

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, FEBRUARY 6, 2006  
MEETING OF THE VILLAGE COUNCIL**

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

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

Mayor Flinn called the meeting to order at 7:30 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.  
Vice Mayor Linda Robinson  
Councilman Ed Feller, MD  
Councilman Paul Neidhart  
Councilman John Breder

The following staff members were present:  
Village Manager Charles D. Scurr  
Village Attorney Eve A. Boutsis  
Village Clerk Meighan Pier

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

A. Report by Jose Fuentes, South Florida Water Management District (SFWMD)

Mr. Jose Fuentes and Ms. Audrey Ordonez provided a report concerning the Consumptive Use Permit and advised that SFWMD is seeking support concerning issues involving freshwater supply. He had provided resolution language and hopes the Village will consider adoption of a resolution.

Mayor Flinn expressed his support and directed the resolution to be drafted.

Mr. Fuentes advised that further information can be found at [www.sfwmd.gov](http://www.sfwmd.gov).

B. Report by representatives of Florida Power & Light

Mr. Ramon Ferrer provided a report concerning the plans that Florida Power & Light (FPL) will be implementing as they are committed to providing solutions to situations that arose following the recent hurricanes. He advised that FPL's web site, [www.fpl.com](http://www.fpl.com), provides full details. He described the five point Storm Secure Plan. He noted that FPL will make

an investment of 25% of the cost for underground conversion. He thanked the Mayor and Council for their leadership in drafting an ordinance to address line clearing and thanked them also for their continued communication with FPL.

Mayor Flinn thanked South Miami Mayor Scott-Russell, State Representative Julio Robaina, Pinecrest Mayor Matzner, State Representative JC Planas, County Commissioner Jimenez, and Jeffrey Bartell of FPL for their assistance.

Councilman Feller moved to hear the proposed Ordinance concerning Utility Line Clearing as the next item. Seconded by Councilman Neidhart. All voted in favor. The Motion carried unanimously (5-0) and the Clerk read the proposed Ordinance by caption.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADOPTING CHAPTER \_\_\_ ENTITLED "UTILITY LINE CLEARING," TO PROTECT THE DELIVERY OF UTILITY SERVICES; ESTABLISHING A VIOLATION FOR VEGETATION INTERFERENCE WITH A UTILITY SERVICE; ESTABLISHING A REMEDY TO ADDRESS THE SITUATION OF PROPERTY OWNER(S), THEIR TENANT(S) AND/OR AGENT(S) INTERFERE WITH OR IMPEDE THE RIGHT, OR ABILITY OF A UTILITY TO ENTER PRIVATE PROPERTY FOR THE PURPOSE OF PRUNING OR REMOVING VEGETATION INTERFERING WITH THE DELIVERY OF UTILITY SERVICES, WHEN DEEMED NECESSARY TO DO SO TO ENSURE THE SAFE AND RELIABLE DELIVERY OF UTILITY SERVICES; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Boutsis provided staff report.

Following discussion, Councilman Breder asked the definition of "emergency" for access (referenced on Page 4).

Mr. Ferrer advised that FPL would evaluate case by case; however emergency would be determined by whether there would be a life safety issue if the service were interrupted.

Attorney Boutsis stated that she would include the definition of an emergency to be "the imminent danger to public safety, an emergency declaration or the declaration of a hurricane watch or warning."

Councilman Breder moved to approve. Seconded by Councilman Feller. A roll call vote was taken, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. The motion carried (5-0). The proposed Ordinance was passed on first reading.

Councilman Feller remarked that the police should be notified in advance when tree clearing will be done.

- C. Presentation by Robert Mihm, Florida Native Plant Society  
Mr. Robert Mihm and Jane Cole announced that the Deering Estate will be having a workshop on plants on Saturday, March 4, 2006. He encouraged all to attend and passed out literature concerning the event. He advised that the entrance fee for the Deering Estate will be half price for those attending.

A two minute recess was taken.

### **III. BOARD AND COMMITTEE REPORTS**

- A. Village Hall/Police Complex Advisory Committee – Final Report: Mr. Brian Pariser, 15300 SW 78 Court, provided a report on behalf of Chairman Tom Ringel. He advised that the Committee had explored the possibilities of locating a permanent village hall. He thanked the members of the Committee: Bob Roberts, Thomas Ringel, Janet Ray Weininger, Susana Cetta, and Paula Palm. He provided the Committee's final recommendation following a favorable vote by the majority of the Committee members, except for Paula Palm who voted against the recommendation. Mr. Pariser advised that the Committee recommends Building C of the Palmetto Bay Village Center and provided the reasons. He explained that Paula Palm wished to continue exploring purchasing the existing village hall property; however, the landlord had responded that he would not sell the property.

Mr. Scurr thanked Mr. Pariser, the Committee members and Councilman Breder and asked the Council to review the Report closely, as it would be discussed in greater detail at the next Council Workshop. He also thanked Olga Cadaval, Chief of Staff, for preparing the exhaustive report.

Councilman Breder moved to accept the report. Seconded by Vice Mayor Robinson. All voted in favor. The Report was accepted unanimously (5-0).

- B. Charter Review Commission Report: Mr. Pariser announced that there would be a public workshop on February 7<sup>th</sup> at 7 pm at the Deering Estate Visitor's Center.

- C. School Board Member Evelyn Greer: Board Member Greer joined the Council on the dais and provided a report concerning the five-year capital plan, the proposed new schools scheduled for construction, the improvement of existing facilities, statistics of school performance, and the AP entry process. She provided information concerning encouraging walking/bike riding to schools, the percentage of graduates, and discipline problems.

The Council thanked School Board Member Greer for attending and being responsive.

### **III. APPROVAL OF MINUTES**

- A. Minutes of the January 9, 2006 Council Meeting: Councilman Breder moved to approve. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

### **IV. VILLAGE MANAGER'S REPORT**

- A. First Quarter Budget to Actual: Mr. Scurr advised that Finance Director Desmond Chin would provide this report following the second reading of the proposed Ordinance concerning budget amendments.
- B. Street co-designation process: Mr. Scurr advised that the street co-designation process is scheduled for once annually during March. He asked the Council to consider if they will be seeking any co-designations so they may be scheduled for the March Council meeting.

Vice Mayor Robinson provided a brief report concerning the Village picnic and hoped all will attend.

Mr. Scurr continued his report by briefing the Council on the items that are scheduled to be heard during this meeting. He requested that Item VIII A be deferred and discussed at the next Council workshop, which is scheduled for February 15. He announced the Zoning Hearing of February 13, Council Meeting of March 6 and the Charter workshop of February 7<sup>th</sup>.

- V. **VILLAGE ATTORNEY'S REPORT:** Attorney Boutsis advised that she would defer comments until certain items are brought forward.

### **VII. 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 NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$20,439.01; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; APPROVING THE PURCHASE OF A PORTABLE COMFORT ELITE II RESTROOM WITH ADA UNIT FOR USAGE AT THE BAYFRONT PARK PROPERTY, OTHER PARK FACILITIES AS NEEDED, AND SPECIAL EVENTS; DISBURSING AN AMOUNT NOT TO EXCEED \$34,600 TO WELLS CARGO COG; AND PROVIDING FOR AN EFFECTIVE DATE.
- 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 AN AGREEMENT WITH FENCE CONNECTION, INC. FOR THE REPAIR OF DAMAGED FENCING AT CORAL REEF PARK; DISBURSING AN AMOUNT NOT TO EXCEED \$79,000; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Neidhart moved to approve. Seconded by Councilman Breder. All voted in favor (5-0). Resolutions 06-13, 06-14 and 06-15 were adopted.

#### **VIII. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE CONTRACT WITH RJ HEISENBOTTLE ARCHITECTS TO COMPLETE THE MASTER PLAN FOR THE PARK PROPERTY LOCATED AT 17301 OLD CUTLER ROAD FOR THE AMOUNT OF \$48,000; TO PREPARE EXISTING BUILDING MEASURED FLOOR PLANS AND ELEVATIONS FOR THE HISTORIC RESIDENCE FOR THE AMOUNT OF \$6,540; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE SAID CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to defer. Seconded by Councilman Neidhart. All voted in favor. The Motion carried unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE POLICE PROCUREMENT; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR SPEED MEASURING/TRAFFIC COUNTING DEVICES UNDER BROWARD COUNTY SCHOOL BOARD CONTRACT 26-104T IN THE TOTAL AMOUNT OF \$7705.00 FROM EMERGENCY VEHICLE SUPPLY; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Vice Mayor Robinson moved the item forward. Seconded by Councilman Feller.

Commander Michael Mouring provided staff report.

Mayor Flinn asked the delivery time.

Commander Mouring replied that it would take a week to arrive once the order is placed.

All voted in favor of the proposed Resolution. The Motion carried unanimously (5-0). Resolution 06-16 was adopted.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE CONTRACT WITH ZURQUI CONSTRUCTION SERVICES, INC. TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES FOR PHASE I OF THE PALMETTO BAY COMMONS EXPANSION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT FOR \$288,836 FOR PRECONSTRUCTION AND CONSTRUCTION MANAGEMENT SERVICES WITH SAID FIRM; AND PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved the item forward. Seconded by Councilman Feller.

Mr. Scurr provided staff report.

Mayor Flinn asked for clarification concerning the ball fields.

Mr. Scurr advised that nothing additional was planned.

Community Services Director Ana Garcia remarked that she was excited at the progress of the parks. She thanked Attorney Boutsis for her assistance.

Attorney Boutsis explained that the document includes information known as an "A1A" contract that are standard forms created by contractors and architects. She noted that staff modified the contract and removed the ambiguity to insure that the designs are not flawed and the Village would get a quality product, with the risk being placed on the construction manager at risk.

All voted in favor of the proposed Resolution. The Motion carried unanimously (5-0). Resolution 06-17 was adopted.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE CONTRACT WITH A2 GROUP, INC. TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES FOR THE PALMETTO BAY BRANCH LIBRARY PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT FOR \$176,416 FOR PRECONSTRUCTION AND CONSTRUCTION MANAGEMENT SERVICES WITH SAID FIRM; AND PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved the item forward. Seconded by Councilman Neidhart.

Mr. Scurr advised that the form of the contract is almost identical and that the language was strengthened. He thanked Mrs. Cadaval for her assistance. He noted that the contract would be entered into subject to reference confirmation.

All voted in favor of the proposed Resolution. The Motion carried unanimously (5-0). Resolution 06-17 was adopted.

**IX. RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES**

- A. **PUBLIC HEARING REQUIRED:** AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PROVIDING FOR THE CREATION OF CHAPTER \_\_\_\_ OF THE CODE OF PALMETTO BAY (CODE); ENTITLED "FRANJO TRIANGLE COMMERCIAL ISLAND ZONING DISTRICT" (FTCD); PROVIDING FOR PERMITTED USES, CONDITIONAL USES AND PROHIBITED USES; DESIGN STANDARDS; AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CREATION OF THE FRANJO TRIANGLE COMMERCIAL ISLAND ZONING DISTRICT; REZONING THE

DESIGNATED AREA TO THE "FTCI DISTRICT" AND ENCOMPASSES BOTH THE FRANJO ROAD TRIANGLE AND U.S. 1 COMMERCIAL ISLAND GENERALLY BOUNDED BY S.W. 94TH AVENUE ON THE EAST, S.W. 168TH STREET AND THE NORTHERN PORTION OF THE U.S.1 ISLAND TO THE POINT OF NORTHBOUND AND SOUTHBOUND LANES DIVISION ON THE NORTH, U.S. 1 SOUTHBOUND ON THE WEST (INCLUDING THE ISLAND AREA) AND S.W. 184TH STREET ON THE SOUTH; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Robinson moved the item forward. Seconded by Councilman Breder.

Arleen Weintraub, Director of Community Development, provided staff report. She noted that this is first reading. She thanked Attorney Boutsis for her assistance with the drafting of this document. She noted that the bike route plan is included.

Mr. Scurr asked the Council to look closely at the permitted uses.

Attorney Boutsis noted that she had received a question concerning vested rights and anything currently permitted is permitted; anything requested after adoption, the new code applies.

Following brief discussion, Mayor Flinn opened the public hearing.

The following individuals addressed the Council: Mr. Eric Tulberg, 7884 SW 179 Terrace; Gabriel Bifano, 7371 SW 156 Street; Glen Lurie, 17501 SW 93 Place; and, Stewart Guthrie, 6960 SW 144 Street.

Mayor Flinn closed the public hearing.

Vice Mayor Robinson moved to amend the title of the area to be known as the "Franjo Triangle & US-1 Island Zoning District," changing the acronym as appropriate, also. Seconded by Councilman Neidhart. All voted in favor (5-0). The Motion carried.

Councilman Feller called the question. Seconded by Councilman Neidhart. A roll call vote was taken, as follows: Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilman Breder: Yes. The proposed Ordinance passed on first reading unanimously (5-0).

Councilman Feller thanked Director Weintraub, Attorney Boutsis and Zoning Administrator Judy Miller for outstanding work.

**XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING ORDINANCE NUMBER 04-22; AMENDING THE VILLAGE'S BUDGET FOR THE 2004-2005 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Breder moved the item forward. Seconded by Vice Mayor Robinson.

Mr. Desmond Chin, Finance Director, provided staff report.

Mayor Flinn opened the public hearing.

Mr. Eric Tulberg, 7884 SW 179 Terrace, addressed the Council.

The public hearing was closed.

Councilman Feller called the question. A roll call vote was taken, as follows: Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilman Breder: Yes; Mayor Flinn: Yes. Ordinance 06-03 was adopted unanimously (5-0).

Mr. Chin provided staff report concerning the First Quarter. He noted that the Village is continuing to perform over expectations. He explained; however, that the Community Services Department must encumber its entire year maintenance in the first quarter so the figures may be misleading because the Department is actually under spent overall. He concluded that if the expenses are extrapolated, the Village is anticipated to spend approximately 80% of the expense budget.

**XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS**

The following individuals addressed the Council, Glen Lurie, 17501 SW 93 Place, and Gabe Bifano, 7371 SW 156 Street.

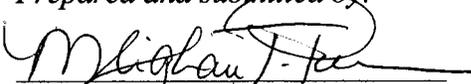
**XIII. MAYOR AND COUNCIL COMMENTS:** None at this time.

**XIV. OTHER BUSINESS:** None at this time.

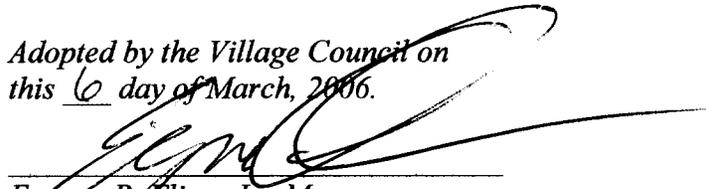
**XV. NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 10:15 pm.

*Prepared and submitted by:*

  
Meighan J. Pier, CMC  
Village Clerk

*Adopted by the Village Council on  
this 6 day of March, 2006.*

  
Eugene P. Flinn, Jr., Mayor

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