

RESOLUTION NO. _____

A RESOLUTION OF THE CHAIRPERSON AND BOARD OF DIRECTORS OF THE NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY, WAIVING, PURSUANT TO §112.313(12) OF THE FLORIDA STATUTES, BY 6/8TH OF THE VOTE, ANY POTENTIAL CONFLICT OF INTEREST, AND AUTHORIZING NORTH BEACH CRA ADVISORY COMMITTEE MEMBER ROMINA OROZCO-ENCIO (OROZCO-ENCIO) TO SUBMIT AN APPLICATION ON BEHALF OF ABBOTT FLORIST, LLC ("ABBOTT") FOR THE PROPERTY AT 1008 71ST STREET FOR PARTICIPATION IN THE COMMERCIAL FAÇADE IMPROVEMENT PROGRAM, PROVIDED THAT OROZCO-ENCIO SHALL RECUSE HERSELF FROM VOTING ON ANY MATTER RELATING TO THE GRANT APPLICATION AND, IF ABBOTT'S APPLICATION IS ACCEPTED, ON ANY MATTER PERTAINING TO THE ADMINISTRATION OF THE GRANT TO ABBOTT.

WHEREAS, the North Beach Community Redevelopment Agency (CRA) Redevelopment Plan, adopted pursuant to North Beach CRA Resolution No. 003-2021 and City of Miami Beach Resolution No. 2021-31709, encourages the funding of improvements and beautification projects in the public realm, because an attractive streetscape contributes to a walkable community, improves resident and visitor quality of life, and benefits businesses by increasing foot traffic; and

WHEREAS, on April 12, 2022, the Ad Hoc North Beach CRA Advisory Committee unanimously passed a motion to recommend that the CRA explore an architectural design or façade improvement program for the Normandy Fountain / Place Vendome business district; and

WHEREAS, on December 14, 2022, the CRA referred to the Finance and Economic Resiliency Committee a discussion of the Commercial Façade Improvement Program (the "Program"); and

WHEREAS, on May 24, 2023, the Finance and Economic Resiliency Committee recommended approval of the Program; and

WHEREAS, on June 28, 2023, via North Beach CRA Resolution No. 009-2023, the CRA Board of Directors approved the Program to enhance and improve the existing building stock in the vicinity of Normandy Fountain/Rue Vendome Plaza, by helping subsidize private property beautification, maintenance, and resiliency upgrades for commercial properties; and

WHEREAS, Program Guidelines (framework, design guidelines, eligibility criteria, and application process), as approved by the North Beach CRA Board via Resolution No. 009-2023, includes applicant requirements, improvement eligibility criteria, program cycle, evaluation criteria, and grant award amounts; and

WHEREAS, the North Beach CRA's FY 2024 adopted budget includes beautification programming for the Normandy Fountain/Rue Vendome Plaza area, currently totaling approximately \$520,000 for the Program, including carryover funds from FY 2023; and

WHEREAS, the Program is offered via a matching reimbursement grant concept, requiring applicants to invest their own money into the improvement project, and the grants may enhance overall project scope, allowing for more impactful improvements; and

WHEREAS, Abbott Florist, LLC, is a local floral shop located at 1008 – 71st Street in the Normandy Fountain area, is interested in applying for the Program to improve the exterior appearance of the show to attract more customers and beautify 71st Street; and

WHEREAS, the owner of the Abbot Florist shop, Romina Orozco-Encio, is also a member of the North Beach CRA Advisory Committee as its at-large business owner appointee, and inquired about her eligibility to apply for the Program; and

WHEREAS, generally, Florida Statute §112.313(7)(a) prohibits a public officer from having an employment or contractual relationship with a business entity or agency which is subject to the regulation of, or which is doing business with, the public officer's agency, or from having an employment or contractual relationship which creates a continuing or frequently recurring conflict between private interests and the performance of public duties, or which impede the full and faithful discharge of public duties; and

WHEREAS, however, §112.313(12) provides an exemption from requirements of §112.313(7) as they pertain to persons serving on advisory boards, allowing a waiver in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body; and

WHEREAS, during the April 9, 2024 meeting, the General Counsel for the North Beach CRA advised that an Advisory Committee member may apply to the program if the NBCRA Board waives any potential or perceived conflict of interest with a 6/8th vote, and if the member refrains from influencing the process; and

WHEREAS, at its May 14, 2024 meeting [CONFIRM], the Advisory Committee passed a motion recommending that the NBCRA Board waive any potential conflict of interest and allow Committee Member Romina Orozco-Encio to submit an application for the property at 1008 71st Street, with Ms. Orozco-Encio abstaining from the vote; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CHAIRPERSON AND BOARD OF DIRECTORS OF THE NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ("NORTH BEACH CRA"), that the Chairperson and Board of Directors of the

North Beach CRA waive, pursuant to §112.313(12) of the Florida Statutes, by 6/8th of the vote, any potential conflict of interest, and authorize North Beach CRA Advisory Committee member Romina Orozco-Encio ("Orozco-Encio") to submit an application on behalf of Abbott Florist, LLC for the property at 1008 71st Street for participation in the Commercial Façade Improvement Program (the "Program"), provided, that Orozco-Encio shall recuse herself from voting on any matter relating to the grant application and, if Abbott's application is accepted, on any matter pertaining to the administration of the grant to Abbott.

PASSED and **ADOPTED** this _____ day of _____, 2024

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6/18/2024

Date