



## VILLAGE OF PALMETTO BAY

Mayor Eugene Flinn  
Vice Mayor John DuBois  
Council Member Karyn Cunningham  
Council Member Tim Schaffer  
Council Member Larissa Siegel Lara

Village Manager Edward Silva  
Village Attorney Dexter Lehtinen  
Village Clerk Missy Arocha

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

VILLAGE COUNCIL MEETING AGENDA  
Monday, July 11, 2016 - 7:00 pm  
Village Hall Chambers, 9705 E. Hibiscus Street  
(305) 259-1234

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **DECORUM STATEMENT:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.
3. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
  - A. Recognition of radKIDS Personal Empowerment and Safety Education Program
4. **APPROVAL OF MINUTES**
  - A. Special Council Meeting of May 9, 2016
5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**

**6. CONSENT AGENDA**

- A. 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 \$21,352; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO AWARDDING A CONTRACT TO E. RODRIGUEZ LANDSCAPING INC., TO EXECUTE THE VILLAGE OF PALMETTO BAY LAWN MAINTENANCE AND SERVICES CONTRACT FOR A PERIOD OF TWO (2) YEARS WITH TWO (2) ADDITIONAL ONE (1) YEAR TERMS NOT TO EXCEED A TOTAL CONTRACT TERM OF FOUR (4) YEARS; ESTABLISHING THE RATE OF PAY FOR SERVICES TO BE PROVIDED; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE IBUS COMPREHENSIVE OPERATIONAL ANALYSIS (COA) FINAL REPORT; ACCEPTING THE RECOMMENDATIONS OF THE IBUS COA FINAL REPORT DOCUMENTS AND RECOMMENDATIONS, AS PREPARED BY THE CORRADINO GROUP, INC.; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ACQUIRE CONCURRENCY FROM MIAMI-DADE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT PRIOR TO PROCEEDING WITH IMPLEMENTATION OF REPORT FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

**7. VILLAGE MANAGER'S REPORT**

- Comprehensive Traffic Plan
- Canals in the Village
- CRS (FEMA) Flood Insurance Program
- Bid negotiations for multi-model center
- Village Police Commander Report
- Calendar update (Village Clerk)

**8. VILLAGE ATTORNEY'S REPORT**

- Lawsuit against David Singer
- VMU lawsuits
- Alexander School lawsuit

9. **BOARD AND COMMITTEE REPORTS** - Minutes provided for Council's information, in lieu of verbal reports: NONE AT THIS TIME.

10. **RESOLUTIONS**

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; ESTABLISHING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIMES, AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FISCAL YEAR 2016-2017; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE. **(Administration)**

B. CONSIDERATION OF THE FOLLOWING PROPOSED AMENDMENTS FOR THE 2016 GENERAL ELECTION:

1) PROPOSAL NUMBER ONE (Proposed by Charter Revision Commission)

Ballot Language (to appear on ballot)

AMENDMENT NUMBER ONE – POWERS OF THE MANAGER

Deleting from section 3.3 of the Village Charter the requirement that Department Directors appointed by the Village Manager be approved by the Council.

2) PROPOSAL NUMBER TWO (Proposed by Charter Revision Commission)

Ballot Language (to appear on ballot)

AMENDMENT NUMBER TWO – APPOINTMENT AND REMOVAL OF CHARTER OFFICERS AND AUDITORS

Amending section 4.1 (C) of the Village Charter to require a quorum of four members of the Village Council for appointment and removal of any Charter Officer (Village Manager, Village Clerk, and Village Attorney) and for the appointment of auditors.

3) PROPOSAL NUMBER THREE (Proposed by Charter Revision Commission)

Ballot Language (to appear on ballot)

AMENDMENT NUMBER THREE – INTERFERENCE WITH ADMINISTRATION

Amending section 4.2(D) of the Village Charter to eliminate interference with administration by any member of the Village Council as a ground for removal from office in an action brought by the State Attorney in Circuit Court; and clarifying that the Village Manager and the Village Attorney are not employees subject to the direction of the Village Manager.

- 4) PROPOSAL NUMBER FOUR (Proposed by Charter Revision Commission)

Ballot Language (to appear on ballot)

AMENDMENT NUMBER FOUR – NONPARTISAN  
CAMPAIGNING

Amending section 5.1(B) of the Village Charter to eliminate a violation of the prohibition against partisan campaigning by any candidate as a ground for removal from office and a fine in an action brought by the State Attorney in Circuit Court.

- 5) PROPOSAL NUMBER FIVE (Proposed by Councilmember Karyn Cunningham)

Ballot Language (to appear on ballot)

AMENDMENT NUMBER FIVE – AUGUST PRIMARY ELECTION  
AND NOVEMBER GENERAL ELECTION

Amending section 5.1 of the Village Charter to provide for a primary election in August (when County and State elections are held) for any seat with three or more candidates, and a general election in November (when State and Federal elections are held) for any seat for with only two candidates and for the two candidates receiving the highest number of votes in the primary election (if no candidate received a majority).

C. **CONSIDERATION OF THE FOLLOWING ANNEXATION QUESTION FOR THE 2016 GENERAL ELECTION (Proposed by Councilwoman Larissa Siegel Lara):**

Ballot Language (to appear on ballot)

ANNEXATION QUESTION

Should the Village Council initiate the process with Miami-Dade County to annex the area bounded by the Busway on the west, the Palmetto Bay boundary (Highway US-1) on the east, SW 160 Street on the north, and SW 184 Street on the south which is presently a non-residential commercial area?

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY; RELATING TO CITIZENS INDEPENDENT TRANSPORTATION TRUST (CITT) FUND; DIRECTING THE VILLAGE MANAGER TO ALLOCATE \$50,400 OF THE VILLAGES SHARE OF CITT FUNDING TOWARDS RELATED STUDIES REGARDING THE DEVELOPMENT OF A COMPREHENSIVE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN IMPLEMENTATION DOCUMENT THAT INCLUDES PLANNING AND FUNDING SOLUTIONS FOR ALL RAPID TRANSIT CORRIDORS IDENTIFIED IN THE APPROVED SMART PLAN; PROVIDED AND REQUIRING THAT EQUAL FUNDING PARTICIPATION FROM ALL MUNICIPALITIES IN SOUTH DADE IS INCLUDED; AND PROVIDING FOR AN EFFECTIVE DATE. **(Administration)**
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE SPECIAL EVENTS; PROVIDING THAT ALL VILLAGE SPECIAL EVENTS FOR WHICH A CHARGE IS IMPOSED UPON THE PUBLIC A VEGETARIAN FOOD OPTION SHALL BE PROVIDED **(Sponsored by Mayor Eugene Flinn)**
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RE-EMPHASIZING THE VILLAGE'S COMMITMENT TO MAINTAIN CIVILITY IN THE CONDUCT OF THE PUBLIC'S BUSINESS; AND PROVIDING FOR AN EFFECTIVE DATE. **(Sponsored by Councilwoman Karyn Cunningham)**
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING DESIGNATING THE VILLAGE AS AN AGE-FRIENDLY CITY; AND PROVIDING FOR AN EFFECTIVE DATE. **(Sponsored by Councilwoman Karyn Cunningham)**
- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS MASTER PLAN FOR PALMETTO BAY PARKS; PROVIDING THAT NO CHANGES TO THE UTILIZATION OR FACILITIES OF PALMETTO BAY PARK AS PROVIDED IN THE PARKS MASTER PLAN MAY BE ADOPTED EXCEPT BY AT LEAST FOUR-FIFTHS VOTE OF THE VILLAGE COUNCIL; PROVIDING FOR AN EFFECTIVE DATE. **(Sponsored by Councilwoman Larissa Siegel Lara and Co-Sponsored by Mayor Eugene Flinn)**

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE CLERK; APPROVING AN EMPLOYMENT AGREEMENT WITH MISSEL (MISSY) AROCHA AS CLERK UNTIL THE COUNCIL SELECTS A PERMANENT CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. **(Sponsored by Councilwoman Larissa Siegel Lara)**
  
- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CALLING FOR THE FLORIDA LEGISLATURE TO JOIN OTHER STATES IN PROHIBITING THE SALE AND POSSESSION OF RAPID FIRE AND HIGH POWER “ASSAULT” WEAPONS; AND PROVIDING FOR AN EFFECTIVE DATE. **(Sponsored by Mayor Eugene Flinn)**
  
- 11. **RESOLUTIONS REQUIRING PUBLIC HEARING**
  
- 12. **ORDINANCES FOR FIRST READING**
  - A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION USER FEE SCHEDULE; CREATING SECTION 20-4, TO REQUIRE A QUADRENNIAL REPORT AND RECOMMENDATION REGARDING THE PARKS AND RECREATION USER FEE SCHEDULE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. **(Sponsored by Councilwoman Larissa Siegel Lara)**
  
  - B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETINGS; AMENDING SECTION 2.44(a) AND SECTION 2.47(A)(2), PROVIDING FOR PROCLAMATIONS, PRESENTATIONS, AWARDS AND PRESENTATIONS TO OCCUR AT 6:30 PM ON REGULAR COUNCIL MEETING DAYS, IF DETERMINED BY COUNCIL RESOLUTION; AMENDING SECTION 2.50(2), PROVIDING FOR PROCEDURES FOR CREATING PROCLAMATIONS, AWARDS, AND PRESENTATIONS; AMENDING SECTIONS 2.47(10), 2.47(12), 2.50(9), AND 2.50(11), PROVIDING FOR SECOND READING OF ORDINANCES TO OCCUR PRIOR TO FIRST READING OF ORDINANCES; AMENDING SECTIONS 2.47(12), 2.47(13), 2.50(11), AND 2.50(12), PROVIDING FOR PUBLIC COMMENT FOR RESOLUTIONS AND FOR FIRST READING OF ORDINANCES; CREATING SECTION 2.50(1)(d), PROVIDING FOR THE DECORUM STATEMENT TO BE OPTIONAL AT THE DISCRETION OF THE MAYOR; AMENDING SECTIONS 2.47(a) AND 2.50, PROVIDING FOR CONSISTENT

NUMBERING AMONG THESE TWO SECTIONS; PROVIDING FOR AN EFFECTIVE DATE. **(Sponsored by Councilwoman Larissa Siegel Lara)**

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE SEAL; CREATING SECTION 2.1(f), PROHIBITING CERTAIN USES OF THE VILLAGE SEAL BY COUNCIL MEMBERS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. **(Sponsored by Councilwoman Larissa Siegel-Lara)**
- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-50.17(b)(19), PERMITTING MEDICAL CANNABIS DISPENSARIES WITHIN THE B-2 ZONING DISTRICT, SUBJECT TO SPECIFIC CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. **(Administration)**

### **13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; AMENDING ORDINANCE 2015-04, TO MERGE PARKS & RECREATION COMMITTEE WITH COMMUNITY OUTREACH COMMITTEE; AND TO MERGE VILLAGE SERVICE COMMITTEE WITH ADMINISTRATIVE ADVISORY COMMITTEE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. **(Sponsored by Councilwoman Larissa Siegel Lara.)**
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY; AMENDING ELEMENTS, 1, 4, 6, 8, 9, AND 11 OF THE VILLAGE'S COMPREHENSIVE PLAN AS THEY PERTAIN TO WATER SUPPLY FACILITY GOALS, OBJECTIVES, AND POLICIES OF THE VILLAGE'S COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. **(Withdrawn. To be announced at a later date.)**

### **14. OTHER BUSINESS**

- A. Council topics for committee discussion (Councilwoman Siegel Lara)
- B. Strategic Plan Village Council Workshop (Councilwoman Siegel Lara)
- C. Village Clerk search status (Councilwoman Siegel Lara)

**15. COUNCIL COMMENTS**

- A. Councilmember Larissa Siegel Lara proposes the following item for discussion and a possible workshop:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CERTAIN COUNCIL MEMBER ACTIVITIES; CREATING SECTION 2.113, DEFINING LEGISLATIVE FUNCTIONS OF THE COUNCIL AND COUNCIL MEMBERS, AND PROHIBITING CERTAIN INTERFERENCE WITH ADMINISTRATION WITHIN THE MEANING OF THE CHARTER PROHIBITION ON INTERFERENCE WITH ADMINISTRATION; CREATING SECTION 2.114, REQUIRING DISCLOSURES IN CERTAIN COMMUNICATIONS BY COUNCIL MEMBERS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Proposed for discussion by Council Member Larissa Siegel-Lara)

- B. Other Councilmember comments

**16. NEXT MEETING AND ADJOURNMENT**

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.