

TOWN OF BAY HARBOR ISLANDS

May 12, 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 MEETING

The Town of Bay Harbor Islands Regular Council Meeting will take place in a Hybrid format where a quorum of the Town Council will be physically present at the Town Hall Council Chambers. Members of the public are welcome to participate in person or virtually via the Zoom platform.

Zoom Link: <https://zoom.us/j/94877483408>

Meeting ID: 948 7748 3408

To request to speak during Zoom 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.

Members of the Public may also be admitted to the Council Chambers in person, for Public Comment, subject to social distancing and facial covering.

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

For higher quality, dial a number based on your current location.

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

Meeting ID: 948 7748 3408

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:

1. Join us in welcoming Officer Jasmin Vazquez and Officer Paul Rogers to the Town of Bay Harbor Islands Police Department. These two officers were officially sworn in on April 21, 2021, and are looking forward to serving the residents and visitors of the Town of Bay Harbor Islands.
2. Presentation of the Town's Comprehensive Annual Financial Report for the year ended September 30, 2020 by Mr. Michael Futterman of Marcum LLP.
3. Proclamation for "No place for Hate Day" presented to the Anti-Defamation League

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

TOWN ATTORNEY'S REPORT :

4. **Consideration and Approval** of an expenditure not to exceed \$10,000 to select and hire an independent outside legal counsel to investigate the grievance recently filed by Town Clerk Alba L. Chang.

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:

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.)*

5. **Consideration and Approval** of the following Meeting Minutes:
 - a. February 10, 2021 Public Hearing
 - b. October 28, 2020 Regular Council Meeting
 - c. October 19, 2020 Special Council Meeting
 - d. July 7, 2020 Special Council Meeting - Revised
 - e. March 9, 2020 Regular Council Meeting - Revised
6. **Consideration and Approval** of a resolution requested by Council Member Bruder amending the rules and procedures for the distribution and posting of Council Meeting Agendas. Enclosed is a copy of the proposed resolution.

7. **Consideration and Approval** of a resolution authorizing deposits and withdrawals of Town Bank accounts. Enclosed is a copy of the resolution
8. **Consideration and approval** of a resolution revising Section 9-38 of Town Code adjusting monthly Solid Waste Fees. Enclosed is a copy of Resolution.
9. **Consideration and Approval** to piggyback off the National Association of State Procurement Officials (NASPO) contract with Toshiba American Business Solutions, Inc. for copiers and printing services, pursuant to Section 2-1.2(6) of the Town Code. Enclosed is a copy of the proposal provided by Toshiba and other supporting documents.
10. **Consideration and Approval** of Amendment No. 4 to the Memorandum of Understanding to implement the Nurse Enhancement Initiative for the 2021/2022 school year. Enclosed is a copy of the agreement and summary report.
11. **Consideration and Approval** for a Request for Proposals (RFP) for Servers Relocation Wiring Project. Enclosed is a copy of the proposal package material.
12. **Consideration and Approval** for a Request for Qualifications (RFQ) for Insurance Broker Services. Enclosed is a copy of the proposal package material.

STAFF RECOMMENDATION: Approval

POLL VOTE

ORDINANCES ON SECOND READING:

13. **Consideration and Approval** of an ordinance on **second** 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

ORDINANCES ON FIRST READING:

14. **Consideration and Approval** of an ordinance on **first** reading authorizing the use of Communication Media Technology (CMT) during periods when the Town's Mayor or the Governor declares a Local Public Health Emergency or local State of Emergency. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE USE OF COMMUNICATION MEDIA TECHNOLOGY AND FOR ATTENDANCE BY USE OF SUCH TECHNOLOGY BY ELECTED AND APPOINTED OFFICIALS AND MEMBERS OF THE PUBLIC UNDER SUCH CIRCUMSTANCES AS IS APPROPRIATE AND AUTHORIZED BY LAW, INCLUDING DURING PERIODS WHEN THE TOWN MAYOR OR GOVERNOR DETERMINES AND DECLARES A LOCAL PUBLIC HEALTH EMERGENCY OR STATE OF EMERGENCY AND FURTHER DETERMINES AND DECLARES THAT IT IS NECESSARY TO PROTECT THE HEALTH AND SAFETY OF TOWN OFFICIALS, TOWN STAFF, AND THE PUBLIC; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

DEFERRED ITEMS:

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

15. **Discussion** Regarding The Finvarb Group's Request for a Perpetual Right to Use the Town's Right-of-Way.
16. **Consideration and Approval** of a contract award to Jones-Benitez Corporation in the amount of \$195,175.20 for project No. BC 156 for the Rehabilitation of Snapped Tendons in a Pre-stressed U-channel Section of Bridge 875103 (Indian Creek Bridge). Enclosed is a copy of the bid results and other supporting documents.

STAFF RECOMMENDATION: Approval

POLL VOTE

17. **Consideration and Approval** of a Business Tax Receipt Application from Bay Harbor Islands Property Owner I, LLC (DBA Continuum Realty, LLC) for a Sales Center to be located at 1111 Kane Concourse, Ground Floor Space. Enclosed is a copy of the Business Tax Receipt and other supporting documents.

STAFF RECOMMENDATION: Council Discretion

18. **Consideration and Approval** of a Business Tax Receipt Application from Kundani, LLC for an Early Childcare Center to be located at 1037 Kane Concourse. Enclosed is a copy of the Business Tax Receipt Application and other supporting documents.

STAFF RECOMMENDATION: Council Discretion

DISCUSSION ITEMS:

19. **Discussion and possible action** requested by Council Member Leonard to remove the Town Clerk and Appoint an Interim Town Clerk. Enclosed is a copy of the Town Charter.
20. **Discussion and direction** on the policy and procedures for naming and re-naming of Town-owned properties. Enclosed is a copy of Resolution No. 1057 and staff's recommendation on the matter.
21. **Discussion** and report for the proposed amendments to the Town Comprehensive Plan. Enclosed is a copy of the full report and staff report.

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.