

# BAL HARBOUR

- V I L L A G E -

Mayor Gabriel Groisman  
Assistant Mayor Seth E. Salver  
Councilman David J. Albaum  
Councilwoman Patricia Cohen  
Councilman Jeffrey P. Freimark

Village Manager Jorge M. Gonzalez  
Village Clerk Dwight S. Danie  
Village Attorneys Weiss Serota  
Helfman Cole & Bierman, P.L.

## Bal Harbour Village Council

Regular Meeting Agenda

January 30, 2017

At 7:00 PM

Bal Harbour Village Hall • 655 Street • Bal Harbour • Florida 33154

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CALL TO ORDER/ PLEDGE OF ALLEGIANCE

REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS

PRESENTATIONS AND AWARDS

CONSENT AGENDA

C6 - COUNCIL MINUTES

- C6A Approval of Minutes
  - November 28-29, 2017 Village Council Retreat Minutes
  - December 13, 2017 Local Planning Agency Minutes
  - December 13, 2017 Regular Council Meeting Minutes

[Village Council Retreat Minutes -Nov28\\_29\\_2017.pdf](#)  
[Local Planning Agency Meeting Minutes Dec13\\_2017.pdf](#)  
[Regular Council Meeting Minutes Dec13\\_2017.pdf](#)

C7 - RESOLUTIONS

- C7A A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONTINUING SERVICES AGREEMENT WITH CALVIN GIORDANO AND ASSOCIATES, INC. FOR THE PROVISION OF ENGINEERING AND PROFESSIONAL CONSULTING SERVICES TO ACT ON BEHALF OF THE VILLAGE AS THE VILLAGE ENGINEER OF RECORD, IN THE AMOUNT NOT TO EXCEED ANNUAL BUDGET ALLOCATIONS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONTINUING SERVICES AGREEMENT WITH CHEN MOORE AND ASSOCIATES FOR THE PROVISION OF ENGINEERING AND PROFESSIONAL CONSULTING SERVICES AS NEEDED, IN THE AMOUNT NOT TO EXCEED ANNUAL BUDGET

ALLOCATIONS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH THE THIRD RANKED FIRM, 300 ENGINEERING GROUP IN THE EVENT AGREEMENTS CANNOT BE REACHED WITH ONE OF THE TWO TOP RANKED FIRMS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Negotiate Continuing Engineering Services Agreement](#)  
[Council Memo - Negotiate Engineering Continuing Engineering Services Agreement](#)  
[Resolution - Negotiate Continuing Engineering Services Agreement](#)  
[Attachment 1 - LTC 195-2017 Issuance of a Request for Qualifications \(RFQ\) 2017-04, for the Provision of Engineering and Professional Consulting Services.pdf](#)  
[Attachment 2 - RFQ 2017-04 For Continuing Engineering Services Final.pdf](#)  
[Attachment 3 - Addendum No-2-Bid Protest-11-21-17.pdf](#)  
[Attachment 4 - Submittal from Calvin Giordano and Associates](#)  
[Attachment 5 - Submittal from Chen Moore and Associates](#)  
[Attachment 6 - Submittal from 300 Engineering Group](#)

**C7B** Consent Item- Agreement to purchase a trash flow pump from Wastecorp. A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING QUOTATION NO-QT208669 FROM WASTECORP PUMPS LLC. FOR THE PURCHASE OF A WASTECORP TRASH FLOW PUMP 83 HORSEPOWER DIESEL ENGINE MODEL #TFCC-8M-DT AND ASSOCIATED FREIGHT COSTS NOT TO EXCEED FORTY ONE THOUSAND THREE HUNDRED DOLLARS (\$41,300); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Council Memorandum - Wastecorp Pump Purchase](#)  
[Item Summary - Wastecorp Pump Purchase](#)  
[Agreement - Wastecorp Pump Purchase](#)  
[Resolution - Wastecorp Pump Purchase](#)  
[Attachment 1 - Wastecorp Quotation](#)  
[TFCC-8M info sheet.pdf](#)

**C7C** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT THE HARBOUR HOUSE CAFE APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO FOR AN 11C LICENSE IS COMPATIBLE WITH THE VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Harbour House Cafe Liquor Application](#)  
[Council Memorandum - Harbour House Cafe Liquor Application](#)  
[Resolution - Harbour House Cafe Liquor Application](#)  
[Attachment 1 - The Harbour House Cafe - DBPR ABT-6001 Application](#)

## R5 - ORDINANCES

- R5A** AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING," ARTICLE III "DISTRICT REGULATIONS," DIVISION 11 "B BUSINESS DISTRICT," SECTION 21-320 "TRAFFIC LEVEL; APPROVAL OF TRAFFIC ANALYSIS" OF THE CODE OF ORDINANCES TO REMOVE RESTRICTION ON ACCESS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND AN EFFECTIVE DATE. (Second Reading)

[Item Summary - B District Traffic Restriction Ordinance \(Second Reading\)](#)  
[Council Memorandum - B District Traffic Restriction Ordinance \(Second Reading\)](#)  
[Ordinance - B District Traffic Restriction Ordinance \(Second Reading\)](#)

- R5B** AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE CHAPTER 21 "ZONING" BY AMENDING ARTICLE III "DISTRICT REGULATIONS," DIVISION 4 CREATING SECTION 21-146.3 RELATING TO PRIVATE MARINAS IN THE PC (PRIVATE CLUB) DISTRICT AND BY AMENDING ARTICLE VII "BOATS, WATERWAYS, BEACHES AND DOCKING FACILITIES," DIVISION 2 CREATING SECTION 21-438 RELATING TO EXISTING PRIVATE MARINAS IN PC (PRIVATE CLUB) DISTRICT (Second Reading).

[3CR529003-Memo\\_On\\_Private\\_Marina\\_Ordinance\\_v2 \(1\)\(Second Reading\).docx](#)  
[3CP721802-Ordinance\\_Creating\\_Marina\\_Regulations\\_in\\_PC\\_District \(4\).docx](#)  
[Exhibit C - Rules and Regulations on Dockage](#)  
[3CP722402-Summary\\_Ordinance\\_Creating\\_Marina\\_Regulations\\_in\\_PC\\_District.docx](#)

- R5C** AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, RENAMING AND AMENDING SECTION 2-112 "CONSIDERATION OF ANTI-SEMITISM IN ENFORCING LAWS" OF CHAPTER 2, ARTICLE IV, DIVISION 2 "POLICE" TO REQUIRE CONSIDERATION OF HATE CRIME IN ENFORCING LAWS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, FINDINGS, AND AN EFFECTIVE DATE. (First Reading)

[Item Summary - Hate Crime Ordinance \(Second Reading\)](#)  
[Council Memorandum - Hate Crime Ordinance \(Second Reading\)](#)  
[Ordinance - Hate Crime Ordinance \(Second Reading\)](#)

## Q1 - QUASI-JUDICIAL

*Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon an item, please inform the Mayor when he asks for public input on the item. An opportunity for persons to speak will be made available after the applicant and staff has made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Mayor to ask questions of staff or witnesses on his behalf. Persons representing organizations must present evidence of their authority to speak for their organization. Further details of the quasi-judicial procedures may be obtained from the Village Clerk.*

*Disclosure of Ex-Parte Communications.*

*Swearing In of Speakers by the Village Clerk.*

- QJ1** A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, APPROVING A MINOR AMENDMENT TO THE SITE PLAN FOR THE BAL HARBOUR SHOPS EXPANSION REVISING THE NORTHERN ENTRANCE PURSUANT TO SECTION 21-322 OF THE CODE OF ORDINANCES; AND PROVIDING FOR CONFLICTS, CONDITIONS AND FOR AN EFFECTIVE DATE

[3CY9076-Item\\_Summary\\_for\\_Shops\\_Minor\\_Site\\_Plan\\_Amendment\\_ACe.docx](#)  
[3CY9086-Council\\_Memo\\_Shops\\_Minor\\_Site\\_Plan\\_Amendment\\_for\\_Northern\\_Entrance-gme3.docx](#)  
[3CX915602-Reso approving Shops Minor Site Plan Amendment.DOC](#)  
[BHS\\_site\\_plan\\_resolution\\_attachments.pdf](#)  
[BHV BHS Site Plan Rev Staff Report Jan 2018.pdf](#)  
[Bal Cross Drive Easement v11.pdf](#)

- QJ2** A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA APPROVING A SITE PLAN APPLICATION BY FLAMINGO WAY ENTERPRISES, LLC, IN THE PRIVATE CLUB DISTRICT OF BAL HARBOUR GENERALLY LOCATED AT 200 BAL BAY DRIVE, SOUTH OF BAL BAY DRIVE ON THE NORTH SIDE OF THE YACHT BASIN, PURSUANT TO SECTION 21-146.2 OF THE CODE OF ORDINANCES; AND PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.

[Item Summary - Approving Tract E Remainder Site Plan](#)  
[Council Memorandum - Approving Tract E Remainder Site Plan](#)  
[Resolution - Approving Tract E Remainder Site Plan](#)  
[Attachment 1 - MMPA Site Plan Drawing Tract E Remainder - Final](#)  
[Attachment 2 - MMPA Tract E Remainder Site Plan Staff Report](#)

- QJ3** FLAMINGO WAY WAIVER OF PLAT

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA ACCEPTING THE BUILDING DIRECTOR'S DETERMINATION THAT A WAIVER OF PLAT APPLICATION BY FLAMINGO WAY ENTERPRISES, LLC, SEEKING TO CREATE THREE SINGLE FAMILY RESIDENTIAL LOTS FROM AN APPROXIMATELY 2.99 ACRE PORTION OF TRACT "E" OF THE BAL HARBOUR RESIDENTIAL SECTION PLAT, GENERALLY LOCATED SOUTH OF BAL BAY DRIVE ON THE NORTH SIDE OF THE YACHT BASIN MEETS THE VILLAGE CODE OF ORDINANCES AND COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

[Council Memo - Waiver of Plat for Flamingo Way](#)  
[Resolution - Waiver of Plat for Flamingo Way](#)

[3CY2603-Item\\_Summary\\_re\\_Waiver\\_of\\_Plat\\_200\\_Bal\\_Bay\\_Drive\\_1.30.18\\_ACe.docx](#)  
[BHV Final Staff Report Tract E Waiver of Plat Jan 2018.pdf](#)  
[3CY9049-BHV MMPA Staff report Tract E Rev 2 May 6 2016.PDF](#)  
[3CY9058-BHV Tract E Waiver of Plat Application.PDF](#)  
[3CY9059-BHV Tract E Waiver of Plat Drawing.PDF](#)  
[R7A\\_WaiverOfPlat\\_FlamingoWayEnterprises.pdf](#)

## **R7 - RESOLUTIONS**

- R7A** Resolution - Civic Assc. Milestone Agreement  
A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA APPROVING THE EXECUTION OF A MILESTONE AGREEMENT BETWEEN THE VILLAGE AND THE BAL HARBOUR CIVIC ASSOCIATION; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE MILESTONE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS TO IMPLEMENT THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

[TO BE PUBLISHED IN SUPPLEMENTAL AGENDA](#)

## **R9 - NEW BUSINESS AND COUNCIL DISCUSSION**

- R9A** Beach Renourishment efforts and the condition of the beach (especially behind the 101 block of Collins Avenue). Assistant Mayor Salver
- R9B** Discussion regarding Resident Advocacy for Solution to Beach Erosion - Councilman Freimark
- R9C** Update regarding Benches on West Beach Path - Councilman Freimark
- R9D** Discussion regarding Periodic Resort Tax Committee Reporting to Council and Public - Councilman Freimark
- R9E** Discussion on expected decorum of Bal Harbour Village Board members - Mayor Groisman

## **R9E - PUBLIC COMMENT**

## R10 – VILLAGE MANAGER REPORT

## R11 – VILLAGE CLERK REPORT

## R12 – VILLAGE ATTORNEY REPORT

## END OF REGULAR AGENDA

## ADJOURNMENT

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees.

The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall.

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, 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 (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.