the public hearing for anyone from the public wishing to speak on this item.

Stephanie Fortin, 17051 Northeast 20 Avenue, #3, noted she had moved into the property in December as a renter, and wondered what would happen to her building. Ms. Posin replied that her lease is for six months, and there are other properties where they could relocate her at the expiration of her lease.

Chair Piper then closed the public hearing as no one else came forward to speak on this item.

Mr. Rivero stated that the staff supports the request for rezoning and all the variances associated with the project with 13 conditions. Mr. Bolado accepted all 13 conditions.

Motion made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve Item #14-002 with the 13 conditions. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Jeffrey Lynn	Yes

c. Rezoning – 85 NW 168th Street, North Miami Beach, Florida

Mr. Rivero introduced Item #14-005. The request is to rezone the property, a large office building, from RO to CF, to become part of a medical campus at Jackson North Hospital and have a medical use as a right, rather than as a conditional use.

Jarret Gross, 1557 Northeast 164 Street, North Miami Beach, stated that his group owns all the buildings on the hospital campus except for the actual hospital itself. The subject building is a two-story office building. Mr. Gross said that at this time the planned use is for a detox center, possibly residential. It will meet all code requirements with no conditional uses, and the number of patients will be determined after the rezoning process. He advised he is not aware of any other such facilities in the area.

Chair Piper then opened and closed public hearing as there was no one from the public wishing to speak on this item.

Mr. Rivero stated that the Community Development Department recommended approval of the rezoning request, with no conditions.

Motion made by Vice Chair Kriesberg, seconded by Mr. Marrero, to approve Item #14-005 for a rezone from RO to CF. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Jeffrey Lynn	Yes

d. Amending Resolution No. R86-38 - 1800 NE 171st Street, North Miami Beach, Florida

Mr. Rivero introduced the final item, #14-006. It is an office that was approved by resolution in 1986 to operate as an office within a single family residential district. There was a condition that the office could not have a sign, but now there is need for a sign due to the international nature of the business. Limited signage is requested.

It was noted the property is several “doors” away from the Chamber of Commerce, which has a sign, although the Chamber has a different zoning designation.

Applicant Marina Coppens, 1800 Northeast 171 Street, stated she is a CPA and is requesting a sign to aid her clients in identifying her location. She added that her building is located on the corner and does not “bother” any of the residents on the block. Since she does not have a sign now, she is using a temporary banner. Ms. Coppens did not want a small sign (such as on a mailbox) because the building is 2200 square

feet. She did not foresee lighting the sign, as there is existing lighting on the building exterior.

Mr. Litowich inquired about the number of parking spaces. Ms. Coppens stated they have eight spaces on one side, and one handicap parking space on the other side. Mr. Rivero was asked if that was the correct number of spaces, and he said he will research the matter.

Ms. Coppens said she can only serve one customer at a time, and there are three employees in the building (including herself).

Ms. Coppens stated that none of her neighbors have complained, and Chair Piper added that all the neighbors have been noticed.

Vice Chair Kreisberg inquired about permission for the banner, and Ms. Coppens noted that she has a temporary permit for a maximum of six months (three months plus a three-month extension) that will expire in June. She added that if her request gets approved, she will put up the sign as soon as possible.

Chair Piper then opened the public hearing for anyone from the public wishing to speak on this item.

Terrance Camazuli, 17151 Northeast 17 Avenue, stated that there have been no issues with the current banner, and the parking is sufficient. He said there is additional City parking along 171 Street. Mr. Camazuli stated he would approve of the requested signage. In response to a question, Mr. Camazuli advised he was speaking from a personal, not professional, standpoint, as he lives around the corner from the house.

Chair Piper then closed the public hearing as no one else came forward to speak on this item.

Mr. Rivero directed the Board's attention to p. 2 of the staff report, where staff has listed conditions for the sign related to size, lighting, and excluded locations. He stated that the applicant agreed to all the conditions. He reviewed the history of the property and the business. The Community Development Department recommended approval with the conditions.

Motion made by Mr. Litowich, seconded by Mr. Mosher, to approve with the six conditions. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes

Michael Mosher	Yes
Jeffrey Lynn	Yes

7. Public/Citizen Comments

Chair Piper opened and closed the floor to public/citizen comments as there was no one from the public wishing to speak.

Mr. Rivero presented information on two resolutions on the sale of surplus properties; they were advertised publicly and are the south half of the City nursery (four residential lots), and a free standing vacant lot that has been a maintenance problem for the City. He added the items do not need to come before the Board, but he presented the items for information only.

8. Adjournment

Upon motion duly made and seconded, the meeting was adjourned by Chair Piper at 7:46 p.m.



ORDINANCE 2014-5

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 85 NW 168TH STREET FROM A CLASSIFICATION OF "RO", RESIDENTIAL OFFICE DISTRICT, TO A CLASSIFICATION OF "CF", COMMUNITY FACILITY DISTRICT, AND INSTRUCTING THE COMMUNITY DEVELOPMENT DIRECTOR TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned Residential Office "RO" District;
and

WHEREAS, the applicant has requested a rezoning of the property to Community Facility "CF" District; and

WHEREAS, the Planning and Zoning Board after public hearing on May 5, 2014 unanimously recommended approval of the request to change the zoning classification from RO to CF by a vote of 7 to 0.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The forgoing recitals are true and correct.

Section 2. The property legally described as:

**Oleta Terrace PB 8-117, Lots 41 thru 48, Block 6, Lot Size
26584 Sq. Ft., Parkway Professional Plaza Condo, OR 24908-
2749 0906 2**

**a/k/a
85 NW 168 Street
North Miami Beach, Florida**

is hereby rezoned from a classification of RO, to a classification of CF.

Section 3. The Director of Community Development is hereby directed to make all necessary changes to the Official Zoning Map of the City of North Miami Beach to implement the intent of this Ordinance.

Section 4. All ordinances or parts of ordinances in conflict therewith be and the same are hereby repealed.

Section 5. If any section, subsection, clause or provision of this Ordinance is held invalid, the reminder shall not be affected by such invalidity.

Section 6. It is the intention of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word Ordinance” may be changed to “Section”, “Article”, or other appropriate word as the Codifier may deem fit.

APPROVED BY TITLE-ONLY on first reading this **3rd day of June, 2014.**

APPROVED AND ADOPTED on second reading this ____ **day of June, 2014.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION



JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

ORDINANCE NO. 2014-5



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Ana M. Garcia, City Manager
VIA: Carlos M. Rivero, City Planner
DATE: Tuesday, June 17, 2014

RE: Ordinance No. 2014-6 (Second and Final Reading)(City Planner, Carlos Rivero)

BACKGROUND ANALYSIS:

The applicant, San Francisco Group of Florida, LLC., requests rezoning of two lots in the Government Center Neighborhood from a classification of RO, Residential Office, back to a classification of RM-23, Residential Mid-Rise Multifamily (High-Density), which was their original zoning classification, consistent with the neighborhood surrounding them. Planning and Zoning Board approved this item unanimously during the May 5, 2014 meeting and item was approved on first reading during the Council meeting of June 3rd through a vote of 6 to 1.

RECOMMENDATION:

Staff supports the request for rezoning of these two properties. The proposed RM-23 zoning is consistent with the current RM-23 zoning abutting to the east and may be absorbed into the Future Land Use designation of Residential High Density to the east. This rezoning provides redevelopment opportunity in the Government Center Neighborhood and will spark additional similar projects. The higher density that the RM-23 Zoning District allows will increase their development potential and value and thus the property tax revenue to the City. Following second reading of this item, the associated townhouse development will be presented.

FISCAL/BUDGETARY IMPACT:

No fiscal impact for FY 2014

ATTACHMENTS:

- ▣ [Staff Report](#)
- ▣ [P&Z Minutes](#)
- ▣ [Conceptual Rendering](#)
- ▣ [Ordinance No. 2014-6](#)



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

**STAFF REPORT
GENERATED PER PUBLIC HEARING PROCESS
STARTING WITH THE TRAD MEETING OF
THURSDAY MARCH 13, 2014**

ITEM # 14-002	TOWNHOUSE DEVELOPMENT
OWNER OF PROPERTY	SAN FRANCISCO GROUP OF FLORIDA, LLC 3125 NE 163 ST., NMB, FL 33160
ADDRESS OF PROPERTY	17031 and 17051 NE 20 AVENUE
FOLIO NUMBER	07-2209-006-0503 and 07-2209-006-0502
LEGAL DESCRIPTION	THE S 40 FT OF LOT C & THE N 10 FT OF LOT D, AND THE S 25 FT OF LOT B & N 25 FT OF LOT C, BLOCK 42 FULFORD-BY-THE-SEA, SECTION "D" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 58 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALSO KNOWN AS 17031 NE 20TH AVENUE, NORTH MIAMI BEACH, FLORIDA, AND 17051 NE 20TH AVENUE, NORTH MIAMI BEACH, FLORIDA
EXISTING ZONING	RO – RESIDENTIAL OFFICE
EXISTING LAND USE	RESIDENTIAL
FUTURE LAND USE DESIGNATION	BUSINESS

The applicant, San Francisco Group of Florida, LLC., requests rezoning, site plan approval and variances including: Minimum Lot Area, Front and Side Setbacks, Maximum Building Height, and Maximum Lot Coverage, for the construction of six three-bedroom, three-story, 2,053 square foot townhouse units on two lots located at 17031 and 17051 NE 20 avenue, in the RO, Residential Office District.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

Rezoning requested as follows.

Request rezoning from a classification of RO, Residential Office, to a classification of RM-23, Residential Mid-Rise Multifamily (High Density).

Variances requested are as follows.

1. Request variance from Section 24-48 (D) (2) to waive three thousand seven hundred and twenty square feet (3,720 s.f.) of the minimum fifteen thousand square feet (15,000 s.f.) required lot area. (Lot area of eleven thousand two hundred and eighty square feet (11,280 s.f.) proposed.)
2. Request variance from Section 24-48 (D) (4) to waive ten feet (10') of the minimum required front yard setback of twenty-five feet (25'). (Front yard setback of as close as fifteen feet (15') proposed.)
3. Request variance from Section 24-48(D) (4) to waive fifteen feet (15') of the minimum required interior side yard setback of twenty feet (20'). (Interior side yard setback of five feet (5') proposed.)
4. Request variance from Section 24-48 (D) (5) to add four feet, six inches (4'-6") to the maximum building height of thirty-five feet (35'). (Building height of thirty-nine feet, six inches (39'-6") proposed.)
5. Request variance from Section 24-48 (D) (6) to add twenty-five percent (25%) to the maximum lot coverage of twenty-five percent (25%). (Lot coverage of fifty percent (50%) proposed.)

ZONING – The subject property, as well as the properties to the north and south, are zoned RO, Residential Office. The property to the west is zoned CF. The properties to the northeast and southeast are zoned RS3 and RM-23 respectively (See attached location and zoning map and survey)

EXISTING LAND USE - The subject properties currently contain one three-unit, single story apartment building each, in accordance with RM-23. The properties to the north and south are currently a mix of residential and office uses housed in similar buildings. The property to the west houses the Government Center Complex, and the properties to the northeast and southeast contain single family homes and mid-rise multi-family high-density buildings respectively.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

FUTURE LAND USE - The subject property, as well as the properties to the north and south have a future land use designation of Business, which includes residential uses. The property to the west will remain Community Facility and the properties to the northeast and southeast have a future land use designation of Residential High Density.

THE SITE – The subject properties contain 11,280 square feet of combined land with 100 feet of combined frontage along NE 20th Avenue. There are currently two three-unit, single story apartment buildings, one on each lot.

THE PROJECT – The project proposes the construction of six three-bedroom, three-story 2,053 square foot townhouses through the rezoning of the site to RM-23 and the granting of variances as listed above.

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

Staff supports the request for rezoning and all variances associated with this project. The proposed RM-23 zoning, while not consistent with the properties' existing Future Land Use designation of Business, is consistent with the current RM-23 zoning abutting to the east and may be absorbed into the Future Land Use designation of Residential High Density to the east. This rezoning and variances provide redevelopment opportunity in the Government Center Neighborhood and will spark additional similar projects.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

The Community Development Department recommends approval for the rezoning of the properties and all associated variances for the construction of the townhomes subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Survey, Sheet 1 of 1, by Delta Mapping and Surveying, Inc., dated 3/18/2014;
 - Site Plan and Site Data, Sheet SP-1, by Jaime M. Plana Architect, dated 2/4/14;
 - Floor plans, Sheets A-1 through A-3, by Jaime M. Plana Architect, dated 2/4/14;
 - Typical Rooftop Terrace Plan, Sheet A-4, by Jaime M. Plana Architect, dated 2/4/14;
 - West & East Elevations, Sheets A-5 and 6, by Jaime M. Plana Architect, dated 2/4/14;
 - Longitudinal Section, Sheet A-7, by Jaime M. Plana Architect, dated 2/4/14;
 - North & South Elevations, Sheets A-8, by Jaime M. Plana Architect, dated 2/4/14;
 - Landscape Plan, Sheet L-1, by Leticia Fernandez-Beraud L.A., dated 2/4/14.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

2. RER and City permits are required prior to construction.
3. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to, and approved by the City Engineer prior to the issuance of a building permit. Engineer can contact Jose Casio at 305-962-6740 to discuss options.
4. A revised landscape plan must be submitted to, and approved by the City Forester prior to the issuance of a building permit. The landscaping must be coordinated with the proposed drainage and shall not be in conflict or adversely affect the purpose of the drainage system. Landscape Architect can contact Carlos Rivero at 305-354-4456 to discuss options.
5. All utilities, including but not limited to electrical, cable television and telephone must be located underground in a manner approved by the Director of Public Services.
6. Any utility infrastructure requiring relocation must be relocated by the developer.
7. Storm water runoff from the property must be retained within the property. This shall be achieved by the use of an on-site retention or storm water drainage system as approved by the City and if an exfiltration trench will be used, MDC-DRER or DERM (for Environmental Review Permit). Concrete perimeter walls shall prevent storm runoff from draining into the adjacent properties; otherwise a berm shall be built around the property.
8. The front sidewalk that crosses the driveway must be at least 6" thick, 3,000 psi plant mix in a well compacted limerock base or shall be designed to withstand vehicular traffic.
9. NE 20th Avenue in front of the property will be disturbed during construction, therefore it is required that it must be milled 1" thick and resurfaced after construction.
10. Curbing shall be Type "F" curb & gutter in the public right of way and Type "D" curb in the property.
11. Submit Letter of Substantial Compliance and As-built (for work on public right-of-way only) drawing from Engineer of Record prior to sign off of the final inspection.
12. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

13. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

PLANNING & ZONING BOARD (May 5, 2014)

Approved unanimously with the listed conditions.

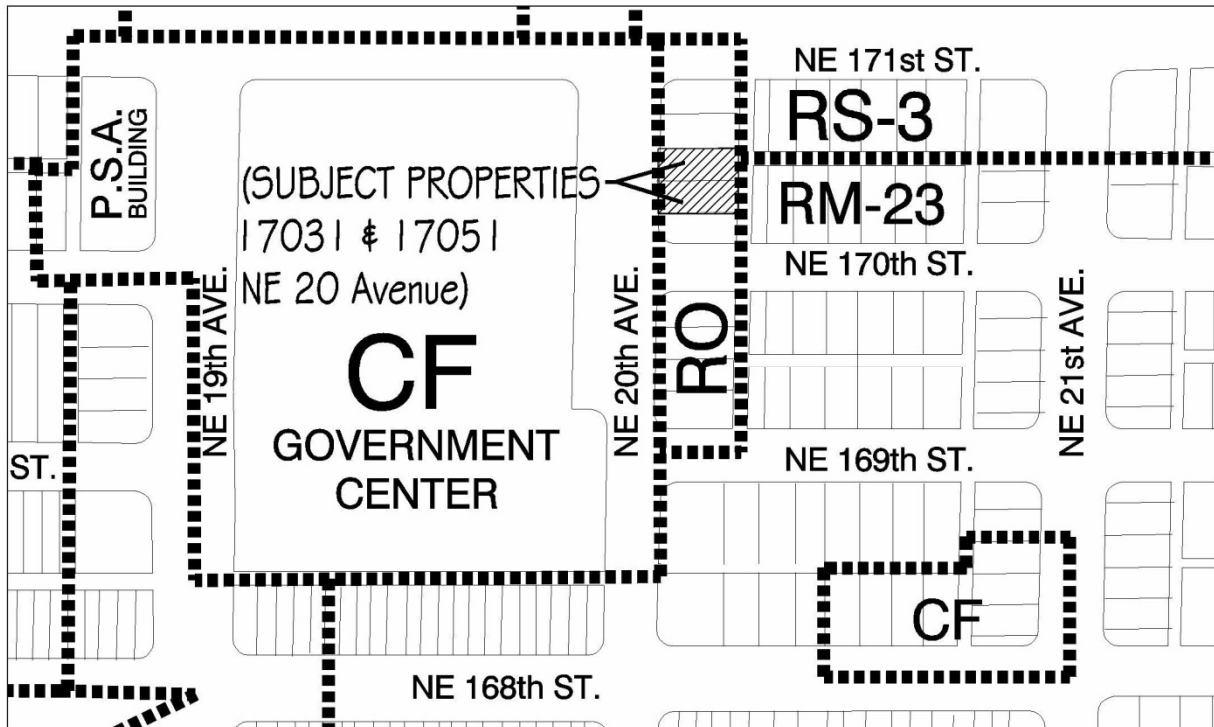
COUNCIL MEETING (June 3, 2014)

Ordinance approved on first reading (6 to 1)



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

LOCATION AND ZONING MAP





City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, MAY 5, 2014

Attendees:

Members - Chair Evan Piper
Julian Kreisberg
Joseph Litowich
Hector Marrero
Saul Smukler-arr at 6:09 p.m.
Jeffrey Lynn
Michael Mosher

Carlos Rivero, Acting City Planner
Kimberly Marcellus, Planning Intern
Ralph Rosado, Assistant City Manager
Dotie Joseph, Interim City Attorney
Brigitte Chiappetta/Prototype, Inc. Board Clerk

1. Pledge of Allegiance

Chair Piper called the meeting to order at 6:05 p.m. The Pledge of Allegiance was recited.

2. Roll Call of Board Members

Roll was called. It was noted that a quorum was present.

3. Approval of Minutes - Meeting of Monday, February 10, 2014

Motion made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve the February 10, 2014, meeting minutes. In a voice vote, the motion passed unanimously.

4. Public Hearing Procedures

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

5. Old Business

- Single family residence at 3141 NE 165 Street
Approved by City Council through a vote of 5 to 2 on March 04, 2014 (approved without height variance; also no elevator access)
- Canal Park Office Building at 3323 NE 163rd Street
Approved by City Council unanimously on March 18, 2014 (no variances)

6. New Business

- a. Site Plan Approval – 469 NE 167th Street, North Miami Beach, Florida**

Mr. Rivero presented this item, noting it is for a conditional use for a retail liquor store, First Class Liquors, currently in the B2 zoning district.

Jean Alexandre, applicant, 469 Northeast 167 Street, North Miami Beach, Florida 33160, explained his plans to open a liquor store. He addressed the landscaping and lighting, mentioning that he had met several times with Mr. Rivero.

Mr. Mosher pointed out that the one-story building on the survey does not match the drawing, and Mr. Rivero clarified that where the survey that does not match is where the applicant secured additional parking. Mr. Rivero showed the proper survey.

Mr. Smukler wondered if "front store" was the correct description of the business, as shown in Item 1, Section D, of the lease. Ms. Joseph replied it was not the appropriate way to describe it, but was not legally insufficient. Mr. Smukler clarified that paragraph 5, "Use of Premises," refers to Item 1, Section D. Mr. Alexandre stated that the landlord specified that language, but he is using the entire store; he further clarified that there is another building in the middle, and his is in the front. Chair Piper thought the usage of "front store" was understood.

Chair Piper wondered if the existing bathroom was handicap-compliant and said that might be a question for the Building Department. Mr. Rivero will make a note of it at the time of permitting.

Chair Piper inquired about the air conditioning unit being inside the building, but was informed it was a rooftop unit.

Vice Chair Kreisberg confirmed that the Board's purpose was to decide if that space was appropriate for a liquor store. Mr. Rivero noted the owner has already met the parking and landscape requirements.

Mr. Alexandre commented that he has a liquor store in Pinecrest but wants to close it for family reasons.

Mr. Rivero stated that Mr. Alexandre has provided a liquor survey and directed the Board's attention to Page 2, Item 7, in the staff report. He explained that a liquor survey is made to prove that there is no other similar business within 1500 feet. Out of all the staff, the Leisure Services Director did not recommend approval of the use at this location; also one email was received from a resident who is opposed (which has been distributed to the Board).

Mr. Rivero continued that Leisure Services thought it was too close to the Community Center, but there is nothing in the code to prohibit that.

Mr. Litowich asked about customer access to the liquor; Mr. Alexander explained there would be glass all around, so that the customer cannot physically touch the liquor - there will be an attendant to get it. He added they will be open from 10:00 or 11:00 a.m.

until 2:00 a.m. Mr. Alexandre added they will open later on Sunday, maybe at noon. Chair Piper said that the hours will be addressed as part of the BTR (Occupational License) process.

Mr. Alexandre explained that he wants bulletproof glass around the liquor for security reasons. Mr. Litowich felt that might portray a message that the City is not safe.

In response to Chair Piper's question about loitering, Mr. Alexander stated they will have a sign saying that no customer is to open a bottle within 100 feet from the store, and they will have cameras covering the entire perimeter of the building. He continued that the clerks will watch the cameras on two large screens inside the store and would be able to leave their cage to go outside if necessary. Mr. Rivero commented that the police actually provide the No Loitering sign, and they have the authority to remove anybody who is loitering, once they are called out.

Mr. Lynn was curious how many employees would be in the store at any time, and Mr. Alexandre said there would be two in the busy times - himself and somebody else. In the morning when it is not very busy, there might be only one clerk.

Regarding customer use of the accessible bathroom, Mr. Alexandre said he is not supposed to allow the customers to use it. Chair Piper hoped the Building Department would address that issue.

Mr. Rivero directed the Board's attention to Sheet A-3, pointing out the lighting for the exterior of the building - two lights at the rear wall. Mr. Smukler noted a discrepancy where the calculations on Sheet A-3 say there are three lights, but he can only see two; Chair Piper reminded the Board it is not up to them to be reviewing those aspects of the plan.

The amount of lighting was discussed in terms of exterior safety, with Chair Piper recommending that they ask for the maximum amount of lighting around the property. Mr. Alexandre responded that there is lighting on the front and side, and he would be agreeable to adding lighting in the rear.

Chair Piper then opened and closed the public hearing as there was no one from the public wishing to speak on this item.

An email forwarded by Lewis Hackbart was read into the record, expressing his strong objection to the package store, citing that it would not be conducive to family living in a residential area and would devalue homes and some businesses in the neighborhood.

It was staff's recommendation that they proceed with the application request and approve subject to staff's 10 conditions listed in the staff report. Mr. Rivero mentioned a possible 11th condition pertaining to the lighting: that maximum allowable outdoor lighting be included in the project.

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve the site plan and the conditional use with the 10 conditions and with an additional 11th condition that the applicant will provide the maximum allowable lighting for the exterior on all sides. In a roll call vote, the motion passed 5-2.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	No
Michael Mosher	Yes
Jeffrey Lynn	No

b. Rezoning, Site Plan Approval, and Variances - 17031 & 17051 NE 20th Avenue, North Miami Beach, Florida

Mr. Rivero presented the case, noting it is for a six-townhouse development taking up two lots which are currently zoned RO (Residential Office).

Gustavo Bolado, 346 Conservation Drive, Weston, Florida, related how the developers explored different ways of developing the property, deciding on the townhouses. He felt the townhouses would increase the value of the area.

Mr. Litowich asked about the first variance, involving tying the two lots together. Mr. Bolado responded that the issue is about the density. He clarified that the two lots together were 11,280 square feet.

Mr. Litowich confirmed that the front setback would be on 20 Avenue, and cars will be parked immediately to the east of the sidewalk. Mr. Rivero stated that the setback variance is created by the wing walls, not the entire structure; Mr. Bolado said that from the property line to the base of the column is 19.5 feet. Mr. Litowich feared that situation would impede pedestrian traffic.

Mr. Bolado explained that Request #4 related to the height of the building and was for the front of the building where the sign is. He also confirmed that all the variances are necessary for the project to work.

Chair Piper reviewed the prior zoning designations and the existing buildings on the property. Mr. Rivero stated that none of the uses on the property now are single family homes. If the existing buildings were demolished, any newly built structures would have to be single family homes that could have a conditional use of office. Mr. Rivero read the uses for RO zoning and remarked that the proposed use is more conducive to the neighborhood than single family residential.

Vice Chair Kreisberg confirmed that the “straight-in” parking that is now on 20 Avenue will be gone. Mr. Rivero elaborated that there will be swales with driveway aprons, driveways, and some landscaping.

Monica Posin, 20432 Northeast 10 Court Road, Miami, Florida, property manager for the project, spoke on behalf of the owners. Ms. Posin described the current buildings on the block: offices and triplexes. They are targeting a sale price per unit of \$400,000 (\$200 per square foot).

It was confirmed that the middle units will not have awnings.

Mr. Bolado discussed the design for open space. The recycling bins will be in an enclosed section in front where the parking is. He also said they are going to connect to the sewer on 20 Avenue and 171 Street.

The elevation of the building was discussed, and it was noted that was a Building Department issue.

Chair Piper then opened the public hearing for anyone from the public wishing to speak on this item.

Stephanie Fortin, 17051 Northeast 20 Avenue, #3, noted she had moved into the property in December as a renter, and wondered what would happen to her building. Ms. Posin replied that her lease is for six months, and there are other properties where they could relocate her at the expiration of her lease.

Chair Piper then closed the public hearing as no one else came forward to speak on this item.

Mr. Rivero stated that the staff supports the request for rezoning and all the variances associated with the project with 13 conditions. Mr. Bolado accepted all 13 conditions.

Motion made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve Item #14-002 with the 13 conditions. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Jeffrey Lynn	Yes

c. Rezoning – 85 NW 168th Street, North Miami Beach, Florida

Mr. Rivero introduced Item #14-005. The request is to rezone the property, a large office building, from RO to CF, to become part of a medical campus at Jackson North Hospital and have a medical use as a right, rather than as a conditional use.

Jarret Gross, 1557 Northeast 164 Street, North Miami Beach, stated that his group owns all the buildings on the hospital campus except for the actual hospital itself. The subject building is a two-story office building. Mr. Gross said that at this time the planned use is for a detox center, possibly residential. It will meet all code requirements with no conditional uses, and the number of patients will be determined after the rezoning process. He advised he is not aware of any other such facilities in the area.

Chair Piper then opened and closed public hearing as there was no one from the public wishing to speak on this item.

Mr. Rivero stated that the Community Development Department recommended approval of the rezoning request, with no conditions.

Motion made by Vice Chair Kriesberg, seconded by Mr. Marrero, to approve Item #14-005 for a rezone from RO to CF. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Jeffrey Lynn	Yes

d. Amending Resolution No. R86-38 - 1800 NE 171st Street, North Miami Beach, Florida

Mr. Rivero introduced the final item, #14-006. It is an office that was approved by resolution in 1986 to operate as an office within a single family residential district. There was a condition that the office could not have a sign, but now there is need for a sign due to the international nature of the business. Limited signage is requested.

It was noted the property is several “doors” away from the Chamber of Commerce, which has a sign, although the Chamber has a different zoning designation.

Applicant Marina Coppens, 1800 Northeast 171 Street, stated she is a CPA and is requesting a sign to aid her clients in identifying her location. She added that her building is located on the corner and does not “bother” any of the residents on the block. Since she does not have a sign now, she is using a temporary banner. Ms. Coppens did not want a small sign (such as on a mailbox) because the building is 2200 square

feet. She did not foresee lighting the sign, as there is existing lighting on the building exterior.

Mr. Litowich inquired about the number of parking spaces. Ms. Coppens stated they have eight spaces on one side, and one handicap parking space on the other side. Mr. Rivero was asked if that was the correct number of spaces, and he said he will research the matter.

Ms. Coppens said she can only serve one customer at a time, and there are three employees in the building (including herself).

Ms. Coppens stated that none of her neighbors have complained, and Chair Piper added that all the neighbors have been noticed.

Vice Chair Kreisberg inquired about permission for the banner, and Ms. Coppens noted that she has a temporary permit for a maximum of six months (three months plus a three-month extension) that will expire in June. She added that if her request gets approved, she will put up the sign as soon as possible.

Chair Piper then opened the public hearing for anyone from the public wishing to speak on this item.

Terrance Camazuli, 17151 Northeast 17 Avenue, stated that there have been no issues with the current banner, and the parking is sufficient. He said there is additional City parking along 171 Street. Mr. Camazuli stated he would approve of the requested signage. In response to a question, Mr. Camazuli advised he was speaking from a personal, not professional, standpoint, as he lives around the corner from the house.

Chair Piper then closed the public hearing as no one else came forward to speak on this item.

Mr. Rivero directed the Board's attention to p. 2 of the staff report, where staff has listed conditions for the sign related to size, lighting, and excluded locations. He stated that the applicant agreed to all the conditions. He reviewed the history of the property and the business. The Community Development Department recommended approval with the conditions.

Motion made by Mr. Litowich, seconded by Mr. Mosher, to approve with the six conditions. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes

Michael Mosher	Yes
Jeffrey Lynn	Yes

7. Public/Citizen Comments

Chair Piper opened and closed the floor to public/citizen comments as there was no one from the public wishing to speak.

Mr. Rivero presented information on two resolutions on the sale of surplus properties; they were advertised publicly and are the south half of the City nursery (four residential lots), and a free standing vacant lot that has been a maintenance problem for the City. He added the items do not need to come before the Board, but he presented the items for information only.

8. Adjournment

Upon motion duly made and seconded, the meeting was adjourned by Chair Piper at 7:46 p.m.



ORDINANCE 2014-6

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA REZONING PROPERTIES WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 17031 NE 20TH AVENUE AND 17051 NE 20TH AVENUE FROM A CLASSIFICATION OF "RO", RESIDENTIAL OFFICE DISTRICT, TO A CLASSIFICATION OF "RM-23", RESIDENTIAL MID-RISE MULTI-FAMILY (HIGH DENSITY) DISTRICT; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the properties described herein are zoned Residential Office ("RO") District; and

WHEREAS, the applicant has requested a rezoning of the properties to Residential Mid-Rise Multi-Family (High Density) ("RM-23") District, in order to allow future use consistent with that zoning district; and

WHEREAS, after public hearing on May 5, 2014, the Planning and Zoning Board unanimously recommended approval of the request for rezoning from RO to RM-23 District, by a vote of 7 to 0.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The properties legally described as:

The South 40 Feet of Lot C and the North 10 Feet of Lot D, Block 42, Fulford-by-the-Sea, Section "D" according to the Plat thereof, recorded in Plat Book 8, Page 58 of the Public Records of Miami-Dade County, Florida

A/K/A

17031 NE 20th Avenue, North Miami Beach, Florida; and

**The South 25 Feet of Lot B and the North 25 Feet of Lot C,
Block 42, Fulford-by-the-Sea, Section "D" according to the Plat
thereof, recorded in Plat Book 8, Page 58 of the Public Records
of Miami-Dade County, Florida**

A/K/A

**17051 NE 20th Avenue, North Miami Beach, Florida
(P&Z Item No. 14-002 of May 5, 2014)**

are hereby rezoned from a classification of RO District to a classification of RM-23 District.

Section 3. The Director of Community Development is hereby directed to make all necessary changes to the Official Zoning Map of the City of North Miami Beach to implement the intent of this Ordinance.

Section 4. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

Section 5. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 6. It is the intention of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article", or other appropriate word as the Codifier may deem fit.

APPROVED BY TITLE-ONLY on first reading this **3rd day of June, 2014.**

APPROVED AND ADOPTED on second reading this ____ **day of June, 2014.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION



JOSE SMITH
CITY ATTORNEY

Sponsored by: Mayor & Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Ana M. Garcia, City Manager
VIA: Carlos M. Rivero, City Planner
DATE: Tuesday, June 17, 2014

RE: Resolution No.R2014-23 Townhouses (City Planner, Carlos Rivero)

BACKGROUND ANALYSIS: The applicant, San Francisco Group of Florida, LLC., requests site plan approval and variances including Minimum Lot Area, Front and Side Setbacks, Maximum Building Height, and Maximum Lot Coverage, for the construction of six three-bedroom, three-story, 2,053 square foot townhouse units on two lots located at 17031 and 17051 NE 20 Avenue, recently re-zoned from RO, Residential Office, to RM-23, Residential Mid-Rise Multifamily (High Density). Planning and Zoning Board approved this item unanimously during the May 5, 2014 meeting.

RECOMMENDATION: Staff supports the request for approval of this development. The proposed townhouses will bring modern, family-oriented housing stock to this neighborhood, increasing the value and redevelopment desirability of properties throughout the area.

FISCAL/BUDGETARY IMPACT: No fiscal impact for FY 2014

ATTACHMENTS:

- [Staff Report](#)
- [Conceptual Rendering](#)
- [P&Z Minutes](#)
- [Resolujtion No. R2014-23](#)



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

**STAFF REPORT
GENERATED PER PUBLIC HEARING PROCESS
STARTING WITH THE TRAD MEETING OF
THURSDAY MARCH 13, 2014**

ITEM # 14-002	TOWNHOUSE DEVELOPMENT
OWNER OF PROPERTY	SAN FRANCISCO GROUP OF FLORIDA, LLC 3125 NE 163 ST., NMB, FL 33160
ADDRESS OF PROPERTY	17031 and 17051 NE 20 AVENUE
FOLIO NUMBER	07-2209-006-0503 and 07-2209-006-0502
LEGAL DESCRIPTION	THE S 40 FT OF LOT C & THE N 10 FT OF LOT D, AND THE S 25 FT OF LOT B & N 25 FT OF LOT C, BLOCK 42 FULFORD-BY-THE-SEA, SECTION "D" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 58 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALSO KNOWN AS 17031 NE 20TH AVENUE, NORTH MIAMI BEACH, FLORIDA, AND 17051 NE 20TH AVENUE, NORTH MIAMI BEACH, FLORIDA
EXISTING ZONING	RO – RESIDENTIAL OFFICE
EXISTING LAND USE	RESIDENTIAL
FUTURE LAND USE DESIGNATION	BUSINESS

The applicant, San Francisco Group of Florida, LLC., requests rezoning, site plan approval and variances including: Minimum Lot Area, Front and Side Setbacks, Maximum Building Height, and Maximum Lot Coverage, for the construction of six three-bedroom, three-story, 2,053 square foot townhouse units on two lots located at 17031 and 17051 NE 20 avenue, in the RO, Residential Office District.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

Rezoning requested as follows.

Request rezoning from a classification of RO, Residential Office, to a classification of RM-23, Residential Mid-Rise Multifamily (High Density).

Variances requested are as follows.

1. Request variance from Section 24-48 (D) (2) to waive three thousand seven hundred and twenty square feet (3,720 s.f.) of the minimum fifteen thousand square feet (15,000 s.f.) required lot area. (Lot area of eleven thousand two hundred and eighty square feet (11,280 s.f.) proposed.)
2. Request variance from Section 24-48 (D) (4) to waive ten feet (10') of the minimum required front yard setback of twenty-five feet (25'). (Front yard setback of as close as fifteen feet (15') proposed.)
3. Request variance from Section 24-48(D) (4) to waive fifteen feet (15') of the minimum required interior side yard setback of twenty feet (20'). (Interior side yard setback of five feet (5') proposed.)
4. Request variance from Section 24-48 (D) (5) to add four feet, six inches (4'-6") to the maximum building height of thirty-five feet (35'). (Building height of thirty-nine feet, six inches (39'-6") proposed.)
5. Request variance from Section 24-48 (D) (6) to add twenty-five percent (25%) to the maximum lot coverage of twenty-five percent (25%). (Lot coverage of fifty percent (50%) proposed.)

ZONING – The subject property, as well as the properties to the north and south, are zoned RO, Residential Office. The property to the west is zoned CF. The properties to the northeast and southeast are zoned RS3 and RM-23 respectively (See attached location and zoning map and survey)

EXISTING LAND USE - The subject properties currently contain one three-unit, single story apartment building each, in accordance with RM-23. The properties to the north and south are currently a mix of residential and office uses housed in similar buildings. The property to the west houses the Government Center Complex, and the properties to the northeast and southeast contain single family homes and mid-rise multi-family high-density buildings respectively.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

FUTURE LAND USE - The subject property, as well as the properties to the north and south have a future land use designation of Business, which includes residential uses. The property to the west will remain Community Facility and the properties to the northeast and southeast have a future land use designation of Residential High Density.

THE SITE – The subject properties contain 11,280 square feet of combined land with 100 feet of combined frontage along NE 20th Avenue. There are currently two three-unit, single story apartment buildings, one on each lot.

THE PROJECT – The project proposes the construction of six three-bedroom, three-story 2,053 square foot townhouses through the rezoning of the site to RM-23 and the granting of variances as listed above.

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

Staff supports the request for rezoning and all variances associated with this project. The proposed RM-23 zoning, while not consistent with the properties' existing Future Land Use designation of Business, is consistent with the current RM-23 zoning abutting to the east and may be absorbed into the Future Land Use designation of Residential High Density to the east. This rezoning and variances provide redevelopment opportunity in the Government Center Neighborhood and will spark additional similar projects.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

The Community Development Department recommends approval for the rezoning of the properties and all associated variances for the construction of the townhomes subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Survey, Sheet 1 of 1, by Delta Mapping and Surveying, Inc., dated 3/18/2014;
 - Site Plan and Site Data, Sheet SP-1, by Jaime M. Plana Architect, dated 2/4/14;
 - Floor plans, Sheets A-1 through A-3, by Jaime M. Plana Architect, dated 2/4/14;
 - Typical Rooftop Terrace Plan, Sheet A-4, by Jaime M. Plana Architect, dated 2/4/14;
 - West & East Elevations, Sheets A-5 and 6, by Jaime M. Plana Architect, dated 2/4/14;
 - Longitudinal Section, Sheet A-7, by Jaime M. Plana Architect, dated 2/4/14;
 - North & South Elevations, Sheets A-8, by Jaime M. Plana Architect, dated 2/4/14;
 - Landscape Plan, Sheet L-1, by Leticia Fernandez-Beraud L.A., dated 2/4/14.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

2. RER and City permits are required prior to construction.
3. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to, and approved by the City Engineer prior to the issuance of a building permit. Engineer can contact Jose Casio at 305-962-6740 to discuss options.
4. A revised landscape plan must be submitted to, and approved by the City Forester prior to the issuance of a building permit. The landscaping must be coordinated with the proposed drainage and shall not be in conflict or adversely affect the purpose of the drainage system. Landscape Architect can contact Carlos Rivero at 305-354-4456 to discuss options.
5. All utilities, including but not limited to electrical, cable television and telephone must be located underground in a manner approved by the Director of Public Services.
6. Any utility infrastructure requiring relocation must be relocated by the developer.
7. Storm water runoff from the property must be retained within the property. This shall be achieved by the use of an on-site retention or storm water drainage system as approved by the City and if an exfiltration trench will be used, MDC-DRER or DERM (for Environmental Review Permit). Concrete perimeter walls shall prevent storm runoff from draining into the adjacent properties; otherwise a berm shall be built around the property.
8. The front sidewalk that crosses the driveway must be at least 6" thick, 3,000 psi plant mix in a well compacted limerock base or shall be designed to withstand vehicular traffic.
9. NE 20th Avenue in front of the property will be disturbed during construction, therefore it is required that it must be milled 1" thick and resurfaced after construction.
10. Curbing shall be Type "F" curb & gutter in the public right of way and Type "D" curb in the property.
11. Submit Letter of Substantial Compliance and As-built (for work on public right-of-way only) drawing from Engineer of Record prior to sign off of the final inspection.
12. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

13. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

PLANNING & ZONING BOARD (May 5, 2014)

Approved unanimously with the listed conditions.

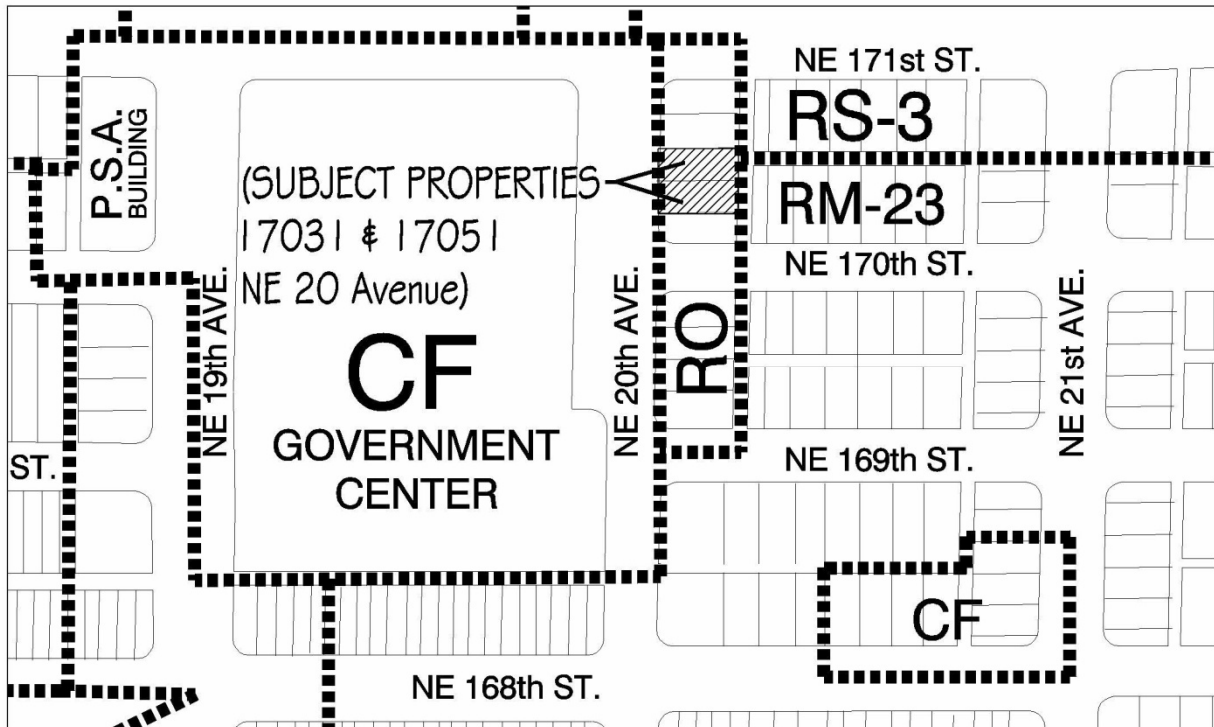
COUNCIL MEETING (June 3, 2014)

Ordinance approved on first reading (6 to 1)



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

LOCATION AND ZONING MAP







City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, MAY 5, 2014

Attendees:

Members - Chair Evan Piper
Julian Kreisberg
Joseph Litowich
Hector Marrero
Saul Smukler-arr at 6:09 p.m.
Jeffrey Lynn
Michael Mosher

Carlos Rivero, Acting City Planner
Kimberly Marcellus, Planning Intern
Ralph Rosado, Assistant City Manager
Dotie Joseph, Interim City Attorney
Brigitte Chiappetta/Prototype, Inc. Board Clerk

1. Pledge of Allegiance

Chair Piper called the meeting to order at 6:05 p.m. The Pledge of Allegiance was recited.

2. Roll Call of Board Members

Roll was called. It was noted that a quorum was present.

3. Approval of Minutes - Meeting of Monday, February 10, 2014

Motion made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve the February 10, 2014, meeting minutes. In a voice vote, the motion passed unanimously.

4. Public Hearing Procedures

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

5. Old Business

- Single family residence at 3141 NE 165 Street
Approved by City Council through a vote of 5 to 2 on March 04, 2014 (approved without height variance; also no elevator access)
- Canal Park Office Building at 3323 NE 163rd Street
Approved by City Council unanimously on March 18, 2014 (no variances)

6. New Business

- a. Site Plan Approval – 469 NE 167th Street, North Miami Beach, Florida**

Mr. Rivero presented this item, noting it is for a conditional use for a retail liquor store, First Class Liquors, currently in the B2 zoning district.

Jean Alexandre, applicant, 469 Northeast 167 Street, North Miami Beach, Florida 33160, explained his plans to open a liquor store. He addressed the landscaping and lighting, mentioning that he had met several times with Mr. Rivero.

Mr. Mosher pointed out that the one-story building on the survey does not match the drawing, and Mr. Rivero clarified that where the survey that does not match is where the applicant secured additional parking. Mr. Rivero showed the proper survey.

Mr. Smukler wondered if "front store" was the correct description of the business, as shown in Item 1, Section D, of the lease. Ms. Joseph replied it was not the appropriate way to describe it, but was not legally insufficient. Mr. Smukler clarified that paragraph 5, "Use of Premises," refers to Item 1, Section D. Mr. Alexandre stated that the landlord specified that language, but he is using the entire store; he further clarified that there is another building in the middle, and his is in the front. Chair Piper thought the usage of "front store" was understood.

Chair Piper wondered if the existing bathroom was handicap-compliant and said that might be a question for the Building Department. Mr. Rivero will make a note of it at the time of permitting.

Chair Piper inquired about the air conditioning unit being inside the building, but was informed it was a rooftop unit.

Vice Chair Kreisberg confirmed that the Board's purpose was to decide if that space was appropriate for a liquor store. Mr. Rivero noted the owner has already met the parking and landscape requirements.

Mr. Alexandre commented that he has a liquor store in Pinecrest but wants to close it for family reasons.

Mr. Rivero stated that Mr. Alexandre has provided a liquor survey and directed the Board's attention to Page 2, Item 7, in the staff report. He explained that a liquor survey is made to prove that there is no other similar business within 1500 feet. Out of all the staff, the Leisure Services Director did not recommend approval of the use at this location; also one email was received from a resident who is opposed (which has been distributed to the Board).

Mr. Rivero continued that Leisure Services thought it was too close to the Community Center, but there is nothing in the code to prohibit that.

Mr. Litowich asked about customer access to the liquor; Mr. Alexander explained there would be glass all around, so that the customer cannot physically touch the liquor - there will be an attendant to get it. He added they will be open from 10:00 or 11:00 a.m.

until 2:00 a.m. Mr. Alexandre added they will open later on Sunday, maybe at noon. Chair Piper said that the hours will be addressed as part of the BTR (Occupational License) process.

Mr. Alexandre explained that he wants bulletproof glass around the liquor for security reasons. Mr. Litowich felt that might portray a message that the City is not safe.

In response to Chair Piper's question about loitering, Mr. Alexander stated they will have a sign saying that no customer is to open a bottle within 100 feet from the store, and they will have cameras covering the entire perimeter of the building. He continued that the clerks will watch the cameras on two large screens inside the store and would be able to leave their cage to go outside if necessary. Mr. Rivero commented that the police actually provide the No Loitering sign, and they have the authority to remove anybody who is loitering, once they are called out.

Mr. Lynn was curious how many employees would be in the store at any time, and Mr. Alexandre said there would be two in the busy times - himself and somebody else. In the morning when it is not very busy, there might be only one clerk.

Regarding customer use of the accessible bathroom, Mr. Alexandre said he is not supposed to allow the customers to use it. Chair Piper hoped the Building Department would address that issue.

Mr. Rivero directed the Board's attention to Sheet A-3, pointing out the lighting for the exterior of the building - two lights at the rear wall. Mr. Smukler noted a discrepancy where the calculations on Sheet A-3 say there are three lights, but he can only see two; Chair Piper reminded the Board it is not up to them to be reviewing those aspects of the plan.

The amount of lighting was discussed in terms of exterior safety, with Chair Piper recommending that they ask for the maximum amount of lighting around the property. Mr. Alexandre responded that there is lighting on the front and side, and he would be agreeable to adding lighting in the rear.

Chair Piper then opened and closed the public hearing as there was no one from the public wishing to speak on this item.

An email forwarded by Lewis Hackbart was read into the record, expressing his strong objection to the package store, citing that it would not be conducive to family living in a residential area and would devalue homes and some businesses in the neighborhood.

It was staff's recommendation that they proceed with the application request and approve subject to staff's 10 conditions listed in the staff report. Mr. Rivero mentioned a possible 11th condition pertaining to the lighting: that maximum allowable outdoor lighting be included in the project.

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve the site plan and the conditional use with the 10 conditions and with an additional 11th condition that the applicant will provide the maximum allowable lighting for the exterior on all sides. In a roll call vote, the motion passed 5-2.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	No
Michael Mosher	Yes
Jeffrey Lynn	No

b. Rezoning, Site Plan Approval, and Variances - 17031 & 17051 NE 20th Avenue, North Miami Beach, Florida

Mr. Rivero presented the case, noting it is for a six-townhouse development taking up two lots which are currently zoned RO (Residential Office).

Gustavo Bolado, 346 Conservation Drive, Weston, Florida, related how the developers explored different ways of developing the property, deciding on the townhouses. He felt the townhouses would increase the value of the area.

Mr. Litowich asked about the first variance, involving tying the two lots together. Mr. Bolado responded that the issue is about the density. He clarified that the two lots together were 11,280 square feet.

Mr. Litowich confirmed that the front setback would be on 20 Avenue, and cars will be parked immediately to the east of the sidewalk. Mr. Rivero stated that the setback variance is created by the wing walls, not the entire structure; Mr. Bolado said that from the property line to the base of the column is 19.5 feet. Mr. Litowich feared that situation would impede pedestrian traffic.

Mr. Bolado explained that Request #4 related to the height of the building and was for the front of the building where the sign is. He also confirmed that all the variances are necessary for the project to work.

Chair Piper reviewed the prior zoning designations and the existing buildings on the property. Mr. Rivero stated that none of the uses on the property now are single family homes. If the existing buildings were demolished, any newly built structures would have to be single family homes that could have a conditional use of office. Mr. Rivero read the uses for RO zoning and remarked that the proposed use is more conducive to the neighborhood than single family residential.

Vice Chair Kreisberg confirmed that the “straight-in” parking that is now on 20 Avenue will be gone. Mr. Rivero elaborated that there will be swales with driveway aprons, driveways, and some landscaping.

Monica Posin, 20432 Northeast 10 Court Road, Miami, Florida, property manager for the project, spoke on behalf of the owners. Ms. Posin described the current buildings on the block: offices and triplexes. They are targeting a sale price per unit of \$400,000 (\$200 per square foot).

It was confirmed that the middle units will not have awnings.

Mr. Bolado discussed the design for open space. The recycling bins will be in an enclosed section in front where the parking is. He also said they are going to connect to the sewer on 20 Avenue and 171 Street.

The elevation of the building was discussed, and it was noted that was a Building Department issue.

Chair Piper then opened the public hearing for anyone from the public wishing to speak on this item.

Stephanie Fortin, 17051 Northeast 20 Avenue, #3, noted she had moved into the property in December as a renter, and wondered what would happen to her building. Ms. Posin replied that her lease is for six months, and there are other properties where they could relocate her at the expiration of her lease.

Chair Piper then closed the public hearing as no one else came forward to speak on this item.

Mr. Rivero stated that the staff supports the request for rezoning and all the variances associated with the project with 13 conditions. Mr. Bolado accepted all 13 conditions.

Motion made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve Item #14-002 with the 13 conditions. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Jeffrey Lynn	Yes

c. Rezoning – 85 NW 168th Street, North Miami Beach, Florida

Mr. Rivero introduced Item #14-005. The request is to rezone the property, a large office building, from RO to CF, to become part of a medical campus at Jackson North Hospital and have a medical use as a right, rather than as a conditional use.

Jarret Gross, 1557 Northeast 164 Street, North Miami Beach, stated that his group owns all the buildings on the hospital campus except for the actual hospital itself. The subject building is a two-story office building. Mr. Gross said that at this time the planned use is for a detox center, possibly residential. It will meet all code requirements with no conditional uses, and the number of patients will be determined after the rezoning process. He advised he is not aware of any other such facilities in the area.

Chair Piper then opened and closed public hearing as there was no one from the public wishing to speak on this item.

Mr. Rivero stated that the Community Development Department recommended approval of the rezoning request, with no conditions.

Motion made by Vice Chair Kriesberg, seconded by Mr. Marrero, to approve Item #14-005 for a rezone from RO to CF. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Jeffrey Lynn	Yes

d. Amending Resolution No. R86-38 - 1800 NE 171st Street, North Miami Beach, Florida

Mr. Rivero introduced the final item, #14-006. It is an office that was approved by resolution in 1986 to operate as an office within a single family residential district. There was a condition that the office could not have a sign, but now there is need for a sign due to the international nature of the business. Limited signage is requested.

It was noted the property is several “doors” away from the Chamber of Commerce, which has a sign, although the Chamber has a different zoning designation.

Applicant Marina Coppens, 1800 Northeast 171 Street, stated she is a CPA and is requesting a sign to aid her clients in identifying her location. She added that her building is located on the corner and does not “bother” any of the residents on the block. Since she does not have a sign now, she is using a temporary banner. Ms. Coppens did not want a small sign (such as on a mailbox) because the building is 2200 square

feet. She did not foresee lighting the sign, as there is existing lighting on the building exterior.

Mr. Litowich inquired about the number of parking spaces. Ms. Coppens stated they have eight spaces on one side, and one handicap parking space on the other side. Mr. Rivero was asked if that was the correct number of spaces, and he said he will research the matter.

Ms. Coppens said she can only serve one customer at a time, and there are three employees in the building (including herself).

Ms. Coppens stated that none of her neighbors have complained, and Chair Piper added that all the neighbors have been noticed.

Vice Chair Kreisberg inquired about permission for the banner, and Ms. Coppens noted that she has a temporary permit for a maximum of six months (three months plus a three-month extension) that will expire in June. She added that if her request gets approved, she will put up the sign as soon as possible.

Chair Piper then opened the public hearing for anyone from the public wishing to speak on this item.

Terrance Camazuli, 17151 Northeast 17 Avenue, stated that there have been no issues with the current banner, and the parking is sufficient. He said there is additional City parking along 171 Street. Mr. Camazuli stated he would approve of the requested signage. In response to a question, Mr. Camazuli advised he was speaking from a personal, not professional, standpoint, as he lives around the corner from the house.

Chair Piper then closed the public hearing as no one else came forward to speak on this item.

Mr. Rivero directed the Board's attention to p. 2 of the staff report, where staff has listed conditions for the sign related to size, lighting, and excluded locations. He stated that the applicant agreed to all the conditions. He reviewed the history of the property and the business. The Community Development Department recommended approval with the conditions.

Motion made by Mr. Litowich, seconded by Mr. Mosher, to approve with the six conditions. In a vote by roll call, the motion passed unanimously.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Hector Marrero	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes

Michael Mosher	Yes
Jeffrey Lynn	Yes

7. Public/Citizen Comments

Chair Piper opened and closed the floor to public/citizen comments as there was no one from the public wishing to speak.

Mr. Rivero presented information on two resolutions on the sale of surplus properties; they were advertised publicly and are the south half of the City nursery (four residential lots), and a free standing vacant lot that has been a maintenance problem for the City. He added the items do not need to come before the Board, but he presented the items for information only.

8. Adjournment

Upon motion duly made and seconded, the meeting was adjourned by Chair Piper at 7:46 p.m.

RESOLUTION NO. R2014-23

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT SIX (6) THREE-BEDROOM, THREE-STORY, 2,053 SQUARE FEET TOWNHOUSE UNITS ON TWO LOTS CONTAINING 11,280 SQUARE FEET OF COMBINED LAND, AS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48(D)(2) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THREE THOUSAND SEVEN HUNDRED AND TWENTY SQUARE FEET (3,720 SQ. FT.) OF THE MINIMUM FIFTEEN THOUSAND SQUARE FEET (15,000 SQ. FT.) REQUIRED LOT AREA, WHERE LOT AREA OF ELEVEN THOUSAND TWO HUNDRED AND EIGHTY SQUARE FEET (11,280 SQ. FT.) IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48 (D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TEN FEET (10') OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE FEET (25'), WHERE FRONT YARD SETBACK OF AS CLOSE AS FIFTEEN FEET (15') IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24.48(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE FIFTEEN FEET (15') OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF TWENTY FEET (20'), WHERE INTERIOR SIDE YARD SETBACK OF FIVE FEET (5') IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48 (D)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO ADD FOUR FEET SIX INCHES (4'6") TO THE MAXIMUM BUILDING HEIGHT OF THIRTY-FIVE FEET (35'), WHERE BUILDING HEIGHT OF THIRTY-NINE FEET SIX INCHES (39'6") IS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-48 (D)(6) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO ADD TWENTY-FIVE PERCENT (25%) TO THE MAXIMUM LOT COVERAGE OF TWENTY-FIVE PERCENT (25%), WHERE LOT COVERAGE OF FIFTY PERCENT (50%) IS PROPOSED, ON PROPERTIES LEGALLY DESCRIBED AS:

The South 40 Feet of Lot C and the North 10 Feet of Lot D, Block 42, Fulford-by-the-Sea, Section "D" according to the Plat thereof, recorded in Plat Book 8, Page 58 of the Public Records of Miami-Dade County, Florida

A/K/A

17031 NE 20th Avenue, North Miami Beach, Florida; and

The South 25 Feet of Lot B and the North 25 Feet of Lot C, Block 42, Fulford-by-the-Sea, Section "D" according to the Plat thereof, recorded in Plat Book 8, Page 58 of the Public Records of Miami-Dade County, Florida

A/K/A

17051 NE 20th Avenue, North Miami Beach, Florida

(P&Z Item No. 14-002 of May 5, 2014)

WHEREAS, the properties described herein are zoned RM-23, Residential Mid-Rise Multi-family (High Density) District; and

WHEREAS, the applicant requests site plan approval and variances in order to construct six three-bedroom, three-story, townhouse units on two lots located at 17031 NE 20th Avenue and 17051 NE 20th Avenue; and

WHEREAS, the Planning and Zoning Board after public hearing on May 5, 2014 unanimously recommended approval of the site plan and related variances by a vote of 7-0, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - a. Survey, Sheet 1 of 1, by Delta Mapping and Surveying, Inc., dated 2/24/2014;
 - b. Site Plan and Site Data, Sheet SP-1, by Jaime M. Plana Architect, dated 2/4/14;
 - c. Floor plans, Sheets A-1 through A-3, by Jaime M. Plana Architect, dated 2/4/14;
 - d. Typical Rooftop Terrace Plan, Sheet A-4, by Jaime M. Plana Architect, dated 2/4/14;
 - e. West & East Elevations, Sheets A-5 and 6, by Jaime M. Plana Architect, dated 2/4/14;
 - f. Longitudinal Section, Sheet A-7, by Jaime M. Plana Architect, dated 2/4/14;
 - g. North & South Elevations, Sheet A-8, by Jaime M. Plana Architect, dated 2/4/14;

h. Landscape Plan, Sheet L-1, by Leticia Fernandez-Beraud L.A., dated 2/4/14.

2. Miami-Dade County Regulatory and Economic Resources (RER) and City permits are required prior to construction.

3. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to, and approved by the City Engineer, prior to the issuance of a building permit.

4. A revised landscape plan must be submitted to, and approved by the City Forester, prior to the issuance of a building permit. The landscaping must be coordinated with the proposed drainage and shall not be in conflict or adversely affect the purpose of the drainage system.

5. All utilities, including but not limited to electrical, cable television, and telephone lines, must be located underground in a manner approved by the Director of Public Services.

6. The Applicant is responsible for coordinating with the applicable utility company if any utility infrastructure requires relocation and bears any associated costs.

7. The Applicant shall take measures to retain storm water runoff within the property. This shall be achieved by the use of an on-site retention or storm water drainage system, as approved by the City, and if an ex-filtration trench will be used, MDC-DRER or DERM (for Environmental Review Permit). Concrete perimeter walls shall prevent storm runoff from draining into the adjacent properties; otherwise, a berm shall be built around the property.

8. The front sidewalk that crosses the driveway must be at least 6" thick, 3,000 psi plant mix in a well compacted limerock base or shall be designed to withstand vehicular traffic.

9. Because NE 20th Avenue in front of the property will be disturbed during construction, after the construction is completed, the Applicant shall mill the road to one inch (1") and resurface it in accordance with the requirements of the Office of the City Engineer.

10. Curbing shall be Type "F" curb and gutter in the public right of way and Type "D" curb in the property.

11. Submit Letter of Substantial Compliance and As-built drawing from Engineer of Record (for work on public right-of-way only) prior to sign off of the final inspection.

12. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.

13. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. Site plan approval in order to construct six (6) three-bedroom, three-story, 2,053 square foot townhouse units, on two lots containing 11,280 square feet of combined land, on the properties legally described as:

The South 40 Feet of Lot C and the North 10 Feet of Lot D, Block 42, Fulford-by-the-Sea, Section "D" according to the Plat thereof, recorded in Plat Book 8, Page 58 of the Public Records of Miami-Dade County, Florida

A/K/A

17031 NE 20th Avenue, North Miami Beach, Florida; and

The South 25 Feet of Lot B and the North 25 Feet of Lot C, Block 42, Fulford-by-the-Sea, Section "D" according to the Plat thereof, recorded in Plat Book 8, Page 58 of the Public Records of Miami-Dade County, Florida

A/K/A

17051 NE 20th Avenue, North Miami Beach, Florida

is hereby granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - a. Survey, Sheet 1 of 1, by Delta Mapping and Surveying, Inc., dated 2/24/2014;
 - b. Site Plan and Site Data, Sheet SP-1, by Jaime M. Plana Architect, dated 2/4/14;
 - c. Floor plans, Sheets A-1 through A-3, by Jaime M. Plana Architect, dated 2/4/14;
 - d. Typical Rooftop Terrace Plan, Sheet A-4, by Jaime M. Plana Architect, dated 2/4/14;
 - e. West & East Elevations, Sheets A-5 and 6, by Jaime M. Plana Architect, dated 2/4/14;
 - f. Longitudinal Section, Sheet A-7, by Jaime M. Plana Architect, dated 2/4/14;

- g. North & South Elevations, Sheet A-8, by Jaime M. Plana Architect, dated 2/4/14;
- h. Landscape Plan, Sheet L-1, by Leticia Fernandez-Beraud L.A., dated 2/4/14.

2. Miami-Dade County Regulatory and Economic Resources (RER) and City permits are required prior to construction.

3. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to, and approved by the City Engineer, prior to the issuance of a building permit.

4. A revised landscape plan must be submitted to, and approved by the City Forester, prior to the issuance of a building permit. The landscaping must be coordinated with the proposed drainage and shall not be in conflict or adversely affect the purpose of the drainage system.

5. All utilities, including but not limited to electrical, cable television, and telephone lines, must be located underground in a manner approved by the Director of Public Services.

6. The Applicant is responsible for coordinating with the applicable utility company if any utility infrastructure requires relocation and bears any associated costs.

7. The Applicant shall take measures to retain storm water runoff within the property. This shall be achieved by the use of an on-site retention or storm water drainage system, as approved by the City, and if an ex-filtration trench will be used, MDC-DRER or DERM (for Environmental Review Permit). Concrete perimeter walls shall prevent storm runoff from draining into the adjacent properties; otherwise, a berm shall be built around the property.

8. The front sidewalk that crosses the driveway must be at least 6" thick, 3,000 psi plant mix in a well compacted limerock base or shall be designed to withstand vehicular traffic.

9. Because NE 20th Avenue in front of the property will be disturbed during construction, after the construction is completed, the Applicant shall mill the road to one inch (1") and resurface it in accordance with the requirements of the Office of the City Engineer.

10. Curbing shall be Type "F" curb and gutter in the public right of way and Type "D" curb in the property.

11. Submit Letter of Substantial Compliance and As-built drawing from Engineer of Record (for work on public right-of-way only) prior to sign off of the final inspection.

12. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.

13. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

Section 2. A variance from Section 24-48(D)(2) to waive three thousand seven hundred and twenty square feet (3,720 sq. ft.) of the minimum fifteen thousand square feet (15,000 sq. ft.) required lot area, where lot area of eleven thousand two hundred and eighty square feet (11,280 sq. ft.) is proposed, on the properties legally described in Section 1 above, is hereby granted subject to the aforementioned conditions.

Section 3. A variance from Section 24-48(D)(4) to waive ten feet (10') of the minimum required front yard setback of twenty-five feet (25'), where front yard setback of as close as fifteen feet (15') is proposed, on the properties legally described in Section 1 above, is hereby granted subject to the aforementioned conditions.

Section 4. A variance from Section 24-48(D)(4) to waive fifteen feet (15') of the minimum required interior side yard setback of twenty feet (20'), where interior side yard setback of five feet (5') is proposed, on the properties legally described in Section 1 above, is hereby granted subject to the aforementioned conditions.

Section 5. A variance from Section 24-48(D)(5) to add four feet six inches (4'6") to the maximum building height of thirty-five feet (35'), where building height of thirty-nine feet six inches (39'-6") is proposed, on the properties legally described in Section 1 above, is hereby granted subject to the aforementioned conditions.

Section 6. A variance from Section 24-48(D)(6) to add twenty-five percent (25%) to the maximum lot coverage of twenty-five percent (25%), where lot coverage of fifty percent (50%) is proposed, on the properties legally described in Section 1 above, is hereby granted subject to the aforementioned conditions.

Section 7. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Council prior to its expiration.

Section 8. Pursuant to Section 24-176(C)(4)(a) of the Code of Ordinances of the City of North Miami Beach, any variance granted shall automatically expire if a permit has not been applied for within one year from the date of this Resolution or, if the permit is issued, expires or is revoked pursuant to the Florida Building Code.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this ___ day of June, 2014.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION



JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council