

# TOWN OF BAY HARBOR ISLANDS

October 13, 2020

## **AGENDA**

### **STATEMENT OF DECORUM**

*All comments must be addressed to the Council as a body and not to individuals. Any person making a racial or slanderous remark or who becomes boisterous while addressing the Town Council, staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. Please mute or turn off your cell phone or other electronic devices at the start of the meeting. Failure to do so may result on being barred from the meeting. Persons exiting the Chambers shall do so quietly.*

### **SPECIAL NOTICE - VIRTUAL MEETING**

This meeting is being held through the Zoom Platform. Members of the Public who wish to participate and/or view the meeting may do so by logging in through the Zoom Platform as follow:

Zoom Link: <https://zoom.us/j/95919137823>

Meeting ID: 959 1913 7823

To request to speak during Public Comment, please utilize the “raise your hand” Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free number below:

US Toll Free Number: 877 853 5247 or 888 788 0099

Meeting ID: 959 1913 7823

Participant ID: Press the # key

To request to speak: Dial \*9 on your telephone device to activate the “Raise your Hand” feature on the zoom platform.

Members of the Public can also submit their request to speak and/or comments via e-mail to the Office of the Town Clerk at [achang@bayharborislands-fl.gov](mailto:achang@bayharborislands-fl.gov)

**CALL TO ORDER:** 5:00 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL**

**SPECIAL PRESENTATION:**

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**

**TOWN MANAGER’S REPORT:**

**TOWN ATTORNEY’S REPORT**

1. Town Attorney's Request for Closed Meeting Pursuant to §286.011(8), Fla. Statutes to discuss Charge of Discrimination No. EEOC 510-2020-03421 filed with the Equal Employment Opportunity Commission and Settlement Offer Provided by Claimant in connection therewith.
2. **Discussion and possible action** requested by Town Attorney Simone on whether the Town may continue to conduct meetings through the use of Communications Media Technology (CMT) during a State of Emergency after the Governor's Executive Order 2020-69, as extended is set to expire on November 1, 2020. Enclosed is a copy of the Governor's Executive Order 20-246 and the Town Attorney Legal Opinion on the matter.

**STAFF RECOMMENDATION:** Council Discretion

**COUNCIL REPORTS:** Each Council Member will be afforded two (2) minutes to make their reports.

**PUBLIC COMMENT:**

*There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. **A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

**COMMITTEE REPORTS:**

3. **Consideration and Approval** of a request for appointments and re-appointment to the Planning & Zoning Board for the term 2020-2022. Enclosed is a list of Board Members that seek re-appointment and four (4) new requests from residents seeking appointment.

**STAFF RECOMMENDATION:** Council Discretion

**CONSENT AGENDA:** *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

4. **Consideration and Approval** of the January 13th, 2020, Regular Council Meeting Minutes. Enclosed is a copy of the Draft Minutes.
5. **Consideration and Approval** of a resolution requested by Council Member Yaffe and co-sponsored by Council Member Leonard recognizing the growing problem of antisemitism in America and calling for the adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism as an important educational tool to address it. Enclosed is a copy of proposed resolution.
6. **Consideration and Approval** of a resolution requested by Vice Mayor Fuller urging the Federal Aviation Administration (FAA) to modify flight patterns and altitudes imposed by Nextgen Air Transportation. Enclosed is a copy of the proposed resolution.
7. **Consideration and Approval** of a Memorandum of Understanding (MOU) between the Town and the School Board of Miami-Dade County for the School Based Law Enforcement Officer for the 2020/2021 School year. Enclosed is a copy of the proposed agreement.

8. **Consideration and approval** of a renewal of a Mutual Aid Agreement with the Miami-Dade Schools Police and the Town of Bay Harbor Islands Police Department. Enclosed is a copy of the proposed agreement.
9. **Consideration and approval** of a renewal of a Mutual Aid Agreement between North Bay Village and the Town of Bay Harbor Islands . Enclosed is a copy of the proposed agreement.
10. **Consideration and approval** of a renewal of a Mutual Aid Agreement between the City of South Miami and the Town of Bay Harbor Islands Police Department. Enclosed is a copy of the proposed agreement.
11. **Consideration and approval** of a renewal of a Mutual Aid Agreement between the City of Miami and the Town of Bay Harbor Islands. Enclosed is a copy of the proposed agreement.
12. **Consideration and Approval** of a Memorandum of Understanding between the Town and the Dade County Police Benevolent Association to provide a one percent (1%) pay adjustment for sworn law enforcement officers for the performance of their duties substantially dedicated to mitigating or responding to COVID-19 public health emergency. Enclosed is a copy of the Memorandum of Understanding.

**STAFF RECOMMENDATION:** Approval

**ORDINANCES ON SECOND READING:**

**ORDINANCES ON FIRST READING:**

13. **Consideration and Approval** of an ordinance on **first** reading to increase the monthly charge for water service to \$4.81 per one thousand gallons and to increase the minimum monthly service charges for each water meter to \$22.38. Enclosed is a copy of the proposed ordinance.

**AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTIONS 20-5 AND 20-6 OF THE CODE OF BAY HARBOR ISLANDS TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$4.81 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$22.38; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion

**POLL VOTE**

14. **Consideration and Approval** of an ordinance on **first** reading amending Section 20-9 of the Town Code increasing the monthly base and flow charges for sewer service. Enclosed is a copy of the proposed ordinance.

**AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTION 20-9 OF THE TOWN CODE INCREASING THE MONTHLY BASE AND FLOW CHARGES FOR SEWER SERVICE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion

**POLL VOTE**

**DEFERRED ITEMS:**

**TOWN MANAGER ITEMS:** *(Town business items requiring Council approval)*

15. **Consideration and Approval** of the Collective Bargaining Agreement between the Town and the Dade County Police Benevolent Association, Inc. (PBA). Enclosed is a copy of the Collective Bargaining Agreement.

**STAFF RECOMMENDATION:** Approval

16. **Consideration and approval** of contract award BHI-206 Remote Monitoring of Main Sanitary Lift Station (SCADA) to Champion Controls in the amount of \$151,441 for the design, implementation and installation of the SCADA system. Enclosed is a copy of the proposal.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

17. **Consideration and approval** of Supplemental Agreement (SA) #1 for CEI services by KCI Technologies, Inc. for additional funding in the amount of \$33,480.00 to provide continuity to complete inspection of the work and close out all documentation necessary to certify BC-154: Broad Causeway Corridor Enhancements. Enclosed is a copy of request from KCI.

**STAFF RECOMMENDATION:** Approval.

**POLL VOTE**

18. **Consideration and Approval** of a two-year extension of Contract BHI-183 for Landscape and Irrigation Maintenance with BrightView Landscape Services. Enclosed is Section 3.2 of the Contract and other supporting documents.

**STAFF RECOMMENDATION:** Approval

**DISCUSSION ITEMS:**

19. **Discussion and possible action** regarding the process to select and/or appoint a Town Attorney. Enclosed are copies of the proposals submitted on the recent RFP for professional legal services.
20. **Discussion** requested by Council Member Leonard regarding the timeline and process to select a Town Clerk.

**ADJOURNMENT:** Approximately 8:00 p.m.

*Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*