

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

October 14, 2024
(RESCHEDULED FROM OCTOBER 9, 2024)
5:30 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 Monday, October 14, 2024, at 5:30 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/85392078298>
Meeting ID: 853 9207 8298

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: 853 9207 8298
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: Approximately 5:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Proclamation - Red Ribbon Week - October 23-31, 2024

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.)*

2. **Consideration and Approval** of a request authorizing the issuance of a Request for Proposal for a vendor to perform Low Voltage service for the Town. Enclosed is the Staff Memo.
3. **Consideration and Approval** of a resolution implementing an Agreement between the Town of Bay Harbor Islands and Critical Event Response Applications (CERA) Program. Enclosed are the Letter of Intent, Benefits & Scope Document and Agreement, and draft resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A SOFTWARE SERVICE AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND CERA SOFTWARE, INC., TO PROVIDE THE BAY HARBOR ISLANDS POLICE DEPARTMENT ACCESS TO CERA THREAT RESPONSE PLATFORM TO PROACTIVELY PROMOTE PUBLIC SAFETY; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

4. **Consideration and Approval** of a resolution authorizing the Town Manager to award a competitively bid contract to Awnings Universal, Inc., the lowest responsible, responsive bidder, for \$62,000.00, pursuant to ITB No. ITB-8-1021-CC-0-2024/FVR, for replacement of the existing side-front awning on the west side of the Morris N. Broad Community Center. Enclosed are the Staff Memo, Resolution, and Bid Tabulation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH AWNINGS UNIVERSAL, INC. IN THE AMOUNT OF \$62,000 FOR AWARD OF INVITATION TO BID NO. ITB-8- 1021-CC-0-2024/FVR FOR REPLACEMENT OF THE EXISTING SIDE-FRONT AWNING ON THE WEST SIDE OF THE MORRIS N. BROAD COMMUNITY CENTER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration and Approval** of a resolution authorizing the Town Manager to award a competitively bid contract to Smart Coat Painting, LLC, the lowest responsible, responsive bidder, for \$68,750.00, pursuant to ITB No. ITB-8-1020-CC-0-2024/FVR for painting the Morris N. Broad Community Center and the Parking Garage. Enclosed is the draft resolution, Staff Memo, and Bid Tabulation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH SMART COAT PAINTING, LLC IN THE AMOUNT OF \$68,750 FOR AWARD OF INVITATION TO BID NO. ITB-8-1020-CC-0-2024/FVR, FOR PAINTING THE MORRIS N. BROAD COMMUNITY CENTER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Consideration and Approval** of a resolution approving a Task Order with 300 Engineering Group, LLC. in the amount of \$77,410 to perform the comprehensive lead service line inventory for the Town's water distribution system required by the Environmental Protection Agency (EPA). Enclosed are the Task Order, Staff Memo, and draft resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA APPROVING A TASK ORDER WITH 300 ENGINEERING GROUP, LLC, IN THE AMOUNT OF \$77,410, FOR THE COMPREHENSIVE LEAD SERVICE LINE INVENTORY FOR THE TOWN'S WATER DISTRIBUTION SYSTEM REQUIRED BY THE ENVIRONMENTAL PROTECTION AGENCY; PROVIDING FOR INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

ORDINANCES ON SECOND READING:

7. **Consideration** and **Approval** of an ordinance on Second Reading amending Sections 20-5 and 20-6 of the Town Code to increase the monthly rate for water service to pass through the increase charged by Miami-Dade County Water & Sewer Department. Enclosed are the proposed ordinance and supporting documents.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTIONS 20-5 AND 20-6 OF THE TOWN CODE TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$6.23 PER ONE THOUSAND GALLONS, AND THE MINIMUM MONTHLY SERVICE CHARGE FOR EACH WATER METER TO \$28.96; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

8. **Consideration** and **Approval** of an ordinance on Second Reading amending Section 23-12(22) of the Town Code pertaining to fences that include lighting features. Sponsored by Council Member Robert Yaffe. Enclosed are the proposed ordinance and Staff Memo.

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

ORDINANCES ON FIRST READING:

9. **Consideration** and **Approval** of an ordinance on First Reading amending Chapter 24, Section 16 related to the regulations of landscape requirements. Sponsored by Council Member Robert Yaffe. Enclosed are the proposed ordinance and Staff Memo.

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 LANDSCAPE REQUIREMENTS, AMENDING CHAPTER 24 OF THE TOWN'S CODE OF ORDINANCES ENTITLED PROPERTY MAINTENANCE STANDARDS; AMENDING SECTION 24-16 ENTITLED MINIMUM LANDSCAPE STANDARDS TO MODIFY THE LANDSCAPE STANDARDS; RETITLING SECTION 24-16.1 FROM "USE OF FERTILIZER" TO "TREE REMOVAL, PROTECTION, REPLACEMENT AND ABUSE"; SECTION 24-16.3 "DEFINITIONS"; RETITLING SECTION 24-16.10 FROM "MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER" TO "MAINTENANCE REQUIREMENTS"; SECTION 24-16.15 "ENFORCEMENT AND 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

DEFERRED ITEMS:

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

10. **Consideration** of a request from 9955 Bay Harbor Development, LLC, the owner of the lots located at 9927 – 9955 East Bay Harbor Drive, to modify Resolution No. 2162 to reflect a transaction for one (1) TDR unit instead of the three (3) that were previously approved. Enclosed are the supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DISCUSSION ITEMS:

11. **Discussion and possible action** regarding the location of pickleball courts on the island. Sponsored by Council Member Stephanie Bruder.

ADJOURNMENT: Approximately 7:00 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.