

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of January 5, 2015
Village Hall Chambers
9705 East Hibiscus Street

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

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

Staff present:
Village Manager Ron E. Williams
Village Attorney Dexter W. Lehtinen
Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 7:05 p.m. He asked Lieutenant Carreño and Sergeant Bustamante to lead the pledge of allegiance.

2. DECORUM STATEMENT: Mayor Flinn advised the Clerk that he would like to defer reading the Decorum Statement this evening.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Recognition of service – Sergeant Maria Bustamante: Commander Gregory Truitt provided a recognition of service to Sergeant Bustamante and wished her well in her future endeavors.
- B. Recognition of service – Lieutenant Jorge Carreño: Commander Truitt thanked Lieutenant Carreño for his service and assistance to both the Village of Palmetto Bay and to the Policing Unit.
- C. Proclamation proclaiming January 16, 2015, as Arbor Day in the Village of Palmetto Bay: Mayor Flinn and the Council presented a proclamation honoring Arbor Day and announced the upcoming tree planting.
- D. Presentation by Iraidá Mendez Cartaya – Miami-Dade County School Board: Clerk Alexander announced that Ms. Mendez Cartaya could not be present this evening due to a family emergency.
- E. Presentation by Safer Compass Foundation of Zone Emergency Response Operation [Z.E.R.O.] program: Jeffrey Childers was introduced and explained the provisions of the Zone Emergency Response Operation and how the program functions to keep children safe. He explained how the tracking of a

mapped, coded area, such as a school, would assist the first responders in the event of an emergency.

- F. Presentation by Bob Levy: Mr. Levy began by providing the Council with a list of dollars that the lobbying team has brought to the Village over the years. He explained some of the challenges and successes. He noted that the South Florida delegation has been very helpful to the Village. Mr. Levy explained the recent legislative activity in Tallahassee and the Governor's office.

Mayor Flinn asked the process for seeking funds through the South Florida Water Management. Mr. Levy replied that if the funds are through Amendment 1, it will be a set amount of money. He noted that \$20 billion is included over the course of the term of the Amendment; and, since it was passed, and with the increase of real estate taxes, over \$700 million is available this year alone in Amendment 1 funds. Mr. Levy stated that there should be funds available for Palmetto Bay this year in Planning dollars.

Mayor Flinn asked what other opportunities may be available to Palmetto Bay this year. Mr. Levy stated that there could be some opportunity for historic preservation funds. Mayor Flinn suggested meeting to discuss funds for the purchase and preservation of certain properties throughout Palmetto Bay. Mr. Levy stated that Council communication with legislators is key. He noted that the conservationists who put the funds on the ballot want to see the dollars go to land conservation.

Vice Mayor DuBois asked that with regard to Stormwater funding, is there discretion on the part of SFWMD as to how funding will be disbursed. Mr. Levy stated that he will not know until the implementing bill is released. He advised that, according to the legislation, priority will be given to local projects that complement ongoing regional restoration, flood control, water quality, and water supply efforts.

Vice Mayor DuBois asked for specifics concerning what the lobbyist will be seeking for Palmetto Bay and what the Manager has requested. Mr. Levy stated that they have not yet met with the Manager; however, he will be meeting with the Council and the Manager concerning specifics. He added that the lobbyists will make every effort to push and lobby significantly for the issues of concern to Palmetto Bay.

Councilman Schaffer suggested that the Council consider organizing a "Palmetto Bay Day" in order to be able to communicate with the legislators in a more productive way. He also expressed his concern with the windstorm insurance matters that face South Florida. Mr. Levy stated that the lobbyists continue to work on the windstorm issue that Councilman Schaffer had mentioned; however, federal insurance laws recently passed will make this issue difficult.

Brief discussion ensued regarding the formation of the Village's legislative agenda. The Council referred discussion to a Committee of the Whole meeting.

4. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of December 1, 2014: Vice Mayor DuBois moved to approve the Minutes, as presented. Seconded by Councilman Schaffer. All voted in favor. The Minutes were approved unanimously (5-0).

Mayor Flinn asked all to join him in a brief moment of silence for resident Delores "Dolly" Morrow who had recently passed away.

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** Mr. Eric Tullberg, 7884 SW 179 Terrace. The Council expressed their support for Mr. Tullberg's suggestions. The Public comments continued, as follows: Ed Feller, 7960 SW 144 Street; Gail Gelvan, 16225 SW 88 Ave Road; Susan Holtzman, 14700 SW 87 Court; Beth Adler, 8140 SW 151 Street; Gary Pastorella -- 6940 SW142 Terrace; Chuck Latshaw, 8825 SW 154 Terrace; James McGhee, 8261 SW 142 Street; David Singer, 8260 SW 154 Terrace; and, Peter England, 7620 SW 171 Street.

Vice Mayor DuBois reminded the Council that the Village had already passed a resolution opposing the development of the pine rock land, which was mentioned by resident Gail Gelvan.

Mayor Flinn suggested taking the item concerning the Alexander Montessori School out of order. Vice Mayor DuBois moved to hear Agenda Item 10E as the next item. Seconded by Councilwoman Cunningham. All voted in favor.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE VILLAGE CLERK TO COORDINATE A SPECIAL ELECTION WITH ONE OR MORE OPEN PRECINCTS ON APRIL 21, 2015, THROUGH UTILIZATION OF THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS, PURSUANT TO SECTION 10.1 OF THE VILLAGE CHARTER, AS REQUESTED BY ALEXANDER SCHOOL, INC.; APPROVING REQUISITE BALLOT LANGUAGE; AND, PROVIDING AN EFFECTIVE DATE. (Alternate Resolution regarding mail-ballot election to be provided.)

Vice Mayor DuBois moved the item forward. Seconded by Councilman Schaffer.

Attorney Lehtinen explained the Charter provision concerning increase in student enrollment for schools. He noted that the Charter is clear: if the applicant asks for an election, the applicant pays for the election. He explained that the Council must approve the ballot language and it is up to the Council to decide whether the precincts would be opened or whether the election would be conducted by mail. Attorney Lehtinen advised that the Applicant has suggested that the ballot language note the name of the school to

read: Alexander Montessori School; and, he believes that would be appropriate. He explained that, under State law, the Village Clerk had to seek approval of the date from the Miami-Dade County Supervisor of Elections and the Clerk did so, and the request was approved. He noted that a requirement was added to the open precinct resolution: if the election will use an open precinct, then all voters within the radius be individually notified of the election by mail.

Mayor Flinn asked if the Council has the authority to decide between the two types of elections. Attorney Lehtinen advised that the School requested an open precinct; however, the Council may decide.

Clerk Alexander advised that the School is aware of the proposed cost provided by the Miami-Dade Elections Department.

Vice Mayor DuBois asked if absentee ballots would also be issued, if the Council chooses to allow a precinct election. Clerk Alexander advised that there would be absentee ballots, as well.

Councilwoman Siegel Lara asked if there were statistics as to which type of election draws the most participants. Clerk Alexander stated that it is difficult to compare, as this would be a limited area, rather than a full Village Election.

Councilwoman Cunningham stated that the Montessori School feels that the open precinct would allow for the greatest participation.

Councilman Schaffer asked if the applicant has to be allowed to have the election, and since they pay for the election, why wouldn't the Council simply take the suggestion. Attorney Lehtinen stated that the draft resolution allows the open precinct, the other requires mail ballot. He stated that if the open precinct is decided upon, an additional cost would be mailing notice to each registered voter.

Mayor Flinn recognized Jerry Proctor. Attorney Jerry Proctor, 1450 Brickell Avenue, was present for the Alexander Montessori School. He explained the history of the elections held and agreed with the mailed notification. He asked the Council to consider the modification to the title.

Mr. James McGhee of the Alexander Montessori School addressed the Council. He remarked that under the County guidelines, their application meets all of the legal requirements for private schools.

Vice Mayor DuBois moved to modify the language to read "Alexander Montessori School" (line 25). Seconded by Councilwoman Siegel Lara. All voted in favor. The motion passed unanimously.

Vice Mayor DuBois moved to approve the Resolution, as amended, opening the precinct. Councilwoman Siegel Lara seconded the motion. All voted in favor. The Resolution passed unanimously (5-0.)

6. CONSENT AGENDA

Clerk Alexander advised that Items 6 B, C, F, H, I, and K had been timely pulled by Councilwoman Cunningham.

Councilman Schaffer moved to hear the Consent Items as 10 A, B, C, D, E and F. Seconded by Vice Mayor DuBois. All voted in favor.

- 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 \$4,049; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC NOTICE; AMENDING RESOLUTION 2014-20, FURTHER DIRECTING THE VILLAGE CLERK TO PROVIDE NOTICE TO ALL COUNCIL OF ALL PUBLIC/SUNSHINE MEETING; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois.)
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT UNDER THE FY 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR \$4,666 FOR RESISTING AGGRESSION DEFENSIVELY (RADKIDS) PERSONAL EMPOWERMENT AND SAFETY EDUCATION PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE GRANT APPLICATION AND OTHER RELATED DOCUMENTS ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACT NO. 000028 DRAIN CLEANING; AUTHORIZING ENVIROWASTE SERVICES GROUP, INC. TO CONTINUE PROVIDING STORM DRAIN CLEANING SERVICES WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$23,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACT NO. 000031 FLEET VEHICLE REPAIR AND MAINTENANCE; AUTHORIZING AUTO ELECTRIC SERVICES, INC., TO CONTINUE PROVIDING FLEET VEHICLE REPAIR AND MAINTENANCE SERVICES; AUTHORIZING AUTO ELECTRIC SERVICES, INC., TO PROVIDE VEHICLE MAINTENANCE AND REPAIR SERVICES; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$7,000; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACT NO. 000030 SIDEWALK IMPROVEMENTS; AUTHORIZING METRO EXPRESS, INC., TO CONTINUE PROVIDING SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$69,900; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACT NO. 000027 CANAL MAINTENANCE; AUTHORIZING ADVENTURE ENVIRONMENTAL, INC. TO CONTINUE PROVIDING MAINTENANCE SERVICES FOR SECONDARY SYSTEM CANAL SW MARAL ESTATES AND BELAIRE SECTION CANAL IN SECTIONS 28 & 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$12,500; AND PROVIDING FOR AN EFFECTIVE DATE.
- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) UNDER THE FEDERAL FISCAL YEAR 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – FLORIDA JAG DIRECT FOR GRANT FUNDING IN THE AMOUNT OF \$5,220 FOR THE DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE GRANT APPLICATION AND OTHER RELATED 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, REPEALING RESOLUTION 2011-24; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)
- J. A RESOLUTION OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXPRESSING SUPPORT FOR THE DEVELOPMENT OF THE LUDLUM TRAIL AS A LINEAR PARK; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)
- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO STATE LEGISLATIVE SERVICES; RATIFYING AND APPROVING AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$3,500 PER MONTH FOR A ONE YEAR PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander asked if there would be a motion for approval on Items 6A, D, E, G, and J. Councilman Schaffer moved to approve. Seconded by Councilwoman Cunningham. All voted in favor. The consent items (listed) passed unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

Manager Williams introduced Major Truitt, Policing Unit Commander

- A. Village Police Commander Report: Commander Truitt provided a report concerning recent activity within the Village. Councilwoman Siegel Lara requested information concerning crimes specifically occurring within Village parks. Commander Truitt advised that he had the information, noting that last year there were some cell phone thefts, which had been curtailed through several arrests. Councilman Schaffer asked the status of armed robberies throughout the Village. Commander Truitt advised that there were four robberies at the beginning of last year in the south end commercial area of the village.

Councilwoman Cunningham thanked Commander Truitt and announced that she would be hosting a Crime Watch Town Hall meeting shortly.

Manager Williams advised that the Council is invited to take part in the Martin Luther King, Jr. Parade, which is scheduled for Saturday, January 17th at 9:30 am. He announced that repairs are being done to the traffic circle at 82 and 160 Street due to a serious water main break that occurred on New Year's Day.

Clerk Alexander announced the calendar.

8. VILLAGE ATTORNEY'S REPORT

Attorney Lehtinen announced that he is waiting for the court order on the brief scheduling with regard to the fire station litigation. He noted that the Village had drafted a response.

Attorney Lehtinen reported that there is a Resolution to be added to the Agenda, which Vice Mayor DuBois had brought up and was previously discussed. He explained that the Resolution would be to consider appointing the Charter Revision Commission earlier to allow time for meetings.

Mayor Flinn suggested hearing the report from the Tree Advisory Board, then the matter of Mr. Levy's contract, and then the public hearing item. The Council concurred.

9. BOARD AND COMMITTEE REPORTS

Tree Advisory Board: Mr. Henry Clifford, Chair, came forward and reviewed the Board's purpose. He explained that they are working on a tree inventory. He raised the issue about Arbor Day, stating that the federal date in April is more appropriate than January. Mr. Clifford expressed that there should be a Council liaison to the Board. He noted that the Board would also need training in order to be able to use the data gathered.

Vice Mayor DuBois and Councilwoman Cunningham thanked Mr. Clifford for his service.

Mayor Flinn remarked that he is going to be seeking reports regularly from the Committees and hopes that Council will be active. He noted that the Tree Board needs one member and Council should offer to assist with recruitment.

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO STATE LEGISLATIVE SERVICES; RATIFYING AND APPROVING AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$3,500 PER MONTH FOR A ONE YEAR PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved this item forward. Seconded by Vice Mayor DuBois.

Councilwoman Cunningham thanked the firm for their service.

Councilwoman Siegel Lara questioned if there was a conflict with regard to one of the firms providing a campaign donation. Mayor Flinn opined that it would only be pertinent to a winning candidate. Attorney

Lehtinen reported that the contribution was from a woman who was thought to be married to the lobbyist; however, in fact, they were divorced. He stated that as the contribution came from a firm controlled by a former spouse, not by the entity or the lobbyist, he did not deem that the complaint, such as it was, met a probable cause standard.

Mayor Flinn called the question. The resolution passed unanimously (5-0.)

Councilman Schaffer moved to consider the public hearing item as the next item. Councilwoman Siegel Lara seconded. All voted in favor.

ORDINANCES FOR FIRST READING

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 THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES, CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTE; TOGETHER WITH OTHER AMENDMENTS THERETO; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (PUBLIC HEARING REQUIRED)

Vice Mayor DuBois moved the item forward. Seconded by Councilman Schaffer.

Manager Williams advised that the matter was discussed at the last Committee of the Whole meeting. Director Darby Delsalle and Kelley Klepper of Kimley Horn were present. Director Delsalle provided history of the matter. He explained that the plan was originally heard in July of 2014, passed and transmitted to Department of Economic Opportunity, who had requested a coastal high hazard area map.

Mayor Flinn opened the public hearing. No one wished to be heard. Mayor Flinn closed the public hearing.

Mayor Flinn called the question. All voted in favor, following roll call vote. The matter passed unanimously (5-0).

11. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC NOTICE; AMENDING RESOLUTION 2014-20, FURTHER DIRECTING THE VILLAGE CLERK TO PROVIDE NOTICE TO ALL COUNCIL OF

ALL PUBLIC/SUNSHINE MEETING; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois.)

Vice Mayor DuBois moved this matter forward. Seconded by Councilwoman Cunningham.

Councilwoman Cunningham thanked the Clerk for all of the notices on public meetings, adding that calendar invitations are particularly helpful. She stated that she had had a concern when there was a sunshine meeting of which she was not made aware. She expressed her support for the resolution.

Vice Mayor DuBois stated that the original resolution was to address shortcomings in the sunshine law in order to meet the current technology. He noted that while minimal noticing, such as posting at Village hall complies with State law, people normally visit the website for notices. He stated that it would serve the Council well to provide the Council with email notifications, as well as other requirements listed in the resolution.

All voted in favor of the Resolution. The matter passed unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT UNDER THE FY 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR \$4,666 FOR RESISTING AGGRESSION DEFENSIVELY (RADKIDS) PERSONAL EMPOWERMENT AND SAFETY EDUCATION PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE GRANT APPLICATION AND OTHER RELATED DOCUMENTS ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Cunningham.

Councilwoman Cunningham thanked Commander Truitt and Officer Judge for bringing high quality programs to the Village schools.

Vice Mayor DuBois remarked on a procedural matter that he would like to direct the Clerk to include all sponsors – or list staff – for all items on the Agenda. The Council concurred.

All voted in favor of the Resolution. The matter passed unanimously (5-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACT

NO. 000030 SIDEWALK IMPROVEMENTS; AUTHORIZING METRO EXPRESS, INC., TO CONTINUE PROVIDING SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$69,900; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Cunningham.

Councilwoman Cunningham stated that she has asked for this item to be removed from Consent as she was concerned with the dollar amount. She noted that she could not find the Bicycle and Pedestrian Master Plan on line, but she was interested in knowing whether the improvements correlate with the master plan.

Manager Williams stated that they do. He stated that there is an ongoing sidewalk repair plan; however, no direct funding was attached to the bicycle/pedestrian master plan.

Councilwoman Cunningham asked if the proposed Resolution correlates with bus routes. Public Works Director Corrice Patterson noted that many of the upgrades will be performed on the major half-section line roadways and many were suggested by Mr. Tullberg. She stated that the IBus is included because riders are permitted to bring their bicycles on the IBus.

Councilwoman Siegel Lara asked where the Village currently is as far as the target goal for sidewalks. She clarified that she was seeking information as to how much this project accomplishes; moving toward maintenance, rather than repair.

Director Patterson stated that she would provide a percentage to the Councilwoman to answer this question. Councilwoman Siegel Lara asked is the Director is satisfied that hazardous sidewalks are managed. Director Patterson answered affirmatively.

Manager Williams remarked that this item will also assist with ADA compliance, as each repair may trigger an ADA compliance installation.

Councilwoman Siegel Lara asked if there is a maintenance inventory plan. Manager Williams stated that there has been a plan from the Village's inception.

Vice Mayor DuBois asked why there were only two bidders for a \$70,000 contract.

Manager Williams and Director Patterson provided information concerning the formal bid conducted and stated they were satisfied that the vendor selection is appropriate.

All voted in favor of the Resolution. The matter passed unanimously (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) UNDER THE FEDERAL FISCAL YEAR 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – FLORIDA JAG DIRECT FOR GRANT FUNDING IN THE AMOUNT OF \$5,220 FOR THE DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE GRANT APPLICATION AND OTHER RELATED DOCUMENTS ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Cunningham.

Councilwoman Cunningham thanked Officers Judge and Glasko for their hard work with this program.

All voted in favor of the Resolution. The matter passed unanimously (5-0.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REPEALING RESOLUTION 2011-24; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Cunningham.

Councilwoman Cunningham asked for explanation concerning the purpose of repealing the Resolution.

Mayor Flinn asked Manager Williams how many projects have moved forward since 2011-24 was passed. Manager Williams replied that none had moved forward. Mayor Flinn stated that the current resolution was the reason why no items were presented. He stated that the Village performs studies, budgets the items, has a capital program, and notices the public before performing these types of projects and it is incorrect to state that there was no notice to the public.

Mayor Flinn stated that traffic mitigation is a number one priority and the village provides notice concerning all capital projects.

Councilman Schaffer remarked that he had spoken to a resident who was unable to resolve their traffic problem due to this resolution.

All voted in favor of the Resolution. The matter passed unanimously (5-0.)

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; SUPPORTING THE 2015 LEGISLATIVE PROGRAM OF THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham.)

Councilwoman Cunningham asked the Council if they wish to consider deferring this item to the February, 2015 meeting, as School Board staff was unable to be present.

Mayor Flinn suggested the Education Advisory Committee review the Legislative Agenda and the Council discuss at a Committee of the Whole. Councilwoman Cunningham concurred.

Discussion ensued. The Council's consensus was to place the item on the January Committee of the Whole meeting and then place it on the Agenda for February.

Councilwoman Cunningham moved to defer final vote until February and place the item on the Committee of the Whole meeting. Seconded by Councilwoman Siegel Lara. All voted in favor. The resolution passed unanimously (5-0.)

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSION ("BCC") FOR A PUBLIC INFRASTRUCTURE PROJECT IN THE FUTURE PALMETTO BAY DOWNTOWN; URGING THE BCC TO ALLOCATE ALL AVAILABLE FUNDING FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND TO THE VILLAGE GRANT; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Siegel Lara.

Manager Williams advised that, under Council's direction, staff had met with the County concerning the Parkside project and discovered that the Village has the opportunity to apply for this grant and have the funds come to our village.

Director of Building and Capital Projects Ed Silva explained the modifications to the Resolution, to more accurately reflect that the Village would be apply for the grant. He stated that the Village will be seeking dollars for much needed infrastructure, which will help the Parkside Project, but will serve a larger public purpose, including the multi-modal structure at Village Hall.

Manager Williams stated that during discussions with the County Commissioner's office, it was clear that the staff and Commissioner Levine-Cava feel that they want to work with the village, a public entity, to accomplish a broader sense to improve this community.

Mr. Silva stated that the Sections should read, as follows:

Section 1. The Village Manager is hereby authorized to submit a grant application to the Miami-Dade County Board of County Commission for a public infrastructure project in the future Palmetto Bay downtown on Village-owned right-of-ways and property.

Section 2. The Board of County Commission is urged to allocate all available funding from the Building Better Communities General Obligation Bond project to the Village project.

Vice Mayor DuBois asked that when the reference to a "developer" is mentioned, is Mr. Silva referring to Wayne Rosen. Mr. Silva replied that he was.

Vice Mayor DuBois remarked that there would be a benefit to Mr. Rosen's development, as a use agreement may be entered into between the Village and Mr. Rosen for use of Village's infrastructure.

Vice Mayor DuBois asked which Commissioners that the staff had met. Manager Williams stated that Commissioners Diaz and Levine-Cava met with staff.

Vice Mayor DuBois asked if it necessary for staff to get the support from the other seven County Commissioners. Manager Williams stated that additional support is always helpful.

Vice Mayor DuBois asked if the infrastructure would be under the control of the Village, not part of any deal with any developer. Mr. Silva responded affirmatively.

Mayor Flinn asked if the infrastructure affects other properties. Manager Williams stated that the "spines" are there, but water laterals are needed. Mr. Silva concurred, stating that larger lines will be installed along Franjo Road.

Councilwoman Siegel Lara reiterated that while the project may benefit the developer, all of the infrastructure outside of property will benefit the entire Village. Mr. Silva concurred.

Councilman Schaffer thanked staff for their work on this matter.

Vice Mayor DuBois stated that, in the past, he, Councilman Schaffer, and Councilman Fiore were asked to write letters to the commission in support of the Parkside project; however, he believes it is much better for the Village to be the applicant. Following brief comment, Vice Mayor DuBois remarked that he wants to be clear that if there is benefit beyond the property of the developer that will assist the village, and the Village enters into a use agreement with the developer, the Village should disclose this.

Councilwoman Cunningham stated that she, too, is more comfortable having the applicant be the Village, rather than a private entity. She stated that she would like a report on the downtown redevelopment project and possibly re-structure the downtown redevelopment task force.

Mayor Flinn called the question. All voted in favor. The Resolution, as modified, passed unanimously.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACT NO. 000024 ROADWAY RESURFACING AND STRIPING; AUTHORIZING H & J ASPHALT, INC., TO CONTINUE PROVIDING ROADWAY RESURFACING AND STRIPING IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$300,000.00 IN FY 2014-15; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved this item forward. Seconded by Vice Mayor DuBois.

Director Patterson provided staff report. She noted that in April of 2011, Council had authorized H&J a three-year contract, with another 12-month extension; this will be the final year for this vendor. She stated that this matter is budgeted and they have been satisfied with past performance by this company.

Vice Mayor DuBois asked if the current contract was a "piggy-back" with the County. Director Patterson responded that the Village had performed its own Invitation to Bid in 2011 and while the County does use this vendor, this is the Village's contract.

Vice Mayor DuBois stated that he would like to competitively bid this matter, as it is not a "piggy-back" contract. Manager Williams stated that the Village has used this vendor for many years.

Councilwoman Siegel Lara asked how the Village determines whether paving is necessary. Director Patterson explained that the Village has a seven-year plan based upon \$4,000,000 to resurface all the roadways within the Village, with the roads being prioritized, color-coded and phased over the years. Councilwoman Siegel Lara opined that this is a substantial project and asked if the Village is investing in a project that is not necessary at this time. She also stated that there may be a lower rate for a new contract, rather than a 2011 contract.

Attorney Lehtinen asked the Council to consider voting to extend the meeting past midnight. Councilwoman Siegel Lara moved to extend the meeting to 12:30 am. Seconded by Councilwoman Cunningham. The motion passed (4-1, Vice Mayor DuBois opposing.)

Manager Williams explained that at the time of the original analysis, each foot of pavement was analyzed with the commitment to re-pave the entire village. He stated that paved streets are a long term benefit to the community.

Councilwoman Cunningham concurred; however, she stated that \$300,000 is considerable and wonders if the matter should be re-bid.

Vice Mayor DuBois asked the cost per unit. Director Patterson advised that the cost is \$100-\$110 per ton, including valve lifting and striping. Vice Mayor DuBois stated that petroleum prices have fallen by 50% since 2011; therefore, asphalt prices would naturally be significantly less. He and the Village Manager disagreed concerning the price of oil. Manager Williams stated that the Council may defer the matter, as there is no urgency. Vice Mayor DuBois read from his computer that the price per barrel in 2011 is \$90, \$50 today.

Councilman Schaffer moved to defer the matter to the March meeting. Seconded by Councilwoman Cunningham. All voted in favor. The motion carried (5-0.)

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADMINISTRATION; DIRECTING THE VILLAGE MANAGER TO DEVELOP THE CRITERIA FOR DEVELOPMENT OF A FIVE-YEAR

STRATEGIC PLAN; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham)

Councilwoman Cunningham moved this matter forward. Seconded by Councilwoman Siegel Lara.

Councilwoman Cunningham explained that she would like to move forward with her five year strategic plan. Councilwoman Siegel Lara asked for clarification concerning the wording of the resolution.

Councilwoman Cunningham stated that she would like the criteria for a process to commence. She explained that she wishes to begin an outline for a vision for the Village, a "road map for our future."

Councilwoman Siegel Lara asked what the first steps would be: outline the method, process, and procedures as to how we will go forward. She stated that she believes there are two different ways to begin this plan: consider a consultant to bring a procedure to the Council; or look to develop the procedure and have a consultant follow it.

Councilwoman Cunningham stated that Key Biscayne had used the Metropolitan Planning Organization at FIU and she is also interested in seeing whether any Village contractors from the previous Request for Qualifications for Professional Services could come forward to assist. Councilwoman Siegel Lara stated that she would like to be involved with the definition of the process.

Councilman Schaffer believes that the Council should develop the vision based upon input of the residents.

Councilwoman Siegel Lara offered to meet with Councilwoman Cunningham and staff to provide a report back to the Council that provides standard approaches. She added that a third party would be needed for surveying and facilitation.

Mayor Flinn stated that each agenda should include an update on the status of this Strategic Plan.

Vice Mayor DuBois suggested that Councilwoman Cunningham seek a template from another city, and incorporate the aspects of the Capital Improvements Element/Capital Improvements Plan and the downtown redevelopment task force reports for a starting point.

Attorney Lehtinen suggested that the Council vote to extend the meeting. Vice Mayor DuBois moved to extend 15 minutes (to 12:45 am). Seconded by Councilman Schaffer. All voted in favor.

Following brief comment, the consensus was to discuss the matter further at the next Committee of the Whole meeting.

Councilwoman Siegel Lara moved to amend Section 1 to state "outline the process". She remarked that stakeholder involvement must be clearly defined, as well. She read the sentence, "The Village manager is directed to outline a proposal of the process to begin the development of a Strategic Plan." Seconded by Councilwoman Cunningham. All in favor. The Resolution passed unanimously (5-0.)

Attorney Lehtinen asked the Council to consider adding the item presented to the Agenda. Councilman Schaffer moved to add the item. Seconded by Councilwoman Siegel Lara. The following Resolution was added:

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ARTICLE VI, SECTION 6.2 OF THE VILLAGE CHARTER, CHARTER REVISIONS; PROVIDING A DATE BY WHICH THE VILLAGE COUNCIL SHALL APPOINT MEMBERS TO THE CHARTER REVISION COMMISSION; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois)

Vice Mayor DuBois explained that this matter was discussed and the policy would be to appoint members earlier in order to allow sufficient time to properly review the Charter. He stated that waiting until the end of the year strains the Commission's ability to work on the document. Attorney Lehtinen concurred.

Clerk Alexander clarified that the language contained in the Resolution is directly from the Charter.

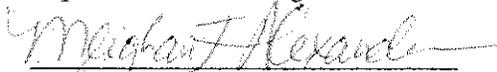
Mayor Flinn called the question. All voted in favor. The resolution passed unanimously (5-0.)

12. **RESOLUTIONS REQUIRING PUBLIC HEARING:** None.
13. **ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None.
14. **OTHER BUSINESS**
 - A. Discussion concerning Village Manager contract (*Meeting adjourned before discussion could be held.*)
15. **COUNCIL COMMENTS**

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 12:45 am.

Prepared and submitted by:



*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this 2nd day of February, 2015.



Eugene Flinn, 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.