

NOTE: A request form is available from the Deputy Town Clerk; please fill it in and return it prior to the start of the meeting if you would like to speak during public comment. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please mute or turn off your cell phone or electronic devices at the start of the meeting. Thank you.

**TOWN OF BAY HARBOR ISLANDS
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154**

**REGULAR COUNCIL MEETING
AGENDA**

May 10, 2023
7:00 PM

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 in being barred from the meeting. Persons exiting the Chambers shall do so quietly.

CALL TO ORDER: at approximately 7:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Teacher of the Year - Ruth K. Broad K-8 Center - Wanda McKinney
2. Rookie Teacher of the Year - Ruth K. Broad K-8 Center - Marisol Sandoval
3. Introduction of New Police Officer Giselle Estopinan
4. Report on the Town's Investment Performance by Gerardo Rodriguez of BNY Mellon Wealth Management.

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:

5. **Report** from the Parks and Recreation Committee regarding their April 19, 2023 meeting.

CONSENT AGENDA: Set for approximately 7:55 p.m. (*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.*)

6. **Approval of Council Meeting Minutes:**

- A.) February 1, 2023 Regular Council Meeting
- B.) February 9, 2023 Special Council Meeting

7. **Consideration and Approval** of a proposal from BCC Engineering to provide structural services for project BC-162 Waterway Bridge for repairs of Bridge No. 875102 for a lump sum fee of \$143,040. Enclosed is a copy of the proposal.
8. **Consideration and Approval** to expend allocated funds of \$24,018.72 to Lou's Police Distributors, Inc. for the Police Department Firearms Replacement Program, under the piggyback provision pursuant to Section 2.1.2. of the Town Code.
9. **Consideration and Approval** of the 2023/2024 Budget Preparation Calendar. Enclosed is the proposed schedule provided by the Town Manager.
10. **Consideration and Approval** of a request to issue a Request for Proposals (RFP) for replacement of the seawall at 9600 West Bay Harbor Drive, at the northwest corner of the intersection of West Bay Harbor Drive & Kane Concourse, Bay Harbor Islands, Florida. Enclosed is a copy of the 2018 inspection report.
11. **Consideration and Approval** of a proposal from Kimley-Horn and Associates, Inc. to provide engineering services for the replacement of sanitary sewer manhole frames and covers per DERM and Consent Decree requirements, at a lump sum amount of \$34,220. Enclosed is a copy of the proposal.

12. **Consideration and Approval** of the Ruth K. Broad K-8 Center Nurse Initiative Memorandum of Understanding between the City of Miami Beach (“CMB”), North Bay Village (“NBV”), the Town of Bay Harbor Islands (“TBHI”), the Town of Surfside (“TS”), Bal Harbour Village (“BHV”), and the Miami Beach Chamber Education Foundation, Inc. (“MBCEF”) (collectively, the “Parties”), to provide for funding and for the implementation of a Nurse Initiative for the school year 2023-2024, at a pro rata share of \$8,112.

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AMENDMENT NO. 6 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER OF COMMERCE EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2023/2024 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

13. **Ratification of Approval** of an expenditure not to exceed \$50,000 for emergency repair of the sewer force main on 78th Street and Collins Avenue, under the Emergency Procurement regulations, pursuant to Section 2.1.3(a) of the Town Code.

STAFF RECOMMENDATION: Approve

POLL VOTE

ORDINANCES ON SECOND READING:

14. **Consideration and Approval** of an ordinance on Second Reading amending Chapter 5, Article II of the Town Code, by revising section 5-29 and creating a new section to be numbered 5-30 entitled "Additional requirements and procedures for site development approvals." Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING CHAPTER 5, ARTICLE II TITLED “DESIGN REVIEW BOARD,” BY REVISING SECTION 5-29, NOTICE PROCEDURES FOR SITE DEVELOPMENT APPROVALS, AND CREATING A NEW SECTION 5-30 TITLED ADDITIONAL REQUIREMENTS AND PROCEDURES FOR SITE DEVELOPMENT PLAN APPROVALS; PROVIDING FOR INCORPORATION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

15. **Consideration and Approval** of an ordinance on Second Reading amending Chapter 23, Article 1, Sections 23-12 and 23-19 of the Town Code relative to buildings and structures projecting onto yard setbacks for interior and waterfront lots on the West Island. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING CHAPTER 23, ARTICLE I, SECTION 23-12 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS," TO MODIFY SECTION 23-12 (15) AND (19) RELATED TO BUILDINGS AND STRUCTURES PROJECTING INTO YARD SETBACKS OF INTERIOR AND WATERFRONT LOTS ON THE WEST ISLAND; PROVIDING FOR ADOPTION OF RECITALS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

DEFERRED ITEMS:

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

16. **Request for approval** of the location of a temporary Sales Gallery to be located in the Common Space of the Belmont Condominium at 10101 East Bay Harbor Drive, immediately south of the property; or at the property in a unique dome structure out near the water's edge. Enclosed are the application materials.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

17. **Request for approval** of the location of a temporary Sales Center at 10301 East Bay Harbor Drive in connection with the development of the properties at 9781 and 9927-9955 East Bay Harbor Drive, by 9781 Bay Harbor Development LLC, 9955 Bay Harbor Development LLC. Duration of the sales center is expected through March 31, 2026. Enclosed are copies of the application materials.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

18. **Consideration and Approval** of a request to issue a Request for Qualifications (RFQ) for qualified, experienced, and licensed firm/s to provide a Design Criteria Package for the design of a new 6-story building garage and a new Town Hall.
19. **Consideration and Approval** of a request by Bay Harbor Islands Property Owner I LLC and Bay Harbor Islands II LLC to amend Paragraph 6(e) of the Parking Trust Agreements for the La Baia South and the La Baia North projects.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

20. **Discussion and Possible** action regarding settlement of the Charge of Discrimination No. EEOC 510-2020-03421 filed with the Equal Employment Opportunity Commission.

DISCUSSION ITEMS:

21. **Discussion** regarding moving Bay Harbor Islands General Election to November to piggyback off of Miami-Dade County General Election. Sponsored by Mayor Elizabeth Tricoche.

22. **Discussion** regarding amendment to Section 6-4 of the Town Code to provide for early voting during Town elections. Sponsored by Council Member Isaac Salver.
23. **Discussion** regarding danger posed by the palm fronds that fall from the Palm trees along Kane Concourse. Sponsored by Council Member Stephanie Bruder.
24. **Discussion** regarding the addition of a Mobile Command Post in the 2023/2024 Capital Improvement Plan. Sponsored by Council Member Stephanie Bruder.
25. **Discussion** regarding the requirements of the Design Review Board submittal package. Sponsored by Council Member Teri D'Amico.
26. **Discussion** and **Consideration** of Possible Action regarding a study of the perimeter of Bay Harbor Islands East Island's Seawall shoreline. Sponsored by Council Member Teri D'Amico.
27. **Discussion** and **Possible Action** regarding the creation of Massing and Transportation Study. Sponsored by Council Member Teri D'Amico.
28. **Discussion** to address the Appeal process against quasi-judicial and administrative decisions having development approval authority. Sponsored by Council Member Teri D'Amico. Enclosed is the research paper prepared by the staff.
29. **Discussion** of a contract for a new Police Chief. Sponsored by Vice Mayor Joshua Fuller and Council Member Stephanie Bruder.

ADJOURNMENT: Approximately 11:00 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.