

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of September 8, 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 Tim Schaffer  
Council Member Karyn Cunningham  
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 9:45 p.m. Mayor Flinn asked the Mr. Orestes Mayo to lead the pledge of allegiance.

- 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**

Mayor Flinn recognized Orestes Mayo and asked him to come forward to discuss the Orchid Program.

Mr. Mayo came forward and introduced Dr. Carl Lewis of Fairchild Tropical Gardens and Mr. Daniel Mateo. Mr. Mayo explained the BioTech program at Richmond Heights High School that was formed in conjunction with Fairchild Tropical Gardens. Mr. Mayo stated that they would like to work with the student and the Village to install orchids throughout the Village, including having the students monitor the various orchids.

Mayor Flinn thanked the Vice Mayor for his involvement in this project. He stated that the Village's Garden Club would also appreciate being part of this effort.

Councilwoman Cunningham moved to take Item 10H out of order and hear it as the next item. Seconded Councilman Schaffer. All voted in favor.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN AGREEMENT WITH FAIRCHILD TROPICAL BOTANIC GARDEN TO PROVIDE ORCHIDS FOR PLANTING THROUGHOUT THE VILLAGE'S CANOPY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO \$30,000; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

Public Works Director Corrice Patterson provided staff report.

The Council unanimously voted in favor of this item. The Resolution passed.

Councilman Schaffer stated that he had asked the Clerk to pull Item 6C from the Consent Agenda in order to allow the representatives of the Deering Estate to be able to make a presentation.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE DEERING ESTATE FOUNDATION AND THE USE OF PROPERTIES WITHIN THE PARK; PROVIDING FOR TRANSMITTAL TO THE STATE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene Flinn].

Mr. Dave McDonald and Jennifer Tishhammer came forward, representing Deering Estate Foundation. They explained that with the donation of the Weeks property, the Deering Estate is the only biological field station in the southern end of the State. They expressed their appreciation the partnership and they want the Village's assistance in moving forward with a shovel ready project.

Councilman Schaffer moved to hear the appointments of the Youth Advisory Council out of order, as the next item. Seconded by Councilwoman Cunningham.

The following appointments were made:

Mayor Flinn made the following appointments:

Mark Merwitzer

Tatum Rivera

Charles Noguera

Councilwoman Cunningham appointed:

Jackson Ribler

Katie Signori

Councilman Schaffer appointed:  
Patrick Barber  
Alexander Santana

Councilwoman Siegel Lara appointed:  
Jacob Tisthammer  
Valentina Maldonado

Vice Mayor DuBois indicated that he would make appointments at a later date. Mayor Flinn stated that both gentlemen in the audience are members of the Civil Air Patrol and he would like the Civil Air Patrol's Honor Guard to perform the presentation of the colors at the State of the Village event.

**4. APPROVAL OF MINUTES**

- A. Minutes of the Special Council Meeting of June 16, 2015
- B. Minutes of the Special Council Meeting of June 24, 2015
- C. Minutes of the Regular Council Meeting of July 13, 2015
- D. Minutes of the Special Council Meeting of July 22, 2015

Vice Mayor DuBois moved to approve the Minutes, as submitted. Seconded by Councilwoman Siegel Lara. All voted in favor. The Minutes were approved unanimously.

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Peter England, 7620 SW 171 Street; Steve Kreisher, 18201 SW 98 Avenue; David Singer, 8360 SW 154 Terrace; and Eric Tullberg, 7884 SW 179 Terrace.

**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 \$14,711; 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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$13,866; AND PROVIDING AN EFFECTIVE DATE.  
(Village Attorney)

The Council unanimously voted in favor of the Consent Agenda items.

(A short recess was taken.)

## 7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report: Commander Gregory Truitt provided an update concerning the recent police activity in the Village. Mayor Flinn opined traffic congestion was not being taken seriously by the Police Commander. Commander Truitt replied that individually are permitted to drive on roads, as long as they do not commit traffic violations, and that congestion does not constitute a violation of the law.

Mayor Flinn stated that the Council is making traffic calming a priority and all need to work together to formulate a plan on enforcement.

Councilwoman Siegel Lara stated that consideration of solving the traffic problem was consistent with the discussion held at the recent visioning session.

Mayor Flinn stated that a traffic analysis must be submitted at each Commander Report in the future.

Commander Truitt, as it was his last Council meeting, thanked all for the support of the Policing Unit, adding that he is not the leader, just the manager of the leaders. He thanked the Council for their support, adding that he loves Palmetto Bay is has been happy to have worked here for his last years. He recognized the two officers that passed, Randy Distefano and Ben Rawley, noting that these two gentlemen were outstanding, dedicated individuals. He concluded by thanking all for allowing him to serve Palmetto Bay for the last eight years.

- B. Update on Budget to Actuals: Finance Director Desmond Chin provided a 3<sup>rd</sup> Quarter Report.
- C. Update on Police Commander Search: Manager Silva advised that the search is being finalized and the next commander will be announced shortly.
- D. Update on GOB Bond

Manager Silva advised that \$29,000,000 in GOB funds has been approved by the County; however, \$35 million has not been approved due to changes made to various grant applications and modifications of the features of several grant applications. He stated that the next meeting of that Board shall be held on September 16<sup>th</sup>.

Councilwoman Siegel Lara asked if the Village has jeopardized the grant based upon the changes made to the funding of infrastructure projects at the Village's first budget hearing. Manager Silva stated that part of the Village's application included the multimodal center; therefore, removing that line item changes the parameters of the grant and staff will need to re-visit this with the County, which may put the grant in jeopardy.

Councilwoman Siegel Lara stated that she believed it was not the intention of the council to put the entire downtown project in jeopardy. Attorney Lehtinen stated that since that matter was technically a council matter, the Council could express the intent of the Council to continue that grant application and indicate so; and, upon the second reading of the budget, the Council may act as it deems appropriate. He further noted that the first reading is not final and the Council may wish to state the intent to restore the grant application.

Following brief discussion, Councilwoman Siegel Lara moved to confirm the Village's intent to restore the allocation on second reading, as necessary to restore the grant. Seconded by Councilwoman Cunningham.

Vice Mayor DuBois stated that the motion is incomplete, as the Council does not know the exact dollar amount of the grant funding that may be in jeopardy.

Attorney Lehtinen stated that the argument is reasonable; however, the motion is sufficient.

The motion passed (3-2, Mayor Flinn and Vice Mayor DuBois opposed.)

- E. Announcement of 1<sup>st</sup> Community Traffic Meeting: Manager Silva announced the community traffic meeting scheduled for September 10<sup>th</sup>.
  - F. Announcement of the August 2015 Volunteer of the Month Award (Tennis Program): Manager Silva announced that the Village's tennis professionals were awarded the Pro Tennis Volunteers of the Month by the USTA.
  - G. Calendar update (Village Clerk): Clerk Alexander provided a calendar update.
8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen reported that he was available to answer any of the Council's questions.
9. **BOARD AND COMMITTEE REPORTS** - Minutes provided for Council's information, in lieu of verbal reports:
- A. Village Services Committee -- verbal report by Councilwoman Siegel Lara: Councilwoman Siegel Lara reported that the Chairman Rex Lehman was selected and that the Village Attorney and Village Clerk provided information with regard

to the Sunshine Laws. She noted that the committee reviewed its specifications and is ready to meet again on October 1, 2015.

- B. Tree Board – Minutes of June 18, 2015
- C. Charter Revision Commission – Minutes of June 2, 2015, June 29, 2015, and July 30, 2015

## 10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE DEERING ESTATE FOUNDATION AND THE USE OF PROPERTIES WITHIN THE PARK; PROVIDING FOR TRANSMITTAL TO THE STATE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene Flinn]. (Taken from Consent and moved to Item 10A.

Councilman Schaffer moved this item forward. Seconded by Councilwoman Cunningham.

The Council unanimously moved to approve this Resolution. The Resolution passed.

- B. 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) (deferred from July 13<sup>th</sup> Agenda)

Mayor Flinn moved to defer this matter. Seconded by Councilwoman Cunningham. All voted in favor. The matter will be placed on the Agenda for October 5<sup>th</sup>.

- 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) (deferred from July 13<sup>th</sup> Agenda)

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

Planning & Zoning Director Darby Delsalle advised that there was no further information from the last meeting.

Councilman Schaffer recalled that the item was deferred because the Council had no other options.

Director Delsalle stated that he has been working under the parameters of the current Request for Qualifications (RFQ) and if the Council would like to seek more bids, the process will have to begin again.

Councilwoman Siegel Lara proposed that the Council does not duplicate a secondary piece to a theme that the Village already has. She stated that the artist could prepare another rendition.

Mayor Flinn asked if the Art In Public Places Board vetted this item. Director Delsalle replied affirmatively. Mayor Flinn stated that art in subjective and Thalatta is not in compliance with the Village's art in public places ordinance.

Councilwoman Siegel Lara moved to ask the Art in Public Places to reconsider the variety of art pieces and provide information as to what they need for their budget. Seconded by Vice Mayor DuBois.

Mayor Flinn stated that the Council should be supportive of the committee and accept the recommendation of the committee.

Attorney Lehtinen asked if the motion was in place of the resolution or a separate resolution. Councilwoman Siegel Lara stated that the motion was in place of.

The motion carried (3 to 2, Councilman Schaffer and Mayor Flinn opposed.)

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

Director Chin read the ranking: Alberini – 395 and GLSC – 350 points.

Councilwoman Siegel Lara moved to amend the Resolution to include the firm's name: Alberni, Caballero & Fierman, LLP. All voted in favor.

Mayor Flinn called the question for approval of the Resolution, as submitted. All voted in favor. The Resolution passed unanimously (5-0.)

- E. 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 CONSULTING SERVICES FOR A MULTI-YEAR STRATEGIC PLAN DEVELOPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE SELECTED FIRM; AND PROVIDING FOR AN EFFECTIVE DATE. (Council)

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

Manager Silva provided staff report, noting that the ranking sheets indicated that the Novak Company received the highest points.

Councilman Schaffer objected to selecting a consultant, as he believes that staff can provide this service.

Councilwoman Cunningham stated that she is looking forward to getting this matter moving, as Council had agreed that this is an important step and needs to far reaching, not just internal. She stated that while the Novak Group was not her first choice, she believes a menu of services with a blended model of having staff do some of the function is ideal.

Councilwoman Siegel Lara concurred, stating that staff does not have the skills to reach out at the level of these facilitators, which is the most credible way of receiving community input.

Mayor Flinn asked if the Manager can negotiate a "cafeteria" contract. Attorney Lehtinen stated that he could, if the Council directs.

Following discussion, Attorney Lehtinen opined that Section 2 allows for the manager to be able to negotiate the contract as the Council directed.

Councilwoman Siegel Lara moved to amend the Resolution to include the Novak Group as the selected vendor. Seconded by Vice Mayor DuBois. The motion passed (4 to 1, Councilman Schaffer opposed.)

Mayor Flinn called the question to approve the amended Resolution. The Resolution passed (4 to 1, Councilman Schaffer opposed.)

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE COUNCIL DISTRICT FUNDING POLICY; ESTABLISHING THE PROCEDURES GOVERNING SUCH POLICY; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

Councilwoman Siegel Lara asked the Manager to defer this matter. Manager Silva concurred.

Councilwoman Siegel Lara moved to defer the item until October 5<sup>th</sup>. Seconded by Councilwoman Cunningham. All voted in favor.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ESTABLISHING A POLICY THAT THE ANNUAL LEGISLATIVE AGENDA CONTAIN ONLY ITEMS THAT HAVE A TIMELY AND DIRECT IMPACT ON THE VILLAGE OF PALMETTO BAY FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilwoman Larissa Siegel Lara)

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

Councilwoman Siegel Lara stated that following the update from the lobbyist at the recent visioning session, she believes it is important to have a succinct summary of the items the Village wishes to pursue due to the contentious legislative environment. She opined that asking for other entities and items that are not germane to the Village may delude the Village's request and the Village will not be successful in seeking legislative assistance.

Vice Mayor DuBois remarked that since the intent of this resolution is based upon the report given from the Village's State lobbyist, perhaps the Village should limit this intent to the State legislative agenda.

Vice Mayor DuBois moved to indicate the intention is for the State only. Seconded by Councilman Schaffer. All voted in favor.

Mayor Flinn called the question to approve the amended Resolution. The Resolution passed unanimously.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO APPLY AND ACCEPT A HIGHWAY BEAUTIFICATION GRANT, AND ENTER INTO A HIGHWAY BEAUTIFICATION COUNCIL GRANT, LANDSCAPE CONSTRUCTION, AND MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; FURTHER AUTHORIZING THE VILLAGE MANAGER TO EXECUTE DOCUMENTS TO EFFECTUATE THE INTENT AND PURPOSE OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Director Patterson provided staff report. Councilwoman Siegel Lara asked if less money could be spent, if the Village were successful. Director Patterson explained that the Village must match at 50%.

Councilwoman Siegel Lara asked if the Tree City designation was a requirement. Director Patterson stated that the designation places the Village in a good position to receive the grant.

Mayor Flinn called the question to approve the Resolution. The Resolution passed unanimously.

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

**12. ORDINANCES FOR FIRST READING**

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE BORROWING OF MONEY AND THE INCURRENCE OF DEBT IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$1,350,000.00), FOR THE PURPOSE OF REFINANCING ALL OR A PORTION OF AN OUTSTANDING LOAN PREVIOUSLY UNDERTAKEN FROM THE FLORIDA MUNICIPAL LOAN COUNCIL BY THE VILLAGE OF PALMETTO BAY, FLORIDA, DATED AS OF SEPTEMBER 1, 2005; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AUTHORITY TO ENACT THE ORDINANCE; PROVIDING FOR AUTHORITY TO ISSUE A BOND, AS DESCRIBED HEREIN; PROVIDING FOR AUTHORIZATION OF THE VILLAGE MANAGER AND VILLAGE FINANCE DIRECTOR TO TAKE ALL ACTIONS NECESSARY IN ORDER TO REFINANCE SAID OUTSTANDING LOAN; REPEALING ALL ORDINANCES IN

CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Director Chin provided staff report. He stated that the Ordinance would authorize the refinancing of the loan of the library bond.

Attorney Lehtinen added that it would not be new debt, but he opined that an Ordinance was required.

Mayor Flinn called the question to approve. The Ordinance passed on first reading unanimously (5-0.)

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

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

Councilwoman Siegel Lara remarked that it is important to populate this committee.

The Ordinance passed unanimously on roll call vote (5-0.)

### 14. OTHER BUSINESS

Councilman Schaffer moved to extend the meeting to 12:10. Seconded by Councilwoman Siegel Lara.

- A. Discussion regarding past Charter Amendment requiring Council approval for Department Heads (Vice Mayor DuBois)

Vice Mayor DuBois explained that the Charter reads that all department directors must be approved by council. He stated that the police commander position should also be approved by the Council. He stated that he would like to make a motion that the Council approve Lieutenant Gadyaces Serralta as the Police Commander.

Mayor Flinn objected, stating that the process is not complete and Lieutenant Serralta has not been interviewed.

Councilwoman Cunningham stated that while she feels comfortable with Lieutenant Serralta, this selection is similar to the selection of the Manager.

Mayor Flinn stated that he is uncertain as to whether or not he is a department head, as the position is a contract employee with Miami-Dade County.

Councilman Schaffer stated that he does not believe the Council should pick the Commander for Manager Silva, rather support his choice.

Councilwoman Siegel Lara asked the Attorney to state whether the Charter applies or not. Attorney Lehtinen opined that the Council would need to approve Manager Silva's appointment.

Manager Silva stated that Lieutenant Serralta was his top candidate and he would put forth his name at this time.

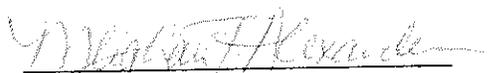
Mayor Flinn called the question. The selection of Lieutenant Serralta passed (4 to 1, Mayor Flinn opposed.)

Councilwoman Siegel Lara remarked that this Charter provision should be considered by the electorate, as it is not consistent with the current form of government. Vice Mayor DuBois concurred. Attorney Lehtinen stated that the Council may place this matter on the ballot.

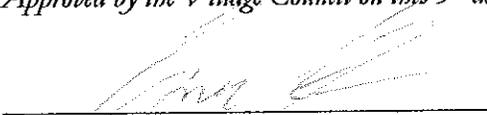
15. **COUNCIL COMMENTS:** None at this time.

16. **NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 12:10 pm.

*Prepared and submitted by:*

  
Meighan J. Alexander, CMC  
*Village Clerk*

*Approved by the Village Council on this 5<sup>th</sup> day of October, 2015.*



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*Eugene Flinn, Mayor*

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