

# BAL HARBOUR

- V I L L A G E -

Mayor Jeffrey P. Freimark  
Vice Mayor Seth E. Salver  
Councilman David J. Albaum  
Councilman Buzzy Sklar  
Councilman David Wolf

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

May 21, 2024

At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

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*This meeting will be conducted in person. The meeting will also be broadcast on our website at <https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/>. Members of the public are also encouraged to participate by email ([meetings@balharbourfl.gov](mailto:meetings@balharbourfl.gov)) or by telephone at 305-865-6449.*

*BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience  
[The Bal Harbour Experience.pdf](#)*

### **CALL TO ORDER/ PLEDGE OF ALLEGIANCE**

### **REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS**

### **PRESENTATIONS AND AWARDS**

- PA1** Jewish American Heritage Month - Proclamation
  - > Maor Elbaz Starinsky - Consul General
  - > Brian Siegal - Regional Director American Jewish Committee
- PA2** Peace Officers Memorial Day and Police Officer Week - Proclamation
- PA3** National Public Works Week - Proclamation
- PA4** The Government Finance Officers Association (GFOA) Award - Presentation

### **CONSENT AGENDA**

### **C6 - COUNCIL MINUTES**

- C6A** April 9, 2024 Bal Harbour Village Council Regular Meeting Minutes  
[VillageCouncil-RegularCouncilMeetingMinutes\\_April9\\_2024.pdf](#)

## C7 - RESOLUTIONS

**C7A** Accepting Liquor License - Harbour Restaurants LLC (d/b/a) Makoto Restaurant

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE DETERMINATION OF THE VILLAGE BUILDING OFFICIAL THAT HARBOUR RESTAURANT PARTNERS LLC, DBA MAKOTO APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO TO EXTEND THE RESTAURANT'S 4COP LICENSE TO THE TERRACE AREA ACROSS FROM RESTAURANT IS COMPATIBLE WITH VILLAGE ZONING REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Makoto Liquor License ADA.pdf](#)

[Memorandum - Makoto Liquor License ADA.pdf](#)

[Resolution - Makoto Liquor License ADA.pdf](#)

[Attachment - DABT Application Makoto ADA.pdf](#)

**C7B** Approving Jogging Path Restoration Proposal - Southern Asphalt Engineering

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND SOUTHERN ASPHALT ENGINEERING, INC., FOR THE RESTORATION OF THE JOGGING PATH, AS DETAILED WITHIN PROPOSAL NO. 20240069, IN THE AMOUNT NOT TO EXCEED SIXTY-TWO THOUSAND TWO HUNDRED NINETY-NINE DOLLARS (\$62,299); INCLUSIVE OF A TEN PERCENT (10%) CONTINGENCY ALLOCATION IN THE AMOUNT OF FIVE THOUSAND SIX HUNDRED SIXTY-FOUR DOLLARS (\$5,664), ROUNDED UP TO THE NEAREST DOLLAR; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Jogging Path Restoration Proposal ADA.pdf](#)

[Memorandum - Jogging Path Restoration Proposal ADA.pdf](#)

[Resolution - Jogging Path Restoration Proposal ADA.pdf](#)

[Attachment - Southern Asphalt Engineering Proposal #20240069 ADA.pdf](#)

[Attachment - Agreement with Southern Asphalt Engineering ADA.pdf](#)

**C7C** Approving Resolution Urging County Mayor - Public Notice Website Implementation

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE FLORIDA THANKING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS FOR PASSING RESOLUTION 281-24, COMMENCING THE PROCESS FOR CREATING A PUBLICLY-ACCESSIBLE WEBSITE FOR THE POSTING OF NOTICES AND ADVERTISEMENTS BY MUNICIPAL GOVERNMENTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 50.0311; URGING THE MAYOR OF MIAMI-DADE COUNTY TO MEET THE NINETY-DAY IMPLEMENTATION GOAL SET FORTH IN THE RESOLUTION;

PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Urging County Mayor - Public Notice Website - ADA.pdf](#)  
[Memorandum - Urging County Mayor - Public Notice Website ADA.pdf](#)  
[Resolution - Urging County Mayor - Public Notice Website ADA.pdf](#)

## **R5 - ORDINANCES**

**R5A** Ordinance - Amend Parking of Commercial Vehicles (Second Reading)  
AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA AMENDING CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE I "IN GENERAL", "SECTION 19-7 "PARKING OF COMMERCIAL VEHICLES AND VEHICLES DISPLAYING SIGNAGE" OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Parking of Commercial Vehicles - Second Reading ADA.pdf](#)  
[Memorandum - Parking of Commercial Vehicles - Second Reading ADA.pdf](#)  
[Ordinance - Parking of Commercial Vehicles - Second Reading ADA.pdf](#)

**R5B** Ordinance - Prohibiting Motorized Means of Transportation (Second Reading)

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 10, "MARINE STRUCTURES, ACTIVITIES AND WAYS," ARTICLE II, "USE OF PUBLIC BEACHES," SECTION 10-31 "PROHIBITED ACTS" AND CHAPTER 19 "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "OPERATION OF VEHICLES," SECTION 19-27 OF THE VILLAGE CODE RELATING TO THE OPERATION OF MOTORIZED VEHICLES AND DEVICES ON PATHS AND SIDEWALKS; AMENDING SECTION 2-191, "SCHEDULE OF CIVIL PENALTIES" OF CHAPTER 2 "ADMINISTRATION" TO CREATE RELATED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

[Item Summary - Prohibiting Motorized Means of Transportation- Second Reading ADA.pdf](#)  
[Memorandum - Prohibiting Motorized Means of Transportation - Second Reading ADA.pdf](#)  
[Ordinance - Prohibiting Motorized Means of Transportation - Second Reading ADA.pdf](#)  
[Attachment - Council Meeting Minutes February 15, 2022 ADA.pdf](#)

## **R7 - RESOLUTIONS**

**R7A** Accepting The Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR)

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023, RELATING TO THE ANNUAL AUDIT PERFORMED BY THE VILLAGE'S INDEPENDENT AUDITOR, RSM US LLP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - ACFR FYE 2023 ADA.pdf](#)  
[Memorandum - ACFR FYE 2023 ADA.pdf](#)  
[Resolution - ACFR FYE 2023 ADA.pdf](#)

- R7B** Amending The Fiscal Year 2023-24 Budget  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FISCAL YEAR 2023-24 BUDGET; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CARRYOVER OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

[Item Summary - Mid-Year Budget Amendment ADA.pdf](#)  
[Memorandum - Mid-Year Budget Amendment ADA.pdf](#)  
[Resolution - Mid-Year Budget Amendment ADA.pdf](#)  
[Attachment - Exhibit A - Revenue & Exp Authority by Fund ADA.pdf](#)

- R7C** Approving Landscape Maintenance & Beautification Services Agreements - Brightview Landscape Services Inc.  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND BRIGHTVIEW LANDSCAPE SERVICES INC., FOR THE PROVISION OF VILLAGE WIDE LANDSCAPE MAINTENANCE AND BEAUTIFICATION SERVICES; APPROVING THE AGREEMENT BETWEEN THE VILLAGE AND BRIGHTVIEW LANDSCAPE SERVICES INC., FOR THE PROVISION OF LANDSCAPE MAINTENANCE AND BEAUTIFICATION SERVICES WITHIN THE GATED RESIDENTIAL COMMUNITY; AT ESTABLISHED RATES, IN THE AMOUNT NOT TO EXCEED ANNUAL BUDGETARY ALLOCATIONS FOR ALL MATERIALS AND RELATED SERVICES AS DEFINED WITHIN THE AGREEMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Landscape Maintenance & Beautification Services Agreements ADA.pdf](#)  
[Memorandum - Landscape Maintenance & Beautification Services Agreements ADA.pdf](#)  
[Resolution - Landscape Maintenance & Beautification Services Agreements ADA.pdf](#)  
[Attachment - BrightView Proposal RFP 2024-02 Landscape ADA.pdf](#)  
[Attachment - BrightView Proposal BHCA RFP 2024-03 Landscape ADA.pdf](#)  
[Attachment - Exhibit A - Agreement 2024-02 Brightview Landscape Services Village ADA.pdf](#)  
[Attachment - Exhibit A - Agreement 2024-03 BHCA Brightview Landscape Services ADA.pdf](#)

- R7D** Approving Event Production Agreement Amendment - AAMusicians (d/b/a Beachside Events)  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH AAMUSICIANS (D/B/A BEACHSIDE EVENTS) FOR EVENT PRODUCTION IN THE AMOUNT OF \$95,000; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Event Production Agreement Amendment ADA.pdf](#)  
[Memorandum - Event Production Agreement Amendment ADA.pdf](#)  
[Resolution - Event Production Agreement Amendment ADA.pdf](#)

[Attachment - AAMusicians dbaBeachSideEvents Second Amendment ADA.pdf](#)  
[Attachment - Beachside Events Bal Harbour Proposal #742024 ADA.pdf](#)

**R7E** Approving Oceana Development Agreement Amendment  
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE,  
FLORIDA; APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT  
AGREEMENT REGARDING OCEANA, WITH OCEANA BAL HARBOUR  
CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR  
IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Oceana Development Agreement Amendment ADA.pdf](#)  
[Memorandum - Oceana Development Agreement Amendment ADA.pdf](#)  
[Resolution - Oceana Development Agreement Amendment ADA.pdf](#)  
[Attachment - First Amendment to Oceana Development Agreement ADA.pdf](#)  
[Attachment - Enea - Oceana Concept Presentation ADA.pdf](#)

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

**R9A** Discussion Item - Proposed Ordinance Amendments Related To Fair  
Housing Opportunities - Village Manager Jorge M. Gonzalez  
[Proposed Ordinance Amendments Related To Fair Housing Opportunities - Village Manager  
Jorge M. Gonzalez ADA.pdf](#)

## **R9B- PUBLIC COMMENT**

## **R10 - VILLAGE MANAGER REPORT**

## **R11 - VILLAGE CLERK REPORT**

**R11A** Lobbyist Report  
[R11A1\\_Lobbyist Registration Report as of May15\\_2024.pdf](#)

## **R12 - VILLAGE ATTORNEY REPORT**

**R12A** Monthly Attorney Report  
[Monthly Attorney Report April 2024 ADA.pdf](#)

## **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).

All persons who need assistance or special accommodations to participate in virtual meetings please contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

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.