



**LOG OF FINAL COUNCIL ACTION
REGULAR COUNCIL MEETING
MONDAY, MARCH 2, 2020 – 7:00 PM**

Village Hall Chambers, 9705 E. Hibiscus Street, Palmetto Bay, FL 33157

In-attendance:

Mayor Karyn Cunningham

Vice Mayor John DuBois

Council Member Patrick Fiore (Seat 1)

Council Member David Singer (Seat 2)

Council Member Marsha Matson (Seat 3)

Interim Village Manager Gregory Truitt

Village Attorney John C. Dellagloria

Village Clerk Missy Arocha

4. CONSENT AGENDA

- A. **PASSED** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$14,151.93 FOR PERIOD ENDING DECEMBER 31, 2019; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

Action/Vote: (5-0) – *Passed on consent*

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes.

- B. **PASSED** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING RESOLUTION 2019-147; REGARDING SPECIAL COUNSEL TO THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer and Co-Sponsored by Councilmember Marsha Matson)*

Action/Vote: (5-0) – *Passed on consent*

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes.

- C. **PASSED** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO IN-KIND SERVICES; AUTHORIZING THE INTERIM VILLAGE MANAGER TO PROVIDE IN-KIND SERVICES TO THE DEERING ESTATE FOR THE ANNUAL SEAFOOD FESTIVAL EVENT ON MARCH 29, 2020; APPROVING THE USE OF THE I-BUS FOR AN ANTICIPATED COST

OF \$1,650 AND OFF-DUTY POLICE SERVICES FOR AN ANTICIPATED COST OF \$9,000.37; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John DuBois)*

Action/Vote: (5-0)

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes.

10. RESOLUTIONS WITH PUBLIC COMMENT

FAILED

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING ADMINISTRATION TO APPROACH MIAMI-DADE COUNTY TO COMPLETE THE BICYCLE NETWORK IN THE COMMUNITY; BRING BACK OPTIONS ON DESIGN AND FUNDING NO LATER THAN 90-DAYS FROM APPROVAL WITH OPTIONS ON HOW TO IMPLEMENT SAID BICYCLE NETWORK; NETWORK SHALL CONSIST OF EAST-WEST CONNECTIVITY ON SW 152ND STREET, SW 168TH STREET, SW 184TH STREET AND NORTH-SOUTH CONNECTIVITY ON SW 77TH AVENUE AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO BEGIN A DIALOGUE WITH MIAMI-DADE COUNTY, PROVIDE COST ESTIMATES TO THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019, January 6, & February 3, 2020)*

Action/Vote: (2-3)

Mayor Cunningham: No; Vice Mayor DuBois: Yes; Councilmember Fiore: No; Councilmember Singer: Yes; Councilmember Matson: No.

TABLED

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING VILLAGE PARK FACILITIES; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN ARCHITECT WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING CONSTRUCTION PLANS TO REPLACE THE CORAL REEF PARK RECREATION BUILDING; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, January 6, & February 3, 2020)*

Action/Vote: By the consensus of the Village Council, the Resolution was *tabled* to the Committee of the Whole Workshop Agenda of Tuesday, March 17, 2020 and the Regular Council Meeting Agenda of Monday, April 6, 2020.

PASSED

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE VILLAGE VETERANS' PARK; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN APPROPRIATE DESIGN PROFESSIONAL (ARCHITECT, PARK PLANNER, OR OTHER APPROPRIATE PROFESSIONAL) WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING DESIGN AND/OR CONSTRUCTION PLANS FOR THE VILLAGE VETERANS' PARK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019, January 6, & February 3, 2020)*

Action/Vote: (4-1)

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: No

(Alternate A)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A COMMUNITY CENTER ON VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO PREPARE A RECOMMENDED PLAN FOR THE DEVELOPMENT OF A COMMUNITY CENTER ON THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND NEAR VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019, January 6, & February 3, 2020)*

FAILED

Action/Vote: *Failed* for a lack of a first and a second.

PASSED

(Alternate B)

- A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SALE OF VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO DEVELOP A RECOMMENDED PLAN FOR THE SALE OF THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND CLOSE TO VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019, January 6, & February 3, 2020)*

Action/Vote: (3-2) Passed with an *amendment*.

Mayor Cunningham: No; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: No.

PASSED

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE STORMWATER MASTER PLAN; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE VILLAGE'S STORMWATER MASTER PLAN; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$84,500; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7, November 4, December 2, 2019, January 6, & February 3, 2020)*

Action/Vote: (4-1)

Mayor Cunningham: Yes; Vice Mayor DuBois: No; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes

PASSED

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA ADOPTING AN AMENDED PROJECTED TIMELINE FOR THE SOLICITATION OF CANDIDATES FOR THE POSITION OF VILLAGE MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Attorney John C. Dellagloria and Co-Sponsored by Village Clerk Missy Arocha)*

Action/Vote: (5-0) Passed with an *amendment*.

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes

FAILED

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE MAYOR OF MIAMI-DADE COUNTY TO INCLUDE IN THE PROPOSED SOUTH MIAMI-DADE TRAFFIC STUDY AN ASSESSMENT OF THE IMPACT OF INCREASED TRAFFIC CONGESTION ON PALMETTO BAY NEIGHBORHOODS THAT WILL BE CAUSED BY THE BRIDGING OF CANALS IN THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

Action/Vote: Failed for a lack of a second.

PASSED

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE ONGOING INTERGOVERNMENTAL ACTION AGAINST MIAMI-DADE COUNTY OVER THE STOP SIGNS AT SW 87TH AVENUE AND SW 174TH STREET; AUTHORIZING SPECIAL COUNSEL TO REQUEST THE STAY IN THE PROCEEDINGS BE LIFTED AND TO PROCEED WITH SEEKING INJUNCTIVE RELIEF; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham and the members of the Village Council)*

Action/Vote: (5-0)

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes

I.

PASSED

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DECLARING A CLIMATE EMERGENCY; URGING THE REGIONAL NEIGHBORS OF THE SOUTH FLORIDA COMMUNITY, STATE OF FLORIDA AND THE UNITED STATES GOVERNMENT TO DECLARE A CLIMATE EMERGENCY; REQUESTING REGIONAL COLLABORATION ON A TRANSITION PLAN AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE AND SUSTAINABLE CLIMATE FOR CURRENT AND FUTURE RESIDENTS OF PALMETTO BAY; PROCLAIMING A CALL TO ACTION FOR THE VILLAGE MANAGER TO LAUNCH EFFORTS TOWARDS ADAPTATION, MITIGATION AN RESILIENCY STRATEGIES, INCLUDING IMPLEMENTATION OF THE VILLAGE'S CLIMATE CRISIS REPORT, CREATION OF RESILIENCY DEPARTMENT, AND LAUNCHING A GREEN MASTER PLAN; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE (*Sponsored by Mayor Karyn Cunningham*)

Action/Vote: (5-0) Passed with an *amendment*.

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes
**All the members of the Village Council requested to Co-Sponsor the Resolution.*

J.

PASSED

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO PROCUREMENT; APPROVING THE SELECTION OF H & R PAVING, INC. TO PROVIDE ROADWAY RESURFACING SERVICES PURSUANT TO INVITATION TO BID (ITB) NO. 1920-11-001; AUTHORIZING THE INTERIM VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY TO RESURFACE TWELVE (12) PRIORITIZED STREET LOCATIONS FOR THE AMOUNT OF \$170,204.84 AND OTHER LOCATIONS THROUGHOUT THE VILLAGE AS NECESSARY FOR A TOTAL COST FOR ROADWAY RESURFACING NOT TO EXCEED \$350,000; AND PROVIDING FOR AN EFFECTIVE DATE. (*Sponsored by Administration*)

Action/Vote: (5-0)

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes

K.

PASSED

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; APPROVING THE SELECTION OF VAULT PARKING SYSTEMS CORPORATION PURSUANT TO ITB #1819-12-015 TO CONDUCT VALET SERVICES FOR BOOKED EVENTS AT

THALATTA ESTATE PARK AND AUTHORIZING THE INTERIM VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR SAID SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Administration)*

Action/Vote: (3-2)

Mayor Cunningham: Yes; Vice Mayor DuBois: No; Councilmember Fiore: Yes; Councilmember Singer: No; Councilmember Matson: Yes

PASSED

L.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; AUTHORIZING THE INTERIM VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR \$45,600 WITH LORI LEHR AS AN INDEPENDENT CONTRACTOR FOR PROFESSIONAL CONSULTING SERVICES TO IMPROVE THE VILLAGE'S CURRENT COMMUNITY RATING SYSTEM (CRS) UNDER THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP); BY PIGGYBACKING OFF A CONTRACT BETWEEN THE VENDOR AND MONROE COUNTY, WHICH IS ATTACHED HERETO AS REFERENCE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Administration)*

Action/Vote: (5-0) Passed with an *amendment*.

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes

PASSED

M.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO PROCUREMENT; APPROVING A MASTER EQUITY LEASE AGREEMENT AND MAINTENANCE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT, INC. BASED ON A PIGGYBACK CONTRACT FROM THE CITY OF LAKE CITY, FLORIDA, ISSUED UNDER RFP. NO 011-2010; AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXPEND BUDGETED FUNDS IN AN AMOUNT NOT TO EXCEED \$73,265.76 FOR THE REPLACEMENT OF 11 VEHICLES IN THE PARKS AND THE PUBLIC SERVICES DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

Action/Vote: (5-0) Passed with an *amendment*.

Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: Yes; Councilmember Matson: Yes

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

WITHDRAWN

A.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE DEVELOPMENT PROJECTS; AMENDING SECTION 30-30.2(D) OF

THE VILLAGE'S ZONING CODE BY ESTABLISHING THAT ALL NEW APPLICATIONS FOR DEVELOPMENT SHALL ONLY BE ACCEPTED BETWEEN APRIL 15TH AND NOVEMBER 30TH OF EACH YEAR; REQUIRING THAT A POTENTIAL DEVELOPER MAKES A PRESENTATION AT A MEETING BEFORE THE GENERAL PUBLIC REGARDING A PROPOSED DEVELOPMENT PROJECT FOR THE PURPOSE OF DISCUSSING THE PROJECT PARAMETERS AND CHARACTERISTICS AND TO RESPOND TO QUESTIONS AND INQUIRIES FROM THE RESIDENTS; PROVIDING THAT A MEETING SHALL BE HELD AT LEAST TWO WEEKS PRIOR TO COUNCIL DELIBERATIONS ON A PROPOSED PROJECT; PROVIDING THAT ALL RELEVANT QUESTIONS BY RESIDENTS MAY BE ASKED AT THE MEETING; PROVIDING FOR FACILITATION OF THE MEETING BY THE VILLAGE PUBLIC INFORMATION OFFICER; REQUIRING ANSWERS TO BE GIVEN BY STAFF AND THE DEVELOPER RELEVANT TO THE PROPOSED PROJECT; REQUIRING AT LEAST 7-DAYS PUBLIC NOTICE FOR THE MEETING; REQUIRING THAT A MEETING TAKES PLACE ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF THE MIAMI-DADE PUBLIC SCHOOLS; PROVIDING FOR EXCEPTIONS, CODIFICATION, AND REPEALING RESOLUTION 2018-14; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

Action/Vote: The sponsor *withdrew* the Ordinance and will bring the item to the Committee of the Whole Workshop Agenda of Tuesday, March 17, 2020.

PASSED

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE LEVEL TO ENSURE UNINTERRUPTED OPERATIONS FOR THE VILLAGE GOVERNMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration)*

Action/Vote: (4-1)
Mayor Cunningham: Yes; Vice Mayor DuBois: Yes; Councilmember Fiore: Yes; Councilmember Singer: No; Councilmember Matson: Yes

13. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENT

WITHDRAWN

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CAPITAL ASSET FUNDING POLICY; IDENTIFYING FUNDING FOR CAPITAL ASSETS/PROJECTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND

AN EFFECTIVE DATE. (*Sponsored by Administration*) (*Deferral from December 2, 2019, January 6, & February 3, 2020*)

Action/Vote: The sponsor *withdrew* the Ordinance and will bring the item to the Regular Council Meeting Agenda of Monday, April 6, 2020.

FAILED

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY BOARDS AND COMMITTEES; ESTABLISHING A COMMITTEE FOR THE SELECTION OF THE PERMANENT VILLAGE MANAGER; DIRECTING THE COMMITTEE TO REVIEW THE FINALISTS AND MAKE A RECOMMENDATION TO THE VILLAGE COUNCIL; THE COMMITTEE SHALL SUNSET IMMEDIATELY FOLLOWING THE RECOMMENDATION MADE TO THE VILLAGE COUNCIL; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Mayor Karyn Cunningham*)

Action/Vote: (2-2)

Mayor Cunningham: Yes; Vice Mayor DuBois: No; Councilmember Fiore: No; Councilmember Singer: Absent; Councilmember Matson: Yes

WITHDRAWN

- C. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" REGARDING SINGLE-USE DRINKING WATER PLASTIC BOTTLES; PROHIBITING THE SALE, DISTRIBUTION OR USE OF SINGLE-USE DRINKING WATER PLASTIC BOTTLES ON VILLAGE PROPERTY; BARRING THE USE OF VILLAGE FUNDS FOR PURCHASE OR DISTRIBUTION; PROVIDING FOR DEFINITIONS, EXEMPTIONS, ENFORCEMENT AND AN EFFECTIVE DATE. (*Sponsored by Vice Mayor John Dubois*)

Action/Vote: The sponsor *withdrew* the Ordinance and will bring the item to the Regular Council Meeting Agenda of Monday, April 6, 2020.

WITHDRAWN

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; AMENDING THE CODE OF ORDINANCES, CHAPTER 30, DIVISION 30-60, SECTION 30-60.18, ENTITLED "SPECIAL EVENTS, TEMPORARY"; PROVIDING FOR THE REGULATION OF SPECIAL EVENTS; PROVIDING FOR PERMITTING, HOURS OF OPERATION, FEES, APPLICATION PROCEDURES, SIGNAGE, AND RELATED PROVISIONS; PROVIDING FOR SEVERABILITY, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Councilmember David Singer*)

Action/Vote: The sponsor *withdrew* the Ordinance and will bring the item to the Regular Council Meeting Agenda of Monday, April 6, 2020.

Prepared by:
Missy Arocha
Village Clerk

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