

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of January 7, 2013
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
Village Attorney Luis Figueredo
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:10 p.m. Mayor Stanczyk led the pledge of allegiance.

Mayor Stanczyk asked the Council to join her in recognizing the children in the audience who will be receiving recognition this evening.

- 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

- A. Recognition of Pop Warner Division II Pee Wee National Champs: Mayor Stanczyk and the Village Council provided the coaches and members of the Palmetto Bay Broncos football team with certificates of recognition.

4. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of December 3, 2012: Councilman Schaffer moved to approve. Seconded by Councilman Fiore. Vice Mayor DuBois asked for the names of the current Council to be inserted following the swearing-in paragraphs. Clerk Alexander stated she would do so. All voted in favor of the Minutes, as revised. The Minutes were approved (5-0.)

5. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH THE CORRADINO GROUP, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PREPARE CONSTRUCTION PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS FOR THE SAFE ROUTES TO SCHOOL APPLICATION OF CORAL REEF ELEMENTARY SCHOOL AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$19,749.40; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH ASAP BRAND INC. PRESENTED AS A RESULT OF COMPETITIVE NEGOTIATIONS, IN THE AMOUNT OF \$19,000; TO ENSURE COMPLIANCE WITH FLORIDA STATUTES RELATED TO GOVERNMENT-ACCESS TV PROGRAMMING OF PUBLIC MEETINGS; LAUNCHING PHASE-II OF WBAY VIDEO PROGRAM DEVELOPMENT AND UNDERWRITER DEVELOPMENT; UPDATING WBAY VISUAL BRANDING AND PROMOTION; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. 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 FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$22,200.90; PROVIDING AN EFFECTIVE DATE.

Clerk Alexander reported that Vice Mayor DuBois timely pulled the Consent Agenda items. Mayor Stanczyk noted that the items will now be heard as Items 10 E., F., and G.

- 6. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Warren Lovely, 15323 SW 74 Place; Dr. Ed Feller, 7960 SW 144 Street; Henry Clifford, 8875 SW 171 Street; and, Gary Pastorella, 6940 SW 142 Terrace.

7. **VILLAGE MANAGER'S REPORT**

Manager Williams thanked all the residents who participated in the recent Holiday by the Bay event.

- A. Village Commander Report: Commander Truitt provided an update. He thanked the residents who recently reported suspicious activity that resulted in

the cessation of a robbery. He provided statistical information with regard to the Village response times.

Mayor Stanczyk thanked Commander Truitt and his policing unit. She asked when the new officers will begin. Commander Truitt responded that the officers will begin in the near future and Officer Lisa Ferro is completing the physical testing to become a motorman.

Councilman Schaffer stated that some type of recognition should be given to those residents who report crimes, as this may encourage others to do the same.

Manager Williams asked the Clerk to contact the Council concerning arranging a council-budget revenue workshop in order to discuss long-range policies with regard to revenues, expenses, fund balances. He suggested scheduling the workshop in early February.

Mayor Stanczyk suggested having this meeting subsequent to the Council meeting where the first quarter is reported.

8. VILLAGE ATTORNEY'S REPORT

- A. January, 2013 Update: Attorney Figueredo noted that the written report had been provided to Council and if there are specific questions, he will convey them to Attorney Boutsis who will then respond.

9. BOARD AND COMMITTEE REPORTS

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACTS WITH SHOWTURF, LLC AND HORIZON DISTRIBUTORS INC. FOR THE PURCHASE AND DELIVERY OF SPECIFIED TURF MAINTENANCE EQUIPMENT; PIGGYBACKING WITH STATE OF FLORIDA CONTRACT NO. 760-000-10-0; AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$65,046.35; AND PROVIDING AN EFFECTIVE DATE.

Councilman Schaffer moved this item forward. Seconded by Councilman Fiore.

Manager Williams provided staff report, noting that staff brought this item to the Council as a solution to the problem of deterioration of the fields. He explained that this procurement is part of the program to better maintain the Village's fields. He advised that the items were budgeted.

Parks and Recreation Director Fanny Carmona Gonzalez was recognized. She explained that a close investigation of the program was conducted, and the Department will utilize staff to create a better maintenance program.

Mayor Stanczyk asked for the type of savings the Village will realize in the long run.

Director Carmona Gonzalez stated that the Village can save approximately \$30,000 annually by performing this service in-hour. Manager Williams added that staff would be receiving training and certification to work with the chemicals.

Mayor Stanczyk asked if the additional staff would have other responsibilities. Director Carmona Gonzalez stated that the workers would be both grounds and facility maintenance with three part-time workers at an average of \$12.35 hourly for 32 hours weekly (approximately \$61,000 annually.)

Vice Mayor DuBois opined that there are other costs to be considered: storage of the chemicals, worker's compensation insurance, and other items. He expressed that hiring part-timers at a low cost will probably not give the Village better maintenance. He stated that he is not in favor of in-sourcing this function.

Manager Williams stated that he disagrees with outsourcing this maintenance function, as it is difficult to control the costs.

Vice Mayor DuBois remarked that the Village has expanded from its original 29 full-time employees to over 40 employees and balanced the budget by using surplus. He stated that this is due to increased operating costs and he is not in favor of adding to operating costs.

Following discussion, Manager Williams remarked that the Village has had a hybrid government for many years, a combination of outsourcing and in-sourcing, substantially saving money.

Mayor Stanczyk used the example of how the Village used to outsource building and permitting, and now there is an enterprise department that has evolved and provides great service.

Following brief discussion, Mayor Stanczyk called the question. The Resolution passed (4 to 1, Vice Mayor DuBois opposed.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGEWIDE LOCALIZED DRAINAGE IMPROVEMENTS PHASE V; APPROVING THE SELECTION OF WRANGLER CONSTRUCTION, INC., TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE

IMPROVEMENTS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$678,755.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams noted that the funds are available through special revenue and stormwater utility.

Mr. Shawn Koppel of C3TS remarked that prices have gone down since the last bid two years ago.

Public Works Director Corrice Patterson provided staff report.

Councilwoman Lindsay asked if the high priority areas would begin concurrently or one after the other.

Director Patterson replied that the standard is to perform one after the other.

Councilwoman Lindsay expressed her concern with the egress and ingress into the neighborhood.

Vice Mayor DuBois expressed his support, asking if the Village has information concerning how successful the drainage projects have been.

Manager Williams stated that staff keeps a log of everyone that calls in. Director Patterson stated that the Village incorporates all localized areas that have been reported prior to design.

Vice Mayor DuBois stated that since low priority items will not be funded now, is there an opportunity to inform those residents. Manager Williams stated that staff would inform those residents.

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

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PURCHASE OF ELECTRIC VEHICLES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE PURCHASE ORDER FOR THE PURCHASE OF TWO (2) 2012 CHEVROLET VOLTS FROM GRAND PRIZE AUTO IN THE AMOUNT OF \$74,300.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He noted that when the Village Center was built, charging facilities were installed and this procurement would connect this fleet to the use of this facility and its platinum effort. He advised that staff is intending to implement phases of this building that were directed by Council.

Building Official Ed Silva provided a cost comparison of the vehicle and there is an eight (8) year warranty on the battery.

Vice Mayor DuBois asked how many inspections are conducted per day. Mr. Silva advised that approximately 15-25 inspections are conducted daily with approximately 50 miles per day.

Councilman Schaffer asked for clarification of the reason for comparing the Cruz to the Volt. Mr. Silva noted that Edmunds reviews all costs of the vehicle, repairs, insurance, etc.

Councilman Schaffer stated that he reviewed the numbers through Auto Trader. Mr. Silva stated that Edmunds is a little higher.

Vice Mayor DuBois asked the cost of the electricity. Councilman Schaffer asked if the charging station is solar. Mr. Silva stated that the charging station is solar and the Village is selling back electricity to FPL.

Mr. Silva advised that the car would be able to travel approximately 120 miles per gallon, if charged, rather than using gasoline.

Vice Mayor DuBois asked what County employees are using. Mr. Silva replied they are using the Prius; however, he has heard that many are complaining about the air-conditioning in those vehicles.

Councilman Schaffer stated that he agrees two vehicles need to be purchased; however, the automotive industry has not reviewed electric vehicles positively.

Mayor Stanczyk asked staff to provide information with regard to leasing the vehicles in order to consider changes in technology. Manager Williams stated that the industry continues to evolve, hybrids are growing and alternative energy is part of our future. Manager Williams asked for the Council to provide guidance with regard to alternative vehicles or not for the Village's fleet.

Councilman Schaffer asked for the item to be placed on the next Committee of the Whole meeting agenda.

Vice Mayor DuBois moved to table the matter. Seconded by Councilman Schaffer. All voted in favor (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH WRANGLER CONSTRUCTION FOR SIDEWALK IMPROVEMENTS OF PUBLIC SIDEWALKS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$50,000 TO CONTINUE SIDEWALK IMPROVEMENTS IN FY 2012-13; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Fiore moved the item forward. Seconded by Councilman Schaffer.

Manager Williams provided staff report.

Councilman Fiore asked staff to consider the sidewalks located behind Steve's Pizza. Director Patterson advised that code compliance is reviewing that area.

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

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH THE CORRADINO GROUP, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PREPARE CONSTRUCTION PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS FOR THE SAFE ROUTES TO SCHOOL APPLICATION OF CORAL REEF ELEMENTARY SCHOOL AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$19,749.40; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved the item forward. Seconded by Councilman Fiore.

Vice Mayor DuBois stated that it appears that there is only \$10,000 in funding for this project for Coral Reef Elementary. He asked why the Village didn't seek an engineering group to perform the work for \$10,000. He asked why the Village would be contributing over \$9,000.

Mr. Joe Corradino advised that the Florida Department of Transportation (FDOT) has a certain amount of funds for projects throughout the State, which are distributed throughout the cities that provide a local match.

Director Patterson advised that the Corradino Group had submitted an application for Safe Routes to School (SRTS) to Miami-Dade county public schools (MDCPS), who in turn provided an estimate of the project's cost to FDOT. She noted that FDOT divides the money and funds projects for the

applications submitted. She explained that once we have a scope of work, we ask the engineers to provide a cost estimate.

Vice Mayor DuBois asked why the project wasn't competitively bid. Manager Williams advised that the Village has pre-qualified several engineering firms through a competitive process. He and Mr. Corradino explained that the municipal grant was \$50,000, with a Village match of \$10,000.

Manager Williams asked the total amount of grant money coming into the Village to improve SRTS as a result of this first grant. Director Patterson noted that \$610,190 was the total. Manager Williams added that CITT funding is used to pay the engineer.

Vice Mayor DuBois asked for the Village's potential exposure. Manager Williams advised that the Village will spend what the funding allows or return to Council for approval.

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

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH ASAP BRAND INC. PRESENTED AS A RESULT OF COMPETITIVE NEGOTIATIONS, IN THE AMOUNT OF \$19,000; TO ENSURE COMPLIANCE WITH FLORIDA STATUTES RELATED TO GOVERNMENT-ACCESS TV PROGRAMMING OF PUBLIC MEETINGS; LAUNCHING PHASE-II OF WBAY VIDEO PROGRAM DEVELOPMENT AND UNDERWRITER DEVELOPMENT; UPDATING WBAY VISUAL BRANDING AND PROMOTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams stated that this contract gives the Village a chance to grow our viewership possibilities. At this point, customers that contract with Comcast view the Village on channel 77 – we are looking to expand that opportunity.

Communications Manager Bill Kress provided staff report.

Vice Mayor DuBois expressed his support for a one-year contract; however, he asked for clarification concerning the payment versus the revenue.

Manager Williams advised that the \$21,000 is revenue the vendor will commit. Mr. Kress added that the Village would terminate the agreement if the vendor is unsuccessful.

Councilman Schaffer asked when the channel would be available to all, as he has the DISH network.

Manager Williams noted that the meetings are live-streamed, as well.

Following brief comment, Mayor Stanczyk called the question. All voted in favor (5-0). The Resolution passed unanimously.

- G. 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 FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$22,200.90; PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor DuBois remarked that the invoicing appears to contain significant billing for "casual" communications between staff and the Village Attorney.

Mayor Stanczyk disagreed that the communication is casual.

Vice Mayor DuBois remarked that the Village Attorney should not attend meetings when she may not be needed. He expressed that the legal resources need to be managed more efficiently by the Council. He added that the Village Attorney should not be used for convenience more than necessary. He objected to her billing the Village when he spoke to her about her billing practices.

Attorney Figueredo stated he would discuss the matter with Attorney Boutsis.

Mayor Stanczyk advised that Attorney Boutsis informed her that the Vice Mayor was not a member of the Council at the time she spoke to him about his billing concerns.

Councilman Fiore stated that he believes it is important to review the legal bills. He suggested discussing the matter at the next Committee of the Whole Meeting.

Councilman Schaffer stated that he did not believe the attorney needed to spend significant time discussing matters with Village residents.

Clerk Alexander explained that Mr. Harris and Mr. Singer have been seeking several records from the Village Attorney.

Attorney Figueredo concurred, adding that when you have public records request with convoluted litigation, it was necessary for Attorney Boutsis to speak to those individuals regarding their requests.

Following brief comment, Mayor Stanczyk called the question. All voted in favor (5-0). The Resolution passed unanimously.

11. RESOLUTIONS REQUIRING PUBLIC HEARING: None.

12. ORDINANCES FOR FIRST READING: None.

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None.

14. OTHER BUSINESS

A. Vice Mayor John DuBois: Requests for Preparation of Policy, Legislation or Action

1.) Variance standards: Councilman Fiore moved this item forward. Seconded by Vice Mayor DuBois.

Vice Mayor DuBois stated that at the last zoning hearing, the Council agreed to pass two variances that he opined may be in conflict with the zoning code. He stated that the Village has a variance ordinance that is more restrictive than Miami-Dade County. He explained that the Village should allow the variance standard to be the same the county provides to its residents in order to help reduce and avoid litigation.

Attorney Figueredo stated that no one has a right to a variance; therefore, there is no basis for litigation. He stated that with a strict hardship requirement that is not applied uniformly, there could be litigation.

Mayor Stanczyk stated that a hardship variance is clear cut, with an exception allowed for uniqueness of the property. She stated that the Council did not rule in conflict with the zoning code, as there was sufficient testimony that the property was unique. She added that an open-ended variance leads to litigation due to its subjective nature.

Councilman Schaffer stated that the Village could refine its process; however, following Miami-Dade County is not appropriate.

Councilwoman Lindsay stated that anytime the Village Council must make a decision about variances, it is not easy but must be done for the good of the community.

Councilman Fiore stated that a hardship ordinance is egregious and does not show compassion.

Vice Mayor DuBois stated that variances are about serving the people, not increasing the difficulty standard above the standard that the residents' bought their homes under.

Mayor Stanczyk called the question. The motion failed 2 to 3 (Vice Mayor DuBois and Councilman Fiore in favor.)

2.) Tiki Hut regulations

Vice Mayor DuBois stated that he is proposing an ordinance to ease the process to build tiki huts and have some form of amnesty for already constructed tiki huts.

Mayor Stanczyk asked staff how many tiki huts are in the Village. Director of Planning & Zoning Darby Delsalle and Mr. Silva replied that they did not know.

Mayor Stanczyk stated that she did not believe there was a pressing need to change the process.

Vice Mayor DuBois noted that he is responding to the situation that occurred several weeks ago at the recent zoning hearing. He stated that contractors of tiki huts often tell residents that they are not required to be permitting, but they neglect to tell the customer that planning/zoning review is required.

Councilman Schaffer concurred, stating that while he was campaigning, he was made aware that there have been tiki huts installed with no review by the village and the resident believes everything is fine and it is not.

Following discussion, the desired action was revised to have staff consider the proposed process and return to Council with a report, as to whether the process will be feasible.

Councilman Schaffer moved to approve the amended desired action. Seconded by Councilwoman Lindsay. The motion passed (4 to 1, Mayor Stanczyk opposed.)

15. COUNCIL COMMENTS

Councilwoman Lindsay expressed that she was happy to hear that Jon Hammer was released from the Mexican prison. She wished him well.

Vice Mayor DuBois announced a charity event for Educate Tomorrow being held on January 19th at 17575 Old Cutler Road.

Vice Mayor DuBois expressed his concerns with the Village using the auditing firm of Cherry, Bekeart & Holland, as he believed they did not provide sufficient certifications to perform government audits. He stated that there was a predecessor firm to this firm, and that firm was dissolved due to involvement with Rothstein Ponzi scheme.

Manager Williams stated that the auditors are arriving within the next two weeks and it is too late at this point to consider changing the firm. Vice Mayor DuBois stated that the Council could address the auditors at the workshop that the Manager asked the Clerk to coordinate.

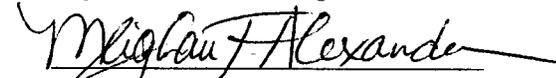
Vice Mayor DuBois asked the Village Attorney to provide to the Council the document that was provided to the auditors with regard to litigation that may have an affect the Village's financial statements.

Mayor Stanczyk wished all a happy new year.

16. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:59 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Adopted by the Village Council on this 4th day of February, 2013.


Shelley Stanczyk, Mayor

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