

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, MAY 4, 2009  
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR CENTER  
16701 SOUTHWEST 72 AVENUE  
PALMETTO BAY, FLORIDA

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

Mayor Flinn called the meeting to order at 7:00 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.  
Vice Mayor Brian W. Pariser  
Councilman Howard J. Tendrich  
Councilwoman Shelley Stanczyk

The following staff members were present:

Village Manager Ron E. Williams  
Village Attorney Eve A. Boutsis  
Village Clerk Meighan Rader

Mayor Flinn asked the Eagle Scouts of Troop 457 to lead the pledge of allegiance.

**2. PROCLAMATIONS, AWARDS, PRESENTATIONS**

A. Recognition of Eagle Scouts of Boy Scout Troop 457

Scout Leaders Dave and Julie Ziska came forward with the Eagle Scouts of Troop 457. Proclamations were given to the following individuals in recognition of their outstanding effort:

Gabriel Z. Cespedes  
Jonathan O. Lopez  
Jonathan A. Muench  
Alexander Paul Pergakis  
Michael Thomas Dannelly  
David Benjamin Shapiro  
Leo Benjamin Kaplowitz  
Wade Morgan Judy  
Joshua Rothenberg  
James Philip Baer  
Kenneth Lewis Baer  
William David Cochran

B. Recognition of Perrine Elementary School: Principal Maileen Ferrer and Lead Magnet Teacher Deanna Sekel came forward and were recognized by

Councilwoman Stanczyk for their outstanding efforts. Mayor Flinn thanked the Principal and her staff for their dedication

Mayor Flinn welcomed Larry Hawkins, former County Commissioner, and Miguel Diaz de la Portilla.

**3. APPROVAL OF MINUTES**

- A. Minutes of the April 6, 2009 Local Planning Agency
  - B. Minutes of the April 6, 2009 Regular Council Meeting
- Councilman Tendrich moved to approve the Minutes as submitted. Seconded by Councilwoman Stanczyk. All voted in favor. The Minutes were approved unanimously (4-0).

**4. CONSENT AGENDA**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING IN THE AREA OF SW 77<sup>TH</sup> AVE TO SW 136<sup>TH</sup> ST ON SW 140<sup>TH</sup> ST, SW 140<sup>TH</sup> DR AND NORTH SW 74<sup>TH</sup> CT, AND THE AREA OF SW 145<sup>TH</sup> ST TO SW 136<sup>TH</sup> ST ON SW 78<sup>TH</sup> AV AND SW 78<sup>TH</sup> CT WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH MARLIN ENGINEERING INC. TO PROVIDE DESIGN, CONSTRUCTION SUPPORT AND BID SUPPORT FOR TRAFFIC CALMING AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$69,485. ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE TRAFFIC INTRUSION INTO NEIGHBORHOOD STREETS; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENT PROJECTS AT SW 84<sup>TH</sup> AVE FROM SW 168<sup>TH</sup> ST TO SW 170<sup>TH</sup> TER; SW 179<sup>TH</sup> TER FROM SW 77<sup>TH</sup> AVE TO EAST TERMINUS; SW 141<sup>ST</sup> TER; SW 174<sup>TH</sup> ST FROM 92<sup>ND</sup> CT TO SW 92<sup>ND</sup> AVE; SW 80<sup>TH</sup> AVE FROM SW 144<sup>TH</sup> ST TO SW 145<sup>TH</sup> ST WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (C3TS) TO PROVIDE ENGINEERING SERVICES FOR DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION MANAGEMENT OF DRAINAGE IMPROVEMENTS, AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$42,150.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. RESOLUTION 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 FBM LAW OFFICES IN THE AMOUNT OF \$43,483.26; PROVIDING AN EFFECTIVE DATE.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE CORAL REEF PARK RESTROOM AND CONCESSION BUILDING PROJECT; APPROVING A PROPOSAL WITH MCHARRY AND ASSOCIATES TO PROVIDE LEED-RELATED SERVICES TO OBTAIN USGBC CERTIFICATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE SUCH PROPOSAL AND ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$35,360; AND PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE THALATTA PARK REMODELING AND RENOVATIONS TO THE CARRIAGE HOUSE PROJECT; APPROVING THE PROJECT BUDGET; AUTHORIZING THE VILLAGE MANAGER TO APPROVE CHANGE ORDER ONE FOR THE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Clerk Rader noted that Vice Mayor Pariser has asked that Item 4 D be pulled. She explained that due to time constraints, this matter must be voted upon in order to be removed from the Consent Agenda. Vice Mayor Pariser moved to pull the matter. The matter failed for lack of second.

Councilman Tendrich moved the Consent Agenda. Seconded by Councilwoman Stanczyk. The Consent Agenda was approved unanimously (4-0).

## 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

Eric Tullberg, 7884 SW 179 Terrace, addressed the Council and asked that the bicycle path to be extended from Palmetto Bay Village Center to Ludovici Park.

## 6. VILLAGE MANAGER'S REPORT

- A. Manager Williams introduced the new Director of Planning and Zoning Julian Perez. He noted that Director Perez has outstanding experience.

Director Perez thanked the Council. Mayor Flinn welcomed him.

- B. 2<sup>nd</sup> Quarter Budget to Actual FY 09: Manager Williams reported that the Budget will have to be amended to move \$3.3 million from unallocated in order to balance budget. He advised that the Village will be making the final payment to mitigation.
- C. EEL land project – Manager Williams stated that he wanted to clarify an earlier action concerning the Palmetto Bay Village Center action. Staff had previously asked for authority to enter into an agreement with the County to allow the purchase, without village monetary commitment. He reported that the County is uncertain that the project will proceed, as ownership issues and the County's

priorities are uncertain at this time and the project will not be moving as quickly as he had indicated until certain issues are resolved.

- D. Superstar Way: Manager Williams noted that staff is working with the administration at Southwood Middle School regarding the unveiling of "Superstar Way". He stated that he would report when the date has been set.
- E. Village Hall update: Manager Williams reported that the Request for Proposals for architectural services was advertised. Attorney Boutsis noted that a cone of silence is in place. Manager Williams continued that in order to proceed with space planning, a conceptual design and design-build project has been advertised. He asked the Council to consider that a special council meeting may be requested prior to the June 8<sup>th</sup> Zoning Hearing in order to expedite this matter.
- F. Clerk Rader provided the calendar update: May 7 at 6 pm-Tree Board; May 15 at 5 pm-Ludovici Park opening; May 27 at 7 pm-Town Hall meeting concerning the Election; June 1 at 7 pm- Regular Council Meeting; June 8 at 7pm-Zoning/possible Special Council Meeting; and June 24-possible budget workshop

- 7. **VILLAGE ATTORNEY'S REPORT:** May Update: Attorney Boutsis provided staff report. She asked for an Attorney-Client Session for May 11 at 6:30 p.m. to discuss the Palmer Trinity litigation. The Council agreed.

Manager Williams advised that staff is drafting education materials with regard to the June 25 election.

- 8. **BOARD AND COMMITTEE REPORTS**

- 9. **RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; RE-APPOINTING TRACEY KEALY TO SERVE AS LIAISON TO THE MIAMI-DADE COUNTY SCHOOL BOARD FOR A TWO YEAR PERIOD; PROVIDING AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this matter forward. Seconded by Councilman Tendrich.

Following brief discussion, the Council unanimously passed the Resolution (4-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT FOR A TRAFFIC CAMERA SAFETY PROGRAM WITH AMERICAN TRAFFIC SOLUTIONS, LLC; PROVIDING FOR A DETERMINATION OF IMPRACTICABILITY AS TO COMPETITIVE BIDDING AND SOLE SOURCE PROVIDER; AND PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved this matter forward. Seconded by Councilwoman Stanczyk.

Manager Williams recommended that the Village move forward.

Attorney Boutsis provided staff report.

Commander Gregory Truitt, Palmetto Bay Policing Unit, noted that the purpose is to protect citizens and their property.

Vice Mayor Pariser noted that he met with Commander Truitt and the vendor and he is convinced of the system's practicality.

Councilwoman Stanczyk called the question. The Resolution passed unanimously (4-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH PLAYMORE RECREATIONAL PRODUCTS AND SERVICES FOR THE PURCHASE, DELIVERY AND INSTALLATION OF A RUBBERIZED PLAYGROUND SURFACE (PIP- POURED IN PLACE) AT PALMETTO BAY PARK; AND TO PIGGYBACK WITH THE CITY OF JACKSONVILLE, FLORIDA'S CONTRACT NO. SC-0511-06 FOR PARK AND PLAYGROUND EQUIPMENT; AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$154,038.96; AND PROVIDING AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this matter forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report.

Councilman Tendrich noted that there was a three year warranty included. He asked if the company is stable.

Manager Williams replied that staff reviewed the company's history and experience and is satisfied. He noted that the Village has done business with them in the past and the company is also state-wide.

Mayor Flinn asked the status of the park recycling program.

Manager Williams noted that all village facilities will have a recycling program and staff will have a contract in place for collection and disposable services.

Following brief discussion, the Resolution passed unanimously (4-0).

10. RESOLUTIONS REQUIRING PUBLIC HEARING
11. ORDINANCES FOR FIRST READING
12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING
13. OTHER BUSINESS

Mayor Flinn remarked that he had spoken with other mayors concerning the growth management bills that passed the legislature. He suggested Council take action regarding seeking a veto of the growth management bill.

Attorney Boutsis advised that a special council meeting requires 48-hour notice.

14. COUNCIL COMMENTS

Mayor Flinn remarked that he was proud of the Village's efforts concerning Earth Week. He thanked the Miami Herald Neighbors for their articles and photos, Public Information Officer William Kress, resident Eric Tullberg (bike ride assistance), resident Beth Kibler (kayak tour), and all the residents and children at the local schools who participated. He also thanked Councilman Tendrich for his assistance with the Powers Project, which is an integral part of the CERP project. Mayor Flinn mentioned that Earth Week continued with the impromptu dog park clean-up that he also attended. He noted that he wants to have at least 26,000 lady bugs next year – one for each resident.

Vice Mayor Pariser thanked those who participated in the dog park clean-up. He noted that the foundation has been poured at the Coral Reef Park concession stand.

Councilman Tendrich thanked the Mayor for his remarks, stating that there is funding, according to the State and reclamation will be coming.

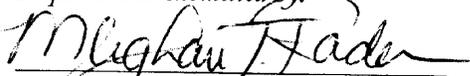
Councilwoman Stanczyk remarked that when she visited the schools for Earth Week, she was impressed that the children were educated and, thus, the foundation was laid for the quality side of earth week.

Mayor Flinn also noted that the readings at the Coral Reef branch library were outstanding and looks forward to future readings at the Palmetto Bay branch.

15. NEXT MEETING AND ADJOURNMENT

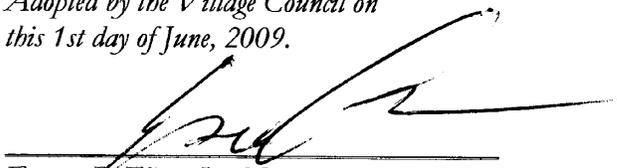
The Meeting was officially adjourned at 8:20 pm.

*Prepared and submitted by:*



*Meighan J. Rader, CMC  
Village Clerk*

*Adopted by the Village Council on  
this 1st day of June, 2009.*



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*Eugene P. Flinn, Jr., Mayor*

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