



CITY OF NORTH MIAMI BEACH
City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Thursday, March 24, 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

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:12 p.m.

Present at the meeting in the Littman Performing Arts Theater were Vice Mayor Fortuna Smukler, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Michael Joseph, Commissioner Barbara Kramer, and Commissioner Paule Villard (not present during roll call).

City Manager Arthur H. Sorey III, Interim Assistant City Attorney Pamala Ryan, and City Clerk Andrise Bernard were also present. Mayor Anthony F. DeFillipo was not present.

INVOCATION by Pastor Ginger Medley (Fulford Method 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 Fleurimond, the following Discussion Items will be added to the agenda and heard after Appointments:
 - The reinstatement of 2013 benefits for the current participants in the General Employees' Pension Plan.
 - The reinstatement of the Civil Service Board.
- b. Per the request of Commissioner Joseph, item 10.2 (Resolution No. R2022-45 Echad Site Plan Request) under the Quasi-Judicial Legislation will be deferred to the April 19th, 2022 Commission Meeting.

- c. Per the request of Commissioner Fleurimond, discussion regarding salary and benefits for the non-bargaining employees of the North Miami Beach Police Department will be added to the Discussion Items.
- d. Per the request of Commissioner Fleurimond, item 10.1 (Resolution No. R2022-44 NMB Place Site Plan Approval and Four Related Non-Use Variances) from the Quasi-Judicial Legislation will be deferred to the April 19th, 2022 Commission Meeting.
- e. Per the request of Commissioner Fleurimond, item 10.3 (Resolution No. R2022-46 Toras Emes Site Plan Request) under Quasi-Judicial Legislation will be heard before Consent Agenda.

Motion to approve the amended agenda made by Commissioner Joseph, seconded by Commissioner Fleurimond.

Voice Vote: MOTION 5-0 with Mayor DeFillipo absent and Commissioner Villard not yet present.

PRESENTATIONS/DISCUSSIONS

City Manager Sorey III announced the City of North Miami Beach has closed on the corner store located in the Washington Park district. City Manager Sorey III announced within four to five weeks the store will be demolished with a possible groundbreaking ceremony and thanked the city Commission for supporting this project.

Commissioner Joseph requested the City Manager to give a presentation of Washington Park project during Heritage Day.

City Manager Sorey III advised the property was purchased for approximately \$800,000 and the liens on the property were removed. City Manager Sorey III thanked and recognized Chief of Staff Willis Howard. He also thanked the City Attorney’s Office for being instrumental on the purchase of the property.

City Manager Sorey III introduced Finance Director Agnew James-Pierre, Interim Police Chief Harvette Smith, and Assistant City Manager Kemarr Brown to the City Commission.

Vice Mayor Fortuna Smukler 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. Marilyn Baumohl
- 2. Keith Myers
- 3. Saundra Douglas
- 4. Lorenzo Hall
- 5. Mubarak Kazan
- 6. Tricia Harris
- 7. Moushka Arias
- 8. Shulamis Tyberg
- 9. Jeb Handwerger
- 10. Melissa Winchester
- 11. Irelene King Allen
- 12. William Riley

Motion to reconsider the vote to defer item 10.2 made by Commissioner Kramer, seconded by Vice Mayor Smukler.

Roll Call Vote: Fleurimond – **No**, Jean – **No**, Joseph – **No**, Kramer – **Yes**, Villard - **No**, Smukler - **Yes**
MOTION FAILED 2-4 with Commissioner Fleurimond, Commissioner Joseph, Commissioner Jean, and Commissioner Villard opposed and Mayor DeFillipo absent.

13. Jeff Bercow
14. Karen Harrold
15. Shuntel Southerland

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

ANNOUNCEMENTS

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

CITY COMMISSION REPORTS

Commissioner Fleurimond thanked the City Manager, Police Department and the Commission for taking part in the stakeholders meeting with stakeholders, the Jewish community, Rabbis, and educators; recognized Supreme Court Justice nominee, Ketanji Brown and all her accomplishments; acknowledged attending the Public Private Partnership Conference and stated he is looking to partner with the private sector to bring various programs and developments to the City of North Miami Beach; thanked everyone and wished everyone a good night.

Commissioner Jean recognized Women's International History month; congratulated Interim Police Chief Harvette Smith and Assistant City Manager Kemarr brown; recognized Supreme Court Justice nominee, Ketanji Brown; thanked everyone for all the birthday wishes; thanked PR Wire for honoring her as Sisters Who Succeed; recognized Women Mean Business International Conference where she will be honored as a trailblazer; gave a reminder to everyone that the Woman of Distinguish Cohort Scholarship deadline has been extended; thanked everyone who attended the CRA Snake Creek Canal discussion yesterday; Congratulated the communities in the City of North Miami Beach on the Washington park project and thanked the management team; thanked Chief of State Willis Howard for his efforts with the Washington Park project, the visit to the Governor's Office where items such as the Cold Case was approved, the interlocal agreements and with the CRA; thanked the stakeholders of Jewish community and looked forward to a productive meeting.

Commissioner Joseph mentioned last October, an RFI for information was submitted, and the City Manager is still collecting information because it is still exploratory. He is looking forward to what the manager will come back with on his findings; thanked the City Manager for the Roof and Window program and requested the City Manager to look into more people applying to the program by using with another metric system; mentioned his attendance at the National League of Cities along with Commissioner Jean where they met with elected federal officials as well as toured the capitol; recognized Congresswoman Frederica Wilson, Congresswoman Shelia McCormick and other elected officials for giving them an opportunity to view the capitol; mention meeting with new CEO of Jackson North, Dr. Marie Sandra Severe and recognized her as the second black woman to hold that position; recognized Florida State Representative Christopher Benjamin and Florida Senator Pizzo for assisting in receiving about \$100,000 from the state to apply to the budget that is awaiting approval from the Governor; thanked Congresswoman Federica Wilson for providing over a million dollars in the last bill and requested the City Manager to celebrate this accomplishment as well as

congratulated the City Manager; recognized Ramadan Holiday, and stated Ramadan Mubarak; recognized Easter Holiday and Good Pesach.

Commissioner Kramer welcomed new Assistant City Manager Kemarr Brown and new Interim Police Chief Harvette Smith; recognized Retired Chief Rand; requested to retrack statement regarding greedy development and meant big corporation; spoke regarding the motion to defer the site plan resolutions to the next scheduled Commission Meeting.

Commissioner Villard congratulated Interim Police Chief Harvette Smith; welcomed Assistant City Manager Kemarr Brown; stated the City of North Miami Beach is moving forward in the right direction; recognized the Washington park project, and Senior Center project; congratulated new CEO of Jackson Memorial North, Dr. Marie Sandra Severe; announced the upcoming Unsung Heroes event; announced she will be honored as a panelist to speak to young people on Saturday at the Ladies of Valor Empowerment event with Dr. Alourdes Pierre at Miami Dade College Wilson college; thanked everyone.

Vice Mayor Smukler recognized the mother of Anthony Reznik and stated the Anthony Reznik Act did not pass; thanked Parks and Recreation, Public Affairs, Police Department, Human Resources and the Commission on the Status of Women for making the heart health walk successful; announced the return of the food drive with a goal to feed 1000 families with the first event being held on April 19th at Uleta Park then May 21st, June 18th and July 16th; announced Free Mammogram Mobile event will be held on May 14 and October 1st; mentioned the past meetings with the Jewish community and the CRA; congratulated Interim Police Chief Harvette Smith; welcomed Assistant City Manager Kemarr Brown and Finance Director Agnew James-Pierre; wished everyone a Happy Ramadan and Happy Easter; quoted "Local voices make local choices."

10.3. Resolution No. R2022-46 Toras Emes Site Plan Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN APPLICATION AND SIXTEEN RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE CONSTRUCTION OF A 74,918 GROSS SQUARE FOOT, RELIGIOUS-EDUCATIONAL FACILITY, WHICH CONSISTS OF A ONE-STORY GYMNASIUM WITH A 22 SPACE SURFACE PARKING LOT (PHASE 1), AND A FOUR-STORY EDUCATION BUILDING (PHASE 2) WITH 32 CLASSROOMS, KITCHEN, DINING ROOM, PRAYER ROOM, SPECIALTY SPACES, AND RECREATIONAL ROOF DECK, SITUATED ON LOTS 3, 4, AND 8 THROUGH 16, BLOCK 9 OF "MONTICELLO PARK UNIT 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40, PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED AT 16415 NE 11TH AVENUE, 1136 NE 165TH STREET, 1150 NE 165TH STREET; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Assistant City Attorney Ryan read the title of Resolution No. R2022-46 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 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.

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 Fleurimond disclosed he spoke with Attorney Matt Amster, Mitch Edelstein, City Manager's Office, City Attorney's Office, Planning and Zoning staff, administration of school, community stakeholders and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Joseph disclosed he spoke with the lobbyist and counsel for the project, Mitch Edelstein, City Attorney's Office, City Manager's Office, Planning and Zoning director, various stakeholders in the community, the principal of the facility and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Kramer disclosed she had not spoken to anyone regarding the project and only had a light conversation with Matt Amster not regarding the project and confirmed that she 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, Attorney Matt Amster, Kobi Karp, Mascos Lapcivc, and Juan Espinosa were sworn in.

City Manager Sorey, III requested Kent Walia, Director of Community Development to provide a brief overview of the Toras Emes Site Plan Request to the Mayor and Commission.

Community Development Director Kent Walia introduced the Toras Emes Site Plan Request and the applicant.

Attorney Matt Amster, and Kobi Karp gave a brief explanation on the modification of the Toras Emes Site Plan Request.

Motion to introduce this item made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Vice Mayor Fortuna Smukler opened the meeting for **PUBLIC COMMENT**.

1. Jacob Israel
2. Jackie Moskowitz
3. Reva Homnidl
4. Moshe Lehrfield

5. Jacob Marmor
6. Jeb Handwerger
7. Marilyn Baumoehl
8. Mubarak Kazan

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

Attorney Matt Amster summarized the modification of the Toras Emes Site Plan Request and accomplishments.

Vice Mayor and Commission began discussion on the modification of the Toras Emes Site Plan Request along with Attorney Matt Amster and Kobi Karp.

Motion to approve Resolution R2022-46 Toras Emes Site Plan Request with or without the modification of DOT with the city input made by Commissioner Jean, seconded by Commissioner Joseph.

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

MOTION PASSED 6-0 with Mayor DeFillipo absent.

CONSENT AGENDA

9.1. Special Commission Meeting Minutes of February 8, 2022 (Andrise Bernard, MMC, City Clerk)

9.2. Regular Commission Meeting Minutes of February 15, 2022 (Andrise Bernard, MMC, City Clerk)

9.3. Resolution No. R2022-37 Purchase of Highland Village Playground (Andrew Plotkin, Parks and Recreation Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH GAME TIME, INC. AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ESTIMATED EXPENDITURE OF \$351,989.69; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

9.4. Resolution No. R2022-38 Dell Marketing, LP (Ricardo Castillo, Chief Information Officer)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE UTILIZATION OF THE STATE OF FLORIDA MASTER AGREEMENT #MNWNC-108, OTHERWISE KNOWN AS 43211500- WSCA-15-ACS, FOR THE PURCHASE OF COMPUTER AND SERVER EQUIPMENT, HARDWARE AND SOFTWARE FOR CITY DEPARTMENT OPERATIONS FROM DELL TECHNOLOGIES FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS ANNUALLY AS ALLOCATED IN CITY DEPARTMENT DURING ANNUAL BUDGET PROCESS FOR THE DURATION OF THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS TO EFFECTUATE THE PURCHASES; AND PROVIDING AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

9.5. Resolution No. R2022-39 Uleta Recreation Facility Repair and Enhancement (Judeen N Johnson, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH GARLAND/DBS INC FOR EXTERIOR BUILDING REPAIRS AND ENHANCEMENT TO ULETA PARK FACILITIES IN AMOUNT OF \$77,236.

9.6. Resolution No. R2022-40 Norwood Water Plant A/C Roof Top Unit Replacement (Judeen N Johnson, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH TRANE TECHNOLOGIES FOR THE REPLACEMENT OF THREE ROOF TOP UNITS(RTU) AT NORWOOD WATER PLANT AT A BUDGETED COST OF \$98,460.

9.7. Resolution No. R2022-41 Norwood Water Plant Replacement of Air Condition Controls (Judeen N Johnson, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH TRANE TECHNOLOGIES FOR THE REPLACEMENT OF CURRENT A/C CONTROLS WITH TRACER SC AT NORWOOD WATER PLANT AT A BUDGETED COST OF \$99,825.

9.8. Resolution No. R2022-42 Purchase and Delivery of Unleaded Gasoline and Diesel Fuel (Phillip Ford, Chief Procurement Officer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PURCHASE ORDER BETWEEN PORT CONSOLIDATED, INC. AND THE CITY OF NORTH MIAMI BEACH, FOR THE PURCHASE AND DELIVERY OF UNLEADED GASOLINE AND DIESEL FUEL; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ANNUAL BUDGETED EXPENDITURE, AS APPROVED IN THE BUDGET APPROPRIATION PROCESS.

9.9. Resolution No. R2022-43 NE 183rd Street Bike Path Payment Ratification (Judeen N Johnson, Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING A CHANGE ORDER FOR CONTINENTAL CONSTRUCTION COMPANY (“CONTINENTAL”) IN THE AMOUNT OF \$93,229.19 FOR ADDITIONAL WORK TO FINALIZE PAYMENT FOR WORKS COMPLETED ON THE NORTHNEAST 183rd STREET WATERMAIN AND BIKE LANE PROJECT; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Smukler stated there were reports of flooding on NE 183rd Street Bike path and requested the City Manager to look into this. City Manager Sorey III stated the Bike Path was completed however there were some work done at the end of the project that needed a change work order. City Manager Sorey III stated he will have Public Works investigate the flooding.

Motion to approve the consent agenda made by Commissioner Joseph, seconded by Commissioner Fleurimond.

Voice Vote: MOTION PASSED 5-0 with Mayor DeFillipo absent and Commissioner Villard away from the dais.

QUASI-JUDICIAL LEGISLATION

10.1. Resolution No. R2022-44 NMB Place Site Plan Approval and Four Related Non-Use Variances (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN AND FOUR RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE CONSTRUCTION OF A 1,219,643 SQUARE FOOT MIXED-USE DEVELOPMENT, CONSISTING OF TWO , TWENTY-EIGHT - STORY TOWERS WITH 11,540 SQUARE FEET OF RETAIL SPACE, 6,810 SQUARE FEET OF OFFICE, 700 RESIDENTIAL UNITS, AND 957 PARKING SPACES ON A 1.86 ACRE PARCEL LOCATED AT 1959 AND 1999 NE 164 STREET; GRANTING A VARIANCE TO PERMIT DECORATIVE SCREENING OF THE PARKING GARAGE FOR THE EAST AND WEST TOWER FRONTING ALONG NE 164 STREET, WHERE THE CODE REQUIRES A 20-FOOT-DEEP LINER BUILDING; GRANTING A VARIANCE TO PERMIT A 98.21% IMPERVIOUS AREA AT THE PODIUM LEVEL, WHERE THE CODE PERMITS A MAXIMUM IMPERVIOUS AREA OF 90% AT THE PODIUM LEVEL; GRANTING A VARIANCE TO PERMIT THE EAST SIDE OF THE EAST TOWER AT 7'7" TO 11'4" SETBACK FROM THE PODIUM, WHERE THE CODE REQUIRES A MINIMUM SETBACK OF 15 FEET; AND GRANTING A VARIANCE TO PERMIT A FURNISHINGS/GREEN AREA WITH A WIDTH OF 12'6", WHERE THE CODE REQUIRES AN 18- FOOT WIDTH ALONG THE NE 19 AVENUE GREENWAY; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was deferred to the April 19th, 2022 Commission Meeting.

10.2. Resolution No. R2022-45 Echad Site Plan Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING CONDITIONAL USE, SITE PLAN, AND RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE CONSTRUCTION OF A DEVELOPMENT CONSISTING OF THREE TOWERS WITH APPROXIMATELY 12,258 SQUARE FEET OF RETAIL SPACE, 3,866 SQUARE FEET OF RESTAURANT SPACE, 77,856 SQUARE FEET OF OFFICE SPACE, 223 HOTEL UNITS, AND 526 PARKING SPACES; GRANTING FOUR VARIANCES FROM SEC. 24-52(D)(3) REQUIRED MINIMUM YARD SETBACKS; GRANTING A VARIANCE FROM SEC. 24-52(D)(7)(a) REQUIRING USES PERMITTED TO BE CONDUCTED ENTIRELY WITHIN AN ENCLOSED AND ROOFED STRUCTURE; GRANTING A VARIANCE FROM SEC. 24-81(A)(3) FOR REGULATIONS OF BALCONIES ENCROACHING ON REQUIRED SETBACKS; AND GRANTING CONDITIONAL USE APPROVAL FOR A HOTEL, ON PROPERTY LOCATED AT 851 NE 167 STREET, NORTH MIAMI BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was deferred to the April 19th, 2022 Commission Meeting.

LEGISLATION

11.1. Ordinance No. 2022-02 (Second and Final Reading) Amending Language of General Employees' Pension – Re-Employment of Retirees (Francisco Rios, Human Resources Director)

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 Assistant City Attorney Ryan read the title of Ordinance No. 2022-02 into the record.

Motion to approve Ordinance No. 2022-02 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

No public comment.

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

Motion to approve Ordinance No. 2022-02 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Roll Call Vote: Kramer – Yes, Villard – Yes, Fleurimond – Yes, Jean – Yes, Joseph – Yes, Smukler – Yes.
MOTION PASSED 6-0 with Mayor DeFillipo absent.

11.2. Ordinance No. 2022-03 (Second and Final 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 Assistant City Attorney Ryan read the title of Ordinance No. 2022-03 into the record.

Motion to approve Ordinance No. 2022-03 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Interim Assistant City Attorney Ryan advised commercial properties were not listed under this ordinance based on not locating any case law or Attorney General Opinion that would support adding commercial properties. Interim Assistant City Attorney Ryan stated after the vote, the Commission can request for the City Attorney's Office to request an Attorney General Opinion.

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

No public comment.

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

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

Motion to approve Ordinance No. 2022-03 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Roll Call Vote: Villard – Yes, Fleurimond – Yes, Jean – Yes, Joseph – Yes, Kramer – Yes, Smukler – Yes.
MOTION PASSED 6-0 with Mayor DeFillipo absent.

11.3. Ordinance No. 2022-04 (Second and Final 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 Assistant City Attorney Ryan read the title of Ordinance No. 2022-04 into the record.

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

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

No public comment.

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

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

City Manager Sorey III stated on policy items, staff does not add any recommendations because the policy is recommended by the Commission.

Interim Assistant City Attorney Ryan read the guidelines under Ordinance No. 2022-04.

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

Roll Call Vote: Fleurimond – Yes, Jean – Yes, Joseph – Yes, Kramer – No, Villard – Yes, Smukler – Yes,
MOTION PASSED 5-1 with Commissioner Kramer opposed and Mayor DeFillipo absent.

11.4. Ordinance No. 2022-05 (First Reading) Providing Clarification to In Service Distribution When a Member Becomes Reemployed (Police and Fire Retirement Board)

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

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

Motion to approve Ordinance No. 2022-05 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

1. Jeb Handwerger
2. Mubarak Kazan

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

City Manager Sorey stated all job announcements do include benefits.

Attorney Pedro Herrera gave a brief explanation on Ordinance No. 2022-25.

Interim Assistant City Attorney Ryan gave guidelines regarding Ordinance No. 2022-25.

Mayor and Commission began discussion on Ordinance No. 2022-05.

Pedro spoke regarding Ordinance No. 2022-05.

Motion to approve Ordinance No. 2022-05 with amendment to reflect the City Manager as the person to declare a state of emergency made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

MOTION PASSED 5-0 with Mayor DeFillipo absent and Commissioner Villard away from the dais.

11.5. Resolution No. R2022-47 Award of RFQ-21-025-MC - Design-Build Services for Norwood-Oeffler Water Treatment Plant (Andrea Suárez Abastida, Director of NMB Water)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING THE AWARD RECOMMENDATION OF THE REQUEST FOR QUALIFICATIONS RFQ-21-025-MC - DESIGN-BUILD SERVICES FOR NORWOOD-OEFFLER WATER TREATMENT PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PCL CONSTRUCTION INC.; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND A BUDGETED AMOUNT NOT TO EXCEED \$34,400,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Assistant City Attorney Ryan read the title of Resolution No. R2022-47 into the record.

Motion to introduced Resolution No. R2022-47 by Commissioner Fleurimond, seconded by Commissioner Joseph.

City Manager Sorey, III requested NMB Water Director Andrea Suarez-Abastida to provide a brief over of the Design-Build Services for Norwood-Oeffler Water Treatment Plant to the Mayor and Commission.

NMB Water Director Andrea Suarez gave a presentation on the Design-Build Services for Norwood-Oeffler Water Treatment Plant.

City Manager Sorey spoke on Design-Build Services for Norwood-Oeffler Water Treatment Plant.

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

1. Mubarak Kazan
2. Jeb Handwerger

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

Mayor and Commission began discussion on Resolution No. R2022-47.

NMB Water Director Andrea Suarez and City Manager Sorey III spoke regarding the CIP project funds.

Mayor and Commission began discussion on Resolution No. R2022-47.

Motion to approve Resolution No. R2022-47 made by Commissioner Joseph, seconded by Vice Mayor Smukler.

Voice Vote: MOTION 5-0 with Mayor DeFillipo absent and Commissioner Villard away from the dais.

11.6. Resolution No. R2022-48 Vacating Alley - Nova Campus (Hans Ottinot, Interim City Attorney)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR THE VACATION OF A 20-FOOT WIDE ALLEY LOCATED BETWEEN N.E. 17TH AND 18TH AVENUE AND N.E. 167 AND 168 STREET, NORTH MIAMI BEACH FLORIDA, AS MORE FULLY DESCRIBED IN EXHIBIT "A"; PROVIDING THE CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVING FOR AN EFFECTIVE DATE.

Interim Assistant City Attorney Ryan read the title of Resolution No. R2022-48 into the record.

Motion to introduce made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Assistant City Attorney Ryan gave a brief explanation on Resolution No. R2022-48.

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

1. Mubarak Kazan
2. Jeb Handwerger

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

Mayor and Commission began discussion on Resolution No. R2022-48.

Assistant City Attorney Ryan spoke regarding the process of vacating the alley.

Motion to approve Resolution No. R2022-48 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Voice Vote: MOTION 5-0 with Mayor DeFillipo absent and Commissioner Villard away from the dais.

11.7. Resolution No. R2022-49 Condemning the Invasion of Ukraine by Russia (Vice Mayor Fortuna Smukler)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CONDEMNING THE UNPROVOKED INVASION OF THE SOVEREIGN NATION OF UKRAINE BY RUSSIA AND REQUESTING PRESIDENT BIDEN, GOVERNOR DESANTIS, AND ALL MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION (NATO) TO PROVIDE ALL POSSIBLE ASSISTANCE AND HUMANITARIAN AID TO THE UKRAINIAN PEOPLE AND TAKE SUCH STEPS AS ARE NECESSARY TO DEPRIVE THE RUSSIAN GOVERNMENT OF SOURCES OF FOREIGN MONIES; PROVIDING INSTRUCTIONS TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to introduce Resolution No. R2022-49 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Interim Assistant City Attorney Ryan read the title of Resolution No. R2022-49 into the record.

Vice Mayor Smukler gave a brief explanation on Resolution No. R2022-49.

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

1. Jeb Handwerger
2. Mubarak Kazan

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

Mayor and Commission began discussion on Resolution No. R2022-49.

Motion to approve Resolution No. R2022-49 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Voice Vote: MOTION 5-0 with Mayor DeFillipo absent and Commissioner Villard away from the dais.

11.8. Resolution No. R2022-50 Consultant Agreement with Willis Howard (Arthur H. Sorey III, City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CONSULTANT AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND WILLIS HOWARD ATTACHED HERETO AS EXHIBIT "A" IN SUBSTANTIALLY THE SAME FORM; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONSULTANT AGREEMENT; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH

THE AUTHORITY TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim Assistant City Attorney Ryan read the title of Resolution No. R2022-50 into the record.

City Manager Sorey III gave a brief explanation on Resolution No. R2022-50.

Motion to introduced Resolution No. R2022-50 by my Commissioner Fleurimond, seconded by Commissioner Joseph.

Vice Mayor Smukler opened the meeting for **PUBLIC COMMENT**.

1. Mubarak Kazan
2. Jeb Handwerger

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

Mayor and Commission began discussion on Resolution No. R2022-50.

City Manager Sorey III spoke regarding the consultant agreement with Chief of Staff Willis Howard.

Motion to approve Resolution No. R2022-50 made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Voice Vote: MOTION PASSED 5-1 with Commissioner Kramer opposed and Mayor DeFillipo absent.

APPOINTMENTS

13.1. Appointing Commissioner McKenzie Fleurimond as Vice Mayor effective April 17, 2022 (Andrise Bernard, MMC, City Clerk) Per Code of Ordinances Chapter II, Article 2-2 – Vice Mayor.

Motion to approve appointing Commissioner McKenzie Fleurimond as Vice Mayor made by Commissioner Joseph, seconded by Commissioner Villard.

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

The reinstatement of 2013 benefits for the current participants in the General Employees' Pension Plan.

Commissioner Fleurimond began discussion on the benefits for current participants in the General Employees' pension plan. Commissioner Fleurimond requested a consensus from the Commission for the City Manager to move forward with this recommendation.

City Manager Sorey III spoke regarding the benefits for current participants in the General Employees' pension plan and the re-negotiation process with the unions.

Motion to approve the City Manager to move forward with the recommendation within 60 days made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

The reinstatement of the Civil Service Board

Commissioner Fleurimond began discussion on the reinstatement of the Civil Service Board.

Motion to approve to reinstate the functions of the Civil Service Board prior to the changes in 2018 made by Commissioner Fleurimond, seconded by Vice Smukler.

Motion to approve directing the City Manager, City Attorney and City Clerk to come back within 30 days with an ordinance to reflect the reinstatement of the Civil Service Board made by Commissioner Fleurimond, seconded by Vice Smukler.

Voice Vote: MOTION 6-0 with Mayor DeFillipo absent.

Discussion regarding salary benefits for the North Miami Beach Police Department

Commissioner Fleurimond began discussion on salary benefits for the North Miami Beach Police and the lack of incentive for promoting within.

Motion to approve directing the City Manager provide a policy on salary benefits for the North Miami Beach Police within 60 days after the union cast their vote made by Commissioner Fleurimond, seconded by Commissioner Joseph.

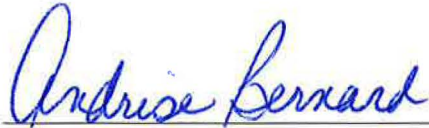
Voice Vote: MOTION PASSED 6-0 with Mayor DeFillipo absent.

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 12:00 a.m.

ATTEST:

(SEAL)



Andrise Bernard, MMC, City Clerk