

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

REVISED

AGENDA

**April 10, 2024
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, April 10, 2024, 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/87203008003>
Meeting ID: 872 0300 8003

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: 1 305 224 1968 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 872 0300 8003
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 4:00 p.m. on the day of the meeting.

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

Introduction of Police Officer Andrew Troncoso

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.)

1. ~~Approval of the following Council Meeting Minutes:~~
~~A. Regular Council Meeting November 8, 2023~~

2. **Consideration and Approval** of a resolution authorizing a rate adjustment based on the 2023 Consumer Price Index (CPI) in accordance with the agreement between the Town and Coastal Waste & Recycling for solid waste collection services. Enclosed are the proposed resolution, Coastal's request for increase, and other supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A RATE ADJUSTMENT FOR SOLID WASTE COLLECTION SERVICES BASED ON THE 2023 CONSUMER PRICE INDEX (CPI), IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE TOWN AND COASTAL WASTE & RECYCLING; PROVIDING FOR CODIFICATION OF THE FEES IN THE TOWN CODE, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY AND REPEALER; AUTHORIZING THE TOWN MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Consideration and Approval** of a resolution approving a 2023-2026 Collective Bargaining Agreement between the Town of Bay Harbor Islands, Florida and the South Florida Police Benevolent Association. Enclosed is a copy of the agreement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POLICE BENEVOLENT ASSOCIATION (PBA) AND THE TOWN OF BAY HARBOR ISLANDS FOR THE TERM OF OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2026; SETTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR POLICE OFFICERS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Consideration and Approval** of a resolution authorizing the hiring of three (3) additional full-time personnel for the Police Department, a Compliance Manager and two (2) Public Service Aides, and budget amendment #3 to increase code enforcement action and efficiency. Sponsored by Council Members Stephanie Bruder, Joshua Fuller, and Robert Yaffe.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE HIRING OF THREE (3) ADDITIONAL FULL-TIME PERSONNEL FOR THE POLICE DEPARTMENT, A COMPLIANCE MANAGER AND TWO (2) PUBLIC SERVICE AIDES; APPROVING BUDGET AMENDMENT NUMBER 3 TO TRANSFER FUNDS BETWEEN DEPARTMENTS TO COVER THE COST OF THESE POSITIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration and Approval** of a resolution approving a contract with South Florida Electrical Consultant for Electrical Contracting Services, under the Piggy-Back purchasing provisions, pursuant to section 2-1.2 (6) enclosed are the supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A PIGGYBACK JOB ORDER CONSTRUCTION TASK CONTRACT BY THE CITY OF MIAMI BEACH AND SOUTH FLORIDA ELECTRICAL CONSULTANT FOR ELECTRICAL SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

6. **Consideration and Approval** of a resolution authorizing renewal of lease agreements with Quadient, Inc. for mailing equipment at a total cost of \$13,518.00 over a 36- month period. Enclosed are copies of the supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING A LEASE RENEWAL AGREEMENTS WITH QUADIENT, INC. FOR MAILING SYSTEM EQUIPMENT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution approving Hazen and Sawyer among the list of engineers under RFQ-5-1004-23 - Request for Qualifications for Continuing Consulting Services Continuing Contract and approving the related contract in substantially in the form attached hereto. Enclosed is a copy of the draft contract.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDING AND APPROVING AN ENGINEERING CONSULTING SERVICES CONTINUING CONTRACT FOR RFQ-5-1005-0-2023/FVR TO HAZEN AND SAWYER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval.

POLL VOTE

ORDINANCES ON SECOND READING:

8. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-18 of the Town Code to include metal roof materials in the list of permitted roofing materials. Sponsored by Council Member Robert Yaffe. Enclosed is a copy of the draft ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ALLOWABLE ROOFING MATERIALS IN THE TOWN; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE 1 ENTITLED IN GENERAL; AMENDING SECTION 5-18 ENTITLED REQUIRED MATERIALS IN ROOF AND MANSARD FASCIA CONSTRUCTION / APPROVAL OF DESIGN REVIEW BOARD TO MODIFY THE LIST OF ALLOWABLE ROOF MATERIALS; 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

ORDINANCES ON FIRST READING:

9. **Consideration and Approval** of an ordinance on first reading pertaining to nuisances of construction activities, amending Section 12-26 of the Town Code regarding the arrival and departure of construction workers, vehicles, equipment, and materials on job sites. Enclosed is a copy of the proposed ordinance. Sponsored by Council Member Robert Yaffe and Council Member Stephanie Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO NUISANCES OF CONSTRUCTION ACTIVITIES; AMENDING ARTICLE II OF CHAPTER 12 ENTITLED NOISE; AMENDING SECTION 12-26 ENTITLED PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; AMENDING SECTION 12-27 ENTITLED PENALTIES; 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

10. **Consideration and Approval** of an ordinance on first reading amending Section 5-5(f) and (k) of the Town Code regarding temporary construction fences. Sponsored by Council Member Stephanie Bruder. 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 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "BUILDING AND CONSTRUCTION" BY REVISING SECTION 5-5(f) and (k) PERTAINING TO "TEMPORARY CONSTRUCTION FENCES" 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:

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

11. **Consideration** and **Approval** of the 2024/2025 Budget Preparation Calendar. Enclosed is the proposed schedule provided by the Town Manager.
12. **Consideration** and **Approval** of a request by Bal Bay Inn LLC, owner of the Landon Towners located at 9660 East Bay Harbor Drive, for certain easements and renewal of the parking lease for parking along a portion of the Town's right-of-way along the south side of 97 Street abutting the property. Sponsored by Council Member Stephanie Bruder. Enclosed is the Applicant's Letter of Intent.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

13. **Consideration** and **Approval** of a Parking Trust Payment Agreement with Alan Cohen Trust & 1025 Kane Concourse, Ltd. for payment of a fee to the Town's Parking Trust for a portion of the required parking spaces for the development to be located at 1025 Kane Concourse, in lieu of the Developer providing all of the project's required on-site parking spaces, pursuant to Section 23-29.1 of the Town Code. Enclosed is a copy of the agreement, a copy of the related section of the Town Code, and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

14. **Discussion** and **Possible** action regarding attendance to the Miami-Dade County League of Cities 70th Annual Gala. Enclosed is information on sponsorship packages and the cost of advertisement in the journal.

15. **Discussion and Possible** action regarding attendance to this year's Law Enforcement Awards Gala. Staff is seeking a directive on the purchase of 20 tickets. The cost is \$175 per person. The total amount in the adopted budget is \$3,500. Enclosed is a copy of the invitation.

DISCUSSION ITEMS:

ADJOURNMENT: Approximately 10:00 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.