

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

REVISED

AGENDA

September 12, 2024

7:00 PM - Or immediately following the First Budget Public Hearing

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 Thursday, September 12, 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/87551483254>

Meeting ID: 875 5148 3254

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: 875 5148 3254
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. Introduction of New Police Officer Jaileen Romo
2. Proclamation - Recognition of September as Childhood Cancer Awareness Month - Mystic Force Foundation
3. Proclamation - Suicide Prevention. Sponsored by Council Members Stephanie Bruder and Teri D'Amico
4. Proclamation - Florida Climate Week 2024 - DMH Americas

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

COUNCIL 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: *(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 a resolution amending Resolution No. 2268 increasing the parking meter fees, pay-by-phone rates, and parking decal permits for the town's parking facilities. Enclosed are the draft resolution and supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2268 INCREASING THE RATES FOR PARKING METERS, PAY-BY-PHONE PARKING FEES, AND MONTHLY DECALS FOR THE TOWN'S PARKING FACILITIES; REPEALING OTHER RESOLUTIONS, PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

6. **Consideration and Approval** of a resolution updating the official signatories of the Town of Bay Harbor Islands for banking and depository purposes with Bank of America. Enclosed is the draft resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, UPDATING AUTHORIZED SIGNATORIES FOR DEPOSITS AND WITHDRAWALS OF TOWN FUNDS IN CERTAIN ACCOUNTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Consideration and Approval** of a resolution designating authorized signatories with Mellon Bank for the town investment accounts. Enclosed is the draft resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, UPDATING THE AUTHORIZED SIGNATORIES FOR THE TOWN'S INVESTMENT ACCOUNTS HELD WITH MELLON BANK, N.A.; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

8. **Consideration and Approval** of a resolution approving an Engagement Letter with Caballero, Fierman, Llerena & Garcia, LLP for financial/audit preparation consulting services. Enclosed are the draft resolution and a copy of the Engagement Letter.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN AGREEMENT WITH CABALLERO FIERMAN LLERENA & GARCIA, LLP TO PERFORM INDEPENDENT CONSULTING SERVICES AND AUDIT SUPPORT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT; AND SETTING AN EFFECTIVE DATE.

9. **Consideration and Approval** of a resolution approving an Interlocal Agreement between the Town of Bay Harbor Islands and Miami-Dade County Clerk of Court and Comptroller for implementation of the services of the eCitation Program. Enclosed are the resolution and Interlocal Agreement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY CLERK OF THE COURT AND COMPTROLLER FOR IMPLEMENTATION OF THE SERVICES OF THE E-CITATION PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING EXECUTION OF THE AGREEMENT; AND SETTING AN EFFECTIVE DATE.

10. **Consideration and Approval** of a resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the Village of El Portal and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and draft resolution.

A RESOLUTION OF 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 VILLAGE OF EL PORTAL FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

11. **Consideration and Approval** of a resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Opa-Locka and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and draft resolution.

A RESOLUTION OF 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 CITY OF OPA-LOCKA FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

12. **Consideration and Approval** of a resolution approving the implementation of a Mutual Aid Agreement and Joint Declaration between the City of Miami Springs and the Town of Bay Harbor Islands for shared law enforcement services. Enclosed are the agreements and draft resolution.

A RESOLUTION OF 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 CITY OF MIAMI SPRINGS FOR LAW ENFORCEMENT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

13. ~~**Consideration and Approval** of a resolution approving Change Order #2 to Lead Engineering for the Amount of \$150,000.00 for the reconstruction of the East Side Seawall and Bridge deck of BC 159 Indian Creek Bridge No. 875103. Enclosed are the draft resolution and supporting documents.~~

~~**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING CHANGE ORDER #2 IN THE AMOUNT OF \$150,000 TO THE AGREEMENT WITH LEAD ENGINEERING CONTRACTORS LLC FOR THE BC 159 INDIAN CREEK BRIDGE, AND PIPE SADDLE REPAIRS ON BRIDGE FDOT POST NO. 875103; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**~~

14. **Consideration and Approval** of an Invitation to Bid (ITB) for removal of the existing side front awning on the west side of the Morris N. Broad Community Center. Enclosed is the Staff Memorandum.
15. **Consideration and Approval** of an Invitation to Bid (ITB) to paint the exterior of the Community Center and the Parking Garage. Enclosed is the Staff Memorandum.
16. **Consideration and Approval** of a resolution approving property insurance policy for the Shepard Broad Causeway Bridge from Lloyds of London and Starstone Specialty Insurance Company, for a term beginning October 1, 2024, to September 30, 2025, with a total premium not to exceed \$414,008. Enclosed are the draft resolution and proposal.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RENEWING BRIDGE PROPERTY INSURANCE FOR THE SHEPARD BROAD CAUSEWAY FOR FISCAL YEAR 2024-2025, WITH LLOYDS OF LONDON AND STARSTONE SPECIALTY INSURANCE COMPANY; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AGREEMENT OR RELATED DOCUMENTS; AND SETTING AN EFFECTIVE DATE.

17. **Consideration and Approval** of a resolution approving a proposal from Florida Municipal Insurance Trust (Florida League of Cities) for Property & Casualty and Workers Compensation Insurance for the 2024-2025 Fiscal Year, in the amount of \$757,072. Enclosed are the draft resolution and renewal quote.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RENEWING PROPERTY & CASUALTY LIABILITY AND WORKERS COMPENSATION INSURANCE FOR FISCAL YEAR 2024-2025 WITH FLORIDA MUNICIPAL INSURANCE TRUST (FMIT); PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AGREEMENT OR RELATED DOCUMENTS; AND SETTING AN EFFECTIVE DATE.

18. **Consideration and Approval** of a resolution approving Florida Blue to provide health and dental insurance and MetLife to provide life, disability, and Accidental Death & Dismemberment insurance for town employees for Fiscal Year 2024-2025. Enclosed are the proposed resolution, price quotes, and Employee Benefits Comparison.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING FLORIDA BLUE TO PROVIDE HEALTH AND DENTAL INSURANCE AND METLIFE TO PROVIDE LIFE, DISABILITY AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR TOWN EMPLOYEES FOR FISCAL YEAR 2024-2025; PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AGREEMENT OR RELATED DOCUMENTS; AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

ORDINANCES ON SECOND READING:

19. **Consideration and Approval** of an ordinance on Second Reading amending Section 5-23.01 of the Town Code regarding appointments to the Design Review Board. 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 SECTIONS 5-23.01 OF THE TOWN'S CODE OF ORDINANCES AS RELATED TO THE DESIGN REVIEW BOARD; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE II ENTITLED DESIGN REVIEW BOARD; SECTION 5-23.01 ENTITLED DESIGN REVIEW BOARD MEMBERSHIP; 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

20. **Consideration and Approval** of an ordinance on Second Reading amending Chapter 15 of the Town Code, by adding Section 15-2 regarding appointments to the Parks & Recreation Committee. Sponsored by Council Member Eric Rappaport. 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 PARKS AND RECREATION BY AMENDING CHAPTER 15, ARTICLE 1, RETITLING FROM RESERVED TO SECTION 15-2 TO BE ENTITLED "PARKS AND RECREATION COMMITTEE"; 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

21. **Consideration and Approval** of an ordinance on Second Reading amending Section 12-26 of the Town Code regarding permissible hours for construction activity and landscaping and Section 12-27 regarding penalties. Enclosed is the proposed ordinance and supporting documents. Sponsored by Council Member Robert Yaffe.

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

ORDINANCES ON FIRST READING:

22. **Consideration and Approval** of an ordinance on first reading amending Section 23-12(22) of the Town Code pertaining to fences that include lighting features. Sponsored by Council Member Robert Yaffe.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATING TO THE REGULATION OF WALLS AND FENCES; AMENDING CHAPTER 23, ARTICLE I, SECTION 23-12(22); 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)*

23. Update on Transcore proposal for \$355,068.60 to upgrade all the servers and software on the SunPass toll system that was conditionally approved at the August 14, 2024, Regular Council Meeting.
24. **Consideration and Approval** of a resolution providing for additional services under the existing contract with Brightview Landscape Services, Inc. to perform landscaping and irrigation maintenance services, including plant removal, replacement and irrigation repairs. Enclosed is a copy of the proposal and supporting documents. Sponsored by Council Members Stephanie Bruder and Robert Yaffe.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DISCUSSION ITEMS:

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.