

CRA-1. A RESOLUTION OF THE CHAIRPERSON AND BOARD OF DIRECTORS OF THE NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY, WAIVING, PURSUANT TO SECTION 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 FACADE 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.



COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Rickelle Williams, Interim Executive Director
DATE:	June 26, 2024
TITLE:	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 FACADE 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.

RECOMMENDATION

The Administration recommends that the Chair and Board of Directors of the North Beach Community Redevelopment Agency ("NBCRA") waive, pursuant to 112.313(12) of Florida Statutes, by 6/8th of the vote, any potential conflict of interest and authorize NBCRA Advisory Board member Romina Orozco-Encio to submit an application for a property located at 1008 71st Street, Miami Beach, Florida 33141, for participation in the NBCRA Commercial Façade Improvement Program (the "Program").

BACKGROUND/HISTORY

The NBCRA Redevelopment Plan ("Redevelopment Plan"), adopted by NBCRA Resolution No. 003-2021 and City Commission Resolution No. 2021-31709, promotes funding improvements and beautification projects, because an attractive streetscape contributes to a walkable community, improves resident and visitor quality of life, and benefits businesses by increasing foot traffic.

To maximize the impact of NBCRA dollars, the Redevelopment Plan's Business Attraction & Retention strategy encourages the use of incentive-based programs to inspire property owners to reinvest in their buildings. For example, the NBCRA Redevelopment Plan cites façade improvement programs as a resiliency tool to assist property owners to address deterioration from age and weather.

The Normandy Fountain/Rue Vendome Plaza, remodeled with a recent city streetscape improvement project, serves as a community and commercial center on Normandy Isle. Currently, the aging commercial storefronts occupied by businesses within the vicinity of the plaza are not representative of the Redevelopment Plan's vision for a vibrant, pedestrian-oriented shopping district.

The NBCRA Board of Directors ("NBCRA Board"), which includes the Mayor, City Commission, and Miami-Dade County Commissioner for District 4, Micky Steinberg, authorizes awards for the NBCRA Commercial Façade Improvement Program. The Advisory Committee may recommend applications but does not authorize awards. This program is a matching grant incentive designed

to enhance the streetscape and improve the conditions of existing commercial building facades. The NBCRA reimburses 70% of costs up to \$20,000 associated with these upgrades and repairs.

Romina Orozco-Encio, a member of the NBCRA Advisory Committee as its at-large business owner appointee, inquired about her eligibility to apply for the program for her business property at 1008 71st Street.

ANALYSIS

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.

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.

During the May 14, 2024 NBCRA Advisory Committee meeting, the Office of General Counsel for the NBCRA 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 6/8 vote, and if the member refrains from influencing the process.

Following discussion at multiple meetings, the Advisory Committee unanimously passed a motion, proposed by Manning Salazar and seconded by Jose Smith, recommending that the NBCRA Board of Directors waive any potential conflict of interest and allow Romina Orozco-Encio to submit an application for the property at 1008 71st Street. Committee members Jose Smith (Chair), Ronnie Issenberg (Vice Chair), Tom Richerson, and Manning Salazar voted in favor. Romina Orozco-Encio abstained from the vote and did not influence the discussion.

APPLICANT: ABBOTT FLORIST

Abbott Florist, opened in 1990 and serves as an anchor in the North Beach community, provides residents, businesses and promising gardeners with fresh flowers and arrangements for individual and corporate celebrations and occasions. Abbott Florist is incredibly proud of the work they do for the Miami Beach, and North Beach, and do everything they can to keep flower buying a local experience. It is easy to buy flowers in a box, but Abbott Florist works to provide a welcoming one-on-one experience from a first corsage, to a "just because" single rose, to a beautiful sympathy bouquet, and all other life moments.

FISCAL IMPACT STATEMENT

Pursuant to NBCRA Resolution No. 012-2023 and Commission Resolution No. 2023-32783, as amended by NBCRA Resolution No. 014-2023 and Commission Resolution No. 2023-32839, the Fiscal Year (FY) 2024 allocation for the Program was \$170,000, with an additional \$350,000 carried over from the previous year, totaling approximately \$520,000.

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on . See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends that the Chairperson and Members of the Board of Directors of the NBCRA waive, pursuant to §112.313(12) of the Florida Statutes, by 6/8th of the vote, any potential conflict of interest, and authorize the NBCRA Advisory committee member Romina Orozco-Encio to submit an application for the property at 1008 71st Street for participation in the Commercial Façade Improvement Program (the “Program”).

Applicable Area

North Beach

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Economic Development

Sponsor(s)

Co-sponsor(s)

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

6/10/2024

Date