

TOWN OF BAY HARBOR ISLANDS

April 20, 2021

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 – HYBRID / VIRTUAL MEETING

Pursuant to Ordinance No. 1054, A Regular Town Council Meeting will be held as a Hybrid Meeting where a quorum of the Town Council will be physically present in the Town Hall Council Chambers located at 9665 Bay Harbor Terrace, Bay Harbor Islands, FL 33154. The general public and other members of staff will be able to view and participate in the meeting (Virtually) by utilizing the Zoom video conferencing platform.

Zoom Link: <https://zoom.us/j/99177408161>

Meeting ID: 991 7740 8161

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

US: 1 312 626 6799 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 991 7740 8161

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

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

Consideration and re-approval of the following Items:

(Due to technical errors related to public zoom participation experienced at the April 14th Council Meetings where the following items were considered and approved, they are being re-noticed for ratification to ensure full public participation.)

- * Acceptance of the Certification of Elections presented by the Town Clerk as Supervisor of Elections and Canvassing Board Member.
- * Selection of the Town Mayor - Mayor Joshua Fuller
- * Selection of the Town Vice Mayor - Vice Mayor Elizabeth Tricoche
- * Approval of a resolution appointing Alba L. Chang as the Town Clerk and Yvonne Hamilton as the Deputy Town Clerk.
- * Approval of a resolution appointing Joseph Geller, Esq, as the Town Attorney and James Rauh, Esq. as the Assistant Town Attorney.
- * Approval of a resolution designating a Brownfield Area for the property located 1000 Kane Concourse, Bay Harbor Islands, Florida 33154, pursuant to Section 376.80(2)(c), Florida Statutes.

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; PROVIDING FINDINGS; DESIGNATING A BROWNFIELD AREA WITHIN THE TOWN FOR REAL PROPERTY LOCATED AT 1000 KANE CONCOURSE, BAY HARBOR ISLANDS, FLORIDA, AS DEPICTED ON EXHIBIT "A" AND LEGALLY DESCRIBED ON EXHIBIT "B", FOR THE PURPOSES OF ENVIRONMENTAL REHABILITATION, JOB CREATION, AND ECONOMIC DEVELOPMENT; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**TOWN MANAGER'S REPORT:**

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:

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.)*

1. **Approval** of the following Meeting Minutes:
 - a. September 14, 2020 - Public Hearing
 - b. September 14, 2020 - Regular Council Meeting
 - c. October 13, 2020 - Regular Council Meeting
 - d. January 13, 2021 - Regular Council Meeting
 - e. January 25, 2021 - Special Council Meeting

2. **Consideration and Approval** of a resolution requested by Council Member Leonard recognizing and commending Hatzalah of Miami Dade County for providing outstanding public service within the Town and Miami Dade County via its volunteer response services. Enclosed is a copy of the proposed resolution.
3. **Consideration and approval** to piggyback off a rental contract with United Rentals through Sourcewell in the amount of \$27,000 to provide on-site back-up Emergency generator for Town Hall electrical system in preparation of the upcoming Hurricane Season, pursuant to Section 2-1.2(6) of the Town Code. Enclosed is a copy of the contract and other supporting documents.
4. **Consideration and Approval** to piggyback off the Miami Parking Authority contract with Pay-by-Phone for the wireless application and payment processing for all metered parking and other parking facilities owned by the Town, pursuant to Section 2-1.2(6) of the Town Code. Enclosed is a copy of the agreement with Miami Parking Authority and other supporting documents.
5. **Consideration and approval** to piggyback off a contract with Sourcewell for a five-year lease agreement with Enterprise Fleet Management in the amount of \$950.31 per month or \$11,403.72 per year, pursuant to Section 2-1.2(6) of the Town Code. Please find attached the Open-End (Equity) Lease Quote and the original executed contract agreement with Enterprise.
6. **Consideration and approval** to re-appropriate a \$258,000.00 carryforward from FY 2019-2020, to FY 2020-2021 to cover cost of CIPP T-Liner work performed in this fiscal year. Additional information attached.

STAFF RECOMMENDATION: Approval.

POLL VOTE

ORDINANCES ON SECOND READING:

7. ~~**Consideration and approval** of an ordinance on second reading amending Section 23-21(e) of the Town Code to modify the Kane Concourse setback requirements for ground level restaurants and certain weatherization. Enclosed is a copy of the proposed ordinance and staff report provided by Town Planner Michael Miller.~~

~~AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE GATEWAY (G) ZONING DISTRICT, AMENDING SECTION 23-21(e) OF THE CODE OF ORDINANCES TO MODIFY THE KANE CONCOURSE SETBACK REQUIREMENTS FOR GROUND LEVEL RESTAURANTS AND CERTAIN WEATHERIZATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE, AND PROVIDING AN EFFECTIVE DATE.~~

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

8. **Consideration and Approval** of an ordinance on **first** reading amending Chapter 9 of the Town Code updating the solid waste schedule of fees. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 9 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED SOLID WASTE COLLECTION, BY AMMENDING SECTION 9-38 ENTITLED SCHEDULE OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

DEFERRED ITEMS:

9. **Consideration and Approval** of the 2020-2023 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

POLL VOTE

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

10. **Consideration and Approval** of a request by Miami Dade County League of Cities to designate a Director and an alternate Director to serve on the Board of Directors for a period of one year. Enclosed is a copy of the request by Miami Dade County League of Cities.

STAFF RECOMMENDATION: Council Discretion

11. **Consideration and appointment** of one (1) Council Member to the Board of Trustees/ Retirement Board.

STAFF RECOMMENDATION: Council Discretion

12. **Consideration and Approval** of the Town's Fiscal Year 2021-2022 Strategic Plan. Enclosed is a copy of the proposed Strategic Plan.

STAFF RECOMMENDATION: Approval

13. **Consideration and Approval** to piggyback off a General Services Administration contract, pursuant to Section 2-1.2(6) of the Town Code, with Samsara. The Samsara Automatic Vehicle Locating Service (AVL) purchase is in the amount of \$24,414.50 for the first year and beginning year two an annual payment of \$24,043.50 for a total of sixty (60) months. The AVL system will service fifty (50) Town owned vehicles. Enclosed is a Memorandum provided by Chief Raul Diaz and other supporting documents.

STAFF RECOMMENDATION: Approval

POLL VOTE

14. **Consideration and Approval** of a public Transfer of Development Rights (TDR) transaction for fifteen (15) dwelling units from the Town to Island Club Towers, LLC (9161 & 9201 East Bay Harbor Drive). Enclosed find a copy of the application, contract, site plans, and supporting documents.

STAFF RECOMMENDATION: Approval

DISCUSSION ITEMS:

15. **Discussion** requested by Council Member Bruder regarding the preliminary changes to the flood elevation requirements provided by the Federal Emergency Management Agency (FEMA). Enclosed are the proposed flood maps and other supporting documents.
16. **Discussion and possible action** requested by Council Member Bruder regarding the 2021 Meetings Calendar and deadlines. Enclosed are the Meeting Dates and Deadlines for 2021.
17. **Discussion** requested by Council Member Leonard on the feasibility of converting the overhead electrical distribution system within the Town to an underground system. Enclosed is a copy of the preliminary estimate provided by Florida Power & Light (FP&L).
18. **Discussion** requested by Council Member Yaffe regarding the hours of operation for the Town parks. Enclosed is a copy of the Ordinance No. 1048 as it relates to the park hours.
19. **Discussion and possible action** concerning Block 11, including but not limited to parking leases, private parking and possible easement to traverse the alley. Enclosed is a detailed map of the Block 11 parking area and other supporting documents.
- A **Discussion and possible action** of a request from Bay Harbor Executives Office, Inc. regarding the Smart Park, LLC Business Tax Receipt revocation for management of the parking spaces, specifically located behind the property at 1025-1045 Kane Concourse.
- B **Discussion and possible action** of a request from Smart Park, LLC for a Business Tax Receipt to administer commercial parking operation in the B-1 Business District, more specifically located in Block 11. The applicant specifically requests approval to manage fifteen (15) parking spaces for Hippo Land, Inc. for the property located at 1067-1085 Kane Concourse. Enclosed is a copy of the Business Tax Receipt Application and other documents.

ADJOURNMENT: Set for 11:00 p.m. *(Any items not addressed by 11:00 PM, will be continued to the following day at 7:00 PM)*

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.