

NOTE: A request form is available from the Deputy Town Clerk or on the Town's website; please fill it in and return it no later than the "Public Comment" section of the meeting if you would like to address the Town Council. 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**

**June 18, 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 Tuesday, June 18, 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/86997602618>
Meeting ID: 869 9760 2618

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

Meeting ID: 869 9760 2618
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:

1. Ruth K. Broad Student of the Year - Alison Madhosingh
2. Recognition of 14 U Soccer Championship Team.

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 or on the Town's website; please fill it in and return it to the Deputy Town Clerk no later than the conclusion of "Public Comment" section of the meeting, if you would like to address the Town Council. 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.)

3. Approval of the following Council Meeting Minutes:
 - A. Regular Council Meeting - November 8, 2023
 - B. Town Council Retreat - May 28, 2024, and May 29, 2024

4. **Consideration and Approval** of a resolution approving 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 2024-2025, at a pro rata share of \$8,112.

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AMENDMENT NO. 7 TO THE MEMORANDUM OF UNDERSTANDING (“MOU”) 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 EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2024/2025 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.

5. **Consideration and Approval** of Resolution updating the Town's Investment Policy. The investment policy shall apply to funds under the control of the Town of Bay Harbor Islands in excess of those required to meet current expenses. This investment policy shall not apply to pension funds, including those funds in Chapters 175 and 185, Florida Statutes. The investment of funds shall comply with all controlling state statutes, ordinances, and covenants covering the Town of Bay Harbor Islands' investments. The new language is shown by the underlined text. Enclosed is the updated Investment Policy.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN INVESTMENT POLICY; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

6. **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 for the Community Center, Police Department, Police Dispatch, and the Main/Reception Office, 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.
7. **Consideration and Approval** of a resolution approving the renewal of a Mutual Aid Agreement and Joint Declaration between the Town of Golden Beach and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and proposed resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING THE MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND THE TOWN OF GOLDEN BEACH FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

8. **Consideration and Approval** of Resolution approving Change Order #4 in the amount of \$594,000 to the agreement with Engineering Controls Systems Corp for the BC-158 Shepard Causeway to cover

additional costs for increased spall repairs and materials. The contract will also have a time extension of 97 days of the contract due to the additional concrete spalls repairs. Enclosed is Change Order No. 4.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 4 IN THE AMOUNT OF \$594,000 TO THE AGREEMENT WITH ENGINEERING CONTROLS SYSTEMS CORP FOR THE BC-158 SHEPARD BROAD CAUSEWAY REHABILITATION CONSTRUCTION PROJECT BRIDGE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Consideration and Approval** of a resolution approving Change Order Number 1 to the Agreement with BCC Engineering, Inc. for \$102,985.00 for Construction Engineering (CEI) Services for the Indian Creek Bridge & Pipe Saddle Repairs (No. 875013) (BC-159). Enclosed is Change Order No. 1.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING CHANGE ORDER NUMBER 1 TO THE AGREEMENT WITH BCC ENGINEERING INC. FOR CONSTRUCTION ENGINEERING INSPECTION (CEI) SERVICES FOR THE INDIAN CREEK BRIDGE & PIPE SADDLE REPAIRS (NO. 875013); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

10. **Consideration and Approval** of a resolution approving Change Order No. 1 in the amount of \$231,200 to the agreement with Lead Engineering Contractors, LLC for the BC-159 Indian Creek Bridge & Pipe Saddle Repairs Bridge FDOT Post No. 875013. Enclosed is Change Order No. 1.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING CHANGE ORDER #1 IN THE AMOUNT OF \$231,200 TO THE AGREEMENT WITH LEAD ENGINEERING CONTRACTORS LLC FOR REPAIRS TO THE BC-159 INDIAN CREEK BRIDGE (FDOT POST NO. 875103) AND PIPE SADDLE REPAIRS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

11. **Consideration and Ratification** of approval of emergency procurement pursuant to Section 2-1.3 of the Town Code regarding damages incurred from the severe weather storm on June 11th and 12th. Enclosed are the invoices.

STAFF RECOMMENDATION: Approve

POLL VOTE

PUBLIC HEARING

12. **Reconsideration** of a Town Council motion of May 8, 2024, regarding a request by the property owner of 9424 West Broadview Drive for variances from the strict application of the Town Code to construct a linear dock extension. Council Member Molly Diallo requested reconsideration of the motion. Five affirmative votes are required to grant the variances. Enclosed are supporting documents.

If the motion for reconsideration passes, the original item will be back before the Town Council for Public Hearing, further consideration and possible action.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

13. **Consideration and Approval** of an ordinance on Second Reading amending Section 23-33 of the Town Code relating to loading zone regulations. Sponsored by 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 CODE OF ORDINANCES RELATED TO OFF-STREET LOADING; AMENDING CHAPTER 23, ARTICLE II, SECTION 23-33 RETITLING FROM RESERVED TO OFF-STREET LOADING ZONE 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

14. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-2.2 of the Town Code pertaining to responsibility for payment of cost related to pre-construction survey and/or seismic monitoring required on neighboring properties within 300 feet of a construction site, in accordance with subsection Section 5-2.2(1). Sponsored by Vice Mayor Isaac Salver. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING ARTICLE 1 OF CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION BY REVISING SECTION 5-5.2 CONSTRUCTION SITE MONITORING PERTAINING TO PAYMENT FOR PRE-CONSTRUCTION SURVEY AND/OR SEISMIC MONITORING, BY ADDING A NEW SUBSECTION D AND RENUMBERING SUBSECTION D AS SUBSECTION E, AND REVISING SAME; 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

ORDINANCES ON FIRST READING:

15. **Consideration and Approval** of an ordinance on first reading amending Sections 18-9 to 15-15 of the Town Code relating to regulation of bicycles, motorized, non-motorized and other similar devices. Sponsored by Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF BICYCLES, MOTORIZED AND OTHER SIMILAR DEVICES; AMENDING CHAPTER

18, ARTICLE I, SECTION 18-9 “PROHIBITION OF THE RIDING OF BICYCLES AND MOTORIZED DEVICES”, SECTION 18-11 “BICYCLES AND MOTORIZED DEVICES PARKING”; RETITLING FROM RESERVED TO SECTION 18-10 “REGULATION OF BICYCLES AND MOTORIZED DEVICES (EXCLUDING BRIDGES)”, SECTION 18-12 “REQUIREMENT FOR OPERATORS UNDER SIXTEEN (16) YEARS OLD”, SECTION 18-13 “ENFORCEMENT”, SECTION 18-14 “SCHEDULE OF CIVIL PENALTIES”, AND SECTION 18-15 “APPEALS”; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

16. **Consideration and Approval** of an ordinance on first reading amending Section 2-1.1 and Section 2-1.2 of the Town Code relating to procurement limitations. Sponsored by Council Member Stephanie Bruder and Council Member Eric Rappaport. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCES RELATED TO PROCUREMENT LIMITATIONS; AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1.1 PROCUREMENT LIMITATIONS; COMPETITIVE BIDDING AND SECTION 2-1.2 EXEMPTIONS AND WAIVERS FROM COMPETITIVE BIDDING; 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

17. **Consideration and Approval** of an ordinance on first reading amending Section 5-5(h) of the Town Code to provide for maintenance of construction job sites twice daily within specific time frames from 9:00 a.m. to 11:00 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, and once daily between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. Sponsored by Council Members Stephanie Bruder and Robert Yaffe. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCES RELATED TO JOB SITE MAINTENANCE, AMENDING CHAPTER 5, BUILDING AND CONSTRUCTION, ARTICLE I, CONSTRUCTION SITE OPERATIONS, SECTION 5-5(h), JOB SITE MAINTENANCE; 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)*

18. **Discussion** and **Possible** action regarding a resolution appointing Interim Town Manager Jenice Rosado as the permanent Town Manager. Enclosed is a copy of the proposed resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPOINTING JENICE ROSADO AS THE TOWN MANAGER; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

19. **Discussion** and **Possible** action regarding a resolution to defer appointments to the Design Review Board and the Parks & Recreation Department to the next regular council meeting and allow the existing members to continue to serve until the Council makes new appointments. Sponsored by Council Member Eric Rappaport.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DEFERRING APPOINTMENTS TO THE DESIGN REVIEW BOARD AND THE PARKS AND RECREATION COMMITTEE UNTIL THE NEXT REGULAR COUNCIL MEETING; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

20. **Discussion** and **Possible Action** regarding appointments/re-appointments to the Parks & Recreation Committee for the 2023-2025 Term. Enclosed is a list of applicants. If Item #19 is approved, appointments will be deferred to the next regular council meeting.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

21. **Discussion** and **Possible Action** regarding appointments/re-appointments to the Design Review Board for the 2023-2025 Term. Enclosed is a list of applicants. If Item #19 is approved, appointments will be deferred to the next regular council meeting.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

22. **Consideration** and **Approval** of a request from the Florida League of Cities to designate one official to be the voting delegate for this year's Annual Business Session, during the FLC Annual Conference on August 15-17, 2024. Enclosed is the correspondence from the Florida League of Cities.

DISCUSSION ITEMS:

23. **Discussion** and **Possible** action regarding a proposal to secure space at Church by the Sea for the Town's Emergency Management Operations Landfall Team. Sponsored by Council Member Stephanie Bruder.
24. **Discussion** and **Possible** action to determine future rule/process for debate by council members on Town Council Meeting agenda items. Sponsored by Council Member Teri D'Amico.
25. **Discussion** and **Possible** action regarding a request for a 7-year reserve study on the Broad Causeway Bridge, along with an updated civil engineering report similar to the 40-year re-certification for

buildings, allocation of funds in 2024-2025 Budget for research and an IOT Sensory Monitoring System for the Bridge, due to FDOT's January 2024 report and the poor current conditions of the bridge. Enclosed are photos of current bridge conditions, area of concern and diagram illustrating how to use monitoring systems information as to how the town will benefit from the data provided (safety, maintenance, and cost). Sponsored by Council Member Teri D'Amico.

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.