

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**

November 8, 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.

SPECIAL NOTICE

A Regular Meeting of the Town Council of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform, on Wednesday, November 8, 2023, at 7:00 p.m.

“In an effort to provide greater public access and comment on pending matters, the Town of Bay Harbor Islands is providing a Zoom link to enable members of the public to comment on pending items on the Town Council agenda. Zoom access is provided under the same terms and conditions as in-person access, including length of time and decorum. Anyone desiring to be heard may utilize the Zoom link. However, members of the public must understand that the provision of Zoom access for comments is a courtesy, not a vested right, and that access is provided subject to the availability and functionality of the Town’s equipment. There is no guarantee that internet service will be reliable or that the Town’s equipment will function as intended. In the event that the Zoom access is unavailable or interrupted for any reason, the Town Council meeting will still proceed forward, and will not be stopped or rescheduled in any regard. Those wishing to be absolutely certain that their comments are heard by the Town Council should present themselves in person at the Council meeting and seek recognition, or alternatively, should submit their comments in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments.”

Zoom Meeting Link: <https://us06web.zoom.us/j/88285349884>
Meeting ID: 882 8534 9884

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 numbers below:

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

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

US: (305) 224-1968 or 1 (312) 626-6799 or 1 (646) 558-8656 or 1 (301) 715-8592

Meeting ID: 882 8534 9884

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 email to the Office of the Town Clerk at yhamilton@bayharborislands-fl.gov prior to 5:00 p.m. on the day of the meeting.

CALL TO ORDER: at approximately 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Introduction of Police Captain Joseph "Joe" Locke.
2. Introduction of New Police Officer Agnes Lafrance.

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: 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.)

4. **Consideration and Approval** of a project agreement from Kimley-Horn and Associates, Inc., in the amount of \$95,765, for the replacement and upgrade of the 100th Street Ejector Station to increase system capacity for proposed developments. Enclosed is the Project Agreement.
5. **Consideration and Approval** of the Regular Council Meeting dates for the 2024 calendar year. Enclosed is a list of the proposed dates.
6. **Consideration and Approval** of a Resolution for the Third Extension of the Lease Agreement between the Sunshine Gasoline Distributors, Inc., and the Town of Bay Harbor Islands for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Enclosed is the proposed resolution and Lease Extension Document.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR THE APPROVAL OF THE THIRD LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution awarding a contract for Invitation to Bid (ITB) NO., ITB- 5-1011-PW-0-2023/FVR, Indian Creek Structural Bridge Repairs Project BC-159, to Lead Engineering Contractors, LLC in an amount of \$1,963,014.84. Enclosed are the proposed resolution, ITB, and other supporting documents.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, AWARDDING THE CONTRACT FOR INVITATION TO BID NO.- 5-1011-PW-0-2023/FVR- INDIAN CREEK STRUCTURAL BRIDGE REPAIRS PROJECT BC-159, TO LEAD ENGINEERING CONTRACTORS, LLC, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

8. **Consideration and Approval** to expend the first installment payment of \$80,000 allocated in Fiscal Year 2023-2024 budget to MARK43 for acquisition of a new Records Management System and Computer Aided Dispatch System at a total cost of \$406,608, under a five-year contract. The Capital Project will be spaced over a five-year payment schedule as listed below. This purchase will be made under the piggyback purchase provision pursuant to Section 2-1.2(6) of the Town Code, which allows for use of contracts from another governmental agency that has been through a competitive bidding process for similar items/services.
9. **Consideration and Approval** of a Resolution condemning the terrorist attacks against the State of Israel and expressing support for Israel's people. Enclosed is the proposed resolution. Sponsored by Vice Mayor Joshua Fuller.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, CONDEMNING THE TERRORIST ATTACKS AGAINST THE STATE OF ISRAEL AND EXPRESSING SUPPORT FOR ISRAEL'S PEOPLE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR DISTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

10. **Consideration and Approval** of a resolution awarding Engineering Consulting Services Continuing contracts for RFQ-5-1005-0-2023/FVR, to 300 Engineering Group, CHA Consulting, Calvin, Giordano, & Associates, Atkins North America, and Chen Moore and Associates. The term of the contracts shall be for two (2) years with the Town's option to extend for up to three (3) additional one (1) year terms. Enclosed are the proposed resolution, agreements, and other supporting documents.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDING ENGINEERING AND ARCHITECTURAL CONSULTING SERVICES CONTINUING CONTRACTS FOR RFQ-5-1005-0-2023/FVR TO 300 ENGINEERING GROUP, CHA CONSULTING, CALVIN, GIORDANO & ASSOCIATES, ATKINS NORTH AMERICA, AND CHEN MOORE AND ASSOCIATES; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

11. **Consideration and Approval** of resolution awarding a contract to V Engineering for Invitation to Bid (ITB) No. -5-1009-PW-0-2023/FVR – Seawall Replacement pertaining to Project Number BC-163- Seawall Replacement Project, at a cost of \$240,000.00. Enclosed are the proposed resolution and other supporting documents.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, AWARDED THE CONTRACT FOR INVITATION TO BID NO.-5-1009-PW-0-2023/FVR-SEAWALL REPLACEMENT TO V ENGINEERING CORP, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

12. **Consideration and Approval** of a resolution authorizing the Town Manager to execute Grant Agreement LPA0459 with the State of Florida Department of Environmental Protection for receipt of \$250,000 in grant funding for the Town's Ejector Pump/Manhole Replacement Project. Enclosed are the proposed resolution and the grant agreement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR THE TOWN TO RECEIVE \$250,000 IN GRANT FUNDING FOR THE EJECTOR PUMP/MANHOLE REPLACEMENT PROJECT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

13. **Consideration** of a resolution approving a proposal from Calvin Giordano & Associates, under the CCNA-Engineering Consulting Services Continuing Contract, to provide engineering services for the Community Center/ Parking Garage electrical upgrades and generator installation in the amount of \$71,340. Enclosed are the proposed resolution and proposal.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A PROPOSAL FROM CALVIN, GIORDANO & ASSOCIATES, INC., UNDER THE CCNA-ENGINEERING CONSULTING SERVICES CONTINUING CONTRACT, TO PROVIDE ENGINEERING SERVICES FOR THE COMMUNITY CENTER/PARKING GARAGE ELECTRICAL UPGRADES AND GENERATOR INSTALLATION; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

14. **Consideration** of a Resolution ratifying and approving a contract with AlliedBean Demolition, Inc. for demolition of Town Hall Facilities (Police Department Building, the Annex Building, and the Public Works Dome) at a cost of \$231,400.54 with an additional contingency of \$50,000.00 related to Engineering from a Town Council approved engineering company and other ancillary expenses regarding demolition of Town Hall, under the piggyback purchase provision pursuant to Section 2-1.2(6) of the Town Code, which allows for use of contracts from another governmental agency that has been through a competitive bidding process for similar items/services. Enclosed are the proposed resolution and agreement. Sponsored by Council Member Stephanie Bruder.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING AND APPROVING A CONTRACT WITH ALLIEDBEAN DEMOLITION, INC., UNDER THE PIGGYBACK PURCHASE PROVISION, PURSUANT TO SECTION 2-1.2(6) OF THE TOWN CODE, FOR DEMOLITION OF TOWN HALL FACILITIES; AUTHORIZING THE TOWN MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION:

POLL VOTE

ORDINANCES ON SECOND READING:

ORDINANCES ON FIRST READING:

15. **Consideration** and **Approval** of an ordinance on First Reading amending Section 23-12 of the Town Code entitled "General Provisions" by revising Section 23-12(26) to add padel ball to the outdoor recreational game court facilities allowed in the Town, modifying fencing regulations and providing for noise mitigation to accommodate this sport. Sponsored by Vice Mayor Fuller and Council Member Stephanie Bruder. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS; AMENDING SECTION 23-12(26) RELATED TO OUTDOOR RECREATIONAL GAME COURT FACILITIES TO CLARIFY AND EXPAND THE TYPES OF GAME COURT FACILITIES ALLOWED AND TO MODIFY FENCING ALLOWANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DEFERRED ITEMS:

3. Approval of the following Council Meeting Minutes:
 - A. Regular Council Meeting - April 10, 2023
 - B. Special Council Meeting - May 1, 2023
 - C. Regular Council Meeting - May 10, 2023

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

16. **Consideration and Approval** of a private Transfer of Development Rights (TDR) transaction for three (3) dwelling units from 9110 West Bay Harbor Drive to the future Origin Multifamily Development to be located at 9740-9760 West Bay Harbor Drive. Enclosed are the Town Planner's Staff Report, application, Site Development Plans, and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

17. **Consideration and Approval** of a TDR transaction for the transfer of six (6) TDR units from the Town- owned "pool" of TDR units to the future Origin Multifamily Development project to be located at 9740- 9760 West Bay Harbor Drive. Enclosed are the Town Planner's Staff Report, the TDR application package, and applicant's Letter of Intent.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

18. **Consideration and Approval** of a Resolution designating a weekday for Early Voting. Enclosed is the proposed Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DESIGNATING THE WEEKDAY FOR EARLY VOTING FOR THE APRIL 2, 2023 GENERAL ELECTION; AUTHORIZING THE TOWN CLERK TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

19. **Consideration and Approval** of a Resolution adopting Town Council Public Comment Rules of Procedure and Decorum. Enclosed is the proposed resolution. Sponsored by Council Member Robert Yaffe.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING TOWN COUNCIL PUBLIC COMMENT RULES OF PROCEDURE AND DECORUM; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

DISCUSSION ITEMS:

20. **Discussion** and **Possible** action regarding a resolution considering a recommendation by ATKINSREALIS and determining the Preferred Alternative for replacement of the Broad Causeway Bridge. Enclosed is a copy of the resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, CONSIDERING THE PROPOSAL FROM ATKINSREALIS FOR THE RECOMMENDATION OF THE BROAD CAUSEWAY BRIDGE REPLACEMENT PREFERRED ALTERNATIVE; AUTHORIZING THE TOWN MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; AND AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

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.