



**CITY OF NORTH MIAMI BEACH**  
City Commission Meeting  
Julius Littman Performing Arts Theater  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162  
**Tuesday, November 16, 2021**  
**6:00pm**

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

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

**City Commission Meeting Minutes**

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**ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 6:01 pm.

Present at the meeting in the Littman Performing Arts Theater were Mayor Anthony F. DeFillipo, Vice Mayor Daniela Jean, Commissioner McKenzie Fleurimond, Commissioner Michael Joseph, Commissioner Barbara Kramer, Commissioner Fortuna Smukler, 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 Reverend Njeri Wagana Hughes of All Nations Presbyterian Church.

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

Mayor Anthony DeFillipo recognized former City of North Miami Beach Commissioner Phyllis Smith.

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

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

- a. Discussion item 15.4 regarding acquisition of properties for the expansion of Washington Park has been moved from discussion to legislation and will be heard as item 11.9.
- b. Item 9.2 (Resolution R2021-09) will be pulled from the consent agenda and moved to legislation.

**Motion to approve** amended agenda made by Commission Villard, seconded by Mayor DeFillipo  
**Voice Vote: MOTION PASSED 7-0.**

**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. Patricia Asarnow
2. Robert Kaplan
3. Callis Stoner
4. Bruce Kusens
5. Troy Garcia
6. Former Commissioner Phyllis Smith
7. Patricia Taime
8. David Templer
9. Sandra Douglas
10. Ildiko Szekely
11. Alicia Stamatis
12. Tony Mazzouille
13. Eddy Alcindor
14. Manuel Rivas
15. Enrique Fuhrman

### **ANNOUNCEMENTS**

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

- a. It's Time to Grow Your Business Workshop hosted by Mayor, Commission and Vice Mayor Daniela Jean on Wednesday, November 17, 2021, 10 am at Marjorie and William McDonald Center, 17051 NE 19<sup>th</sup> Avenue.
- b. Brosse Forever Event (Tribute to Broselinda Hernandez and to those lost to mental illness) will be held on Friday, November 19, 2021, 7:30 pm at 1601 NE 164<sup>th</sup> Street.
- c. 1<sup>st</sup> Annual Thanksgiving Block Luncheon event hosted by Commissioner Villard and Commissioner Jean Monestine in conjunction with Primary Care will be held on Saturday, November 20, 2021, from 10 am to 2 pm at Philippe Derose International Flowering Tree Garden, 1300 NE 159<sup>th</sup> Street.
- d. Street Market Sundays' event hosted by the Community Redevelopment Advisory Board will be held every Sunday from 10 am to 5 pm on 164<sup>th</sup> Street and 19<sup>th</sup> Avenue.
- e. Drive-Thru Thanksgiving Turkey Distribution event hosted by Mayor and Commission will be held on Monday, November 22, 2021, from 10 am to 1 pm at three locations: Eastern Shores Tot Lot 16501 NE 35<sup>th</sup> Avenue, Public Works Operations Center 2101 NE 159<sup>th</sup> Street, Uleta Park Community Center 386 NE 169<sup>th</sup> Street.
- f. City of North Miami Beach City Hall will be closed for the observance of Thanksgiving Thursday, November 25, 2021, and Friday, November 26, 2021.
- g. Annual Menorah Lighting Ceremony hosted by the City of North Miami Beach will be held on Monday, November 29, 2021, 7 pm at City Hall, 17011 NE 19<sup>th</sup> Avenue.
- h. Bike Lane Grand Opening (Ribbon-Cutting Ceremony) hosted by Mayor and Commission on Tuesday, November 30, 2021, 2 pm at NE 183<sup>rd</sup> Street and NE 11<sup>th</sup> Avenue.
- i. Holiday Tree Lighting Celebration hosted by the City of North Miami Beach will be held on Thursday, December 2, 2021, 6 pm at City Hall, 1701 NE 19<sup>th</sup> Avenue.
- j. Snow Fest and Community Safety Day Parade event hosted by the City of North Miami Beach will be held on Saturday, December 11, 2021, from 5:30 pm to 11 pm at City Hall, 17011 NE 19<sup>th</sup> Avenue.

### **CITY COMMISSION REPORTS**

Commissioner Fleurimond thanked everyone for attending the commission meeting; requested the City Manager and the Human Resource Departments to look into the number of hours retirees from Police Department can work to in order to return back to the police department to contribute to the continuity of the

police department; requested the City Manager to have a discussion topic regarding tuition reimbursement for part-time employees on the next meeting.

Commissioner Joseph recognized the TPS event and sponsors Commissioner Villard, HLA, Dominican Bar Association who service about 100 residents as well as thanked the staff, HLA, Florida U.S. Senator Marco Rubio, and State Representative Dotie Joseph; requested legislative items to be pushed as early as possible; wished everyone a Happy Thanksgiving, Joyful Hanukkah, and Happy Kwanzaa.

Commissioner Kramer requested to know what the legislative priorities are; requested to know the status of the waste service contract and start date; wished Happy Thanksgiving and Happy Hanukkah.

Commissioner Smukler 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; thanked the police department for keeping the residents, businesses, visitors, employees, and families safe; invited everyone to the Brosse Forever Event (Tribute to Broselinda Hernandez and to those lost to mental illness) on Friday, November 19, 2021, 7:30 pm to 10 pm at North Miami Beach Library; wished everyone a Happy Thanksgiving and Happy Hanukkah; quoted "Local voices make local choices".

Commissioner Villard congratulation Reginald DesRoches on his appoint as the first immigrate president of Rice University; invited everyone to 1<sup>st</sup> Annual Thanksgiving Block Luncheon event on Saturday, November 20, 2021, from 10 am to 2 pm at Phillipe Derosé International Flowering Tree Garden, 1300 NE 159<sup>th</sup> Street; wished everyone a Happy Holiday.

Vice Mayor Jean reminded everyone to be safe for the holidays; requested the City Manager to put out information out to the residents on how to be safe during the holidays; invited everyone to the It's Time to Grow Your Business Workshop on Wednesday, November 17, 2021, 10 am at Marjorie and William McDonald Center, 17051 NE 19<sup>th</sup> Avenue; thanked all the residents for coming to the commission meeting this evening.

Mayor DeFillipo reminded everyone legislation starts January 11<sup>th</sup>, 2021, in Tallahassee and requested the City Manager to brief the commission on the legislative items before the next meeting as well as provide the legislative items on the agenda; requested the City Manager to provide information regarding the annual turkey deliveries for Thanksgiving; announced the city of North Miami Beach will be celebrating its 95<sup>th</sup> anniversary and requested the City Manager to provide information regarding this event; thanked the police department and all the new sworn police officers; stated he will never defund the North Miami Beach Police Department.

## **CONSENT AGENDA**

### **Regular Commission Meeting Minutes of October 19, 2021 (Andrise Bernard, City Clerk)**

#### **Resolution R2021-112 State Aid Grant to Libraries (Edenia Hernandez, Library 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 ACCEPT GRANT FUNDS FROM THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES ("THE DIVISION") FOR FISCAL YEAR 21/22; ATUHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE SAID AGREEMENT WITH THE DIVISION ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

#### **Resolution R2021-113 Purchase of Stem and Robotics Classes (Edenia Hernandez, Library Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A PURCHASE ORDER BETWEEN AUGMENTED INTELLIGENCE AND THE CITY OF NORTH MIAMI BEACH, FOR STEM AND ROBOTICS CLASSES AND AUTHORIZING THE CITY MANAGER TO EXPEND THE ESTIMATED NOT TO EXCEED EXPENDITURE OF \$55,677.00.

**Resolution R2021-114 Enterprise Vehicle Agreement (Richard Rand, Chief of Police)**

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 ENTERPRISE RENTAL VEHICLES, INCORPORATED FOR THE PROCUREMENT OF RENTAL VEHICLES ESTIMATED BUDGETED AMOUNT OF \$95,655.

**Resolution R2021-115 Fiscal Year 2021 Final Budget Amendment (Marcia Fennell, Finance Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2020 TO SEPTEMBER 30, 2021, FOR VARIOUS FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution R2021-116 Authorizing Appropriation Request from LETF Accounts (Richard Rand, Chief of Police)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE EXPENDITURE TOTALING AN AMOUNT NOT TO EXCEED \$135,000.00 FROM THE FEDERAL JUSTICE LAW ENFORCEMENT TRUST FUND AND THE STATE LAW ENFORCEMENT TRUST FUND TO FUND THE HOLIDAY TASK FORCE IN THE AMOUNT OF \$60,000, FIREARMS TRAINING AMMUNITION IN THE AMOUNT OF \$65,000 AND PURCHASING TOYS FOR UNDERPRIVILEGED CHILDREN DURING THE HOLIDAY SEASON IN THE AMOUNT OF \$10,000; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE TOTAL BUDGETED, ESTIMATED AMOUNT OF \$135,000.00; AND PROVIDING AN EFFECTIVE DATE.

**Resolution No. R2021-120 Interlocal Agreement for Bus Shelters with Miami Dade County**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY IN SUBSTANTIALLY THE SAME FORM AS EXHIBIT "A" FOR THE PURCHASE AND CONSTRUCTION OF BUS SHELTERS AND TO PURCHASE A TRANSIT TROLLEY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to approve** the Consent Agenda made by Commissioner Joseph, seconded by Mayor DeFillipo.  
**Voice Vote: MOTION PASSED 7-0.**

**LEGISLATION**

**Resolution No R2021-109 Citywide Grounds Maintenance Services**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID NO. ITB-21-054-SG "CITYWIDE GROUNDS MAINTENANCE SERVICES"; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, COCO TREE SERVICE, CORP. AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$657,000; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2021-109 citywide grounds maintenance services.

Mayor DeFillipo opened the meeting for public comment.

No public comment.

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

City Manager Sorey III provided a memo to the Mayor and Commission regarding the recommendation of resolution No. R2021-109 awarding ITB-21-054-SG for city wide grounds maintenance services for the City of North Miami Beach. City Manager Sorey III read the memo on the dais. City Manager Sorey III recommended a motion to award ITB-21-054-SG for city wide grounds maintenance services to the second ranked firm, County Bill's Lawn Maintenance Inc., as the lowest responsive and responsible bidder in the amount of \$769,940.00 for the 3 years of service with 2 one-year renewals options.

Mayor and Commission discussed the City Manager's recommendations regarding the city-wide grounds' maintenance services.

City Manager Sorey III stated the awarded bidder must submit a valid local business tax receipt and need to have a license with the state of Florida which technically disqualifies Coco Tree Service Corp. City Manager Sorey III stated Coco Tree Service Corp does not have that for their subcontractor for pesticide and they were not a responsive bidder therefore the next responsive bidder is Country Bill's Lawn Maintenance Inc.

Mayor and Commission continued to discuss the City Manager's recommendations regarding the city-wide grounds' maintenance services.

City Manager Sorey III introduced Procurement Director Donna Rockfeld to discuss the pricing of Superior services.

Procurement Director Donna Rockfeld stated she believes the Superior Services cost is just under \$600,000 however Superior Services does not service the entire city. The service is split between 2 contractors, C&C and Superior Services. C&C cost is roughly \$127,000 a year.

Mayor and Commission continued to discuss the city-wide grounds' maintenance services with Procurement Director Donna Rockfeld and City Manager Sorey III.

Procurement Director Donna Rockfeld introduced the owner of Coco Tree Service Corp., Josue Alvarado and his representatives.

Coco Tree Service Corp., owner, Josue Alvarado and his representatives spoke regarding their years of service, the services they provide, their certifications and licenses.

Mayor and Commission continued to discuss the city-wide grounds' maintenance services with Procurement Director Donna Rockfeld, Coco Tree Service Corp., owner, Josue Alvarado and his representatives.

**Motion to accept** City Manager's recommendation to award Country Bill's Lawn Maintenance Inc. for Citywide Ground Maintenance Services made by Commission Villard, seconded by Commissioner Joseph.

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

**MOTION PASSED 4-3** with Commissioner Kramer, Commissioner Smukler and Mayor DeFillipo opposed.

**Ordinance No. 2021-08 (Second and Final Reading) Amending the Retirement Plan for Police Officers and Firefighters**

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-08 amending the retirement plan for police officers and firefighters.

Mayor DeFillipo opened the meeting for public comment.

No Public Comment.

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

Interim City Attorney Ottinot introduced Pension Plan Attorney Pedro A. Herrera to give a brief summary on Ordinance No. 2021-08 and Ordinance No. 2021-09.

Pension Plan Attorney Pedro Herrera gave a brief summary on Ordinance No. 2021-08 and Ordinance No. 2021-09 regarding the tax compliance requirement for both the retirement plan for Police Officers and Firefighters and the retirement plan for general employees under the Secure Act.

**Ordinance No. 2021-09 (Second and Final Reading) Amending the Retirement Plan for General Employees by Providing for Compliance with the Secure Act**

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-009 amending the retirement plan for general employees.

**Motion to approve** both Ordinance No. 2021-08 and Ordinance No. 2021-09 made by Commissioner Fleurimond, seconded by Commissioner Smukler.

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

**Ordinance No. 2021-11 (Second and Final Reading) Amending Chapter IX Entitled “Offenses and Miscellaneous Provisions” of the Code of Ordinances to Create a New Section Entitled “Film Permit Requirements” (Commissioner Fortuna Smukler)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, AMENDING CHAPTER IX ENTITLED “OFFENSES AND MISCELLANEOUS PROVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO CREATE A NEW SECTION ENTITLED “FILM PERMIT REQUIREMENTS”; PROVIDING FOR DEFINITIONS, PROVIDING APPLICABILITY; ESTABLISHING PERMIT REQUIREMENTS; PROVIDING NOTICE TO OWNERS; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-11 regarding film permit requirements.

Vice Mayor Jean opened the meeting for public comment.

No Public Comment.

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

**Motion to approve** Ordinance No 2021-11 regarding film permit requirements made by Commissioner Smukler, seconded by Commissioner Joseph.

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

**Ordinance No. 2021-10 (First Reading) Amendment to the Retirement Committee Membership Requirements Section**

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY PROVIDING FOR AN AMENDMENT TO THE RETIREMENT COMMITTEE MEMBERSHIP REQUIREMENTS SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-10 regarding retirement committee membership requirements.

Mayor DeFillipo opened the meeting for public comment.

No Public Comment.

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

**Motion to approve** Ordinance No 2021-10 regarding retirement committee membership requirements made by Commissioner Joseph, seconded by Commissioner Fleurimond.

**Roll Call Vote:** Smukler – Yes, Villard – Yes, Fleurimond – Yes, Joseph – Yes, Kramer – Yes, Jean – Yes, DeFillipo - Yes  
**MOTION PASSED 7-0.**

**Ordinance No. 2021-12 (First Reading) Site Plan Expiration Ordinance (Kent Walia, Director of Community Development)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH BY AMENDING CHAPTER XXIV, "ZONING AND LAND DEVELOPMENT," ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES," SECTION 24-172, "SITE PLAN REVIEW," SUBSECTION (I), "EXPIRATION" TO ESTABLISH THE REQUIREMENT THAT SITE PLAN APPROVAL EXPIRES EIGHTEEN MONTHS FROM THE DATE OF APPROVAL UNLESS A MASTER BUILDING PERMIT IS ISSUED; AND AMENDING CHAPTER XXIV, "ZONING AND LAND DEVELOPMENT," APPENDIX A "LAND DEVELOPMENT FEE SCHEDULE," SUBSECTION (E)(3) "MISCELLANEOUS REQUESTS"; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-12 regarding site plan expiration.

Mayor DeFillipo opened the meeting for public comment.

No Public Comment.

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

City Manager Sorey III introduced Community Development Director Kent Walia to discuss the site plan expiration ordinance.

Community Development Director Kent Walia gave a brief explanation on the amendment to the site plan ordinance.

**Motion to approve** Ordinance No. 2021-12 site plan expiration and amending the administrative discretion to approve up to a year site plan extension made by Commissioner Joseph, seconded by Mayor DeFillipo.

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

**MOTION PASSED 7-0.**

**Ordinance No. 2021-13 (First Reading) Prohibiting Employees to Serve on Certain Boards and Requiring the Automatic Removal of Members Convicted of a Felony During Service on the Board (Commissioner Fortuna Smukler and City Manager Arthur H. Sorey III)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING ARTICLE VII ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS”; SPECIFICALLY AMENDING SECTION 2-32.1 TO PROHIBIT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH FROM SERVING ON CERTAIN BOARDS, COMMITTEES, AND COMMISSIONS; AND AMENDING SECTION 2-32.4 TO REQUIRE THE AUTOMATIC REMOVAL OF BOARD, COMMITTEE, AND COMMISSION MEMBERS CONVICTED OF A FELONY DURING THE TIME OF SERVICE UNLESS SUCH MEMBERS DEMONSTRATE THE RESTORATION OF CIVIL RIGHTS BY THE STATE OF FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-13 prohibiting employees to serve on certain boards and requiring automatic removal of members convicted of a felony during service on the board.

Mayor DeFillipo opened the meeting for public comment.

No Public Comment.

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

City Manager Sorey III stated certain boards for example Planning and Zoning board, Redevelopment Advisory board and Public Utilities Commission board give direction to management and with staff being on those boards, staff are now giving orders to management on what to do and how to move forward; regarding the removal of convicted felons from the boards, this ordinance is not reactive and moving forward if anyone is convicted of a felony then they are automatically removed from the board.

Mayor and Commission discussed Ordinance No. 2021-13 prohibiting employees to serve on certain boards and requiring automatic removal of members convicted of a felony during service on the board.

Interim City Attorney Hans Ottinot stated Ordinance No. 2021-13 is co-sponsored by City Manager Sorey III and Commissioner Smukler. The issue regarding employees serving on the Planning and Zoning board, Public Utilities Commission and Redevelopment Advisory board was a request made by the City Manager. With respect to the felony convictions, there was an issue that Commissioner Smukler and this commission requested a language that can be acceptable regarding the disagreement whether board members are arrested or convicted.

Mayor and Commission discussed Ordinance No. 2021-13 prohibiting employees to serve on certain boards and requiring automatic removal of members convicted of a felony during service on the board.

**Motion to approve** separating Ordinance No. 2021-13 prohibiting employees to serve on certain boards and requiring automatic removal of members convicted of a felony during service on the board made by Commissioner Kramer, seconded by Mayor DeFillipo.

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

**MOTION PASSED 7-0.**

**Motion to approve** the requirement of automatically removing members convicted of a felony during service on the board made by Commissioner Joseph, seconded by Commissioner Kramer.

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

**MOTION PASSED 7-0.**

**Motion to approve** a discussion prohibiting employees to serve on certain boards made by Commissioner Joseph, seconded Commissioner Fleurimond.

No vote was taken, discussion continued.

Mayor and Commission discussed Ordinance No. 2021-13 prohibiting employees to serve on certain boards.

**Motion to approve** amending the ordinance prohibiting employees to serve on certain boards to all boards with the exception of boards that require an employee to serve on specific boards i.e., the Pension Board and the Civil Service Board made by Commissioner Joseph, seconded by Vice Mayor Jean.

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

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

**Resolution R2021-117 Joint Use Agreement to use the Field at Sabal Palm Elementary School (Commissioner Michael Joseph and Commissioner Fortuna Smukler)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A JOINT USE AGREEMENT IN SUBSTANTIAL THE SAME FORM AS EXHIBIT “A” WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR THE USE OF THE FIELD AND OUTDOOR AMENITIES AT SABAL PALM ELEMENTARY SCHOOL; 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 Ottinot read the title of Resolution R2021-117 joint use agreement to use the field at Sabal Palm Elementary School.

Mayor DeFillipo opened the meeting for public comment.

No Public Comment.

The meeting was closed for PUBLIC COMMENT.

Mayor and Commission discussed Resolution R2021-117 regarding the joint use agreement to use the field at Sabal Palm Elementary School.

**Motion to approve** Resolution R2021-117 made by Commissioner Joseph, seconded by Mayor DeFillipo.  
**Voice Vote: MOTION PASSED 7-0.**

**Resolution R2021-118 Approving a Letter of Intent to Purchase Property Located at 16501 N.E. 15<sup>th</sup> Avenue**

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" TO PROVIDE THE CITY MANAGER WITH THE AUTHORITY TO NEGOTIATE AND EXECUTE AN ASSIGNMENT AGREEMENT FOR PURCHASE OF THE PROPERTY LOCATED AT 16501 NE 15<sup>th</sup> AVENUE, NORTH MIAMI BEACH AT A PRICE NOT TO EXCEED TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$2,250,000.00) TO CONSTRUCT A SENIOR CENTER; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Resolution R2021-118 approving a letter of intent to purchase property located at 16501 NE 15<sup>th</sup> Avenue.

**Motion to introduce** Resolution R2021-118 made by Commissioner Fleurimond, seconded by Commissioner Smukler.

Mayor DeFillipo opened the meeting for public comment.

1. Lauren Rios

The meeting was closed for PUBLIC COMMENT.

City Manager Sorey III explained the benefits of approving the letter of intent to purchase the property located at 16501 NE 15<sup>th</sup> Avenue and turning the facility into a senior center.

Mayor and Commission discussed Resolution R2021-118 approving a letter of intent to purchase property located at 16501 NE 15<sup>th</sup> Avenue.

**Motion to approve** Resolution R2021-118 made by Commissioner Villard, seconded by Commissioner Joseph.  
**Voice Vote: MOTION PASSED 6-1** with Mayor DeFillipo oppose.

**Resolution R2021-121 Approving a Letter of Intent to Purchase Properties Located at 1509 NE 153<sup>rd</sup> Terrace, 1519 NE 153<sup>rd</sup> Terrace and 1499 NE 153<sup>rd</sup> Terrace.**

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" TO PROVIDE THE CITY MANAGER WITH THE AUTHORITY TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE PROPERTIES LOCATED AT 1509 NE 153<sup>ao</sup> TERRACE; 1519 NE 153<sup>ao</sup> TERRACE; AND 1499 NE 153<sup>RD</sup> TERRACE, NORTH MIAMI BEACH, FLORIDA AT A PRICE NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) TO EXPAND THE

MUNICIPAL PARK IN THE WASHINGTON PARK AREA; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Resolution R2021-121 approving a letter of intent to purchase properties located at 1509 NE 153rd Terrace, 1519 NE 153rd Terrace and 1499 NE 153rd Terrace.

Mayor DeFillipo opened the meeting for public comment.

No Public Comment.

The meeting was closed for PUBLIC COMMENT.

Mayor and Commission discussed Resolution R2021-121 approving a letter of intent to purchase properties located at 1509 NE 153rd Terrace, 1519 NE 153rd Terrace and 1499 NE 153rd Terrace.

City Manager Sorey III explained the process of obtaining the letter of intent to purchase the properties located at 1509 NE 153rd Terrace, 1519 NE 153rd Terrace and 1499 NE 153rd Terrace.

Mayor and Commission continued to discuss Resolution R2021-121 approving a letter of intent to purchase properties located at 1509 NE 153rd Terrace, 1519 NE 153rd Terrace and 1499 NE 153rd Terrace.

**Motion to approve** Resolution R2021-121 made by Commissioner Joseph, seconded by Commissioner Villard.  
**Voice Vote: MOTION PASSED 5-2** with Mayor DeFillipo and Commissioner Kramer oppose.

**Resolution R2021-119 Sister Cities Relationships (Mayor Anthony F. DeFillipo)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING SISTER CITY RELATIONSHIPS BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA AND ELEVEN MUNICIPALITIES ALSO KNOWN AS CANTONS IN THE COUNTRY OF ECUADOR; PROVIDING FOR EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Resolution R2021-119 sister cities relationship.

Mayor DeFillipo opened the meeting for public comment.

No Public Comment.

The meeting was closed for PUBLIC COMMENT.

Mayor and Commission discussed Resolution R2021-121 119 sister cities relationship.

**Motion to approve** amending Resolution R2021-119 to one sister city, made by Commissioner Kramer, seconded by Mayor DeFillipo.

**Voice Vote: MOTION PASSED 5-2** with Commissioner Villard and Commissioner Joseph oppose.

**DISCUSSION ITEMS**

**Discussion regarding the Vote for the Canal Park West Project at the September 21, 2021, Commission Meeting (Commissioner Barbara Kramer)**

Commissioner Kramer began discussion regarding the vote for the Canal Park West Project at the September 21, 2021, commission meeting. Commissioner Kramer expressed her concerns regarding the approval of the plans. Mayor and Commission discussed the vote for the Canal Park West project. City Manager Sorey III

stated the revised plans were sent via email to the commission also stated he spoke with David Templer and Joseph Gallagher regarding the revised plans.

Mayor DeFillipo asked for a consensus regarding the meeting extending pass midnight.

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

**PASSED 4-3** with Commissioner Kramer, Commissioner Smukler and Mayor DeFillipo oppose.

City Manager Sorey III introduced Community Development Director Kent Walia and requested he present the revised plans.

Community Development Director Kent Walia presented the revised landscape plans for the Canal Park West project.

Mayor and Commission continued to discuss the Canal Park West project.

City Manager Sorey III stated he will reach out to the applicant along with David Templer regarding revising the plans and follow up with the commission.

**Paid Parental Leave Ordinance (Vice Mayor Daniela Jean and Commissioner Fortuna Smukler)**

Vice Mayor Daniela Jean and Commissioner Smukler began discussion on the paid parental leave ordinance. Mayor and Commission discussed paid parental leave and the length of paid time off. Commissioner Smukler expressed her concern regarding the length of paid time off and requested the length of paid time off to be 6 weeks instead of 12 weeks. City Manager Sorey III stated he will continue to work with Vice Mayor Jean on the guidelines for the paid parental leave ordinance.

**Composition of Senior Citizens Advisory Committee Residency Requirements (Commissioner Paule Villard)**

Commissioner Villard began discussion on the composition of the Senior Citizens Advisory Committee. Commissioner Villard requested to have 11 members who are North Miami Beach residents and 5 members who are ex-officio. Commissioner Villard also requested the scheduled time for the meeting to change from the morning to the afternoon. Mayor and Commission discussed the Senior Citizens Advisory Committee. Interim City Attorney Ottinot gave legal advisement regarding the scheduled time for the meeting and stated there is no rule regarding bringing up the request to have the scheduled time changed to the commission. Commissioner Smukler requested this discussion to be brought up during the boards workshop. Interim City Attorney Ottinot stated the workshop will be held in January 2022.

**CITY MANAGER'S REPORT**

City Manager Sorey III reported he will discuss the legislative items with the commission at a later date however an email with the legislative priorities was sent out to the state lobbyist, Ron Book who made some recommendations on some items. City Manager Sorey III stated he will follow-up with the commission.

City Manager Sorey III stated there was an amendment to the fiscal budget made by Commissioner Fleurimond in the amount of \$13,000 and requested the board to clarify whether it was for the discretionary fund or contingency fund. Mayor and commission discussed the amended amount of \$13,000.

**Motion to reconsider** amended amount of \$13,000 to be split evenly into the expense allowance and the discretionary fund made by Commissioner Joseph, seconded by Vice Mayor Jean.

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

**MOTION PASSED 4-3** with Commissioner Kramer, Commissioner Smukler and Mayor DeFillipo oppose.

**CITY ATTORNEY'S REPORT**

Interim City Attorney Ottinot stated there was a 4-hour mediation session with Jacobs regarding pending dispute and the City Attorney's office is still in the process of resolving pending payment request from Jacobs. Ashbritt, former city contractor for debris removal, has agreed to dismiss their lawsuit filed 2 years ago against the city.

**MAYOR'S DISCUSSION**

Mayor DeFillipo recognized Mayor Pigatt for reporting the City of Opa-Locka to the Florida Department of Law Enforcement and stated he will be preparing his statement and taking the same steps. Mayor DeFillipo expressed his concern regarding the trolley service.

**Motion to adjourn** the meeting made by Commission Kramer, seconded by Commissioner Fleurimond. No vote was taken, and the meeting continued.

**CITY COMMISSION REPORTS**

Commissioner Smukler congratulated Mayor Dana Goldman.

Commissioner Villard congratulated Vice Mayor Jean on her first-year anniversary as an elected official.

Commissioner Joseph thanked the commission for approving the Senior Center and Washington Park projects.

**NEXT REGULAR CITY COMMISSION MEETING** is Tuesday, December 14, 2021.

**ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 12:22 am.

**ATTEST:**

(SEAL)



Andrise Bernard, CMC, City Clerk