

**TOWN OF BAY HARBOR ISLANDS**  
January 19, 2022  
**RESCHEDULED REGULAR COUNCIL MEETING**  
**AGENDA**

**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 on being barred from the meeting. Persons exiting the Chambers shall do so quietly.*

**SPECIAL NOTICE – HYBRID MEETING**

The Town of Bay Harbor Islands reschedule Regular Council Meeting will take place in a Hybrid format where a quorum of the Town Council will be physically present at the Town Hall Council Chambers. Members of the public are welcome to participate in person or virtually via the Zoom platform.

Zoom Link: <https://us06web.zoom.us/j/86227050776>  
Meeting ID: 862 2705 0776

The staff, members of the public and the applicants are strongly encouraged to attend virtually, but will not be denied access to the physical meeting, consistent with public safety and health considerations.

To request to speak during Zoom 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 number below:

US Toll Free Number: 877 853 5247 or 888 788 0099  
For higher quality, dial a number based on your current location.  
US: 1 646 558 8656 or 1 301 715 8592 or 1 312 626 6799  
Meeting ID: 862 2705 0776  
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 e-mail to the Office of the Town Clerk at [achang@bayharborislands-fl.gov](mailto:achang@bayharborislands-fl.gov)

**CALL TO ORDER:** 7:00 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**SPECIAL PRESENTATION:**

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**

## **TOWN MANAGER'S REPORT:**

## **TOWN ATTORNEY'S REPORT:**

1. Report of Special Counsel Benedict P. Kuehne on a complaint filed by Town Clerk Alba L. Chang.

**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:**

2. **Consideration and Approval** of new appointment and re-appointment to the Design Review Board for the Term 2021-2023. Enclosed is a list of Board Members who are seeking re-appointment and one (1) new request for appointment.

**STAFF RECOMMENDATION:** Council Discretion

**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.)*

3. **Consideration and Approval** of the following Meeting Minutes:
  - a. Public Hearing - November 10, 2021
  - b. Regular Council Meeting - November 10, 2021
  - c. Special Council Meeting - November 30, 2021
4. **Consideration and Approval** of a resolution authorizing the Town to join with the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a unified plan for the allocation and use of opioid litigation settlement proceeds. Enclosed is a copy of the Proposed Resolution, Interlocal Agreement and other supporting documents.
5. **Consideration and Approval** of Hazen and Sawyer's (Hazen) engineering services proposal for the amount of \$41,740 to provide assistance to the Town in addressing the Cycle 3, Phase 1 Sanitary Sewer Evaluation Survey (SSES) requirements of the Miami-Dade County Department of Regulatory and Economic Resources (DERM) due on November 12, 2022.
6. **Consideration and Approval** to issue a Request for Qualifications (RFQ) to get an Engineering Design Consulting Firm for the planning evaluation, preparation of Concept Design and Design Criteria Package and serve as Owner's Rep for the Broad Causeway Drawbridge Replacement Project. Enclosed is a copy of the proposed Request for Qualifications Packet.
7. **Consideration and Approval** of Scope and Fee proposal by BCC Engineering Inc. in the amount of \$133,360 to provide the Town with inspection, design, pre and post bid services, bid analysis, contractor's recommendation and CEI services for repairs to the Indian Creek Bridge (No. 875013) identified in the Annual Bridge Inspection Report conducted by Marlin Engineering in August 2021 for FDOT. Enclosed are copies of the proposal.

8. **Consideration and Approval** of Scope and Fee Proposal from Chen Moore and Associates, Inc. (CMA) in the amount of \$80,271.50 for the design (including land surveying and geotechnical evaluation), permitting, bid support services, construction administration services, including weekly inspections. Enclosed is a copy of the proposal by CMA.
9. **Consideration and approval** to piggyback off the City of Sarasota, Florida contract with LMK Pipe Renewal in an amount not to exceed \$200,000 for the continuation of sanitary sewer Cured-in-Place Pipe (CIPP) lining. Enclosed are copies of the bid documents and other supporting documents.
10. **Consideration and Ratification** of Enterprise Fleet Management Lease Rate Quote for six (6) Ford Police Interceptors at \$712.96 /per vehicle / per month for 5 year term in an amount not to exceed \$45,000 for Fiscal Year 2022 to procure necessary vehicles for Police Department field operations. Enclosed are copies of the quote documents and other supporting documents.
11. **Consideration and approval to** piggyback off the Broward County P25 System and Services Agreement R1422515R1/P1 with Motorola Solutions to procure a Radio Communication System for the Police Department in the amount of \$124,520 for a 60-month lease term, pursuant to Section 2-1(6) of the Town Code.
12. **Consideration and Approval** to piggyback off a Miami-Dade County Contract (8254-/22-1) for continuing services for reproduction and binding services with Blue Digital Corporation. Enclosed is a copy of the Miami-Dade County contract and other supporting documents.
13. **Consideration and Approval** to procure twenty-six (26) Dell rugged laptops from SHI International Corp in the amount of \$50,156.60 for the Police Department to replace out-of-lifecycle equipment. Enclosed is a copy of all estimates submitted.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

**ORDINANCES ON SECOND READING:**

**ORDINANCES ON FIRST READING:**

14. **Consideration and Approval** of an ordinance on first reading requested by Council Member Leonard to permit artistic murals, graphics, or Town-created marketing information to be placed on the exterior face of temporary construction fences for aesthetic enhancement. 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 ENTITLED BUILDING AND CONSTRUCTION; AMENDING ARTICLE I, SECTION 5-5 ENTITLED CONSTRUCTION SITE OPERATIONS; AMENDING CHAPTER 23, ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-12, ENTITLED GENERAL PROVISIONS, PARAGRAPH 22, BY ADDING SUBPARAGRAPH (K); AS IT RELATES TO THE EXTERIOR FACE OF 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 Discretion

**POLL VOTE**

15. **Consideration and Approval** of an ordinance on first reading requested by Vice Mayor Tricoche amending Chapter 23 of the Town Code to establish additional regulations for vacation rentals on the Town's East Island. Enclosed is a copy of the proposed ordinance on first reading.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING THE TOWN'S CODE OF ORDINANCES; AMENDING CHAPTER 23 ENTITLED ZONING AND PLANNING; AMENDING ARTICLE VI, SECTIONS 23-72 – 23-76 ENTITLED VACATION RENTALS; TO ESTABLISH ADDITIONAL REGULATIONS FOR VACATION RENTALS ON THE TOWN'S EAST ISLAND; 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 Discretion

**POLL VOTE**

**DEFERRED ITEMS:**

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

16. **Discussion and direction** regarding the remodeling of the interior of the Council Chambers. Enclosed are proposed rendering options for discussion.
17. **Consideration and Approval** of a Parking Trust Payment Agreement with Bay Harbor Islands Property Owner I for payment of a fee to the Town's Parking Trust for a portion of the required parking spaces 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; for the proposed "La Baia" project to be located at 9161 & 9201 East Bay Harbor Drive. Approval of alternative parking arrangements, including tandem and valet parking, to satisfy parking requirements per Code, Section 23-30 (f). Approval of conditions for alternative parking arrangements and use of Parking Trust pursuant to revised site plan application. Enclosed is a copy of the proposal setting forth the terms of the agreement and a copy of the related section of the Town Code.

**STAFF RECOMMENDATION:** Council Discretion

**DISCUSSION ITEMS:**

18. **Discussion** requested by Council Member Bruder regarding future plans for Block 11 Parking and the feasibility of building a Municipal Parking Garage behind Town Hall.
19. **Discussion** requested by Council Member Leonard to consider amending the Town Code to add new incentives, including possible reduction in parking for the Town's Sustainable Building Program. Enclosed is a copy of the staff report prepared by Michael Miller, Town Planner.
20. **Discussion and possible action** of contract award to Beefree, LLC dba Freebee for Shuttle and/or On-Demand Transit Services for the Town; subject to the Town Attorney's approval with possible modifications related to the Shuttle and on-demand Scope of Service, and the geographic area for pick-up. Enclosed is a copy of the Proposals.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

**ADJOURNMENT:** Set for 11:00 p.m. *(Any items not addressed by 11:00 PM, will be continued to the following day at 7:00 PM)*

**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.**