

TOWN OF BAY HARBOR ISLANDS

June 9, 2022

REGULAR COUNCIL MEETING

REVISED

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/VIRTUAL MEETING

Pursuant to Ordinance No. 1059, the Town of Bay Harbor Islands Regular Council Meeting will be held as a Hybrid Meeting where a quorum of the Town Council will be physically present at the Town Hall Council Chambers at 9665 Bay Harbor Terrace, Second Floor. The general public and other members of staff will be able to view and participate in the meeting (Virtually) by utilizing the Zoom video conferencing platform.

Zoom Meeting Link: <https://us06web.zoom.us/j/82826757237>

Meeting ID: 828 2675 7237

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.

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.

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: 828 2675 7237

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 .

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Ruth K. Broad Student of the Year - Cameron Mann

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: *(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** to piggyback off the Broward County P25 System and Services Agreement R1422515R1/P1 with Motorola Solutions, pursuant to Section 2-1(6) of the Town Code, to procure a Radio Communication System in the amount of \$124,520 for the Police Department on a 60-month lease term.
3. **Consideration and Approval** of agreement with Miami-Dade County School Board for renewal of the Address Verification Program for School Year 22-23 at Ruth K. Broad elementary.
4. **Consideration and Approval** of a Resolution authorizing the Town Manager to enter into an Interlocal Agreement with Miami-Dade County for On-Demand Services.

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR ON-DEMAND TRANSPORTATION SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Consideration and Approval** of a contract with Beefree, LLC dba "Freebee" for On-Demand services.

6. **Consideration and Approval** of Issuance of a Request for Proposals (RFP) to select a Design-Build firm for the 92nd Street Dog Park Extension Project. Enclosed is a copy of the RFP package.
7. **Consideration and Approval** of Issuance of a Request for Proposals (RFP) to select a Design-Build firm for the 96th Street New Park and Kayak Launch Project. Enclosed is a copy of the RFP package.
8. **Consideration and Approval** of Chen Moore & Associates, Inc. (Continuing Engineering Services Firm for the Town) design fees proposal in the amount of \$81,643.25 for design, permitting and construction inspection of a new seawall on 9600 West Bay Harbor Drive, where the new Town Park will be located. Enclosed is a copy of the proposal.
9. **Consideration and Approval** of BCC Engineering Inc. Proposals for the total amount of \$74,560 to design additional structural improvements required by the Town to the Plans being prepared for the Indian Creek Bridge (875103) and for the West Relief Bridge (875105). Enclosed are copies of the Proposals.
10. **Consideration and Approval** of Task Order #1 with ATKINS North America, Inc. for an amount Not-to-Exceed (NTE) \$500,000 for the Broad Causeway Drawbridge SR-922 Replacement Project.
11. **Consideration and approval** to purchase four (4) SOOFA solar-powered, smart city digital, Town-branded sign kiosks. Bay Harbor Islands own the rights to all communication and branding on the sign. No advertising will be permitted. Attached is the General Services Agreement.

STAFF RECOMMENDATION: Approval.

POLL VOTE

PUBLIC HEARING:

12. Discussion for the purpose of hearing public comments with respect to an application for a variance from Section 23-12(6)(b)(iii); Section 23-12(8); Section 23-12(6)(v) and Section 23-12(6)(a)(x) of the Town Code to construct a boat dock facility. The application for a variance is being requested by the property owner BH Investment, LLC for the property located at 1135 103 Street, Tract F, Bay Harbor Islands, Florida. Enclosed are copies of the variance application and other supporting documents.
13. **Approval or Denial** of a variance request for the property located at 1135 103rd Street. In accordance with Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for a variance. An affirmative vote of five Council Members is necessary in order to grant the variance request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. It should be noted that any approval of the Town Council is subject to other requirements of the Town Code, Miami Dade County Code, Florida Building Code, FEMA or any other applicable governing agency.

STAFF RECOMMENDATION: Council's Discretion.

POLL VOTE

ORDINANCES ON SECOND READING:

14. **Consideration and Approval** of an ordinance on second reading to rezone a 20-foot strip of land at 9110 West Bay Harbor Drive from RM-3, Multiple-Family Residential District to RM-1, Multiple-Family District. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RELATING TO THE REZONING OF A CERTAIN PARCEL OF LAND, AS MORE PARTICULARLY DESCRIBED HEREIN, THE NORTHWESTERLY 20 FEET OF TRACT "A", 9110 WEST BAY HARBOR DRIVE, FROM THE RM-3, MULTIPLE-FAMILY DISTRICT TO THE RM-1, MULTIPLE-FAMILY DISTRICT; AMENDING SECTION 23-2 OF THE TOWN CODE AND THE OFFICIAL ZONING MAP TO REFLECT SAID ZONING; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion.

POLL VOTE

15. **Consideration and Approval** of an ordinance on second reading amending Chapter 13, entitled "Local Business Tax Receipt and Regulations by revising Sections 13-4, 13-7, 13-9, 13-14 through 13-16, and 13-18 of the Town Code to update the Business Tax Receipt issuance process; designating the authority to issue Business Tax Receipts to the Town Manager or her designee. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 13 OF THE TOWN CODE, ENTITLED "LOCAL BUSINESS TAXES AND REGULATIONS", BY REVISING SECTIONS 13-4, 13-7, 13-9, 13-14 THROUGH 13-16, AND 13-18 TO UPDATE THE BUSINESS TAX RECEIPT ISSUANCE PROCESS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion.

POLL VOTE

16. **Consideration and Approval** of an ordinance on second reading amending Chapter 16, Section 16-1(i) of the Town Code for average final compensation to be calculated based on a member's highest annual pay received during the member's last three years prior to retirement.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 16, THE TOWN OF BAY HARBOR ISLANDS GENERAL EMPLOYEES' RETIREMENT SYSTEM, AMENDING, ARTICLE I, SECTION 16-1(i), DEFINITIONS AND TERMS, PROVIDING FOR AVERAGE FINAL COMPENSATION TO BE CALCULATED BASED ON A MEMBER'S HIGHEST ANNUAL PAY RECEIVED DURING THE MEMBER'S LAST THREE YEARS PRIOR TO RETIREMENT; 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:

17. **Consideration and Approval** of an ordinance on first reading amending Chapter 5, Section 5 3/4-16 of the Town Code clarifying and amending the authority of the Litigation Committee.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA RENAMING AND AMENDING CHAPTER 5 ¾-16, CODE OF ORDINANCES TO CLARIFY THE AUTHORITY OF THE LITIGATION COMMITTEE OF THE TOWN OF BAY HARBOR ISLANDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion.

18. **Consideration and Approval** of an ordinance on first reading amending the Town's Code of Ordinances related to the regulation of exterior balconies, 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 THE REGULATION OF EXTERIOR BALCONIES; AMENDING SECTION 23-12(15)(a) OF THE ZONING AND PLANNING CODE TO ESTABLISH REGULATIONS FOR BALCONIES IN THE GATEWAY "G" DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion.

DEFERRED ITEMS:

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

19. **Consideration and Approval** of a Parking Trust Payment Agreement with Bay Harbor Islands Property Owner II 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 North" project to be located at 9431, 9461 & 9481 East Bay Harbor Drive. Approval of alternative parking arrangements valet and tandem 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's Discretion.

POLL VOTE

20. Consideration and approval of BHI 222: Irrigation and Landscape Maintenance Contract to Brightview Landscape Services for the amount of \$323,007.14 per year. Supporting documentation attached.

STAFF RECOMMENDATION: Approval.

POLL VOTE

21. **Consideration and Approval** of a private TDR transaction for the transfer of two (2) TDR dwelling units from 9300 Harbor Terrace Condominium Association, Inc. (9300 Bay Harbor Terrace) to Future Clara BH MFR structure (10281 West Bay Harbor Drive). Enclosed are copies of the application, contract, site plans, and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion.

22. **Consideration and Approval** of a private TDR transaction for the transfer of one (1) TDR dwelling unit from Covenant Manor Condominium Association, Inc. (9871-9881 West Bay Harbor Drive) to Future Clara BH MFR (10281 W. Bay Harbor Drive. Enclosed are copies of the application, contract, site plans, and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion.

23. **Consideration and Approval** of a TDR transaction for the transfer of two (2) TDR units from the Town-owned "pool" of TDR units to the future Clara BH Multiple-Family Residential project to be located 10281 West Bay Harbor Drive. Enclosed are copies of the application and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion.

DISCUSSION ITEMS:

24. **Discussion and Possible Action** regarding appointment of member to the Design Review Board.
25. **Discussion and Possible** action regarding renewal of funding for the School Resource Officer at Ruth K. Broad for School Year 22-23.
26. **Consideration and Approval** of a Resolution introduced by Vice Mayor Tricoche asking Miami-Dade County Public School System to approve a new public high school to serve northeast Dade municipalities, including the Town of Bay Harbor Islands. Enclosed is a copy of the draft Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ASKING MIAMI-DADE COUNTY PUBLIC SCHOOL SYSTEM TO APPROVE A NEW PUBLIC HIGH SCHOOL TO SERVE NORTHEAST DADE MUNICIPALITIES INCLUDING THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

27. **Consideration and Possible** action regarding the Town Clerk's position.

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.