



**CITY OF NORTH MIAMI BEACH**  
City Commission Meeting  
Julius Littman Performing Arts Theater  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162  
**Tuesday, February 15, 2022**  
**6:00pm**

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

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

**City Commission Meeting Minutes**

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**ROLL CALL OF THE CITY OFFICIALS**

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

Present at the meeting in the Littman Performing Arts Theater were Mayor Anthony F. DeFillipo, Vice Mayor Fortuna Smukler, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Michael Joseph, Commissioner Barbara Kramer, and Commissioner Paule Villard. City Manager Arthur H. Sorey III, Interim City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present.

**INVOCATION** by Pastor Ariel Vasquez (3<sup>rd</sup> Day Church).

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

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

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

- a. Per the request of Commissioner Michael Joseph, a resolution calling on the federal government to cease deportations of Haitian asylum seekers under Title 42 will be added to consent agenda.
- b. Per the request of the City Attorney Office, a resolution approving a letter of intent regarding vacating an alley will be added to agenda and heard after the Quasi-Judicial Legislation.
- c. Item 11.4 under legislation will be heard before Quasi-Judicial legislation.
- d. Per the request of Vice Smukler, an item regarding Civil Service board will be added to Discussion Items as #15.1 which was a rollover item from a previous meeting.

**Motion to approve** to have public comment on particular items take place during those items and general public comment not particular to items on the agenda be done under item number 6 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

**Voice Vote: MOTION PASSED 7-0.**

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

**Voice Vote: MOTION PASSED 7-0.**

Mayor DeFillipo requested point a privilege to recognize Biscayne Park Mayor Virginia O’Halpin, Sunny Isles Beach Vice Mayor Jeniffer Viscarra, former North Miami Beach Commissioner Marlen Martell and Pastor Greg from the Spanish Monastery.

**PRESENTATIONS/DISCUSSIONS**

Presentation from International Institute of Municipal Clerks (IIMC) and Florida Association of City Clerks (FACC) to City Clerk Andrise Bernard (Elizabeth Garcia-Beckford, South District Director)

City Clerk Bernard introduced Elizabeth Garcia-Beckford of the South District on behalf of the International Institute of Municipal Clerks and the Florida Association of City Clerks.

South District Director Elizabeth Garcia-Beckford gave a presentation recognizing City Clerk Bernard’s new designation as Master Municipal Clerk (MMC).

Commissioner Fleurimond requested a point of privilege to also recognize City Clerk Bernard.

City Clerk Bernard thanked the Mayor, Commission, staff, family, friends, IIMC, and all municipal clerks.

Mayor DeFillipo congratulated City Clerk Bernard and reiterated the approved motion regarding public comment.

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

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

1. David Zapen
2. Ketley Joachim
3. Mubarak Kazan
4. Jeb Handwerger
5. Trish Miller
6. former North Miami Beach Commissioner Marlen Martell
7. Leslie Kaplan
8. Rudy Shango-Theophin

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

Interim City Attorney Ottinot requested to have item 11.6 regarding Resolution No. R222-31 express support of SB476 and HB297 Anthony Reznik Act 2-15-22 heard before the Quasi-Judicial Legislation.

**ANNOUNCEMENTS**

Public Affairs presented a video announcing upcoming events in the city as follows:

- a. Announced February is Black History Month.
- b. Recognized the Night of Excellence event hosted by Commissioner Jean held on Tuesday, February 1<sup>st</sup>, 2022, at the Julius Littman Theater.
- c. Black History Month Celebration concert hosted by the Multicultural Committee will be held on Saturday, February 26<sup>th</sup>, 2022, 7 p.m. at the Julius Littman Theater, 17011 NE 19<sup>th</sup> Avenue.

- d. 8<sup>th</sup> Annual Heart Health Walk event hosted by City of North Miami Beach and Commission of the Status of Women along with Vice Mayor Fortuna Smukler will be held on February 20<sup>th</sup>, 2022, from 9 a.m. to 1 p.m. at the NMB Amphitheater 16501 NE 16<sup>th</sup> Avenue.
- e. Announced City Hall will be closed on Monday, February 21<sup>st</sup>, 2022, in observance of President's Day.
- f. SAT Prep for NMB High School Students event hosted by Commissioner Villard will begin January 22<sup>nd</sup>, 2022, every Saturday from 1 pm to 3 pm, call 305-833-8922 to register.
- g. Young Women of Distinction Cohort hosted by Commissioner Daniela Jean deadline for accepting applications submitted to public.affairs@citynmb.com is Friday, March 26<sup>th</sup>, 2022, and the announcements of recipients will be held on Thursday, March 31, 2022.
- h. Drive-Thru COVID 19 Screening hosted by the City of North Miami Beach will be held every Monday, Wednesday and Friday from 9 am to 5 pm at NMB City Hall, 17011 NE 19<sup>th</sup> Avenue.
- i. Senior Luncheon event hosted by Commissioner Villard will be held on Friday, February 25<sup>th</sup>, 2022, from 11 am to 2 pm at the Marjorie and William McDonald Center, 17051 NE 19<sup>th</sup> Avenue.
- j. Getting Fit and Active with Coach D event hosted by Commissioner Villard every Tuesday and Thursday from 10 am to 2 pm at the McDonald Center 17051 NE 19<sup>th</sup> Avenue.
- k. Announced March is International Women's Month.
- l. Ladies Who Lead Breakfast event hosted by Commissioner Jean will be held on Monday, March 7<sup>th</sup>, 2022, 10:30 am at the Marjorie and William McDonald Center, 17051 NE 19<sup>th</sup> Avenue.
- m. Unsung Heroes event hosted by Commissioner Villard will be held on Thursday, March 31<sup>st</sup>, 2022, from 5 pm to 9 pm at the Littman Performing Arts Theater, 17011 NE 19<sup>th</sup> Avenue.
- n. Bike Ride in the 305-event hosted by the City of North Miami Beach, and Mayor Anthony F. DeFillipo in conjunction with the Miami-Dade County's Bike305 will be held on Sunday, March 13<sup>th</sup>, 2022, from 1 pm to 4 pm at the NMB City Hall, 17011 NE 19<sup>th</sup> Avenue.
- o. Presented video footage of Miami-Dade County Days in Tallahassee event held from February 2<sup>nd</sup> to February 3<sup>rd</sup>, 2022.

City Manager Sorey III addressed public comment regarding the deficit. He advised the \$4.4 million dollar deficit that was referred to is the deficit in sanitation due to the commission not passing down the cost to the residents. He also advised according to the CAFR, the general fund has \$29 million dollars in unallocated funds.

### **CITY COMMISSION REPORTS**

Commissioner Fleurimond spoke on the status of the city and thanked his colleagues for attending Miami-Dade County Days in Tallahassee event.

Commissioner Jean stated she echoed the same sentiments of Commissioner Fleurimond; recognized the Youth Advisory Board members who were present at the commission meeting and also recognized Nicole Bonds; recognized Black History Month; recognized Asian New Year; thanked every resident who is present at the meeting; requested the residents to keep track of the city's social media accounts and email list; recognized the CRA for actively doing so many great things for small businesses.

Commissioner Joseph stated he echoed the same sentiments of Commissioner Fleurimond; recognized Miami-Dade County Days in Tallahassee event and advise they will be visiting the county and the US Capitol advocating for the City of North Miami Beach and supporting the residents.

Commissioner Kramer wished everyone a Happy Heart Health Month; recognized Black History Month and announced the upcoming Black History Month Celebration concert hosted by the Multicultural Committee that will be held on Saturday, February 26<sup>th</sup>, 2022, 7 p.m. at the Julius Littman Theater; wished everyone a great night.

Commissioner Villard wished Trisha Harris and Deputy Chief Ervens Ford a Happy Birthday; recognized Black History Month with a quote from Dr. Martin Luther King “Not everybody can be famous but everybody can be great, because greatness is determined by service”; recognized the City of North Miami Beach as a diverse city.

Vice Mayor Smukler wished Police Chief Rand a Happy Birthday; recognized Miami-Dade County Days in Tallahassee event and meeting with the Florida Governor; gave condolences to Janice Coakley for the passing of her mother; gave condolences to the family of Aventura Commissioner Jonathan Evans who passed away; congratulated City Clerk Bernard; announced 8th Annual Heart Health Walk event that will be held on February 20th, 2022, from 9 a.m. to 1 p.m. at the NMB Amphitheater; announced on March 17<sup>th</sup>, 2022, the Library and the Commission on the Status of Women will be celebrating Women’s Month and Saint Patrick’s Day; announced Happy Purim to all; requested the public to contact her if anyone is in need of food assistance and she would provide information on the many food distribution locations held within the city of North Miami Beach; quoted “Local voices make local choices”.

Mayor DeFillipo congratulated City Clerk Bernard; wished everyone a Happy Valentine's Day; recognized Black History Month; wished everyone who is celebrating birthdays in February a Happy Birthday and many blessings; Wished the Asian community a Happy New Year.

**CONSENT AGENDA**

**Special Commission Meeting Minutes of January 11, 2022 (Andrise Bernard, City Clerk)**

**Special Commission Meeting Minutes of January 18, 2022 (Andrise Bernard, City Clerk)**

**Regular Commission Meeting Minutes of January 18, 2022 (Andrise Bernard, City Clerk)**

**Resolution R2022-23 Victory Playground Safety Surface (Andrew Plotkin, Director of Parks and Recreation)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH ROBERTSON INDUSTRIES, INC. AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$198,841.10; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution R2022-25 Traffic Signal Controller (Joann Milord, CRA Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A COMMUNITY AESTHETIC FEATURE AGREEMENT (CAF) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE WRAPPING OF TRAFFIC SIGNAL CONTROLLER CABINETS WITHIN THE COMMUNITY REDEVELOPMENT AGENCY’S (CRA) BOUNDARIES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution R2022-26 Award of RFP-21-082-DR Non-Bank Qualified General Obligation Note Series 2021 (Phillip Ford, Chief Procurement Officer)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT WITH TD BANK, N.A. TO PROVIDE NON-BANK QUALIFIED GENERAL OBLIGATION NOTE SERIES 2022 PURSUANT TO REQUEST FOR PROPOSALS NO. RFP-21-082-DR NON-BANK QUALIFIED GENERAL OBLIGATION NOTE SERIES 2021 AND PROVIDING FOR AN EFFECTIVE DATE.

**RESOLUTION NO. R2022-35**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA CALLING ON THE FEDERAL GOVERNMENT TO CEASE DEPORTATIONS OF HAITIAN ASYLUM SEEKERS UNDER TITLE 42; DIRECTING THE CITY CLERK TO SEND THIS RESOLUTION TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, THE SOUTH FLORIDA CONGRESSIONAL DELEGATION, CHAIR OF CONGRESSIONAL BLACK CAUCUS; AND MIAMI-DADE LEAGUE OF CITIES; PROVIDING FOR AN EFFECTIVE DATE.

The above item was a walk-on item added to the agenda on the dais.

**Motion to approve** the consent agenda made by Vice Mayor Smukler, seconded by Mayor DeFillipo.

Motion rescind by Vice Mayor Smukler, seconded by Commissioner Joseph.

Motion to defer item 9.5 made by Vice Mayor Smukler, seconded by Commissioner Joseph.

**Voice Vote: MOTION PASSED 7-0.**

**Motion to approve** amended consent agenda made by Vice Mayor Smukler, seconded by Commissioner Joseph.

**Voice Vote: MOTION PASSED 7-0.**

**Resolution No. R2022-29 Authorizing the Refunding of Promissory Note Series 2011 and Issuing a New General Obligation Refunding Note, Series 2022, for a Savings of Approximately \$1 Million Dollars (Marcia Fennell, Chief Financial Officer)**

A RESOLUTION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION REFUNDING NOTE, SERIES 2022, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,500,000 TO REFINANCE CERTAIN OUTSTANDING OBLIGATIONS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH NOTE; PROVIDING FOR A PLEDGE OF AD VALOREM REVENUES WITHOUT LIMIT ON ALL TAXABLE PROPERTY IN THE CITY TO PAY THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE NOTE; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE ACCEPTANCE OF TD BANK, N.A.'S PROPOSAL; AUTHORIZING THE SALE OF THE NOTE ON A NEGOTIATED BASIS TO TD BANK, N.A.; AUTHORIZING THE ISSUER TO ACT AS REGISTRAR, PAYING AGENT AND AUTHENTICATING AGENT WITH RESPECT TO THE NOTE; MAKING CERTAIN FINDINGS, REPRESENTATIONS AND COVENANTS WITH RESPECT THERETO; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-29 into the record.

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

No Public Comment.

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

City Manager Sorey III stated the city is always looking for ways to bring revenue or reduce cost to the residents and after attending the Florida League of Cities event he learned cities are refinancing bonds and instructed the Chief Information Officer Marcia Fennell to look into any bonds that can be possibly refinanced. City Manager Sorey III reported Chief Information Officer Marcia Fennell was able to find a debt service bond to refinance and save the city over 1 million dollars which will go to the residents who will pay a little less next fiscal year. City Manager Sorey III thanked Chief Information Officer Marcia Fennell.

Mayor and Commission began discussion on Resolution No. R2022-29.

**Motion to approve** Resolution No. R2022-29 made by Commissioner Fleurimond, seconded by Vice Mayor Smukler.

**Voice Vote: MOTION PASSED 7-0.**

**Resolution No. R2022-31 Express Support of SB476 and HB297 Anthony Reznik Act 2-15-22 (Vice Mayor Fortuna Smukler)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, EXPRESSING SUPPORT FOR SENATE BILL 476 AND HOUSE BILL 297 WHICH WOULD PROVIDE PENALTIES FOR AGGRESSIVE CARELESS DRIVING RESULTING IN SERIOUS BODILY INJURY OR DEATH AND PROPERTY DAMAGE; URGING THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT AND APPROVE THE LEGISLATION; DIRECTING THE CITY CLERK TO DISTRIBUTE COPIES OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-31 into the record.

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

1. Sunny Isles Beach Commissioner Jeniffer Viscarra
2. Mother of Anthony Reznik

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

Mayor and Commission began discussion on expressed support for SB476 and HB297 Anthony Reznik Act 2-15-22.

**Motion to approve** Resolution No. 2022-31 made by Commissioner Jean, seconded by Mayor DeFillipo.

**Voice Vote: MOTION PASSED 7-0.**

Vice Mayor Smukler requested the City Clerk to send Resolution No. 2022-31 to the appropriate person(s) in Tallahassee as soon as possible.

**Resolution R2022-24 A.C. Schultes Well Pump Maintenance and Repair Services (Andrea Suarez Abastida, Director of NMB Water)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH A.C. SCHULTES, FOR THE MAINTENANCE AND REPAIR SERVICES FOR WATER SUPPLY WELLS AND WELL PUMPS IN AN ESTIMATED BUDGETED AMOUNT OF \$80,000.00.

Interim City Attorney Hans Ottinot stated item 9.5 was in reference to well pump maintenance and not police communication due to a scrivener's error on the agenda. Interim City Attorney Hans Ottinot requested the commission to rehear item 9.5 regarding Resolution R2022-24 A.C. Schultes well pump maintenance and repair services.

Interim City Attorney Hans Ottinot read Resolution R2022-24 into the record.

**Motion to approve** Resolution No. 2022-24 made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

**Voice Vote: MOTION PASSED 7-0.**

**QUASI-JUDICIAL LEGISLATION**

**Resolution R2022-27 Canal Park Final Plat (Kent Walia, Director of Community Development)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF NORTH MIAMI BEACH, FLORIDA, APPROVING, THE FINAL PLAT FOR AND ENTITLED "CANAL PARK WEST" LOCATED AT 3227 N.E. 163<sup>rd</sup> STREET, NORTH MIAMI BEACH, FLORIDA, AND LEGALLY DESCRIBED IN ATTACHMENT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-27 into the record.

City Clerk Bernard explained the Jennings Disclosure requirement of naming the individuals with whom the item was discussed and the subject matter of any communication regarding the item.

Commissioner Jean disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Kramer disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Smukler disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Villard disclosed the individual names to whom he spoke on the Jennings Form and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Mayor DeFillipo disclosed the individual names to whom he spoke on the Jennings Form and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Joseph disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

City Clerk Bernard asked anyone who will be speaking and providing testimony on this item to raise their right hand to be sworn in. Community Development Director Kent Walia and Maribel Aguilar with D.E.T Strategic Consultants were sworn in.

City Manager Sorey, III requested Kent Walia, Director of Community Development to provide a brief over of the Canal Park Final Plat plan to the Mayor and Commission.

Community Development Director Kent Walia introduced the Canal Park Final Plat plan and the applicant.

Maribel Aguilar with D.E.T Strategic Consultants gave a brief explanation on the modification of the Canal Park Final Plat plan.

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

No public comment.

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

**Motion to approve** Resolution R2022-27 Canal Park Final Plat plan made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

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

**MOTION PASSED 7-0.**

**Resolution R2022-28 The Riverwalk North Site Plan Modification Request (Kent Walia, Director of Community Development)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF NORTH MIAMI BEACH, FLORIDA, APPROVING, THE SITE PLAN ELEVATION MODIFICATION AT 16395 BISCAYNE BOULEVARD, THE RIVERWALK AT NORTH MIAMI BEACH, FLORIDA AND LEGALLY DESCRIBED IN ATTACHMENT "A"; AND SHOWN AS LOCATION MAP "B" AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-28 into the record.

City Clerk Bernard explained the Jennings Disclosure requirement of naming the individuals with whom the item was discussed and the subject matter of any communication regarding the item.

Commissioner Jean disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Kramer disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Smukler disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Villard disclosed the individual names to whom he spoke on the Jennings Form and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Mayor DeFillipo disclosed the individual names to whom he spoke on the Jennings Form and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.



Commissioner Joseph disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

City Clerk Bernard asked anyone who will be speaking and providing testimony on this item to raise their right hand to be sworn in. Community Development Director Kent Walia and Architect Omar Morales were sworn in.

City Manager Sorey III thanked the individuals from Riverwalk for attending this meeting and stated this item is just a slight modification that was over the 5% rule for change. City Manager Sorey III requested Kent Walia, Director of Community Development to provide a brief over of the Riverwalk North site plan modification request to the Mayor and Commission.

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

Architect Omar Morales gave a brief explanation on the modification of the Riverwalk North site plan.

Mayor and Commission began discussion on the Riverwalk North site plan modification request.

Architect Omar Morales thanked Community Development Director Kent Walia for all his help.

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

**No Public Comment.**

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

**Motion to approve** Resolution R2022-28 Riverwalk North site plan modification request made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

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

**MOTION PASSED 7-0.**

**Resolution No. R2022-34 Letter of Intent Regarding Terms and Conditions for Vacating Alley Located Between 17<sup>th</sup> and 18<sup>th</sup> Avenue and NE 167<sup>th</sup> Street and 168<sup>th</sup> Street, North Miami Beach, Florida For Valuable Consideration.**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A LETTER OF INTENT (“LOI”) ATTACHED HERETO AS EXHIBIT “A” REGARDING TERMS AND CONDITIONS FOR VACATING ALLEY LOCATED BETWEEN NE 17TH AND 18TH AVENUE AND NE 167 AND 168 STREET, NORTH MIAMI BEACH; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-34 into the record and gave a brief explanation on the resolution. Interim City Attorney Ottinot read the Letter of Intent for 17th and 18th Ave and NE 167 Street and 168 Street along with his report.

City Manager Sorey III thanked the City Attorney’s Office.

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

No public comment.

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

Mayor and Commission began discussion on Resolution R2022-34.

**Motion to approve** Resolution R2022-34 made by Commissioner Fleurimond, seconded by Mayor DeFillipo.  
**Voice Vote: MOTION PASSED 7-0.**

### **LEGISLATION**

#### **Ordinance No. 2022-02 (First Reading) Amending Language of General Employees' Pension - Re-Employment of Retirees (Francisco Rios, Director of Human Resources)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH GENERAL EMPLOYEES RETIREMENT PLAN; AMENDING SECTION 6.04 ENTITLED "BENEFITS OTHER THAN ON RETIREMENT" TO PERMIT THE REHIRING OF RETIRED EMPLOYEES OF NMB WATER; PROVIDING FOR THE REPEALER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2022-02 into the record.

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

No public comment.

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

Mayor and Commission began discussion on amending language of general employee's pension for re-employment of retirees.

Vice Mayor Smukler requested the same resolution for the police department.

City Manager Sorey III stated funds have been allocated from American Rescue Plan to add training programs in order to get people in the water plant and hire new employees.

**Motion to approve** Ordinance No. 2022-02 made by Commissioner Jean, seconded by Mayor DeFillipo.  
**Roll Call Vote:** Kramer – Yes, Villard – Yes, Fleurimond – Yes, Jean – Yes, Joseph – Yes, Smukler – Yes, DeFillipo – Yes.  
**MOTION PASSED 7-0.**

#### **Ordinance No. 2022-03 (First Reading) Landlord Notice to Increase Rent (Commissioner Paule Villard)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XIV, "BUILDING AND HOUSING", SECTION 14-12 "RESIDENTIAL RENTAL PERMITS AND INSPECTIONS" OF THE CODE OF ORDINANCES, BY CREATING A NEW SECTION 14-12.8 "WRITTEN NOTICE REQUIRED TO INCREASE RENT FOR RESIDENTIAL RENTAL PROPERTIES"; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. 2022-03 into the record.

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

No public comment.

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

Commissioner Villard spoke regarding Landlord notice to increase rent.

Mayor and Commission began discussion on Ordinance No. 2022-03.

Mayor DeFillipo requested commercial districts added to the resolution.

Interim City Attorney Ottinot stated once the city receives complaints, code enforcement through the manager's office will enforce the ordinance however what management will do once the ordinance passes second reading is notify landlords that the ordinance has been adopted and the city expect compliance. If the landlord is not in compliance, then a fine will be issued.

**Motion to approve** Ordinance No. 2022-03 made by Vice Mayor Smukler, seconded by Mayor DeFillipo.

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

**MOTION PASSED 7-0.**

**Ordinance No. 2022-04 (First Reading) Prohibiting Conflict of Interest in Land Use Matters (Commissioner Michael Joseph)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER II "STRUCTURE OF CITY GOVERNMENT", BY SPECIFICALLY AMENDING ARTICLE X "CODE OF ETHICS" TO CREATE A NEW SECTION 2-79.14 ENTITLED "PROHIBITING CONFLICT OF INTEREST IN LAND USE MATTERS"; AUTHORIZING THE CITY CLERK TO TRANSMIT THE ORDINANCE TO THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST FOR ENFORCEMENT PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2022-04 into the record.

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

No public comment.

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

Commissioner Joseph spoke regarding prohibiting conflicts of interest in land use matters.

Mayor and Commission began discussion on Ordinance No. 2022-04.

Mayor DeFillipo requested the City Attorney to provide any record of any situation where a city commissioner had a problem or was involved with a local developer in the past.

Executive Director Jose Arrojo from the Miami-Dade Commission on Ethics and Public Trust spoke regarding Ordinance No. 2022-04.

Mayor DeFillipo spoke regarding his position on Ordinance No. 2022-04.

Interim City Attorney Ottinot gave legal advisement regarding Ordinance No. 2022-04 and its relation to the current state law.

Mayor DeFillipo spoke for the record regarding his position on Ordinance No. 2022-04.

Interim City Attorney Ottinot gave legal advisement on enforcing Ordinance No. 2022-04.

Mayor and Commission continued discussion on prohibiting conflicts of interest in land use matters.

Executive Director Jose Arrojo gave the ethics interpretation of Ordinance No. 2022-04 and the recurring conflicts of outside employment.

Mayor and Commission continued discussion on prohibiting conflicts of interest in land use matters.

Executive Director Jose Arrojo gave the ethics interpretation, the conflicts of outside employment and issuing ethical opinions.

Interim City Attorney Ottinot gave an example of Ordinance No. 2022-04 with City of Sunny Isles Beach and their ordinance.

Mayor and Commission continued discussion on prohibiting conflicts of interest in land use matters.

Executive Director Jose Arrojo continued to give the ethics interpretation with conflicts of outside employment and issuing ethical opinions.

Interim City Attorney Ottinot gave legal advisement on enforcing Ordinance No. 2022-04.

Mayor and Commission continued discussion on prohibiting conflicts of interest in land use matters.

**Motion to approve** Ordinance No. 2022-04 made by Commissioner Joseph, seconded by Commissioner Villard.

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

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

**Resolution No. R2022-30 Award of ITB-21-076-MC Norwood WTP Improvements Phase II Production Wells (Andrea Suarez Abastida, Director of NMB Water)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID ITB-21-076-MC “NORWOOD WTP IMPROVEMENTS PHASE II PRODUCTION WELLS (WATR2002B)”; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT ALL WEBB’S ENTERPRISE, INC. AND EXPEND AN BUDGETED AMOUNT UP TO BUT NOT TO EXCEED \$2,835,050.00; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-30 into the record.

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

No public comment.

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

Mayor and Commission began discussion on award of ITB-21-076-MC Norwood WTP improvements phase II production wells.

**Motion to approve** Resolution No. 2022-30 made by Commissioner Fleurimond, seconded by Vice Mayor Smukler.

**Voice Vote: MOTION PASSED 7-0.**

**Resolution No. R2022-32 Expressing Strong Support for Increasing the Salaries of Prosecutors and Support Staff in Miami-Dade County State Attorney Office (Vice Mayor Fortuna Smukler)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, EXPRESSING STRONG SUPPORT FOR INCREASING THE SALARIES OF PROSECUTORS AND SUPPORT STAFF IN THE OFFICE OF STATE ATTORNEY IN MIAMI-DADE COUNTY; URGING THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT AND APPROVE SALARY INCREASES FOR PROSECUTORS AND SUPPORT STAFF; DIRECTING THE CITY CLERK TO DISTRIBUTE COPIES OF THIS RESOLUTION TO THE SOUTH FLORIDA LEGISLATIVE DELEGATION AND GOVERNOR RON DESANTIS; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-32 into the record.

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

No public comment.

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

Vice Mayor Smukler spoke expressing strong support for increasing the salaries of prosecutors and support staff in Miami-Dade County State Attorney's Office.

Mayor and Commission began discussion on Resolution No. R2022-32.

**Motion to approve** Resolution No. 2022-32 made by Commissioner Jean, seconded by Commissioner Kramer.

**Voice Vote: MOTION PASSED 7-0.**

**Motion to approve** a similar like resolution for the public defenders' office with similar language as Resolution No. R2022-32 to be sent to the South Florida Delegations (sponsored by Commissioner Villard) made by Commissioner Kramer, seconded by Commissioner Joseph.

**Voice Vote: MOTION PASSED 6-1** with Mayor DeFillipo oppose.

**Resolution No. R2022-33 Censuring Commissioner Kramer (Commissioner Paule Villard)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CENSURING COMMISSIONER BARBARA KRAMER FOR UNACCEPTABLE AND INEXCUSABLE BEHAVIOR EXHIBITED TOWARD HER COLLEAGUES ON THE CITY COMMISSION WHICH SEEKS TO ENCOURAGE DIVISION IN THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2022-33 into the record.

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

1. Former City of North Miami Beach Commissioner Marlen Martel
2. Robert Kaplan

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

Commissioner Villard spoke regarding censuring Commissioner Kramer and read into the record Resolution No. R2022-33.

Mayor and Commission began discussion on censuring Commissioner Kramer.

**Motion to approve** Resolution No. 2022-33 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

**Voice Vote: MOTION PASSED 4-3** with Commissioner Kramer, Vice Mayor Smukler and Mayor DeFillipo.

### **DISCUSSION ITEMS**

#### **Civil Service (Vice Mayor Fortuna Smukler)**

Vice Mayor Smukler began discussion on the Civil Service Board and the changes that were made to the Civil Service Board rules. Vice Mayor Smukler requested the board to review the civil service rules and revise the changes that were made in order to protect the employees.

**Motion to approve** the City Attorney to further look into the Civil Service Board and bring forth information back to the commission made by Commissioner Fleurimond, seconded by Commissioner Joseph.

**No vote was taken.**

The Commission requested the City Attorney to further look into the civil service board and bring back the information back to the commission on the next meeting.

#### **Setting the Record Straight (Commissioner Barbara Kramer)**

Commissioner Kramer spoke regarding setting the records straight.

#### **Multi Family Parking Ordinance (Vice Mayor Fortuna Smukler)**

The Commission has requested the City Attorney's Office and the City Manager's Office to bring back a multi-family parking ordinance along with paid parking options.

### **CITY MANAGER'S REPORT**

City Manager had nothing to report.

### **CITY ATTORNEY'S REPORT**

Interim City Attorney had nothing to report.

### **Mayor's Discussion**

Mayor DeFillipo stated he was honored to travel to Washington, D.C. along with the City Manager for the League of Mayors conference and advised it was very productive for the city; recognized City of Miami Mayor Suarez who is the president of the League of Mayors; expressed gratitude to the City Manager for attending the conference and the great work they completed together; apologized to the Interim City Attorney.

**CITY COMMISSION REPORTS**

Commissioner Fleurimond had nothing to report.

Commissioner Jean wished everyone a great night.

Commissioner Joseph had nothing to report.

Commissioner Kramer was away from the dais.

Commissioner Villard announced the Senior Luncheon event that will be held on Friday, February 25<sup>th</sup>, 2022, from 11:00am to 2:00pm at the Marjorie and William McDonald Center.

Vice Mayor Smukler requested the City Manager to look into conducting a sensitivity training for the board.

Mayor DeFillipo announced the next scheduled Commission Meeting will be held on Thursday, March 24<sup>th</sup>, 2022, due to the commission traveling to the Florida League of Cities conference.

**ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 11:12pm.

**ATTEST:**

(SEAL)



Andrise Bernard, MMC, City Clerk