

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of February 3, 2014
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Shelley Stanczyk
Vice Mayor John DuBois
Council Member Patrick Fiore
Council Member Tim Schaffer
Council Member Joan Lindsay

Staff present:
Village Manager Ron E. Williams
Interim Village Attorney John DuBois
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:20 p.m. She led the pledge of allegiance.

- 2. DECORUM STATEMENT:** Clerk Alexander read the following decorum statement: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Village of Palmetto Bay Council shall be barred from further audience at this meeting before the Village of Palmetto Bay Council by the presiding officer, unless permission to continue or again address the council be granted by the majority vote of the council members.

- 3. PROCLAMATIONS, AWARDS, PRESENTATIONS:** None at this time.

4. APPROVAL OF MINUTES

- A. Minutes of the Local Planning Agency Meeting of January 6, 2014
- B. Minutes of the Regular Council Meeting of January 6, 2014

Councilman Schaffer moved to approve the Minutes, as submitted. Seconded by Councilman Fiore. All voted in favor (5-0.) The Minutes were approved unanimously.

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Gary Pastorella, 6940 SW 142 Terrace; David Singer, 8360 SW 154 Terrace; and Victor Vincent, 14725 SW 79 Court.

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 GRAYROBINSON, P.A. IN THE AMOUNT OF \$17,943.40; PROVIDING AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A 36-MONTH LEASE AGREEMENT WITH RICOH FOR FOUR PHOTOCOPIERS FROM RICOH, USA, INC., THROUGH MIAMI-DADE COUNTY SCHOOL BOARD CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE COMMITTEE OF THE WHOLE WORKSHOP DATES FOR THE YEAR 2014; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk.)

Attorney Herin noted that the Resolution approving Attorneys' Fees should be revised, as the correct amount is \$14,483.90.

Councilman Schaffer moved to approve the amended Consent Agenda, as submitted. Seconded by Councilwoman Lindsay. All voted in favor. The Resolutions passed unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report: Major Gregory Truitt provided a police update. He noted that while the Village has recently had an increase in both strong and armed robberies, the Robbery Division has been working actively to stop this trend. He stated that burglaries are up, as well, and he asked the residents to be vigilant and report suspicious activity.

Mayor Stanczyk thanked Commander Truitt and his officers for their recent service.

Manager Williams stated that his administration has been meeting with Miami-Dade Police Department (MDPD) representatives concerning the Village's contract with MDPD. He stated that staff intends to get the contract to the Village Attorney and the Council in March.

Finance Director Desmond Chin was recognized and offered the First Quarter FY14 Budget to Actuals report. He noted that Village collected \$5.6 million in revenues, which is 39.5% of the budget. He stated that operating budget is currently \$2.8 million or 20.13% of the budget, resulting in a surplus of \$2.7

million. Director Chin reported that all budgeted revenues are expected and, if the departments continue their reductions, the Village could experience \$600,000 in savings. He stated that the Building Department is trending at 40% of revenues and 20.84% of expenditures, resulting in a 1st quarter surplus of \$156,200.

Vice Mayor DuBois observed that as due to the receipt of a large percentage of ad valorem taxes this year, he asked if the overall tax revenue would be significantly lower.

Director Chin replied that the budget contains a 5% reduction, taking that into consideration.

Manager Williams passed along the expression of gratitude from Palmetto High School for the Village's cooperation with its baseball program.

Mayor Stanczyk thanked all for their participation in the game this past Saturday. She congratulated staff on the park's appearance.

Councilwoman Lindsay thanked Director Fanny Carmona-Gonzalez and her staff and remarked that she is looking forward to continuing the beautification of Palmetto Bay Park.

Councilman Schaffer noted that the Village's fields are some of the finest fields in the County. He stated that he is looking forward to the March 1st picnic, as a ball game is played there as well.

Mayor Stanczyk remarked that recently a gentleman visited her to thank the Village for the park staff's assistance. He was having some negative side effects from medication he took and the park's staff offered assistance, including a worker who is a fireman and was able to administer first aid.

Clerk Alexander provided an update of the calendar. She reminded the Council that the March 19th workshop will be for village attorney interviews, beginning at 6 pm.

8. VILLAGE ATTORNEY'S REPORT

A. January, 2014 Report: Attorney Herin advised that his written report was available for review.

9. BOARD AND COMMITTEE 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 PARKS AND RECREATION; APPROVING THE VILLAGE MANAGER'S RECOMMENDATION OF LEED CONSTRUCTION GROUP, LLC. IN PROVIDING SPECIFIED SERVICES FOR THE CORAL REEF PARK AND PALMETTO BAY PARK BATTING CAGE(S) PROJECT; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SERVICES UNDER BID-1314-12-002 WITH LEED CONSTRUCTION GROUP, LLC., FOR THE CORAL REEF PARK AND PALMETTO BAY PARK BATTING CAGE(S) PROJECT AT A COST OF \$239,436.00; PROVIDING AN EFFECTIVE DATE.

Councilman Tim Schaffer moved this item forward. Seconded by Councilwoman Joan Lindsay.

Parks and Recreation Director Carmona-Gonzalez provided staff report.

Manager Williams advised that Director Ed Silva, as Capital Projects Manager, had worked with the Parks and Recreation Director to draft the specifications and the recommendations. He noted that the batting cage at Coral Reef Park is partially on school property and will be relocated.

Councilman Tim Schaffer remarked that the amount proposed is \$59,000 more than the budgeted amount.

Director Carmona-Gonzalez stated that two years ago, staff felt \$180,000 was an appropriate amount to budget; however, when the first bids were received, a bid of \$198,000 was withdrawn because the vendor realized they had under-bid.

Manager Williams explained that the difference will be made up through cost savings from other parks projects.

Councilman Tim Schaffer asked if the existing foundation can be used. Director Carmona-Gonzalez replied that there is no existing foundation.

Vice Mayor John DuBois asked if the storage facilities were to be constructed from cinder block. Director Carmona-Gonzalez replied they were.

Vice Mayor John DuBois asked why there is so large of a difference between the bids. Director Carmona-Gonzalez replied that she was unsure, as the specifications were very clear.

Councilman Tim Schaffer asked for the square footage of the structures. Director Carmona replied that each had 520 feet of storage - 12 feet high; 14 feet in width.

Vice Mayor John DuBois asked the type of roof. Director Carmona-Gonzalez explained it was concrete.

Councilman Patrick Fiore remarked that the batting are in bad shape; however, he finds the cost excessive and suggested re-bidding.

Following brief comment, Councilwoman Joan Lindsay stated that she believes the facilities have been closed as they are unsafe and un-usable. Director Carmona-Gonzalez concurred.

Councilwoman Joan Lindsay asked the estimated life expectancy of the cages. Director Carmona-Gonzalez replied that she was unsure.

Manager Williams stated that the project had been bid twice; and, these are highly used facilities. He stated that storage is necessary for the coaches and staff.

Councilman Tim Schaffer moved to approve the resolution. Seconded by Vice Mayor John DuBois. The motion passed (4 to 1, Councilman Patrick Fiore being opposed.)

11. **RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.
12. **ORDINANCES FOR FIRST READING:** None at this time.
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 ELECTIONS; REVISING SECTION 10-11, CODE OF ORDINANCES OF THE VILLAGE OF PALMETTO BAY, FLORIDA TO MODIFY THE COMPOSITION OF THE VILLAGE OF PALMETTO BAY CANVASSING BOARD; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Joan Lindsay moved this item forward. Seconded by Councilman Tim Schaffer.

Clerk Alexander provided staff report.

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

Councilwoman Joan Lindsay moved to adopt the proposed Ordinance. Seconded by Councilman Tim Schaffer. The Ordinance was adopted unanimously (5-0) following roll call vote.

14. OTHER BUSINESS

Vice Mayor John DuBois raised the issue concerning the professional services request for qualifications. He stated that he had spoken with the Manager during the break between meetings and concurs that, as there had been five bidders on the short-list for each profession, that the bidder list could be expanded from three to five. He moved to increase the bidder list from three to five. Seconded by Councilman Patrick Fiore.

Councilwoman Joan Lindsay expressed her concern that the three firms were selected based upon experience and adding more may result in the Village utilizing less experienced firms. She stated that she is not opposed to five; however, she is concerned as the process selected the top three.

Manager Williams explained that the ranking was done was based upon the qualifications and experience of the firms. He stated that if the Council wishes to expand the selection, five may be the least onerous amount, since five firms had been short-listed prior to final selection.

Vice Mayor DuBois remarked that even if rates are stated, if staff knows the five firms are qualified, each firm could bid on the individual projects.

Attorney Herin advised that the State law mandates that there shall be no fewer than three firms selected based upon past performance, experience, work load, and other criteria. He reported that, under the law, the selection may not be based exclusively upon cost.

Councilwoman Joan Lindsay asked what the additional process would cost. Manager Williams stated that the only additional cost would be the generation of a contract by the Village Attorney.

Councilwoman Joan Lindsay asked if all firms would bid on a particular project. Manager Williams stated that proposals are submitted. Attorney Herin added that the selection is based upon the totality of the criteria, not based upon cost.

Manager Williams stated that the contracts would be developed, assuming that the other firms are interested. Vice Mayor John DuBois stated that he understood. All voted in favor of the previous motion (5-0.)

15. COUNCIL COMMENTS

Councilman Schaffer commented concerning the scheduling of the January 23rd Special Council meeting. He expressed his disappointment with the Council holding a meeting wherein all five members were unable to attend.

Attorney Herin cautioned the Council to follow the rules of decorum.

Vice Mayor John DuBois thanked Mr. Henry Clifford and members of the Tree Committee for raising the project of the Million Orchid Initiative. He stated that he had met with the executive director of Fairchild Tropical Gardens concerning the matter and was happy to see that the Tree Committee is investigating this project.

Mayor Stanczyk echoed the Vice Mayor's sentiment.

Mayor Shelley Stanczyk responded to Councilman Schaffer's comment, stating that meetings throughout the County are held without a full complement quorum and the Council went forward with the previously scheduled meeting.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 8:40 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 3rd day of March, 2014.


Shelley Stanczyk, Mayor

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