

VILLAGE COUNCIL MEETING MINUTES
Minutes of the Regular Council Meeting of Monday, July 13, 2015
Village Hall Chambers
9705 E. 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 Edward Silva
Village Attorney Dexter W. Lehtinen
Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 7:10 p.m. Mayor Flinn asked Commander Gregory Truitt to come forward. He asked the Council to join him in a moment of silence in memory of Detective Bennie Rawley who passed away. Commander Truitt expressed the Police Department's heartfelt sadness at losing such an outstanding officer and friend. He asked the Council to keep Detective Rawley's family in their prayers.

Commander Truitt led the pledge of allegiance. Councilman Schaffer added his sympathy and encouraged all to remember the dedication of police officers and be appreciative for all they do.

- 2. DECORUM STATEMENT:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Legislative Update from Michael Bileca, Florida House of Representatives: Councilwoman Cunningham advised that Representative Bileca was unable to attend.
- B. Miami-Dade County Fire Rescue Chief Dave Downey-update: Chief Downey provided an update regarding the Fire Department.

Vice Mayor DuBois thanked Chief Downey him for coming to the Village and for the great service.

C. Commissioner Levine Cava and representatives from Miami-Dade County Water & Sewer Authority

Commissioner Daniella Levine Cava thanked Mayor Flinn. She introduced the Director of Miami-Dade County Water & Sewer Authority (WASA) and remarked that while she had to leave the meeting, she is pleased to be working with the Village on these upcoming projects.

Director Lester Sola of Miami-Dade WASA provided a report concerning the Authority's service to the Village and the County. He noted that over \$13 billion in improvements has been planned over the next 20 years, amounting to more than 16,000 new jobs to support the capital improvements, which, in turn, stimulates the economy. He offered to visit any Village "outreach events" and speak to residents.

Vice Mayor DuBois asked if federal funds will subsidize the \$13 billion in capital improvements. Director Sola stated that some state funds would be provided.

Mayor Flinn asked if the new projects would "fill in the gaps" of the projects of the past. Director Sola stated that approximately \$50 million has been spent in improvements in this area. He noted that with regard to extending sewer to the commercial corridor, the Authority has some restrictions with regard to the bonding requirements, as the service in the commercial area would extend to non-rate payers. He explained that funding is difficult, it must be paid by the rates. Director Sola stated that GOB monies may have to be used with these types of projects, or special taxing district funds.

Director Sola introduced his staff, noting that their number one priority is customer service and maintaining the quality of water.

Commissioner Levine Cava thanked the Council and announced a County Budget 101 training event with Jennifer Glazer Moon (in her office) on July 22 and also announced an event at Port of Miami on July 22 for "Homes for all Pets."

4. APPROVAL OF MINUTES

A. Minutes of the Regular Council Meeting of June 1, 2015: Councilwoman Siegel Lara moved to approve. Seconded by Councilman Schaffer. All voted in favor.

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Peter England, 7620 SW 171 Street; Robert Mazelli, 17140 SW 86 Avenue; Larry McDonald, 14520 SW 79 Avenue; Gail Weber, 15410 SW 78 Court; and, Chris Faiella, 16745 SW 74 Avenue.

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 LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$10,186.00; AND PROVIDING AN EFFECTIVE DATE. (Village Attorney)
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO LAWN AND MAINTENANCE SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXERCISE THE SECOND EXTENSION CLAUSE OF THE CONTRACT WITH E. RODRIGUEZ LANDSCAPING, INC., FOR A ONE (1) YEAR PERIOD; AND PROVIDING AN EFFECTIVE DATE. (Administration)
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC PLACES (AIPP) BOARD, REAPPOINTING ONE MEMBER TO THE VILLAGE OF PALMETTO BAY'S AIPP BOARD; AND PROVIDING AN EFFECTIVE DATE. (Administration)
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TRAFFIC CALMING; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER TO STALKER RADAR APPLIED CONCEPTS INC. FOR THE PURCHASE OF ONE (1) MOBILE SPEED AWARENESS MONITOR (SAM) TRAFFIC TRAILER AND RELATED EQUIPMENT IN THE AMOUNT OF \$8,521.00; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

Vice Mayor DuBois moved to approve the Consent Agenda. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution passed unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report – update of traffic citations and accident locations: Commander Truitt introduced Sergeant Dennis Fernandez, a new sergeant for the General Investigations Unit. Sergeant Fernandez thanked the Council and explained his qualifications. Commander Truitt provided an update.

Councilwoman Siegel Lara remarked that there is a public perception that speeding is a problem in Palmetto Bay. She asked what could be done. Commander Truitt noted that Palmetto Bay has had over 300 accident reports written to date; however, most of the accidents are due to rear end collisions, which are normally low impact, and most accidents occur on US-1.

Mayor Flinn asked which streets in Palmetto Bay would be considered the most dangerous. Commander Truitt stated that he is not sure; however, 136 Street and 152 Street are busy and have shared jurisdiction with multiple agencies. He noted that most accidents are caused by distracted drivers.

Councilwoman Siegel Lara asked how many accidents occurred within the residential street, removing US-1 from the statistics. Commander Truitt stated that very few occur within the neighbors; most in the neighborhoods occur at traffic signals.

Councilwoman Siegel Lara asked for a map of where accidents are occurring. Councilwoman Cunningham stated that she would like information as to how Palmetto Bay compares to Pinecrest and Cutler Bay.

Councilwoman Cunningham stated that a permanent speed indicator should be installed on 144 Street, as many are not aware that the speed limit is 30 mph.

Following brief discussion, Mayor Flinn asked if there would be any modification in Palmetto Bay with regard to the civil citation for marijuana possession, as is occurring in Miami Beach and Miami-Dade County. Commander Truitt stated that officers are permitted to use their discretion.

Commander Truitt advised the Council of the services for Detective Rawley.

- B. Strategic Plan selection of vendor/update: Manager Silva provided an update concerning this process. He noted that five proposals were received at the bid opening of July 6. He asked the Council to review the proposals and rank the candidates for oral presentation.

Following comments, Mayor Flinn called a meeting for August 18, 2015 at 7 pm. Councilwoman Siegel Lara asked the Council to provide their ranking to staff by July 24th.

- C. Visioning/Legislative Agenda Workshop in August for the Council: Manager Silva announced that on Saturday, August 22, at Thalatta Estate, the Council will be meeting from 9 am to noon to develop a list of priorities for the legislative agenda and to discuss short/mid/long term goals.

Councilwoman Cunningham asked if the Village's lobbyists would be attending. Manager Silva confirmed that they would be present.

Following brief comment, the session was extended to 3 pm to allow for sufficient discussion.

- D. Perrine School Traffic Initiative: Manager Silva stated that he had met with different agencies at the school and discussed several initiatives. He stated that some of the complaints heard include the east bound turn signal at SW 168 Street and SW 82 Avenue is too short, forcing traffic to back into the traffic circle at 87 Avenue. He advised that the County will re-visit the matter when school is back in session. Manager Silva stated that staff had asked the school board for an extension of the bus drop off to allow room for buses and parent drop off, as well, noting that the Village offered to extend the pavement. He stated that the School Board met on July 2 and decided they did not want to use the front area, rather, they are going to re-stripe the driveway that leads to the back to allow for all drop offs, including buses in the back of the school. He advised that the Village is investigating the landscaping on the south side of 168 Street, as the right of way is deteriorated, and will be installing no-parking signs and landscaping to assist with this area.

Councilman Schaffer expressed his concern and asked if the Education Advisory Board was part of this effort. Director Corrice Patterson of Public Works stated that they were not involved. Councilwoman Cunningham noted that the Advisory Board only makes suggestions to the Council.

Councilwoman Cunningham asked for explanation concerning the school not wishing to use the front area for busses. Director Patterson stated that directional signage was discussed; however, the school was concerned with pedestrian safety and chose not to utilize this area for busses.

Manager Silva stated that installing “no stopping” signs on the south side of SW 168 Street will prevent children from crossing without using a crosswalk.

- E. Bicycle Action Committee (Uniform): Director Fanny Carmona of Parks & Recreation presented a sample bicycle uniform and explained how the Bicycle Action Committee intends to raise money or get sponsors from the private sector and allow people to purchase the gear, with the funds in excess of profit coming back to Palmetto Bay.

Councilwoman Cunningham asked who is on the committee. Director Carmona stated that a gentleman has been working on this project since 2008 (County-wide with several cities.)

Mayor Flinn asked when they could be available. Director Carmona stated that they would begin the project when the Council approves. Mayor Flinn asked for the cost of the sponsorship before the Village promotes the initiative.

- F. Request for Proposal – Library Loan: Finance Director Desmond Chin reminded the Council that he had provided an analysis of the library loan. He

explained that the Florida League of Cities allows the Village to re-finance, which will result in savings in the low \$80,000's or up to \$190,000 through the life of the loan, depending on the financing. He stated that a 15-year re-financing was being considered in order to shorten the life of the loan. Director Chin explained that Florida League of Cities would issue a Request for Proposals and return with recommendations.

Following brief comment, Vice Mayor DuBois asked how many loans are due for re-financing. Director Chin noted that only the library loan is due; the Village Hall loan would not be able to be re-financed until 2020.

- G. Request for Proposal – Village website services and maintenance: Manager Silva reported that a Request for Proposals would be issued on July 20th.
- H. Building Permit Measurables: Manager Silva explained that staff continues tracking the services, department by department.
- I. IBus Update: Manager Silva advised that there have been over \$27,000 in repairs done to the vehicles over the past six months and, currently, only one bus is operating.
- J. Survey from Independence Day Results: Manager Silva stated that the survey results from the event are on the website.
- K. CRS Rating update: Director Patterson advised that staff continues its efforts on the Community Rating System, which effort began in 2012. She advised that FEMA assessed building permits, reviewed flood management practices, and performed a field visit. She stated that FEMA's report came back with ten matters that needed to be addressed and returned the response to FEMA, who indicated more information was needed. Director Patterson reported that four outstanding items, including elevation certificates and staff has until August 31st to provide the third response.

Councilwoman Cunningham asked for further details on the 4th of July survey, including number of residents who responded.

- L. Calendar update (Village Clerk): Clerk Alexander provided a calendar update.
8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen advised that he has been attending the Charter Revision Commission meetings. He also noted that with regard to the residents' lawsuit against the Fire Department, there is a settlement being discussed, but the litigation is ongoing. He reported that as settlement has been proffered, the Village has scheduled depositions of the Plaintiff, who subsequently filed a motion for protective order.

Councilman Schaffer expressed his disappointment with a few residents delaying a life-saving facility. Attorney Lehtinen stated that the temporary fire station that was approved by Council will insure that life-safety is not delayed.

9. BOARD AND COMMITTEE REPORTS: The following documents were provided to the Council, in lieu of verbal reports:

- A. Tree Advisory Board– approved Minutes from Meeting of April 9, 2015
- B. Education Advisory Board – approved Minutes from Meeting of April 1, 2015
 - a. Education Legislative update – submitted by Nancy Lawther

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL/VILLAGE MANAGER EXPECTATIONS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Mayor Flinn suggested deferring this matter. Vice Mayor DuBois moved to defer to the September 8th Council meeting. Seconded by Councilwoman Cunningham. All voted in favor. The matter will be placed on the Agenda for September 8th.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; ESTABLISHING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIMES AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FISCAL YEAR 2015-2016; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Director Chin provided a brief report, noting that Council may reduce the millage rate, if desired; however, Manager Silva recommends setting the rate at the current rate of 2.447 mills at this time. He announced the Budget hearings for 2015-16: September 8th and 21st at 7 pm. He advised that the July assessment was received and properties were assessed at \$2.5 billion.

Vice Mayor DuBois moved to approve the Resolution, as drafted. Seconded by Councilman Schaffer. All voted in favor. The Resolution passed unanimously (5-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION FROM THE AIPP ADVISORY BOARD TO APPROVE THE PUBLIC ART WORK ENTITLED "THALATTA" AS DESIGNED BY MICHAEL MCLAUGHLIN, TO INSTALL PUBLIC ART AT THALATTA PARK, LOCATED AT 17301 OLD CUTLER ROAD; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATION TO PURCHASE THE PUBLIC ART WHICH SHALL BE PAID THROUGH THE ART-IN-PUBLIC PLACES FUND IN AN AMOUNT NOT TO EXCEED \$40,000; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

Vice Mayor DuBois moved to defer to the September 8th Council meeting. Seconded by Councilman Schaffer. The motion passed (4-1.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE DOWNTOWN REDEVELOPMENT INITIATIVE; RECEIVING THE LAND USE CAPACITY STUDY, AS PREPARED BY KIMLEY-HORN, FOR THOSE LANDS WITHIN THE STUDY AREA OF THE VILLAGE'S DOWNTOWN; AND PROVIDING AN EFFECTIVE DATE. (Administration)

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

Director of Planning & Zoning Darby Delsalle reported that the matter was deferred in the past and that an executive summary was provided. He asked the Council to pass the Resolution to simply receive the document.

Mayor Flinn confirmed that the Council will not be approving the report; rather, the acceptance closes work on this project. Attorney Lehtinen concurred.

All voted in favor of the Resolution (4-0, Councilwoman Cunningham briefly left the dais.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PURCHASE/INSTALLATION OF TEMPORARY SPEED HUMP DEVICES IN LOCAL RESIDENTIAL STREETS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE FUNDS IN AN AMOUNT NOT TO EXCEED \$30,000 FOR THE PURCHASE AND INSTALLATION OF TEMPORARY SPEED HUMPS; AND PROVIDING AN EFFECTIVE DATE. (Administration)

Councilman Schaffer moved this item forward. Councilwoman Siegel Lara seconded.

Director Patterson provided staff report.

Vice Mayor DuBois asked what method is in place to insure polling of the immediate neighbors will be performed prior to installing a device. Director Patterson advised that a petition requiring 75% approval is required and 100% approval is required for both sides of the street where the device is placed in front of a home. She added that the petition is for the entire block. She explained that the petition would be mailed to the residents.

Councilman Schaffer asked for further explanation concerning criteria for placement of the devices. Director Patterson stated that staff will consider recent traffic calming studies, and then look at the speed of traffic on the roadway, considering volume and accidents, as well.

Mayor Flinn asked how many devices are being considered. Director Patterson replied six. Following brief comment, she explained that the devices will be moved, based upon priority. She explained that the devices are not "tables"; rather, they are "speed cushions."

Councilwoman Siegel Lara asked if any resident can request the devices. Director Patterson replied affirmatively, noting that staff would decide the merit, with consultation from the Village's traffic engineer. Councilwoman Siegel Lara expressed her support, but wondered about durability. Director Patterson stated that the City of Miami Beach has these devices in use. Councilwoman Siegel Lara asked for a "flow chart" to explain the exact procedure as to how the resident requests and how a device is installed or rejected.

Councilwoman Siegel Lara asked the purpose of a public hearing. Director Patterson stated that the public hearing would be a workshop to explain the process to all.

Councilwoman Siegel Lara moved to include signage at all relevant intersection points, instead of conducting a public hearing. Seconded by Vice Mayor DuBois. All voted in favor. The motion carried (5-0.)

Following comment, the Clerk read the revised Section, as follows:

~~Upon completion of the required petition with 6775% of the Affected Households supporting the proposal, the applicant will submit the petition to the Village Clerk. The proposal will then be scheduled for a Public Hearing before the Village Council and all Affected Households will be notified by mail at least 10 days in advance of the Public Hearing and the general public shall be notified by posting and publication. After the Public Hearing the Village Council shall approve or deny the request~~

~~after reviewing all of the above evidence in the best interest of the public.~~ Street speed hump requests will be funded in the order received and approved, unless the Village Council determines that conditions on a particular street, as demonstrated by speed or accident statistics, require greater priority. Public notice will be made by the Village at all appropriate intersection. The decision will be made by the Village Manager and the Public Works Department.

A motion to approve the language and modify the Resolution was made by Councilwoman Siegel Lara. Seconded by Councilwoman Cunningham. All voted in favor (5-0.)

Following discussion concerning a property owner's objection to having a device placed directly in front of their home, Vice Mayor DuBois moved to include a new section III.g. as follows:

g. A speed bump will not be placed in front of the property boundaries of a homeowner who had objected.

Councilwoman Siegel Lara seconded the revision. All voted in favor (5-0.)

Mayor Flinn called the question to approve the Resolution, as amended. The Resolution was approved, as modified, unanimously (5-0.)

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE PARKS AND RECREATION; APPROVING THE VILLAGE MANAGER'S RECOMMENDATION OF MAGGOLC., INC. AS THE MOST RESPONSIVE BIDDER IN PROVIDING SPECIFIED SERVICES FOR THE CORAL REEF PARK ASPHALT TRAIL RENOVATIONS; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SERVICES UNDER BID 1415-12-005-3 WITH MAGGOLC, INC. FOR THE CORAL REEF PARK ASPHALT TRAIL RENOVATIONS AT A COST NOT TO EXCEED \$233,956.50 AND ALLOWING THE VILLAGE MANAGER TO FURTHER NEGOTIATION THE PRICE; AND PROVIDING AN EFFECTIVE DATE. (Administration)

Councilman Schaffer moved the item forward. Seconded by Councilwoman Siegel Lara.

Director Carmona provided staff report, stating that staff seeks approval. Manager Silva added that this matter is part of a recreational grant to repair the east side trails on the park sidewalk.

Mayor Flinn asked if enhancements are included. Manager Silva advised that all trails will be widened to eight feet. Director Carmon added that the trails will be

removed and re-installed, with tree dams to prevent the roots from lifting the sidewalk.

Councilwoman Cunningham expressed her support. She asked for explanation of the location. Director Carmona advised that the trails begin at the volleyball parking lot, east along SW 152 Street, ending at the parking lot of SW 77 Avenue.

Vice Mayor DuBois asked for explanation concerning the "cost not to exceed" language. Manager Silva explained that \$181,500 will be received from the Department of Environmental Protection; and, part of the grant was to improve access to a bathroom on the west side of the park. He noted that the Village is in the process of amending an agreement with the State and will be proposing a bathroom on the west side of the park in the future.

Mayor Flinn called the question to approve the Resolution. The Resolution was unanimously approved (5-0.)

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; APPROVING THE FIRST AMENDMENT TO THE RECREATIONAL TRAILS GRANT AGREEMENT NO. T1324, TO ALLOW FOR THE CONSTRUCTION OF A NEW RESTROOM FACILITY AT CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT AMENDMENT; AND PROVIDING AN EFFECTIVE DATE. (Administration)

Councilman Schaffer moved this item forward. Seconded by Councilwoman Siegel Lara.

Manager Silva explained that the matter was to revise a grant to allow for a location for a bathroom facility. He stated that staff will be providing further details in the future.

Mayor Flinn asked if this action would modify the parks master plan. Manager Silva replied that it would not, at this time. He clarified that the project would be a bathroom, extension of the line and utilities, and storage area.

Mayor Flinn called the question to approve the Resolution. The Resolution was unanimously approved (5-0.)

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT; TERMINATING THE VILLAGE OF PALMETTO BAY'S

PARTICIPATION IN THE INTERLOCAL AGREEMENT; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer)

Councilman Schaffer moved this item forward. Mayor Flinn seconded (passing the gavel to the Vice Mayor.)

Councilman Schaffer provided a brief history of the Village's relationship with YGreene. He expressed his disapproval of the Village promoting a private, for-profit company and their financial services. He opined that the public is not fully informed and does not understand how their property is affected, as the debt is primary to the mortgage. He stated that the materials provided by YGreene in marketing the program are misleading, such as stated that the program is 100%, zero out of pocket financing. He expressed that he is not comfortable with the Village continuing to participate in this program.

Attorney Lehtinen opined that it is concerning that a government would be soliciting individuals with the same type of solicitation that is used by private enterprise. He stated that the marketing illustrates that the actual operator is not the government district, but it is actually YGreene, a for-profit entity that is making money and is the administrator of the program.

Mayor Flinn remarked that the Legislator had passed the law. Attorney Lehtinen replied that he is not stating that the matter is unconstitutional. He noted that YGreene has marketed this program as an alternative private debt; however, a resident cannot pre-pay and will lose their home if unpaid. He stated that confusion is due to the promotional material coming from YGreene, a private entity that is acting with the authority of the government district. He stated that the marketing is not necessarily illicit in its intent; however, it is misleading that both of administrator of the government program is also marketing for its own private profit.

Councilwoman Cunningham asked if the intent was to remove the PACE aspect or terminate the agreement with YGreene.

Attorney Lehtinen stated that if the Council wished to act, this resolution would be effective ten days after the second reading of the Ordinance concerning the repeal of Chapter 17. He explained that the interlocal agreement allows each party to withdraw with ten days' notice, but the Resolution is only effective, if the Council removes the code.

Councilwoman Siegel Lara provided copies of the research that she had asked of the Clerk. She noted that the YGreene agreement is with the Town of Cutler Bay. She stated that she is concerned that the Village is endorsing this organization. She opined that the Village should stop all endorsement and put out its own bid to solicit a company like YGreene.

Mayor Flinn suggested that the Village needs to educate the public with regard to this matter.

Vice Mayor DuBois asked if the special taxing district or the interlocal agreement established exclusivity of the funding. Attorney Lehtinen stated that the Green Corridor Property Assessment District is the government agency. He explained that the Third Party Agreement stated that the District can bond through other sources. He added that the interlocal agreement with Cutler Bay allows termination of YGreene.

Vice Mayor DuBois asked the status of the loans, if Palmetto Bay repeals the Ordinance. Attorney Lehtinen replied that once the loans are completed, the government assessment remains. Vice Mayor DuBois stated that he would be in favor of the Village providing its own district and funding the improvements.

Councilwoman Siegel Lara stated that she would be in favor of the Village formally expressing its disagreement to YGreene, and meeting with other members of the Board of the District.

Councilwoman Cunningham concurred, stating that the Village should have an alternative program in place before terminating this program. She asked if staff had reached out to the 130 residents who had projects completed under YGreene.

Vice Mayor DuBois suggested a statement saying the Village does not endorse the program and are looking into creating its own program would be appropriate. Councilman Schaffer replied that he remains concerned that the Village has no control over the marketing of this program.

Vice Mayor DuBois asked if there was a "disclosure form" provided to the residents, as former councilmember Patrick Fiore had mentioned. Mayor Flinn stated that he believes that document should have been codified.

Following brief comment, Councilwoman Siegel Lara suggested the Village defer this matter. Mayor Flinn concurred, adding that the Village should: 1. instruct YGreene to immediately stop referencing that Palmetto Bay endorses the program in their marketing; 2. Place a statement on the website that clearly states the Village does not endorse the program, but it is a program available for those who do not otherwise qualify; and, 3. find out why the pros/cons disclaimer was not codified.

Councilwoman Cunningham suggested that staff contact those who used the program to gauge the level of satisfaction.

Vice Mayor DuBois moved to empower the Village Attorney to investigate setting up a Village district. Councilwoman Siegel Lara second. The motion passed (4-1, Councilwoman Cunningham voting in opposition.)

Councilwoman Siegel Lara moved to allow communication to be prepared and the Village will meet on July 22. Seconded by Councilman Schaffer.

Councilman Schaffer stated that something substantive must be prepared. He added that he would like something in place that says YGreene cannot use Palmetto Bay as a reference.

Councilman Schaffer moved to allow him to meet with YGreene concerning their communications. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion carried (5-0.)

Councilman Schaffer moved to defer the matter to July 22. Seconded by Councilwoman Siegel Lara. All voted in favor (5-0.)

Councilman Schaffer moved to defer the accompanying Ordinance (Item 12C) to July 22nd. Seconded by Vice Mayor DuBois. All voted in favor. The motion passed unanimously (5-0.)

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF A FIRM TO PROVIDE PROFESSIONAL AUDITING SERVICES AND OTHER RELATED DUTIES TO THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH TOP RANKED FIRM; PROVIDING AN EFFECTIVE DATE. (Council)

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

Director Chin provided staff report and asked the Council to review the proposals and rank the two firms. He suggested the Council make its decision in September, if not prepared to do so today.

Mayor Flinn suggested that the Council provide their rankings to staff by July 24.

Vice Mayor DuBois moved to defer this matter until September 8. Seconded by Councilman Schaffer.

Councilwoman Siegel Lara asked if staff had a recommendation. Attorney Lehtinen advised that, legally, the Council is the designated selecting agency, meaning there would not be a recommendation from staff. Vice Mayor DuBois concurred, stating that the Council is the auditor selection committee. Director Chin noted that State Statute requires Council to make the selection.

All voted in favor of deferral. The motion passed unanimously (5-0).

11. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY FLORIDA, MODIFYING CHAPTER 16 "ENVIRONMENT" BY CREATING ARTICLE V 'EXPANDED POLYSTYRENE "STYROFOAM" FOOD SERVICE ARTICLES'; PROVIDING FOR LEGISLATIVE INTENT, DEFINITIONS, PROHIBITIONS OF SALE OR USE BY VILLAGE CONTRACTORS AND SPECIAL EVENT PERMITTEES, AND EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)

Vice Mayor DuBois moved to defer this matter until September 8. Seconded by Councilwoman Siegel Lara. All voted in favor. The matter was deferred unanimously (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE FISCAL YEAR 2014-2015 BUDGET; AMENDING ORDINANCE NUMBER 2014-06; AMENDING THE VILLAGE'S BUDGET FOR THE 2014-2015 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (Administration)

Councilwoman Siegel Lara moved this matter forward. Seconded by Councilman Schaffer.

Manager Silva provided staff report.

Councilwoman Cunningham expressed that she is pleased to see a part-time grant writer included. Mayor Flinn concurred.

Vice Mayor DuBois stated that he did not see the Information Technology position that he had suggested to Manager Silva. Manager Silva replied that he is reviewing this position.

Councilwoman Siegel Lara moved to approve the Ordinance on first reading. Seconded by Councilwoman Cunningham. All voted in favor (5-0). The ordinance shall be scheduled for public hearing.

- C. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY FLORIDA, REPEALING CHAPTER 17: GREEN CORRIDOR PACE DISTRICT; AND

PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer) (Deferred to July 22 - earlier in the meeting.)

- D. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; CREATING THE PALMETTO BAY PARTNERSHIP ADVISORY COMMITTEE TO BE INCLUDED IN THE VILLAGE CODE OF ORDINANCES AS SECTION 2-74 OF CHAPTER 2, ARTICLE II, DIVISION 3; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

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

Mayor Flinn asked for Council support.

Councilman Schaffer asked the reason for five appointments from the Mayor and one from each Council member. Following brief remarks, Mayor Flinn suggested that the Mayor have five appointments and the Council members each have two.

Following discussion concerning the appropriate number of Board members, Mayor Flinn suggested the Council could revise the Ordinance and further discuss the composition at second reading. Attorney Lehtinen concurred.

Mayor Flinn called the question in favor of the Ordinance as amended, five appointments for the Mayor, two for each Council member. The Ordinance passed on first reading (4-1 Vice Mayor DuBois opposed.)

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

14. **OTHER BUSINESS**

- A. Discussion regarding Youth Advisory Council (Councilmember Cunningham)

Councilwoman Cunningham asked the Council to begin the appointments to this Committee. Mayor Flinn concurred, adding that staff should begin marketing and promoting this effort.

Councilwoman Siegel Lara suggested waiting until the school year begins.

Councilwoman Cunningham asked the Council to be prepared to appoint at the September 8th meeting. Clerk Alexander stated that she would assist with the coordination of the first meeting following full board appointment.

B. Discussion regarding advisory committees (Councilmember Siegel Lara)

Councilwoman Siegel Lara stated that the Council needs to move forward with their nomination and she stated that nominations can be made by the Council to fill empty positions.

Attorney Lehtinen suggested referring names to the Clerk and she can provide the names to the Council members who have vacant seats to fill.

C. Discussion regarding recognition of U.S. Women's National Soccer Team and its Coach Jill Ellis

Councilwoman Cunningham reported that she is working on this effort with Coach Ellis' partner, and expects to know further information next week. She stated that she would work on this effort with Communications Manager Bill Kress.

D. Discussion regarding Palmetto Bay Twilight Color Run and Concert (Mayor Flinn)

Mayor Flinn announced that Palmetto Bay will be hosting a Color Run and Concert to assist the Palmetto High School PTSA. He suggested the Village form a team to stimulate interest in the event.

15. **COUNCIL COMMENTS:** No additional comments at this time.

16. **NEXT MEETING AND ADJOURNMENT** The Meeting adjourned at 11:57 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 8th day of September, 2015.


Eugene Flinn, Mayor

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