VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor John DuBois
Council Member Patrick Fiore (Seat 1)
Council Member David Singer (Seat 2)
Council Member Marsha Matson (Seat 3)

Interim Village Manager Gregory Truitt
Village Attorney John C. Dellagloria
Acting Village Clerk Melissa Dodge

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

AMENDED - AGENDA
VIRTUAL REGULAR VILLAGE COUNCIL MEETING
MONDAY, APRIL 6, 2020 – 7:00 PM

(305) 259-1234

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1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER: 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.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

3. APPROVAL OF MINUTES

A. Regular Council Meeting (March 2, 2020) – to be prepared

4. CONSENT AGENDA

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ROADWAYS; APPROVING THE DESIGN SUPPLEMENTAL TO THE

ROADWAY IMPROVEMENTS BIKE LANE CONSTRUCTION PROJECT ON SW 136TH STREET PREVIOUSLY APPROVED BY RESOLUTION 2019-28; REVISING THE PLANS FROM A BICYCLE FACILITY TO A SHARED-USED PATH FACILITY TO INCLUDE REVISED ROADWAY, PAVEMENT MARKINGS, SIGNAGE, AND LANDSCAPE PLANS AND BONNETED BAT SURVEY; AUTHORIZING THE INTERIM VILLAGE MANAGER TO AMMEND THE CONTRACT WITH RJ BEHAR TO INCLUDE THESE REVISIONS NOT TO EXCEED $58,000; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO TRAFFIC CALMING PROJECTS; APPROVING THE SELECTION OF MAGGOLC, INC. FOR THE INSTALLATION OF UP TO 24 PERMANENT SPEED TABLES WITHIN THE VILLAGE; AUTHORIZING THE INTERIM VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH SAID COMPANY FOR AN AMOUNT NOT TO EXCEED $151,200; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

6. VILLAGE MANAGER'S REPORT

- Emergency Order- COVID-19 Update
- Village Police Commander Report

7. VILLAGE ATTORNEY'S REPORT

- Litigation update

8. VILLAGE CLERK'S REPORT

- Calendar update (public meetings for April 2020)

9. BOARD AND COMMITTEE REPORTS

10. RESOLUTIONS WITH PUBLIC COMMENT

A. AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE INTERIM VILLAGE MANAGER TO ISSUE AN EXECUTIVE DECLARATION CALLING FOR A 10:00 P.M. TO 5:00 A.M. CURFEW THROUGHOUT THE BOUNDARIES OF THE VILLAGE OF PALMETTO BAY; PROVIDING FOR EXCEPTIONS,

AND PROVIDING AN EFFECTIVE DATE*. (Sponsored by Council Member David Singer)*

B. AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE MAYOR OF MIAMI-DADE COUNTY, FLORIDA TO IMMEDIATELY ISSUE AN EMERGENCY ORDER REQUIRING ALL MIAMI-DADE COUNTY RESIDENTS TO SHELTER-IN-PLACE, AND TO INCLUDE ENFORCEMENT PROVISIONS IN THE ORDER; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Mayor Karyn Cunningham)*

C. AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE INTERIM VILLAGE MANAGER TO ISSUE AN EXECUTIVE DECLARATION THAT NO EMPLOYER IN THE VILLAGE OF PALMETTO BAY PREVENT OR PROHIBIT AN EMPLOYEE FROM WEARING PROTECTIVE PERSONAL EQUIPMENT; REQUIRING BUSINESSES TO OBSERVE DISTANCE SEPARATIONS OF NOT LESS THAN SIX (6) FEET BETWEEN INDIVIDUALS; ESTABLISHING AN EFFECTIVE DATE *(Sponsored by Councilman David Singer)*

11. EMERGENCY ORDINANCE

AN EMERGENCY ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CONFIRMING THE DECLARATION OF A STATE OF EMERGENCY FOR THE VILLAGE OF PALMETTO BAY INITIALLY ISSUED ON MARCH 13, 2020, AND CONFIRMING ALL SUBSEQUENT EXTENSIONS TO DATE, FOLLOWING A STATEWIDE EMERGENCY DECLARATION BY THE FLORIDA GOVERNOR THROUGH EXECUTIVE ORDER 20-52, RELATED TO THE COVID-19 PANDEMIC; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration)*

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

13. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENT

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE DEVELOPMENT PROJECTS; AMENDING SECTION 30-30.2(V) OF THE VILLAGE'S ZONING CODE; REQUIRING NEW ZONING APPLICATIONS TO MAKE A PRESENTATION BEFORE THE GENERAL PUBLIC REGARDING A PROPOSED DEVELOPMENT PROJECT; PROVIDING THAT A MEETING SHALL BE HELD AT

LEAST TWO TO FOUR WEEKS PRIOR TO COUNCIL DELIBERATIONS ON A PROPOSED PROJECT; PROVIDING THAT NO MEETINGS BE SCHEDULED DURING MIAMI-DADE COUNTY PUBLIC SCHOOL HOLIDAYS, SPRING, SUMMER OR WINTER BREAKS AND FEDERAL HOLIDAYS; REQUIRING AT LEAST 7-DAYS PUBLIC NOTICE FOR THE MEETING; REQUIRING THAT A MEETING TAKE PLACE ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF MIAMI-DADE PUBLIC SCHOOLS; PROVIDING FOR AN EXEMPTION FOR PROJECTS ONLY REQUIRING ADMINISTRATIVE APPROVAL; REPEALING RESOLUTION 2018-14, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

B. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" REGARDING SINGLE-USE DRINKING WATER PLASTIC BOTTLES; PROHIBITING THE SALE, DISTRIBUTION OR USE OF SINGLE-USE DRINKING WATER PLASTIC BOTTLES ON VILLAGE PROPERTY; BARRING THE USE OF VILLAGE FUNDS FOR PURCHASE OR DISTRIBUTION; PROVIDING FOR DEFINITIONS, EXEMPTIONS, ENFORCEMENT AND AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John Dubois)*

14. OTHER BUSINESS

15. COUNCIL COMMENTS

16. NEXT MEETING AND ADJOURNMENT

WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;
- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

ITEM 4A

ITEM 4A

To: Honorable Mayor and Village Council

From: Gregory H. Truitt, Interim Village Manager

Date: April 6, 2020

Re: Design Supplemental to the Roadway Improvements Bike Lane Construction on 136th Street

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ROADWAYS; APPROVING THE DESIGN SUPPLEMENTAL TO THE ROADWAY IMPROVEMENTS BIKE LANE CONSTRUCTION PROJECT ON SW 136TH STREET PREVIOUSLY APPROVED BY RESOLUTION 2019-28; REVISING THE PLANS FROM A BICYCLE FACILITY TO A SHARED-USED PATH FACILITY TO INCLUDE REVISED ROADWAY, PAVEMENT MARKINGS, SIGNAGE, AND LANDSCAPE PLANS AND BONNETED BAT SURVEY; AUTHORIZING THE INTERIM VILLAGE MANAGER TO AMMEND THE CONTRACT WITH RJ BEHAR TO INCLUDE THESE REVISIONS NOT TO EXCEED $58,000; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:
Resolution 2019-28 (attached Exhibit A) approved the allocation of 250,000 towards design cost of the Roadway Improvement of Bike Lanes on 136th Street. A design Supplemental is needed to revise the existing plans from a bicycle facility to a new shared used path facility to include roadway, pavement markings, signage plans, landscape plans and the Bonneted Bat Survey.

FISCAL/BUDGETARY IMPACT:
Funding is available and budgeted for this item under "Special Revenue Fund-Transportation – Engineering/Architectural" in an amount not to exceed $58,000.00 in Fiscal Year 2019-2020.

RECOMMENDATION:
Approval is recommended.

Attachments (1):

- Attachment A: Resolution 2019-28
- Attachment B: Scope of Services

- Attachment C: RJ Behar breakdown of Cost
- Attachment D: Bonneted Bat Cost

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ROADWAYS; APPROVING THE DESIGN SUPPLEMENTAL TO THE ROADWAY IMPROVEMENTS BIKE LANE CONSTRUCTION PROJECT ON SW 136TH STREET PREVIOUSLY APPROVED BY RESOLUTION 2019-28; REVISING THE PLANS FROM A BICYCLE FACILITY TO A SHARED-USED PATH FACILITY TO INCLUDE REVISED ROADWAY, PAVEMENT MARKINGS, SIGNAGE, AND LANDSCAPE PLANS AND BONNETED BAT SURVEY; AUTHORIZING THE INTERIM VILLAGE MANAGER TO AMMEND THE CONTRACT WITH RJ BEHAR TO INCLUDE THESE REVISIONS NOT TO EXCEED $58,000; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

WHEREAS, Resolution 2019-28 (attached Exhibit A) approved the allocation of 250,000 towards design cost of the Roadway Improvement of Bike Lanes on 136th Street; and

WHEREAS, Design Supplemental is needed to revise the plans from a bicycle facility to a new shared used path facility to include the roadway, pavement markings, signage plans, landscape plans and Bonneted Bat survey; and

WHEREAS, authorization is needed for the Interim Village Manager to amend the contract with RJ Behar to include these revisions (attached Exhibit B) in an amount not to exceed $58,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Council hereby approves the design supplemental contract between the Village of Palmetto Bay and RJ Behar to provide design revisions per the scope of work attached as Exhibit B.

Section 2. The Village Council hereby approves the amendment of the contract with RJ Behar to include design revisions in an amount not to exceed $58,000.00.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 6th day of April 2020.

Attest: _____ _____

Melissa Dodge
Acting Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

John C. Dellagloria, Esq.
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore ____

Council Member David Singer ____

Council Member Marsha Matson ____

Vice-Mayor John DuBois ____

Mayor Karyn Cunningham ____

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RESOLUTION NO. 2019-28

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATED TO ROADWAY IMPROVEMENTS; AMENDING RESOLUTION NO. 2017-47 ALLOCATING $500,000 TOWARDS THE BIKE LANE CONSTRUCTION ON SW 136TH STREET TO PROVIDE THAT UP TO $250,000 ARE ALLOCATED FOR DESIGN COSTS AND THE REMAINING FUNDS ARE ALLOCATED TOWARDS CONSTRUCTION COSTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH RJ BEHAR AND CO. INC, FOR THE AMOUNT OF $236,517; AND PROVIDING AN EFFECTIVE DATE *(Sponsored by Administration)*

WHEREAS, the Village Council adopted Resolution No. 2017-47 approving the Join Participation Agreement with Miami-Dade County to construct a bicycle lane along SW 136 Street from US 1 to Old Cutler Road; and,

WHEREAS, Resolution No. 2017-47 allocated a total of $500,000 in Village funds towards the project, with $100,000 allocated for design services and $400,000 for construction; and,

WHEREAS, in order to fund the design of the bike lane improvements, the Village needs to utilize resources of the County to prepare the final design of the SW 136th bike lane project for construction purposes; and

WHEREAS, the Village has negotiated a contract with RJ Behar, as the Design team, and the JPA has been executed by the Miami-Dade County Board of Commissioners (Exhibit C) and Resolution No. 2017-47 must be amended to allocate up to $250,000 for design costs and the remaining funds from the total allocation of $500,000 towards construction.

WHEREAS, the Village and the Design team desire to enter into a contractual agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village Council hereby amends Resolution No. 2017-47 and allocates up to $250,000 for design services and the remaining funds from the total allocation of $500,000 towards construction costs for the bike lane along SW 136th Street.

Section 2. The Village Council hereby approves the contract between the Village of Palmetto Bay and RJ Behar & Co. Inc, in substantial form and content to the attached Exhibit "A" to provide design services for the bike lane improvements.

Section 3. The Village Manager is authorized to take all action necessary to enter into contract with RJ Behar, subject to the terms and conditions negotiated between both parties prior to disbursement of funds to the County.

Section 4. This Resolution shall take effect upon approval.

PASSED and **ADOPTED** this 4th day of February 2019.

Attest:

DocuSigned by:
Missy Arocha
6EDC211E5E8C48C...
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham
35B93CD2D0CB470...
Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

DocuSigned by:
Dexter W. Lehtinen
[illegible]
Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	YES
Council Member David Singer	YES
Council Member Marsha Matson	YES
Vice-Mayor John DuBois	YES
Mayor Karyn Cunningham	YES

SCOPE OF SERVICES

SW 136 STREET PROJECT RESDESIGN

PROJECT DESCRIPTION ANDE SERVICES

The Village of Palmetto Bay (CLIENT) has coordinated with Miami-Dade County (OWNER) to redesign and revise the SW 136 Street from east of US 1 to west of Old Cutler Road project. The SW 136 Street project is currently under design by RJ Behar & Company, Inc. (CONSULTANT) and generally consists of milling and resurfacing the existing road revising the plans from bicycle facility to a new shared used path facility, revise the pavement marking and signing plans and landscape plans per directive form the Village of Pine Crest.

This section describes the scope of work and the responsibilities of CONSULTANT and the CLIENT in connection with the redesign and to revise the roadway plans, signing and pavement marking plans and landscape plans for improvements to the transportation facility described herein. The reason for redesign and revision of the roadway plans and pavement and signing plans is due to a change in the roadway typical section from a Bicycle Lane facility to a Shared Use Path facility. The change to the roadway typical section was requested by Miami Dade County and occurred after the roadway plans were 60% complete. The landscape plans require revision due to a directive from the Village of Pine Crest to change the Tree Disposition Plan along the Village of Pine Crest. The change to landscape plans occurred after the plans were 60% complete. The general objective is for the CONSULTANT to redesign and revise the current set of plans and obtain the necessary permits, to be used by a contractor to build the project, and to provide construction support services during construction and to close out the project, all in accordance with County requirements.

All plans and design documents are to be prepared with Standard English values in accordance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) and Miami-Dade County Department of Transportation and Public Works (DTPW) manuals and guidelines.
The CONSULTANT shall demonstrate good project management practices while working on this project. These include communication with the OWNER and others as necessary, management of time and resources, and documentation. The CONSULTANT shall maintain a contract file throughout the design of the project. It shall be the CONSULTANT's responsibility to utilize the very best engineering judgment, practices, and principles possible during the prosecution of the work commissioned under this contract.

The CLIENT will provide contract administration, management services, and reviews of all work associated with the development and preparation of the contract plans. The CLIENT will provide job-specific information and/or functions as outlined in this contract.

SUBMITTALS

The CONSULTANT shall resubmit plans and documents as required by all agencies having jurisdiction for review, approval, and issuance of permits. Plan submittals for review and comment shall be made at 90%, and 100% completion.

All maps, plans and designs are to be prepared with English values in accordance with all applicable current federal, state, county, and local manuals, memorandums, and guidelines.

DOCUMENTS AND SERVICES TO BE PROVIDED BY THE CLIENT

The CLIENT will provide the following:

- Input regarding objectives, constraints, and time constraints regarding environmental permitting services
- Signatures on application forms
- Letters of authorization designating the CONSULTANT as an agent of the OWNER (if needed).
- Permit fee to be paid by CLIENT

PROJECT GENERAL TASKS

Listed below are work efforts that are applicable to many project activities. These tasks and fees are to be included in the project scope for each applicable activity.

Cost Estimates: The CONSULTANT shall be responsible for producing a construction cost estimate and reviewing and updating the cost estimate when scope changes occur and/or at milestones of the project. Prior to 90% plans and completion of quantities. Once the quantities have been developed (beginning at 90% plans submittal), the CONSULTANT shall be responsible for preparing construction cost estimates based on quantities. Summary of Quantities sheets shall be prepared with all required 90%, and 100% Plans submittals.

Technical Meetings: Includes meetings with CLIENT, County, and/or other Agency staff, between disciplines and subconsultants, phase review meetings, and miscellaneous meetings. The CONSULTANT shall prepare, and submit to the OWNER for review, the meeting minutes for all meetings attended by them. The meeting minutes are due within five (5) days of attending the meeting.

Quality Assurance/Quality Control: It is the intention of the OWNER that CONSULTANTS are held responsible for their work, including plan reviews. The purpose of CONSULTANT plan reviews is to ensure that CONSULTANT plan submittals are complete.

The CONSULTANT shall be responsible for the professional quality, technical accuracy and coordination of all surveys, designs, drawings, specifications and other services

furnished by the CONSULTANT under this contract.

The CONSULTANT shall, without additional compensation, correct all errors or deficiencies in the designs, maps, drawings, specifications and/or other services.

1 ROADWAY PLANS

The CONSULTANT shall revise Roadway Plans in accordance with the changes dictated by Miami Dade County and all applicable manuals, guidelines, standards, handbooks and procedures. The revised plans may include, but not be limited to, the following sheets necessary to convey the intent and scope of the project for the purposes of construction:

- Key Sheet
- Typical Section Sheets
- General Notes
- Summary of Quantities
- Plan Sheets
- Roadway Soil Survey Sheet
- Cross Sections
- Traffic Control Plan Sheets
- Utility Verification Sheet (SUE Data)
- Preparation of Design Variances for Trees not in compliance with horizontal clearance and sight line criteria.

2 SIGNING AND PAVEMENT MARKING PLANS

The CONSULTANT shall revise Signing and Pavement Marking Plans in accordance with Miami Dade County direction and all applicable manuals, guidelines, standards, handbooks, and procedures. The plans may include, but not be limited to, the following sheets:

- Tabulation of Quantities
- General Notes/Pay Item Notes
- Signing and Pavement Marking Plan Sheets

3 LANDSCAPE PLANS

The CONSULTANT shall resubmit all necessary permits required for construction of the Project. The Consultant shall coordinate pre- application meetings as necessary with the SW 136 Street project with various governmental agencies having jurisdiction over the Project including, but not limited to:

- Re-evaluation of trees within the clear zone previously identified to be removed. These
- trees received a preliminary evaluation during the basic services, but since they were
- identified to be in conflict – they were just placed on the removal category. The evaluation
- will include – a more detailed evaluation to determine the health and structural condition
- of the trees in order to determine any that could be hazards, from a horticultural
- standpoint. There are a total of 62 trees that need evaluation.

- Revision of Tree Disposition Plans to reflect new directive – 18 plan sheets & 3 sheets with
- tables.
- Revision of Planting Plans to reflect trees remaining and delete new one planned, as needed. 18 plan sheets plus plant list.
- Updated Estimate of Probable Cost
- Coordination with team
- Resubmission to County for permitting.

4 PERMITTING

The CONSULTANT shall resubmit all necessary permits required for construction of the Project. The Consultant shall coordinate pre- application meetings as necessary with the SW 136 Street project with various governmental agencies having jurisdiction over the Project including, but not limited to:

- Miami-Dade County Department of Transportation and Public Works (DTPW)
- Miami-Dade County DRER

The Consultant shall prepare the necessary permit applications, including any sets of signed and sealed drawings, as required, for submittal to the affected agencies. The Consultant will be expected to advise the Owner on the complete permit process and timelines, and the Owner will be responsible for all fees(i.e. review, impact, permit) associated with the permits.

The Consultant shall review any request for additional information (RAI) from the permitting agencies, and prepare adequate responses as needed, on behalf of the Owner. Due to the limited schedule for this project, the Owner will expect that the Consultant's knowledge and experience will be more than enough for the permits to be issued after only one response to RAI by the regulatory agency(ies).

CONSULTANT'S QUOTATION PROPOSAL

Project Name: SW 136 Street Bike Lane
Consultant's Name: R.J. Behar & Company, Inc.
Project Number:
Project Length: 1.74 miles

Prepared by:
Date:

STAFF HOURS

	Activity	Principal Engineer	Project Manager	Sr. Engineer	Engineer	Designer	Sr. CADD Tech.	Staff Hours by Activity	Salary Cost for Activity
	Distribution	2%	8%	15%	25%	30%	20%	100%	
1	Roadway Plans	5	22	40	67	81	54	269	$34,117
2	Pavement Marking & Signing Plans	1	6	10	17	21	14	69	$8,751
3	Signalization Plans	0	0	0	0	0	0	0	$0
4	Roadway Lighting Plans	0	0	0	0	0	0	0	$0
5	Drainage Design, Report & Permit Sketches	0	0	0	0	0	0	0	$0
6	Post Design Services	0	0	0	0	0	0	0	$0
7	Master Plan	0	0	1	1	1	1	4	$507
	TOTAL HOURS	7	27	51	86	103	68	342	$43,375
	2016 Rates	$78.12	$62.92	$54.47	$45.67	$36.50	$33.00		
	Totals S-H and Cost	$534.34	$1,721.49	$2,794.31	$3,904.79	$3,744.90	$2,257.20	$14,957.03	$126.83

TOTAL LUMP SUM FEE BREAKDOWN BY ACTIVITY	Amount
Roadway Plans	$34,116.89
Signing & Marking Plans	$8,751.17
Signal Plans	$0.00
Lighting Plans	$0.00
Drainage Plans	$0.00
Construction Services	$0.00
Master Plan	$507.31
Landscape Plans	$8,000
Geotechnical	$0
Out-of-Pocket Expenses	$434
Maximum Lump Sum Fee	$51,809.14

TOTAL CONTRACT COST COMPUTATIONS

Total Activity Salary Costs		$14,957
(a) Overhead Additives		
(a1) Combined O-H percent		
(a2) Combined O-H Cost		
Subtotal (Salary + Overhead)		
(b) Operating Margin Percent		
(b1) Operating Margin Cost - Fixed Fee		
Subtotal (Salary Related Cost)		
Multiplier	2.9	$43,375
Expenses		$0
(a) Misc. & Out-of-Pocket Expenses		$434
(b) Design Survey & Mapping (SUE)		$0
(c) Geotechnical		$0
(d) Environmental		$0
(e) Landscape Plans		$8,000
SUBTOTAL		$51,809.14
TOTAL LUMP SUM		$51,809.14
TOTAL FEE		$51,809.14

ATTACHMENT C

COUNTY PROJ. NO.: N/A F.A.P. N/A DESCRIPTION: SW 136 Street Bike Lane

LENGTH: 1.74 MILES _____ FEET LANES: 2 DIV'D: _____ URBAN: _____

ITEM	SCALE	BASIS OF ESTIMATE	NO. OF UNITS	NO. OF SHEETS	M - H UNITS	TOTAL M-H	COMMENTS
ROADWAY PLANS							
Key Map	N/A	SHT	1	1	0	0	
Typical Section	N/A	SHT	3	1	6	18	Revisions
Summary of Quantities	N/A	SHT	1	1	6	6	Revisions
General Notes	N/A	HRS	1	1	0	0	
Plan & Profile	1"=40'	SHT					
Intersection Details		SHT				0	
Intersection Profiles		SHT					
Back of Sidewalk Profiles		HRS	0	0	8	0	
Special Profiles		HRS	1	1	0	0	
Misc. Construction Details		SHT	1	1	8	8	Revisons
Detour Plans/Maint. of Traffic		HRS	2	2	0	0	
Cross-Sections		SHT					
Quantity Calculations	N/A	HRS	1		0	0	
Cost Estimates	N/A	HRS	2		0	0	
Pavement Design	N/A	HRS	1		0	0	Use Miami Dade County Pavement Section
Project Control Network sheet		HRS	1		0	0	To be provided by Surveyor
Bike Lane Plan & profile	1"=40'	SHT	19	19	6	114	
Bile Lane Cross Sections		SHT	101	16	0.5	51	Every 100'
Geometry Plan		HRS					
Utility Coordination		HRS	9		0	0	
Utility Conference		HRS	1		0	0	
Specifications		HRS	1		0	0	
Plateau Intersection Plans		SHT				0	
Design Variance		HRS	1		31	31	Required for tree sight distance and horizontal clearance (Simplified Version)
Meetings and Reviews	N/A	HRS	0		8	0	Additonal Meetings
Field Reviews	N/A	HRS	3		8	24	
Miami Dade County Traffic Permit		HRS	1		0	0	
Tree Permit		HRS	1		8	8	Tree revisions
FDOT Require Documentation		HRS	1		9	9	Reports and memos required by FDOT
ROADWAY PLANS TOTALS				43		269	

Prepared By: _____ Date: _____

CCN: A2664

COUNTY PROJ. NO.: N/A F.A.P. N/A DESCRIPTION: SW 136 Street Bike Lane

LENGTH: 1.74 MILES _____ FEET LANES: 2 DIV'D: _____ URBAN: _____

ITEM	SCALE	BASIS OF ESTIMATE	NO. OF UNITS	NO. OF SHEETS	M - H UNITS	TOTAL M-H	COMMENTS
GROUND SIGNING & MARKING							
Key Map							
Summary of Quantities		SHT	0	1	32	0	
Plan Sheets	1"=40'	SHT	19	19	3.65	69	
General Notes & Details		SHT	0	1	16	0	
Guide Sign Work Sheet		SHT	0	1	16	0	
Special Marking Sheet		SHT				0	
SIGNING & MARKING TOTALS				22		69	

Prepared By: _____ Date: _____

CCN: A2664

COUNTY PROJ. NO.: N/A F.A.P. N/A DESCRIPTION: SW 136 Street Bike Lane

LENGTH: 1.74 MILES _____ FEET LANES: 2 DIV'D: _____ URBAN: _____

ITEM	SCALE	BASIS OF ESTIMATE	NO. OF UNITS	NO. OF SHEETS	M - H UNITS	TOTAL M-H	COMMENTS
DRAINAGE PLANS							
Drainage Map	200'	SHT					
Drainage Design (Including Report)		HRS	1		0	0	Revised due to trees
Drainage Structure Sheets		SHT	0		2.5	0	
Summary of Drainage Structure		SHT				0	N/A
Permit Sketches		HRS					
Meetings / Review / Quality Control		HRS	0		16	0	
Drainage Details		HRS	0	1	24	0	
Environmental Issues		HRS					
Erosion Control Plan		HRS	0		8	0	
Stormwater Pollution Prevetion Plan		HRS	0		8	0	
Base Clearance Water Elevation		HRS					
Optional Pipe Material		HRS					
Miami Dade County DRER Permit		HRS	0		24	0	
DRAINAGE PLANS TOTALS				1		0	

Prepared By: _____ Date: _____

CCN: A2664

COUNTY PROJ. NO.: N/A F.A.P. N/A DESCRIPTION: SW 136 Street Bike Lane

LENGTH: 1.74 MILES _____ FEET LANES: 2 DIV'D: _____ URBAN: _____

ITEM	SCALE	BASIS OF ESTIMATE	NO. OF UNITS	NO. OF SHEETS	M - H UNITS	TOTAL M-H	COMMENTS
ROADWAY PLANS							
Public Meetings	N/A	HRS	1		4	4	Additonal Public Meeting
Master Plan		HRS				0	
Coordination meetings		HRS				0	
Intersectiion Alternatives		HRS				0	
Traffic Study		HRS				0	
ROADWAY PLANS TOTALS				0		4	

Prepared By: _____ Date: _____

CCN: A2664

ATTACHMENT D

Kimley»Horn

Invoice for Professional Services

VILLAGE OF PALMETTO BAY
ATTN: DIONISIO TORRES
9495 SW 180TH STREET
PALMETTO BAY, FL 33157

Invoice No: 15708571
Invoice Date: Jan 31, 2020
Invoice Amount: $6,185.00

Project No: 044649028.1
Project Name: BONNETED BAT SURVEY
Project Manager: JOHNSON, SARAH

Client Reference: AGREEMENT 06/20/13
WA #19-08

Please send payments to:

KIMLEY-HORN AND ASSOCIATES, INC.
P.O. BOX 932520
ATLANTA, GA 31193-2520

Federal Tax Id: 56-0885615

For Services Rendered through Jan 31, 2020

LUMP SUM

Description	Contract Value	% Complete	Amount Earned to Date	Previous Amount Billed	Current Amount Due
TASK 1 - BONNETED BAT SURVEY	6,185.00	100.00%	6,185.00	0.00	6,185.00
Subtotal	**6,185.00**	**100.00%**	**6,185.00**	**0.00**	**6,185.00**
Total LUMP SUM					**6,185.00**

Total Invoice: $6,185.00

If you have any questions, please contact Taylor Hamill at 407-427-1689 or Taylor.Hamill@kimley-horn.com

33TBH

ITEM 4B

ITEM 4B

To: Honorable Mayor and Village Council

Date: April 6, 2020

From: Gregory H. Truitt, Interim Village Manager

Re: Installation of Permanent Speed Tables

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO TRAFFIC CALMING PROJECTS; APPROVING THE SELECTION OF MAGGOLC, INC. FOR THE INSTALLATION OF UP TO 24 PERMANENT SPEED TABLES WITHIN THE VILLAGE; AUTHORIZING THE INTERIM VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH SAID COMPANY FOR AN AMOUNT NOT TO EXCEED $151,200; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:

The speed tables will be constructed with asphalt materials and are 22 feet in length with a flat top maximum height of 3.5 inches to 4 inches in height. The design of the flat top speed hump contains two, six feet tapered sections with a 10 feet flat section in the middle. The flat top speed table is designed for use on residential streets. The speed tables will be placed at a distance that will reduce the average vehicular speeds between speed tables to 20 to 25 mph.

The lowest, most responsive proposal received for installation of speed tables was from Maggolc, Inc. for an amount of $6,300.00 per speed table installed including striping and signs Attached is Exhibit A which details the location and number of speed tables planned for installation at this location for a total project amount not to exceed $151,200.00. It is requested that the Village Council authorize the Village Manager to execute an agreement with Maggolc, Inc. to construct speed tables on:

1. Farmer Road from Old Cutler Road to SW 136th Street
2. SW 139th Terrace from SW 80th Avenue to SW 82nd Avenue
3. Near intersection of SW 142nd Street and 78th Avenue
4. SW 148th Terrace from Old Cutler Road to SW 69th Court
5. SW 149th Street between 71st Avenue and 69th Court
6. SW 80th Avenue from SW 152nd Street to SW 151st Street
7. SW 146th Terrace between SW 74th Court and Old Cutler Road
8. SW 182nd Street between 92nd Avenue and 94th Avenue
9. SW 85th Avenue between SW 152nd Street and 160th Street

10. SW 90th Avenue between SW 168th Street and SW 164th Street
11. SW 163rd Street between 82nd and 83rd Avenue

FISCAL/BUDGETARY IMPACT:
Funding is available and budgeted for this item under "Special Revenue Fund-Transportation – Traffic Calming" in an amount not to exceed $151,200.00 in Fiscal Year 2019-2020.

RECOMMENDATION:
Approval is recommended.

Attachments (1):

- Attachment A: Maggolc, Inc. Quote/ Location Detail
- Attachment B: Metro Express, Inc. Quote
- Attachment C: H&R Paving Quote

RESOLUTION NO. 2020-

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO TRAFFIC CALMING PROJECTS; APPROVING THE SELECTION OF MAGGOLC, INC. FOR THE INSTALLATION OF UP TO 24 PERMANENT SPEED TABLES WITHIN THE VILLAGE; AUTHORIZING THE INTERIM VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH SAID COMPANY FOR AN AMOUNT NOT TO EXCEED $151,200; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

WHEREAS, speeding has become an increasingly alarming issue for residents and the Village of Palmetto Bay continues to be committed to safety and livability of its residential neighborhoods; and,

WHEREAS, the installation of permanent speed tables will immediately discourage speeding of vehicles during peak hours, where installed; and,

WHEREAS, complaints related to speeding vehicles continue to be reported for the following locations: Farmer Road from Old Cutler Road to SW 136th Street, SW 139th Terrace from SW 80th Avenue to SW 82nd Avenue, Near intersection of SW 142nd Street and 78th Avenue, SW 148th Terrace from Old Cutler Road to SW 69th Court, SW 149th Street from 71st Avenue to 169th Court, SW 80th Avenue from SW 152nd Street to SW 151st Street, SW 146th Terrace between SW 74th Court and Old Cutler Road, SW 182nd Street between 92nd Avenue and 94th Avenue, SW 85th Avenue between SW 152nd Street and 160th Street, SW 90th Avenue between SW 168th Street and SW 164th Street, SW 163rd Street between 82nd and 83rd Avenue; and,

WHEREAS, Administration requested and received proposals and pricing from three contractors for construction of asphaltic speed tables at various locations throughout the Village of Palmetto Bay, with the lowest most responsive proposal received from Maggolc, Inc. for an amount of $6,300.00 per speed table installed including striping and signs; and

WHEREAS, funding for installation of permanent speed tables in these neighborhoods for an amount not to exceed $151,200.00 is within the current fiscal year's budget for Traffic Calming Improvements, and

WHEREAS, upon Village Council approval, Maggolc, Inc. will install permanent speed tables at the locations identified in compliance with Village of Palmetto Bay Traffic Calming Procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Council hereby approves the selection of Maggolc, Inc. to construct speed tables on:

1. Farmer Road from Old Cutler Road to SW 136th Street
2. SW 139th Terrace from SW 80th Avenue to SW 82nd Avenue
3. Near intersection of SW 142nd Street and 78th Avenue
4. SW 148th Terrace from Old Cutler Road to SW 69th Court
5. SW 149th Street from 71st Avenue and 69th Court
6. SW 80th Avenue from SW 152nd Street to SW 151st Street
7. SW 146th Terrace between SW 74th Court and Old Cutler Road
8. SW 182nd Street between 92nd Avenue and 94th Avenue
9. SW 85th Avenue between SW 152nd Street and 160th Street
10. SW 90th Avenue between SW 168th Street and SW 164th Street
11. SW 163rd Street between 82nd and 83rd Avenue

Section 2. The Interim Village Manager is hereby authorized to execute an agreement with Maggolc, Inc. for construction of speed tables for a contract amount not to exceed $151,200.00, and execute related documentation on behalf of the Village once approved as to final form, content and legal sufficiency by the Village Attorney.

Section 3. This Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED this 6th day of April 2020.

Attest: _____ _____

Melissa Dodge
Acting Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

John C. Dellagloria, Esq.
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore ____

Council Member David Singer ____

Council Member Marsha Matson ____

Vice-Mayor John DuBois ____

Mayor Karyn Cunningham ____

ATTACHMENT A

MAGGOLC INC.
ENGINEERING CONTRACTOR – LIC: E-251302
11020 SW 55 ST., MIAMI, FL 33165
PHONE: 786-291-2949 FAX: 786-472-8831
maggolc@yahoo.com

PROPOSAL

February 20, 2020

To:
Dionisio F. Torres, P.E.
Director of Public Services
Village of Palmetto Bay

Project: Construction of one (1) Speed Table

Proposal Includes:

1. Mobilization and MOT---------- $ 2,000.00
2. Milling Existing Asphalt ---------- $ 1,400.00
3. Superpave Asphalt Concrete SP-9.5---- $ 2,500.00
4. Thermoplastic Striping---------- $ 200.00
5. Signs---------- $ 200.00

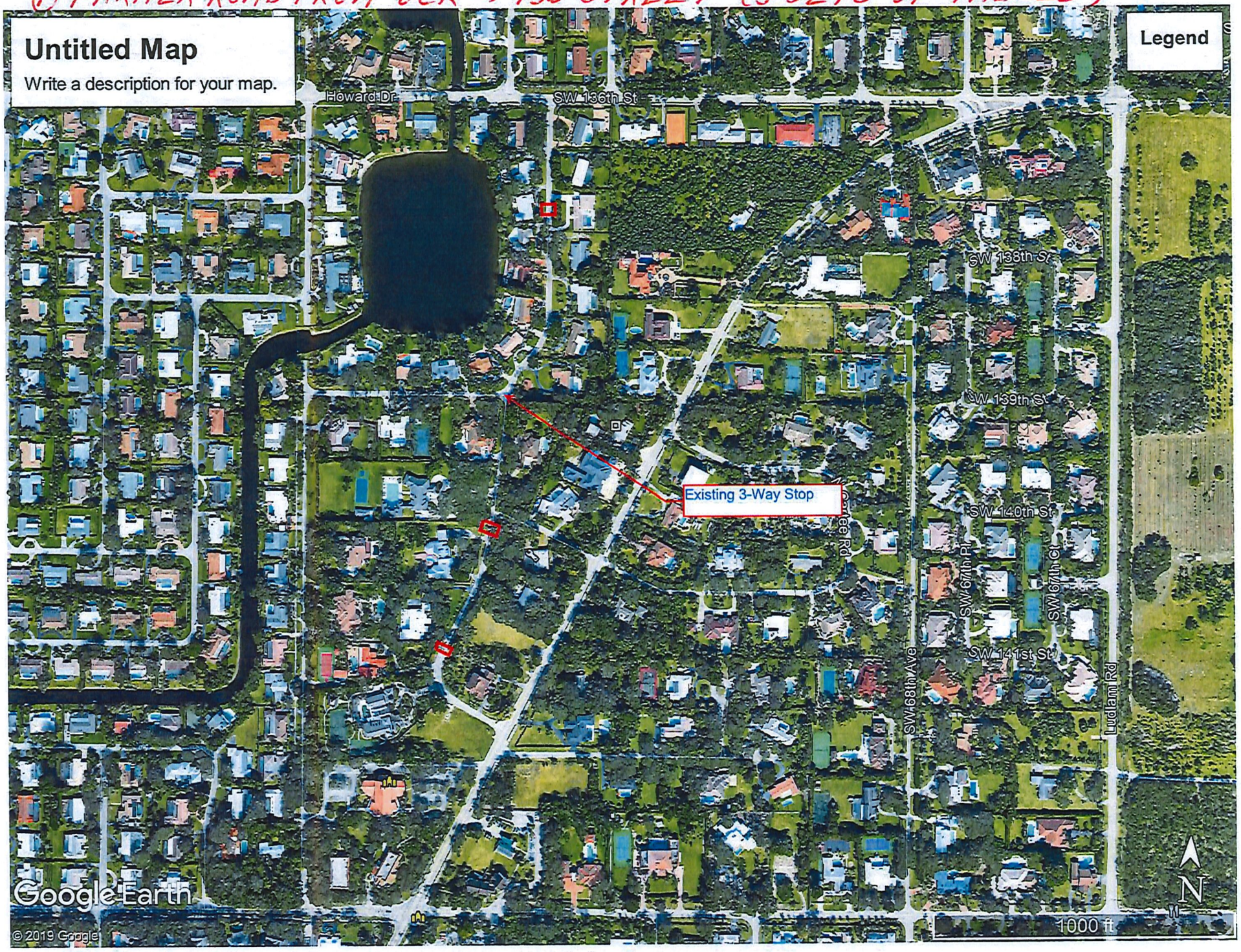
LS Price Proposed: $ 6,300.00

Notes:
This proposal does not include:
- Any pattern or color in the asphalt
- Construction As-built

Sincerely,

Mario Gonzalez
Maggolc Inc./ President

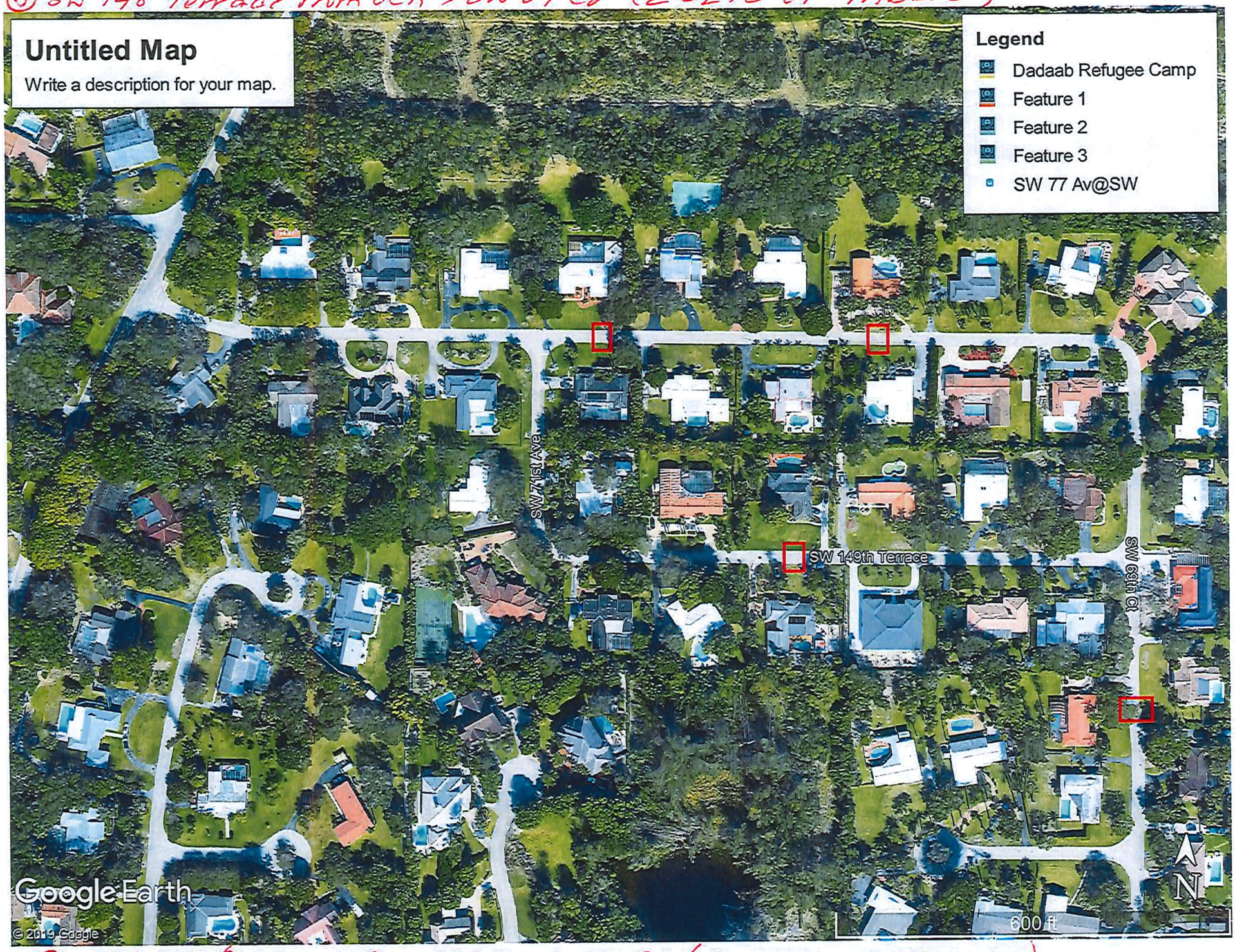
(1) FARMER ROAD FROM OCR → 136 STREET (3 SETS OF TABLES)



(2) SW 139th Terr from SW 80 Ave - 82 Ave (2 SETS OF TABLES)

(8) NEAR INTERSECTION OF 142nd Street & 78 Ave (1 Set of Tables)

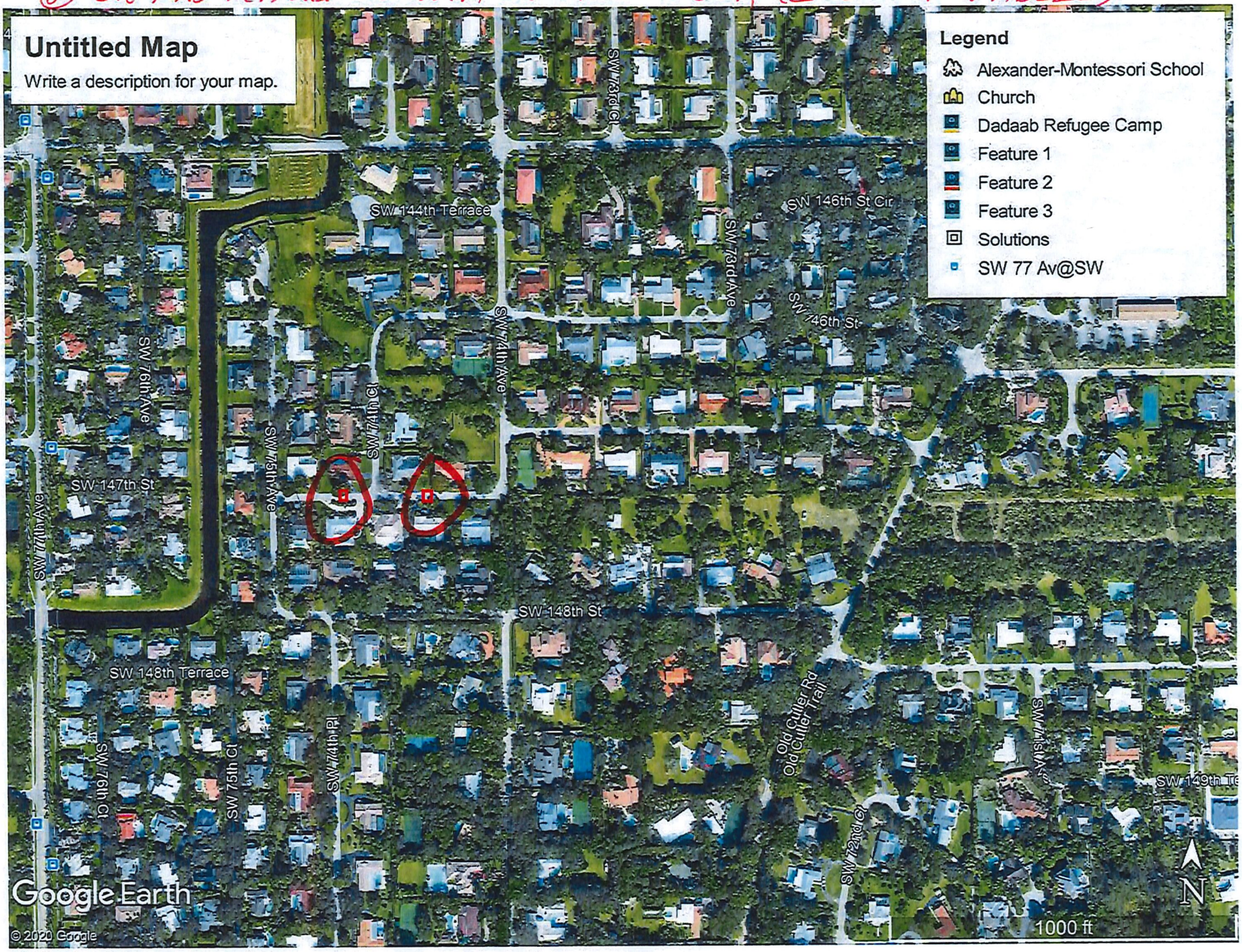
⑤ SW 148 Terrace from OCR → SW 69 Ct (2 SETS OF TABLES)



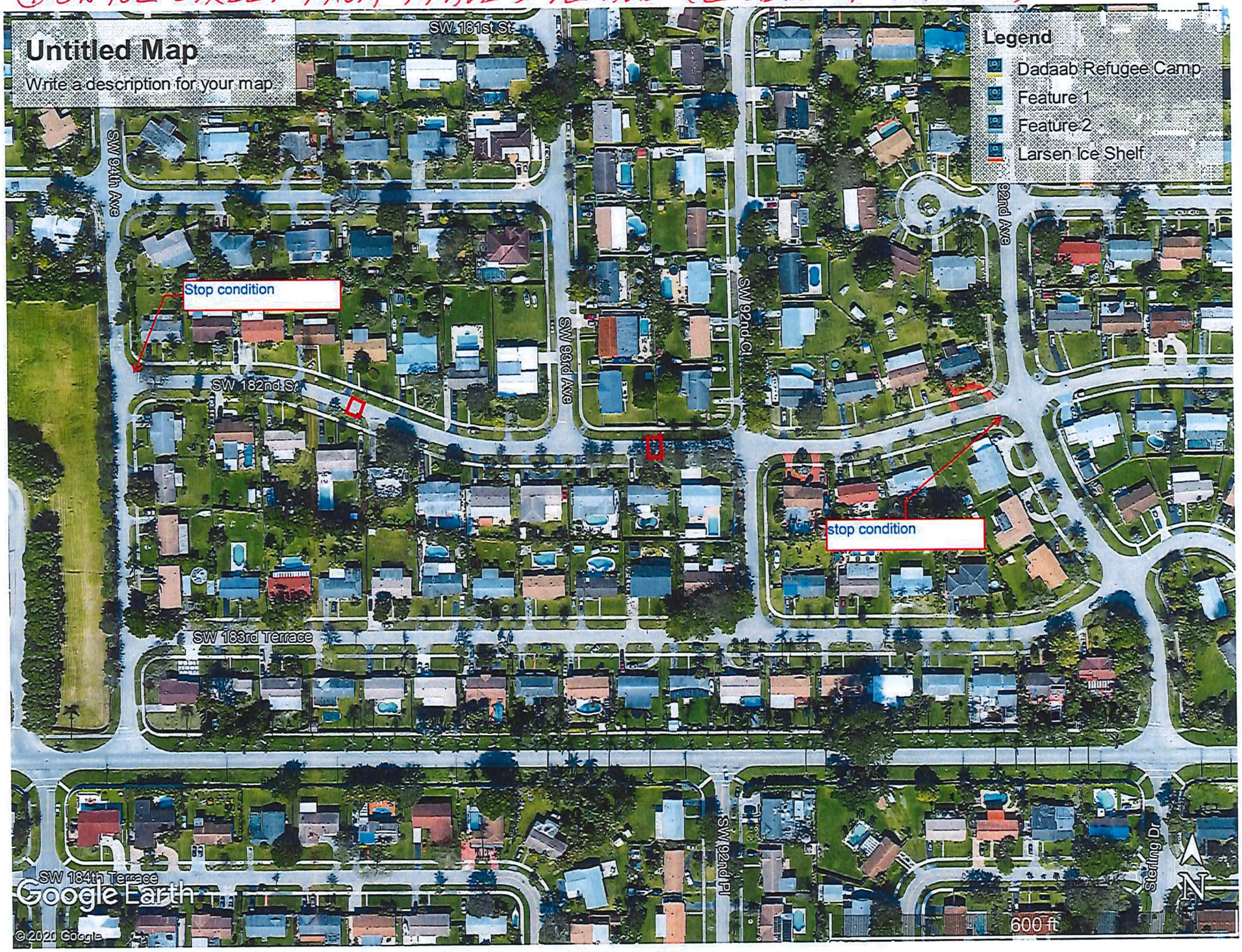
⑥ SW 149th Street from 71 Ave → 69 Ct (2 SETS OF TABLES)

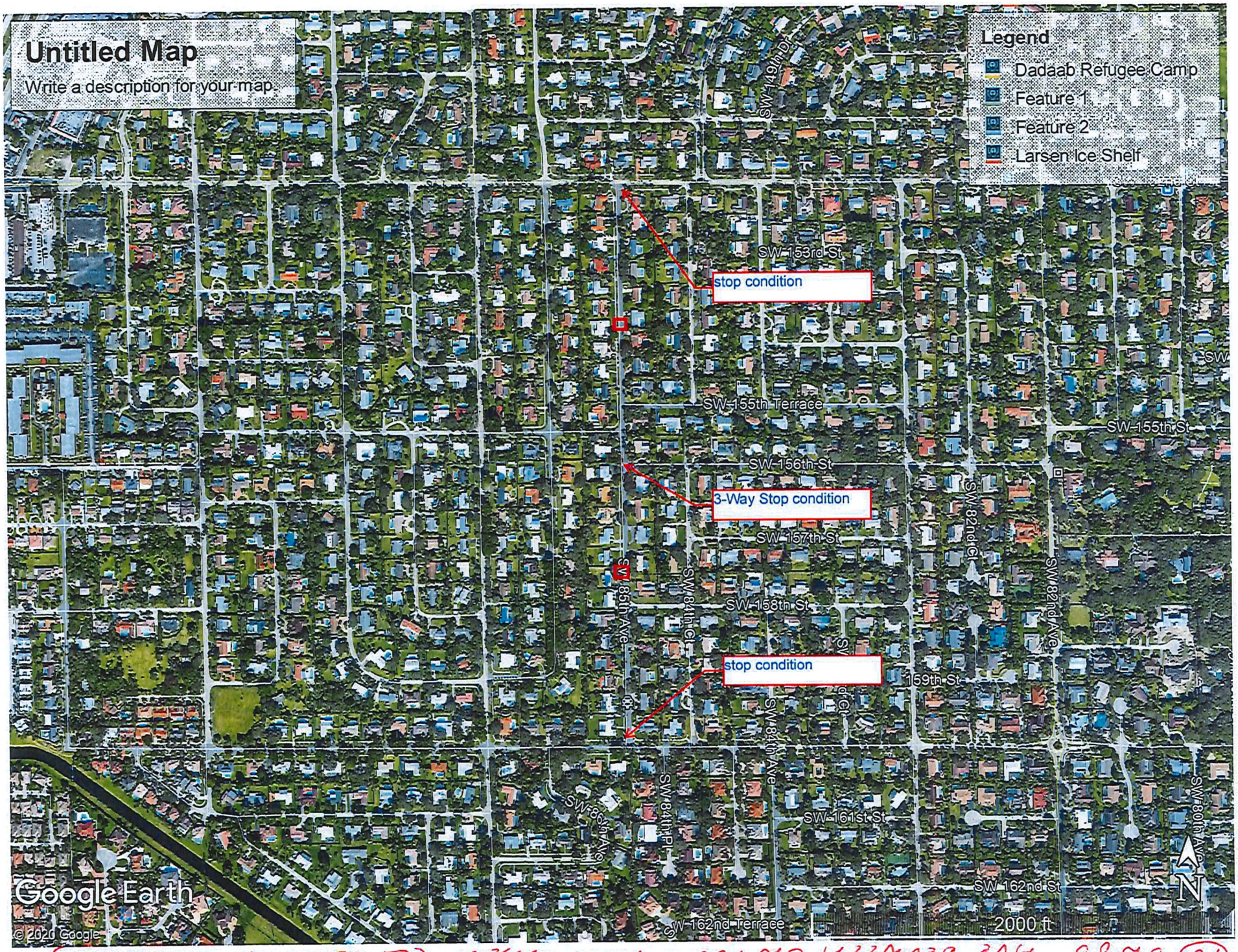
(7) SW 80th Ave from SW 152 St - 151 St (1 SET OF TABLES)

(8) SW 146 Terrace Between SW 74 Ct → OCR (2 SETS OF TABLES)



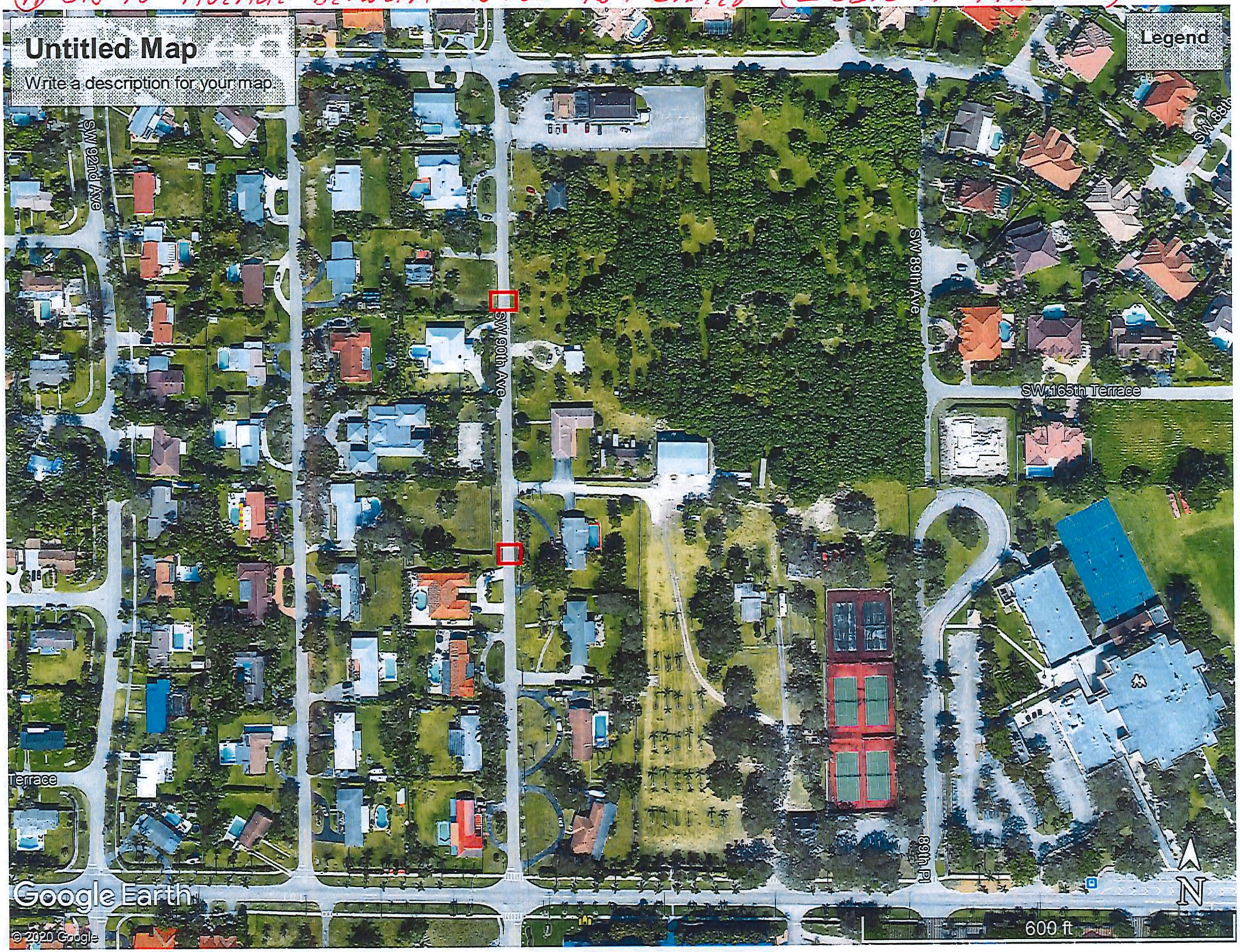
(9) SW 182 STREET FROM 94 AVE → 92 AVE (2 SETS OF TABLES)



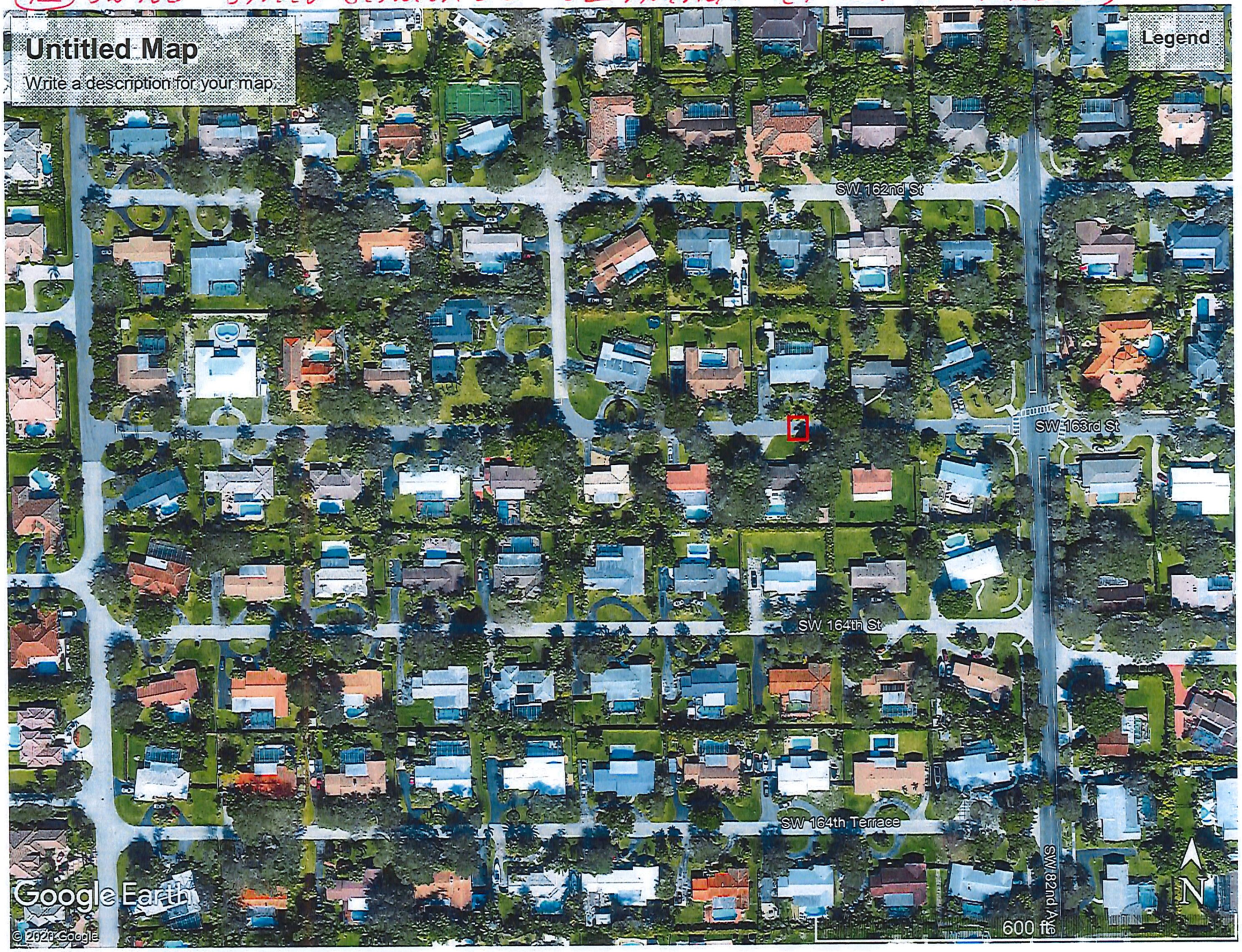


(10) SW 86th Ave between SW 160 - 162 Street (2 sets of tables)

(11) SW 90th Avenue between SW 168-164 Street (2 SETS OF TABLES)



(12) SW 163rd Street between 83 - 82 Avenue (1 SET OF TABLES)



ATTACHMENT B

Metro Express, Inc.
State Wide General Engineering Contractors
CGCO50965- E-201301

Licensed
Insured
Bonded

PROPOSAL

Quote No. DEPB021820-001	Date: 2/18/2020

To:	Village of Palmetto Bay 9495 SW 180th Street Palmetto Bay, FL 33157		
Contact	Danny Casals Phone: 305-969-5011	Fax: 305-969-5091	Cell: email: dcasals@palmettobay-fl.gov
Job:	Speed Table Construction with Asphalt Pavement		

We hereby propose to furnish all labor, material and equipment subject to terms and conditions as follows:

The job will include and be limited to the following:	Unit	Qty	UP	Total
Breakdown for One Speed Table:				
Asphalt Overbuild for speed table 22'x3.1/2", Hot Mix type S-III	EA	1	3600.00	3,600.00
Striping Thermoplastic minimum charge	EA	1	1500.00	1,500.00
Regulatory Signs	EA	4	600.00	2,400.00

Total Cost for One(01) Speed Table Construction: $ 7,500.00

Total Cost for Twenty-Four(24) Speed Tables Construction: $ 180,000.00

NOTE:
No surface imprinting will be used.

GENERAL NOTES: **All other job not listed above will be billed at additional charge. **Price do not include any permit (to be obtained by others), MOT, surveying, tree removal, valve adjustment, testing, layout, marking, painting, as-built, regrading, landscaping, etc. **Not responsible for area not ready, cars or any other obstacle in the area of work. **All work to be performed in regular daily operation hours during weekdays.

We hereby propose to furnish labor and materials, complete in accordance with above specifications, for the sum showm above, with payment to be made within 3 days after work completed.

THIS PROPOSAL SUBJECT TO ACCEPTANCE WITHIN 15 DAYS AND IS VOID THREAFTER AT THE OPTION OF METRO EXPRESS INC.

Authorized Signature: D.T.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are hereby accepted. You are authorized to do work as specified. Payment will be made as outilne above and interest charges may be charged upon deliquent accounts.

ACCEPTED BY: _____ _____
name signature

DATE: _____

9390 N.W. 109th. ST – Medley, Florida 33178- Telephone: (305) 885-1330 / Fax (305) 885-1327
An equal opportunity employer

ATTACHMENT C

Yanara Modroño

From: Dionisio Torres
Sent: Thursday, March 19, 2020 11:08 AM
To: Yvonne Picado
Subject: FW: Village Palmetto Bay updated Proposal

From: Abe Rodriguez <abe@hrpaving.com>
Sent: Wednesday, February 12, 2020 9:56 AM
To: 'Abe Rodriguez' <abe@hrpaving.com>; Danny Casals <dcasals@palmettobay-fl.gov>
Cc: Dionisio Torres <dtorres@palmettobay-fl.gov>
Subject: RE: Village Palmetto Bay updated Proposal

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

GOOD MORNING DANNY, I WENT OVER THE PRICE AS WE SPOKE AND MY LOWEST PRICE IS $6,650.00 EA.

From: Abe Rodriguez [mailto:abe@hrpaving.com]
Sent: Tuesday, February 4, 2020 3:54 PM
To: 'Danny Casals'
Cc: 'Dionisio Torres'
Subject: RE: Village Palmetto Bay updated Proposal

DANNY, BEST I CAN DO WILL $ 6,750.00 EA. THIS INCLUDES M.O.T.

From: Danny Casals [mailto:dcasals@palmettobay-fl.gov]
Sent: Monday, February 3, 2020 8:59 AM
To: Abe Rodriguez
Cc: Dionisio Torres
Subject: FW: Village Palmetto Bay updated Proposal

Good morning Abe,

Will H&R Paving be willing to honor the same attached pricing for new speed hump installations throughout Village?

From: Abe Rodriguez <abe@hrpaving.com>
Sent: Friday, March 15, 2019 12:02 PM
To: Danny Casals <dcasals@palmettobay-fl.gov>
Subject: FW: Village Palmetto Bay updated Proposal

DANNY, ATTACHED YOU WILL FIND THE PROPOSAL FOR THE SPEED TABLES. I FORGOT TO INCLUDE THE 2 SIGNS IN MY ORIGINAL PRICE.

From: Pedro Cruz [mailto:pedro@hrpaving.com]
Sent: Friday, March 15, 2019 11:43 AM
To: 'Abe Rodriguez'
Subject: Village Palmetto Bay updated Proposal

See Proposal in attachment.

Pedro Cruz
Account Receivable
pedro@hrpaving.com

H&R PAVING INC.

1955 N.W. 110 Avenue
Miami, Fl 33172

More than 40 Years
Serving Our Community !

Virus-free. www.avast.com

1955 NW 110 Ave., Miami, FL 33172
Telephone: (305) 261-3005
Fax: (305) 592-6079

H&R PAVING INC.

LICENSED AND INSURED

PROPOSAL

QUOTE NO.	AR378
DATE:	Mar 15, 2019

TO	VILLAGE OF PALMETTO BAY 9705 EAST HIBISCUS ST PALMETTO BAY, FL 33157
CONTACT	DANNY CASAS

TO	SPEED TABLES
CONTACT	305 259-1234* FAX: 305 259-1290

We hereby propose to furnish all labor, material, equipment and insurance, **SUBJECT TO ALL TERMS AND CONDITIONS AS SET FORTH ON BOTH SIDES OF THIS PROPOSAL, AS FOLLOWS:**

1- Install new Speed Tables including milling key joints, asphalt and striping = $2,500 ea
2- M.O.T. $350.00 per day

TOTAL:

We hereby propose to furnish labor and materials - complete in accordance with the above specifications, for the sum shown above, with payment to be made as follows:

NOTE: Cost of permits to be billed additionally. Subgrade preparation if required under equipment rental basis. This proposal subject to acceptance within 30 days and is void thereafter at the option of **H & R PAVING, Inc.** (READ RESERVE SIDE)

Authorized Signature: _____

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. 1/3 upon acceptance, when rock base is in place, balance upon completion. INTEREST will be charged on all delinquent accounts at the highest legal rate of interest allowable under the laws of the state of Florida.

ACCEPTED: _____ Signature: _____

Date: _____ Signature: _____

ADDITIONAL TERMS & CONDITIONS

1. All work and material shall be guaranteed by **H & R Paving, Inc.**, in accordance with the terms and conditions of this agreement and all work shall be completed in a workman like manner and according to standard paving practice in Dade County area.

2. Any chance, alterations or deviation from the specifications as set forth in this agreement, which involve additional charge or cost, will be permitted only upon written change order and same will be an estra charge which shall be due and payable upon execution of the change order.

3. **H & R Paving, Inc.**, Shall not be responsible for damages to sidewalks, fences, lawns, underground installations, septic tanks, water and drain lines, water ponding, etc.

4. **H & R Paving, Inc.**, Shall not be responsible for any damages caused by automobile power steering, tire marks, peeling of asphalt, grass growing in asphalt, leakage of gasoline or oil or detergent placed upon the asphalt.

5. **H & R Paving, Inc.**, Shall not be responsible for any loss, damage or injury to persons or property caused by acts of government civil or military authorities, theft, vandalism, labor disputes, explosions, power failure, water damage, storms, lightning, natural or public catastrophe, acts of God or by any other cause which is unavoidable or beyond our reasonable control and, in any event, we shall not be liable for incidental or consequential damages.

6. You shall not be entitled to recover from **H & R Paving, Inc.**, Any consequential damages, damages to property, damages for delay, loss of profits or income or any other incidental damages and do hereby waive and release H & R Paving, Inc.,from any such claims.

7. In the event of your non performance under the terms and conditions of this agreement of failure to pay the amounts due within the time period as set forth within the agreement, you agree that if an attorney is engaged to enforce the terms of this agreement, or to collect payment due hereunder either with or without suit, you shall pay all costs incurred by **H & R Paving, Inc.**,including reasonable attorney's fees in the trial court and the appellate level.

8. It is agreed that you hereby waive trial by jury, and further agree and consent that venue shall for any proceeding under this agreement be in the County of Dade and State of Florida.

9. No agent or employees shall have authority to waive or modify any of the terms and conditions of this agreement.

10. Down time due to General Contractor or Sub-Contractor will be billed extra at a rate of $ 150.00 per hour.

11. **H & R Paving, Inc.**,will not be responsible for asphalt raveling, which is a normal part of the curing process for up to 1 year on fresh asphalt.

ITEM 10A

RESOLUTION NO. 2020-_____

AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE INTERIM VILLAGE MANAGER TO ISSUE AN EXECUTIVE DECLARATION CALLING FOR A 10:00 P.M. TO 5:00 A.M. CURFEW THROUGHOUT THE BOUNDARIES OF THE VILLAGE OF PALMETTO BAY; PROVIDING FOR EXCEPTIONS, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Council Member David Singer)*

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the residents of Palmetto Bay, Florida; and

WHEREAS, Section 252.38(3), Florida Statutes provides authority to political subdivisions to declare and enact State of Local Emergency for up to seven (7) days and waiving procedures which would otherwise be required by State and local law:

WHEREAS, in response to the COVID-19 virus, a State of Emergency was declared by Governor Ron DeSantis on March 9, 2020; and

WHEREAS, in response to the COVID-19 virus, on March 12, 2020 Miami-Dade County issued a Declaration of Local State of Emergency and which has been extended on March 25, 2020; and

WHEREAS, in response to the COVID-19 virus, and acting on the authority of Section 252.38(3), Florida Statutes and Section 14-80 of the Village Code of Ordinances, the Interim Village Manager issued a Declaration of a State of Emergency which has been extended on March 26, 2020; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (the "CDC") and the Florida Department of Health highly recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing of at least 6 feet between persons in smaller gatherings; and

WHEREAS, in order to implement a mitigation strategy most helpful to stem the rampant spread of the virus, the Village Council believes it is the best interests of the residents of the Village to be safe at home during this pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Manager is hereby authorized to issue an Emergency Declaration imposing a curfew throughout the boundaries of the Village of Palmetto Bay.

Section 2. The Curfew shall run from 10:00 P.M to 5:00 A.M., and shall include but not be limited to the prohibition of pedestrian and vehicular movement.

Section 3. The following are exceptions to the Curfew:

(i) the provision of essential state, county and local emergency services including fire-rescue, police services, physician and hospital services, including the transportation of patients;

(ii) Utility repairs;

(iii) third party food deliveries;

(iv) walking dogs within five hundred (500) feet of the owner's residence;

(v) travel to and from work.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED and **ADOPTED** this 6th day of April, 2020.

Attest:

_____	_____
Melissa Dodge Acting Village Clerk	Karyn Cunningham Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____
John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

ITEM 10B

RESOLUTION NO. 2020-_____

AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE MAYOR OF MIAMI-DADE COUNTY, FLORIDA TO IMMEDIATELY ISSUE AN EMERGENCY ORDER REQUIRING ALL MIAMI-DADE COUNTY RESIDENTS TO SHELTER-IN-PLACE, AND TO INCLUDE ENFORCEMENT PROVISIONS IN THE ORDER; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Mayor Karyn Cunningham)*

WHEREAS, On March 26, 2020, Miami-Dade County Emergency Order 12-20 "urged" all residents and visitors to remain in their homes other than to engage in essential activities, as allowed through previous Orders issued by the County ; and

WHEREAS, it has become the unquestioned opinion in the scientific community that the most effective way to prevent contracting the COVID-19 Virus is to self-self-quarantine; and

WHEREAS, the Cities that have issued "shelter-in place" Orders have realized a gradual reduction in its residents contracting the virus; and

WHEREAS, the cities and villages of Miami-Dade County need a coordinated effort to help control the spread of this deadly virus; and

WHEREAS, only by the County exercising its county-wide jurisdiction by issuing a blanket shelter-in-place Order ,with enforcement powers, can the cities and villages of the County effectively deal with the continuing spread of the virus among its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The above recitals are incorporated as if set forth in full.

Section 2. The Mayor and Council of the Village of Palmetto Bay, Florida urge the Mayor of Miami-Dade County to immediately issue a "shelter-in-place' Order enforceable throughout the county to provide for a coordinated effort for all cites and villages in the county to help control and reduce the spread of the COVID-19 virus.

Section 3. The acting Village Clerk is hereby directed to send a conformed copy of this Resolution to the Mayors of all cities and villages in Miami-Dade County.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED and **ADOPTED** this 6th day of April, 2020.

Attest:

_____	_____
Melissa Dodge Acting Village Clerk	Karyn Cunningham Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____
John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

ITEM 10C

RESOLUTION NO. 2020-_____

AN EMERGENCY RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE INTERIM VILLAGE MANAGER TO ISSUE AN EXECUTIVE DECLARATION THAT NO EMPLOYER IN THE VILLAGE OF PALMETTO BAY PREVENT OR PROHIBIT AN EMPLOYEE FROM WEARING PROTECTIVE PERSONAL EQUIPMENT; REQUIRING BUSINESSES TO OBSERVE DISTANCE SEPARATIONS OF NOT LESS THAN SIX (6) FEET BETWEEN INDIVIDUALS; ESTABLISHING AN EFFECTIVE DATE *(Sponsored by Councilman David Singer)*

WHEREAS, on March 1st, 2020, the Governor of the State of Florida issued Executive Order Number 20-51 declaring a public health emergency owing to the outbreak of the Novel Coronavirus Disease 2019 (Covid-19); and

WHEREAS, on March 9th, 2020 the Governor issued Executive Order 20-52 which declared a State of Emergency which authorized governmental bodies responding to the emergency to have the authority to suspend the operation of the statutes, rules ordinances they administer; and

WHEREAS, in response, on March 12th, 2020, the Mayor of Miami-Dade County issued a "County Declaration of Local State of Emergency"; and

WHEREAS, in order to protect the health, safety and welfare of the residents of the Village, the Interim Village Manager issued a Declaration of a State of Emergency; and

WHEREAS, Miami-Dade County has experienced the significant growth of those infected with the Covid-19 virus; and

WHEREAS, for the health and safety of residents of Palmetto Bay, in order to reduce excessive congregation of residents and potential contamination it is essential that business that are permitted to remain open pursuant to the above-referenced Orders and Declarations permit its workers to fully exercise their right to personal protection;

Attest:

_____	_____
Melissa Dodge	Karyn Cunningham
Interim Village Clerk	Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

ITEM 11

ORDINANCE 2020-_____

AN EMERGENCY ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CONFIRMING THE DECLARATION OF A STATE OF EMERGENCY FOR THE VILLAGE OF PALMETTO BAY INITIALLY ISSUED ON MARCH 13, 2020, AND CONFIRMING ALL SUBSEQUENT EXTENSIONS TO DATE, FOLLOWING A STATEWIDE EMERGENCY DECLARATION BY THE FLORIDA GOVERNOR THROUGH EXECUTIVE ORDER 20-52, RELATED TO THE COVID-19 PANDEMIC; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration)*

WHEREAS, Section 14-80 (a) of the Village's Code of Ordinances, entitled "Declaration of a state of emergency" provides that the "Village Manager or designee and Mayor or member of the Village Council shall have the authority to declare a state of emergency"; and,

WHEREAS, on March 9, 2020, the Florida Governor declared a State of Emergency through Executive Order 20-52, and Miami-Dade County executed a Declaration of Local State of Emergency on March 12, 2020, following the discovery of the dangerous and highly contagious COVID-19 virus; and,

WHEREAS, the Mayor and Village Manager executed a Declaration of a State of Emergency for the Village of Palmetto Bay on March 13, 2020, and renewed on March 20 and on March 26, and subject to additional renewals every 7 days as necessary; and,

WHEREAS, Section 14-80 (b) of the Village's Code of Ordinances requires that a declaration of a state of emergency "shall be confirmed by the Village Council by emergency ordinance no later than at the next regular meeting"; and,

WHEREAS, pursuant to Section 14-80 (e) and Section 4.4 (2) of the Village Charter, emergency ordinances shall require only one public hearing.

NOW, THEREFORE, THE VILLAGE COUNCIL ADOPTS THE FOLLOWING EMERGENCY ORDINANCE:

Section 1. Whereas Clauses: The whereas clauses above are incorporated herein as reference.

Section 2. Confirmation Of The Declaration Of A State Of Emergency: The Mayor and Village Council hereby confirm the Declaration of State of Emergency for the Village of Palmetto Bay pursuant to COVID-19, issued on March 13, 2020 and all subsequent renewals therewith, which such declaration is consistent with the State of Emergency declared by the Florida Governor and the County Mayor.

Section 2. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall take effect immediately upon first reading.

PASSED and ENACTED on this ____ day of _____, 2020.

Attest:

Melissa Dodge	**Karyn Cunningham**
Acting Village Clerk	**Mayor**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

ITEM 13A

ORDINANCE 2020-____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE DEVELOPMENT PROJECTS; AMENDING SECTION 30-30.2(V) OF THE VILLAGE'S ZONING CODE; REQUIRING NEW ZONING APPLICATIONS TO MAKE A PRESENTATION BEFORE THE GENERAL PUBLIC REGARDING A PROPOSED DEVELOPMENT PROJECT; PROVIDING THAT A MEETING SHALL BE HELD AT LEAST TWO TO FOUR WEEKS PRIOR TO COUNCIL DELIBERATIONS ON A PROPOSED PROJECT; PROVIDING THAT NO MEETINGS BE SCHEDULED DURING MIAMI-DADE COUNTY PUBLIC SCHOOL HOLIDAYS, SPRING, SUMMER OR WINTER BREAKS AND FEDERAL HOLIDAYS; REQUIRING AT LEAST 7-DAYS PUBLIC NOTICE FOR THE MEETING; REQUIRING THAT A MEETING TAKE PLACE ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF MIAMI-DADE PUBLIC SCHOOLS; PROVIDING FOR AN EXEMPTION FOR PROJECTS ONLY REQUIRING ADMINISTRATIVE APPROVAL; REPEALING RESOLUTION 2018-14, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

WHEREAS, the Village Council prides itself on transparency and open government; and

WHEREAS, new development in the Village has a great impact on the quality of life of the residents of the Village; and

WHEREAS, it is appropriate for developers to present to the general public information available on their proposed project, inclusive of responding to questions and inquiries from the residents; and

WHEREAS, the scheduling of the presentations in advance of Council considerations will allow sufficient time for residents to address any and all questions and concerns to the potential developer, which also reduces the amount of time to be dedicated to project discussions during a Council meeting where time is more limited; and

WHEREAS, the presentations should be meaningful in the scope of information presented, in the time allowed and required for the presentation,

in the time for when the presentations are scheduled, and with adequate advance notice given for such presentation; and

WHEREAS, in order to maximize public participation, developer presentations shall not occur when Miami-Dade County public schools are on spring, summer or winter break, on federal holidays or when there are development moratoria or Zoning in Progress in effect for the properties to be developed.

NOW THEREOFORE. BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The above recitals are incorporated as if set forth in full.

Section 2. Resolution 2018-14 is repealed in its entirety.

Section 3. Section 30-30.2(v) of the zoning code of Ordinances is added as follows:

(a) Presentations required. Private developers of residential projects which are greater than five (5) units and commercial projects in excess of fifteen thousand square feet (15,000) which require Council approval to develop shall make a presentation to the general public between two (2) and four (4) weeks prior to Council deliberations. At which time, traffic studies, plans, characteristics, parameters architectural presentations and any and all other pertinent information by professionals working on the project shall be presented to the public for public discussion.

(b) Notice. Developers shall schedule the presentations with the Village Clerk and notice of the meeting shall be placed on the official website of the Village of Palmetto Bay at least seven (7) calendar days prior to the meeting.

(c) Meeting procedure. The meeting for such presentation shall take place on the evening of a regular semester school day of the Miami-Dade County Public Schools. No meetings shall be scheduled during spring, summer or winter breaks, federal holidays or when the Village has Zoning-in-Progress or a moratorium is in effect. The meeting shall allocate equal

time to the developer and the public, for a minimum of fifteen (15) minutes for the presentation of the developer, and fifteen (15) minutes for questions by the public, whereby the developer and any Village staff present will attempt to answer all relevant questions from the public to the best of their ability. The said meeting shall be facilitated by the Village's Public Information Officer.

(d) Exemption. This subsection shall not apply to any development that can be administratively approved by the Planning and Zoning Department.

Section 4. Effective Date. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED this _____ day of _____2020.

First Reading: _____

Second Reading:_____

Attest:

Melissa Dodge	**Karyn Cunningham**
Acting Village Clerk	**Mayor**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

John C. Dellagloria
Village Attorney

VOTE ON FIRST READING

Mayor Karyn Cunningham _____

Vice-Mayor DuBois _____

Council Member Singer _____

Council Member Matson _____

Council Member Fiore _____

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham _____

Vice Mayor John Dubois _____

Council Member David Singer _____

Council Member Patrick Fiore _____

Council Member Marsha Matson _____

ATTACHMENT A

To: Honorable Mayor and Village Council	Date: August 28, 2019
From: Councilmember Masha Matson	Re: Developer Community Presentations

PURPOSE OF THE PROPOSED ACTION:
The purpose of this Amendment to Resolution 2018-14 is to clarify the procedures to be followed for the Developer Presentations required by Resolution 2018-14.

MAJOR POINTS/REASONS FOR THE PROPOSED ACTION:
It appears that some of the presentations have been ineffective due to insufficient notice, short time period, inopportune time during vacations when fewer residents attend, and restrictions on questions. The existing Resolution does not clarify when and how the developer presentation has to occur, except that it has to occur at least 2 weeks prior to Council consideration. The proposed additions will strengthen Resolution 2018-14, and the developer presentation will become more meaningful and informative for the public.

The additions make it clear that the presentation should be on the evening of a regular semester public school day, which avoids the perception that matters are considered when many residents are absent.

PRELIMINARY ESTIMATE OF THE COST OF IMPLEMENTATION
None, as the Resolution simply amends an existing Resolution with specific notice and procedural guidelines.

SOURCE OF FUNDS TO PAY SUCH COSTS:
Not applicable.

ITEM 13B

ORDINANCE 2020-_____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" REGARDING SINGLE-USE DRINKING WATER PLASTIC BOTTLES; PROHIBITING THE SALE, DISTRIBUTION OR USE OF SINGLE-USE DRINKING WATER PLASTIC BOTTLES ON VILLAGE PROPERTY; BARRING THE USE OF VILLAGE FUNDS FOR PURCHASE OR DISTRIBUTION; PROVIDING FOR DEFINITIONS, EXEMPTIONS, ENFORCEMENT AND AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John Dubois)*

WHEREAS, the Village of Palmetto Bay has the responsibility to protect the natural environment, economy and health of the residents of the Village; and

WHEREAS, the Village has demonstrated its commitment to the environment by enacting legislation prohibiting the distribution or use of plastic straws and expanded polystyrene Styrofoam by Village vendors; and

WHEREAS, Americans currently purchase half a billion bottles of water each week and

WHEREAS, on a world-wide basis, only nine (9%) percent of all the plastic ever produced has been recycled; and

WHEREAS, an estimated two (2) million tons of plastic water bottles end up in landfills each year; and

WHEREAS, daily news reports describe the staggering volume of plastic consumed by marine life and the continuing effect this has on diminishing animal reproduction; and

WHEREAS, the Council wishes to adopt this Ordinance to protect its citizens, to protect wildlife and protect the environment from the pollution effect caused by the over-abundance of single-use plastic bottles.

NOW THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL OF PALMETTO BAY, FLORIDA THAT:

SECTION 1. That Section 15-184 of the Village Code of Ordinances is created as follows:

SECTION 15-184: SINGLE USE DRINKING WATER PLASTIC BOTTLES:

Definitions:

(i) Village Property means real property, including but not limited to buildings owned or leased by the Village, park property and Village streets and rights-of -way.

(ii) Rigid Plastic Bottle means any formed or molded container comprised primarily of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and is intended primarily as a single use container.

(iii) Single Use Drinking Water means drinking water in a rigid plastic bottle having a capacity of twenty-one (21) fluid ounces or less.

(iv) Water includes natural spring or well water, water taken from public or private systems or other sources, including distilled, deionized, filtered or purified water. Water does not include carbonated or sparking water, soda, seltzer, tonic water, flavored water, fitness, vitamin, or energy water.

SECTION 2. That Section 15-185 is created as follows:

Section 15-185: Prohibition on Sales, Use and Distribution

(i) Beginning January 1st, 2021, no person or entity may sell or distribute Single Use Drinking Water Plastic Bottles on Village Property except as provided in Section 15-186, below.

(ii) Beginning January 1st, 2021, no person may use Single Use Drinking Water Plastic Bottles on Village Property.

(iii) Beginning January 1st, 2021 no Village funds shall be used to buy or distribute Single Use Drinking Water Plastic Bottles except as provided in Section 15-186, below.

SECTION 3. That Section 15-186 is created as follows:

Section 15-186: Waivers and Exclusions:

(i) The Village Council may authorize a waiver of the provisions of Section 15-185 upon a majority vote of the Council to allow the sale and distribution of Single Use Drinking Water Plastic Bottles at Village sponsored or permitted events.

(ii) The provisions of Section 15-185 shall not apply to any person or entity that sells or distributes Single Use Drinking Water Plastic Bottles during periods of hurricanes or other instances where the health, welfare and safety of the public is endangered.

SECTION 4. That Section 15-187 is created as follows:

Section 15-187: Notifications and Penalties.

(i) Beginning with the effective date of the Ordinance, the Village shall undertake the process of notifying the public through the Village website regarding the prohibition that will take effect January 1st, 2021 regarding the sale, use or distribution of Single Use Drinking Water Plastic Bottles on Village Property.

(ii) Penalties for the violation of this section are as follows:
(a) One Hundred Dollars ($100) for the first violation.
(b) Two Hundred Fifty Dollars ($250) for a second violation.
(c) Five Hundred Dollars ($500) each successive violation.

(iii) Penalties for the violation of this Ordinance shall only apply to entities that are in the business of selling or distributing Single Use Drinking Water Plastic Bottles.

SECTION 5. This Ordinance shall take effect immediately upon its adoption upon second reading.

FIRST READING: _____
SECOND READING: _____

PASSED and ENACTED on SECOND READING this ___ day of _____, 2020.

Attest:

_____	_____
Melissa Dodge	**Karyn Cunningham**
Acting Village Clerk	**Mayor**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____
John C. Dellagloria
Village Attorney

VOTE UPON FIRST READING:

Mayor Karyn Cunningham _____

Vice Mayor John Dubois _____

Council Member David Singer _____

Council Member Patrick Fiore _____

Council Member Marsha Matson _____

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham _____

Vice Mayor John Dubois _____

Council Member David Singer _____

Council Member Patrick Fiore _____

Council Member Marsha Matson _____