

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, JULY 10, 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 7:00 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 J. Pier

Mayor Flinn asked Captain J. Scott Dennis to lead the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Proclamation to Eagle Scout Nassir Aboreden: Mayor Flinn provided the Proclamation to Mr. Aboreden and thanked him for his dedication. Miami-Dade County Commissioner Katy Sorenson was recognized and expressed her gratitude to Mr. Aboreden for his achievements.
- B. Recognition of Officer Ed Branch: Mayor Flinn expressed gratitude to Officer Branch for his outstanding performance. Commissioner Sorenson, Councilman Breder and Mr. Scurr joined the Mayor in thanking Officer Branch for his years of dedication.
- C. Councilman Feller thanked Commissioner Sorenson for her effort regarding the Bayside Library. Commissioner Sorenson provided a ceremonial check in the amount of Fifty Thousand Dollars and encouraged the Village to support the "greening" of the library.

- D. Presentation of Audited Financial Statements 2004-05: Finance Director Desmond Chin and Jerry Chioca of Rachlin, Cohen and Holtz were recognized. Mr. Chioca noted that the Village received a positive audit and his firm suggests no recommendations to improve. He added that there was only one other city to receive such a positive audit.

Mayor Flinn thanked the auditors for their report, thanked Desmond Chin and former director Alfredo Acin for their excellent service. The Council joined the Mayor in expressing their gratitude.

Vice Mayor Robinson moved to accept the Financial Report. Seconded by Councilman Feller. All voted in favor. The Motion carried unanimously (5-0).

- E. Presentation of the "Distinguished Budget Award" for the 2005-06 Budget from the Government Finance Officers Association (GFOA): Mr. Chin announced that the GFOA awarded the Village with the award for the development and preparation of the budget.

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

- A. Minutes of the June 5, 2006 Council Meeting  
B. Minutes of the June 26, 2006 Special Council Meeting

Councilman Neidhart moved to approve the Minutes. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

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

- A. Update on Mitigation Adjustment Policy Review Task Force: Mr. Scurr reported that the County Infrastructure and Land Use Committee (INLUC) meets tomorrow and will receive the Task Force's report, which will trigger serious discussions with the County. He thanked Mayor Flinn and Vice Mayor Robinson for coming to the meetings. Mr. Scurr read a portion of the report, noting that the Task Force suggested that mitigation should cease.
- B. Discussion of Village of Palmetto Bay Local Police Patrol Renewal Contract: Mr. Scurr thanked Councilman Breder for his assistance on negotiations with the Police contract regarding the extension of the local police patrol. He suggested hearing this item at a future Committee of the Whole.
- C. Discussion of providing emergency generators and electrical hookups for traffic light intersections: Mr. Scurr stated that he was pleased with the attendance at the recent Mayors' hurricane workshop and was happy that so many people attended the Community Emergency Response Training (CERT) classes. He reported that the Village has been exploring the possibility of

installing generators at traffic light intersections and continues to work with the County to create a plan. He announced the Skate Park opening on Friday, July 14, from 6 to 8 pm at Perrine Park.

Mr. Scurr re-introduced Captain Scott Dennis who will be commanding the Village's Policing Unit. He acknowledged the presence of Captain O'Donnell, Lieutenant Suzanne Lauton and Chief Karin Montejo.

Mr. Scurr briefed the Council concerning items on the consent agenda.

Mayor Flinn thanked Mayor Juan Bermudez of Doral and the Palmetto Bay Council for their support during the mitigation discussions.

**V. VILLAGE ATTORNEY'S REPORT:** None at this time.

**VI. BOARD AND COMMITTEE REPORTS:** None at this time.

**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 \$14,912.41; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING IN THE AREA OF 144<sup>TH</sup> STREET/MITCHELL DRIVE WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH MARLIN ENGINEERING, INC. TO PROVIDE TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING FOR THE PREPARATION OF A TRAFFIC CALMING PLAN FOR THE ABOVE AREA AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$27,800 ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE TRAFFIC INTRUSION INTO NEIGHBORHOOD STREETS; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENTS IN THE AREA OF SW 75<sup>TH</sup> AVENUE, SW 77<sup>TH</sup> AVENUE AND SW 86<sup>TH</sup> AVENUE IN THE VILLAGE OF PALMETTO BAY; APPROVING THE SELECTION OF WILLIAMS PAVING CO., INC., TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT UP TO \$223,600 ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE

THE DRAINAGE CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE STREET TREE MASTER PLAN; APPROVING A CONTRACT WITH O'LEARY RICHARDS DESIGN ASSOCIATES, INC. TO PROVIDE ADDITIONAL LANDSCAPE ARCHITECTURAL DESIGN PLANS AND CONSTRUCTION ADMINISTRATION SERVICES FOR THIS PHASE; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$13,200; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT FOR BILLING OF STORMWATER UTILITY CHARGES; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR CANAL MAINTENANCE; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE AGREEMENTS BETWEEN THE VILLAGE OF PALMETTO BAY AND MIAMI-DADE COUNTY TO FUND THE ACQUISITION AND DEVELOPMENT OF VARIOUS VILLAGE PARKS THROUGH THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND; AND PROVIDING AN EFFECTIVE DATE.
- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE ACQUISITION OF THE 7.6-ACRE PARCEL AT PALMETTO BAY COMMONS FOR THE PREVIOUSLY NEGOTIATED AMOUNT OF \$911,000; AUTHORIZING THE VILLAGE MANAGER TO EXERCISE THE VILLAGE'S PURCHASE OPTION UNDER THE CURRENT LEASE-PURCHASE AGREEMENT WITH MIAMI-DADE COUNTY AND EXECUTE ANY APPLICABLE DOCUMENTS ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.
- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO

CONTRACTS; APPROVING THE ADDENDUM TO THE EXISTING CONTRACT WITH A2 GROUP, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE PALMETTO BAY BRANCH LIBRARY AND COMMUNITY ROOM PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ADDENDUM FOR \$157,807 FOR PRECONSTRUCTION AND CONSTRUCTION MANAGEMENT SERVICES; AND PROVIDING AN EFFECTIVE DATE.

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO CONTRACTS; APPROVING THE ADDENDUM TO THE EXISTING CONTRACT WITH WOLFBERG ALVAREZ AND PARTNERS TO PROVIDE ARCHITECTURAL AND CIVIL ENGINEERING SERVICES FOR THE PALMETTO BAY BRANCH LIBRARY AND COMMUNITY ROOM PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ADDENDUM FOR \$143,111 DESIGN AND CIVIL ENGINEERING SERVICES; AND PROVIDING AN EFFECTIVE DATE.
- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF EPIC CONSTRUCTION, INC., TO IMPROVE THE EXISTING EAST SIDE RESTROOMS AT CORAL REEF PARK IN THE AMOUNT OF \$47,700; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH SAID COMPANY; AND PROVIDING AN EFFECTIVE DATE.
- L. 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 FLORIDA POWER & LIGHT FOR THE UNDERGROUND AND OVERHEAD POWER LINE WORK AT PERRINE PARK; DISBURSING AN AMOUNT NOT TO EXCEED \$9,500.77; AND PROVIDING FOR AN EFFECTIVE DATE.
- M. 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 ACCURATE TENNIS COURTS, INC. FOR THE RESURFACING OF THE SKATE PAVILION AT PERRINE PARK; DISBURSING AN AMOUNT NOT TO EXCEED \$9,500; AND PROVIDING FOR AN EFFECTIVE DATE.
- N. 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 TIP TOP ENTERPRISES FOR

LANDSCAPE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

- O. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE TECHNOLOGY EQUIPMENT, AUTHORIZING THE VILLAGE MANAGER TO PROCURE COMPUTER SOFTWARE, EQUIPMENT AND PERIPHERALS IN AN AMOUNT NOT TO EXCEED \$30,000.00 THROUGH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., DELL COMPUTER SYSTEMS, CDWG, AND SUBSCRIPTION SERVICES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- P. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH ASTEC CONSULTING, INC., TO PROVIDE PROFESSIONAL SERVICES IN ACCORDANCE WITH GLOBAL INFORMATION SYSTEMS (GIS) SERVICES IN AN AMOUNT NOT TO EXCEED \$20,000.00; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Feller moved to approve the Consent Agenda items. Seconded by Councilman Neidhart. All voted in favor. Resolutions 06-63 through 06-78 were adopted.

### VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; DETERMINING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIME AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FY 2006-07; DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Scurr provided staff report.

Following discussion, the second hearing was changed to September 27<sup>th</sup>.

Vice Mayor Robinson moved to revise the Resolution to have the hearings set for Monday, September 11<sup>th</sup> and Wednesday, September 27<sup>th</sup> – both to

commence at 7 pm. Seconded by Councilman Breder. All voted in favor. The Motion carried.

Mayor Flinn asked staff to investigate giving the homeowners a 3% tax relief.

Councilman Neidhart moved to approve the proposed Resolution. Seconded by Vice Mayor Robinson. All voted in favor. Resolution 06-79 was adopted.

## **IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SELECTING A NEW NAME FOR PALMETTO BAY COMMONS; PROVIDING FOR INSTALLATION OF APPROPRIATE SIGNAGE; PROVIDING AN EFFECTIVE DATE.

Councilman Breder moved this item forward. Seconded by Councilman Feller.

Mr. Scurr provided staff report.

Mayor Flinn opened the public hearing. Mr. Stanley Kowlessar, 8360 SW 148 Drive, suggested the name Palmetto Bay Park.

Councilman Neidhart moved to insert the name Palmetto Bay Park. Seconded by Vice Mayor Robinson. A roll call vote was taken on the proposed Resolution, as follows: Councilman Breder: Yes; Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes. Resolution 06-80 was adopted (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE WAIVER OF PLAT FOR A PARCEL OF LAND LOCATED AT 16640 SW 84<sup>th</sup> COURT AND 8531 SW 167<sup>th</sup> TERRACE, PALMETTO BAY, FLORIDA MORE SPECIFICALLY IN SECTION 27, TOWNSHIP 55, RANGE 40, COUNTY OF MIAMI-DADE, STATE OF FLORIDA, VILLAGE OF PALMETTO BAY, LOT 3 AND LOT 18, BLOCK 2, FLAMINGO FARMS ESTATES FIRST EDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 149, AT PAGE 6 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

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

Arleen Weintraub, Director of Community Development, provided staff report.

Mayor Flinn opened the public hearing. No one asked to be heard. The public hearing was closed.

A roll call vote was taken on the proposed Ordinance, as follows: Mayor Flinn: Yes; Vice Mayor Robinson: Yes; Councilman Feller: Yes; Councilman Neidhart: Yes; Councilman Breder: Yes. Resolution 06-81 was adopted (5-0).

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:**  
None at this time.

**XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None at this time.

**XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** Mr. Eric Tullberg, 7884 SW 179 Terrace, provided suggestions concerning sidewalk installations.

**XIII. MAYOR AND COUNCIL COMMENTS**

- A. Councilman Feller thanked Mr. Tullberg for his suggestions and asked staff to consider them when preparing the budget.
- B. Mayor Flinn noted that he is working with Mayor Matzner of Pinecrest and Mayor Vrooman of Cutler Bay to seek the County's assistance in approving the sidewalk and bike plans. He invited all to the INLUC meeting tomorrow.

**XIV. OTHER BUSINESS**

**XV. NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 7:51 pm.

*Prepared and submitted by:*

  
Meighan J. Pier, CMC  
Village Clerk

*Adopted by the Village Council on  
this 7<sup>TH</sup> day of August, 2006.*

  
Eugene P. Flinn, Jr., Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, 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. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.