

# TOWN OF BAY HARBOR ISLANDS

January 13, 2021

## 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. 1054, the January 13, 2021 Regular Town Council Meeting will be held as a Hybrid Meeting where a quorum of the Town Council will be physically present at the Town's 95<sup>th</sup> Street Park located 1185 95<sup>th</sup>, Bay Harbor Islands, FL 33154. 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 Link: <https://zoom.us/j/93610946391>

Meeting ID: 936 1094 6391

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 number below:

US Toll Free Number: 877 853 5247 or 888 788 0099

Meeting ID: 936 1094 6391

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 and possible action requested by Vice Mayor Fuller on the December 14th, 2020 filing in the 11th Circuit Court of Appeals for petition for review of Agency order. The order challenges the FAA's findings of no significant impact and records of decision concerning their order diverting flight patterns effecting the Town.

Vice Mayor Fuller request the Town Council consideration and possible action to authorize the Town Manager to hire a lobbyist to represent the Town on this issue.

2. Report requested by Council Member Leonard regarding the December 18, 2020 filing to join an amicus brief filed in the 11th Circuit Court of Appeals requesting a rehearing in the banc in Otto v. City of Boca Raton, which decision held that ordinances that ban conversion therapy are unenforceable.
3. Report on the updated demand letter submitted by Mr. Barry Smith for request of funds that were previously held in escrow by Mr. Craig Sherman.

### **TOWN CLERK'S REPORT:**

4. Report on the Business District Coronavirus (COVID-19) Assessment.

**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:**

5. **Consideration and approval** of a request for appointment for the Parks & Recreation and the Sustainability & Resiliency Committees. Enclosed is a copy of the resumes of residents that seek appointment.

**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.)*

6. **Approval** of the following Meeting Minutes:
  - a. February 18, 2020 - Regular Council Meeting
  - b. March 9, 2020 - Regular Council Meeting
  - c. March 19, 2020 - Regular Council Meeting
  - d. April 6, 2020 - Special Council Meeting
  - e. April 22, 2020 - Special Council Meeting
  - f. May 14, 2020 - Regular Council Meeting
  - g. June 8, 2020 - Regular Council Meeting
  - h. June 18, 2020 - Special Council Meeting
  - i. June 22, 2020 - Special Council Meeting
  - j. July 7, 2020 -Special Council Meeting
  
7. **Consideration** and **Approval** of the Regular Council Meeting dates for the 2021 calendar year. Enclosed is a copy of the proposed dates.
  
8. **Consideration** and **Approval** to carry-forward unexpended appropriations from the 2019-2020 budget year into the 2020-2021 fiscal year. Enclosed is a Memorandum provided by the Finance Director.
  
9. **Consideration** and **Approval** of an agreement between the Town and David Caserta Government Relations, Inc for consulting services related to government relations efforts at the State level. Enclosed is a copy of the proposed agreement.
  
10. **Consideration** and **Approval** of an Employment Agreement with the Chief of Police, Raul M. Diaz. Enclosed is a copy of the proposed agreement.
  
11. **Consideration** and **approval** of a renewal of a Mutual Aid Agreement with the Miami Dade County and the Town of Bay Harbor Islands Police Department. Enclosed is a copy of the proposed agreement.
  
12. **Consideration** and **Approval** of a contract with Off Duty Management (ODM) Inc. for the off-duty assignments software upgrade to the Bay Harbor Islands Police Department. Enclosed is a copy of the contract and other supporting documents.
  
13. **Consideration** and **Approval** of an Amendment to Toll System Maintenance Agreement between the Town and TransCore, LP for outstanding compensation in the amount of \$11,752.25 for labor and materials from November 2019 through October 2020. Enclosed is a copy of the proposed agreement.
  
14. **Approval** of a Memorandum of Understanding between the Miami Dade County School Board through the School Board Police Department and the Town of Bay Harbor Islands Police Department as it relates to the School Based Law Enforcement Officers (SBLEO). Enclosed is a copy of the agreement.

**STAFF RECOMMENDATION:** Approval

**ORDINANCES ON SECOND READING:**

**ORDINANCES ON FIRST READING:**

15. **Consideration and Approval** of an ordinance on first reading providing for local implementation of the mandatory year-round landscape irrigation conservation measures rule of the South Florida Water Management District. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING DEFINITIONS; PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

**DEFERRED ITEMS:**

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

16. **Consideration and Approval** of the 2020-2021 Collective Bargaining Agreement between the Town and the Dade County Police Benevolent Association, Inc. (PBA). Enclosed is a copy of the Collective Bargaining Agreement.

STAFF RECOMMENDATION: Deny

17. **Consideration and Approval** of a proposal provided by Lakes Engineering Inc. in the amount of \$60,013.00 for construction engineering and inspection services related to the repairs for the utility line support C-Channel on the Indian Creek Bridge. Enclosed is a copy of the proposal provided by Lakes Engineering.

STAFF RECOMMENDATION: Approval

POLL VOTE

18. **Consideration and Approval** of a proposal provided by Lakes Engineering in the amount of \$27,540.00 for engineering and consulting services for the emergency repairs of a damaged Florida Power & Light (FPL) conduit and powerline located on the north side of the Inter-Coastal Waterway Bridge. Enclosed is a copy of the proposal and other supporting documents.

STAFF RECOMMENDATION: Approval

POLL VOTE

19. **Consideration and approval** of a proposal by Lakes Engineering Inc. in the amount of \$308,100 for engineering consulting services for the rehabilitation of the Intra Costal Waterway Bridge to address the repairs as provided in the inspection report provided by Marlin Engineering.

STAFF RECOMMENDATION: Approval

POLL VOTE

20. **Consideration** and **approval** of a proposal from KCI Technologies Inc. in the amount of \$127,950 to develop a Town wide Storm Water Master Plan. Enclosed is a copy of the proposal and other supporting.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

21. **Consideration** and **approval** of a proposal from Kimley-Horn Engineering in the amount of \$217,500.00 to provide professional services to design, permit and certify ±200 linear feet of a proposed 18" gravity sewer extension from Bay Harbor Terrace to the Town's existing lift station. This upgrade is mandatory to be in compliance with DERM standards to accept the 1177 Kane Concourse project's new sewer line. Enclosed is a copy of the proposal provided by Kimley-Horn Engineering.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

22. **Consideration** and **Approval** of a request from One Kane Concourse, LLC for extension of time to submit the Building Permit for project to be located at 9551 East Bay Harbor Drive. Enclosed is a copy of the request letter and other supporting documents.

**STAFF RECOMMENDATION:** Council Discretion

#### **DISCUSSION ITEMS:**

23. **Discussion** and **possible action** regarding the installation of Automatic Vehicle Locating Service (AVLS/GPS) devices for all Town owned vehicles. Enclosed is a Memorandum provided by Lt. Johnson and other supporting documents.

**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.*