



VILLAGE OF PALMETTO BAY

9	Mayor Karyn Cunningham	Village Manager Nick Marano
10	Vice Mayor Leanne Tellam	Village Attorney John C. Dellagloria
11	Council Member Patrick Fiore (Seat 1)	Village Clerk Missy Arocha
12	Council Member Steve Cody (Seat 2)	
13	Council Member Marsha Matson (Seat 3)	

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.

MINUTES
REGULAR VILLAGE COUNCIL MEETING
MONDAY, NOVEMBER 7, 2022 – 7:00 PM
(PROCLAMATIONS, AWARDS, & PRESENTATIONS WILL BEGAN AT 6:30 PM)
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

At 6:30 PM, the Mayor and Council held the following recognitions:

- 2. PROCLAMATIONS, AWARDS, PRESENTATIONS**
 - A. Proclamation: Sergeant Angela Berry (VPB Policing Unit)
 - B. Proclamation: Family Court Awareness Month (Florida Protective Parents Association)
 - C. Proclamation: Homeless Awareness Month (Andres Jose Paredes)

- 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.

The Regular Council Meeting was called to order at 7:00 PM, immediately following all the recognitions.

1 The following members of the Village Council were present during the roll call:
2 Mayor Karyn Cunningham
3 Vice Mayor Leanne Tellam
4 Councilmember Patrick Fiore
5 Councilmember Steve Cody
6 Councilmember Marsha Matson
7

8 The following Charter Officials were in attendance:
9 Village Attorney John C. Dellagloria
10 Village Manager Nick Marano
11 Village Clerk Missy Arocha (absent) – Melissa Dodge (Administrative Assistant)
12

13 Councilmember Fiore led the invocation.

14 Resident Eric Tullberg led the pledge of allegiance.

15 Councilmember Matson made a motion to move Item 14E to the front of the
16 agenda. The motion **failed for a lack of a second.**

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20 **3. APPROVAL OF MINUTES**

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22 A. Regular Council Meeting (October 3, 2022)

23
24 Councilmember Steve Cody **moved** item 3A. **Seconded** by
25 Councilmember Marsha Matson. **All voted in favor (4-0)** in the approval
26 of the minutes. Councilmember Patrick Fiore being absent.
27

28 **4. REQUESTS, PETITIONS AND PUBLIC COMMENTS SUBMITTED**

29
30 All members of the public read their public comments into the record for a time
31 allotment of three minutes.
32

33 The following public comments were made in person during the meeting:

- 34
- 35 • Eric Tullberg (7884 SW 179 Terrace) – spoke in support of the bike path
36 on SW 136 Street (south side) and stated in most places it's 8-10 ft.
37 wide.
 - 38 • Vitality Falcovitch (9280 SW 167th Terrace) – thanked Major Guerra for
39 the police services provided to the community and also thanked the
40 Mayor, Council, and Village Manager for accomplishments regarding the
41 fire station project and parks.
 - 42 • David Singer (8360 SW 154 Terrace) – spoke in support of agenda item
43 14E.
 - 44 • Robert Buzzelli (17140 SW 86 Avenue) – spoke in support of agenda
45 item 14E.
 - 46 • Jennifer Santino-Finger (14621 SW 78th Avenue) – spoke in support of
47 agenda item 14E.

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- Mark Merwitzer (14730 SW 75th Avenue) – spoke in support of agenda item 14E.
- Gary Pastorella (6940 SW 142 Terrace) – remarked on the comments made by the previous public speakers and urged that the Council work together to protect the people of the Village.
- Chuck Latshaw (8825 SW 154 Terrace) – reported that the G2 Report on the Village website for Al Farquharson’s campaign report is showing as Mayor Cunningham’s report. Vice Mayor Tellam reported that she emailed the Clerk with the request to correct the uploaded documents on the web.
- Bev Gerald (14271 SW 74th Court) –spoke in support of agenda item 14E.
-

Mayor Cunningham stated that the civility statement appears at the end of each agenda.

- Jorge Pulido (16025 SW 89 Avenue Road) – spoke in support of the Veteran’s Day holiday to honor all veterans and wanted to wish the Village a Happy Thanksgiving holiday. He also urged the Council to approve enhancing traffic calming in the Village, specifically roundabouts. regarding signage for inexperienced and other drivers to yield to the cars in the circle.

Mayor Cunningham closed public comments.

5. VILLAGE MANAGER’S REPORT

Manager Marano introduced Mr. Alex Barrios, Assistant Director of Construction for Miami-Dade Department of Transportation and Public Works. Mr. Barrios provided a presentation on four traffic circles along Old Cutler Road. He presented a slide presentation regarding the planned traffic circles at 136 Street and 67th Avenue, 184th Street & Old Cutler Road, 152nd Street & Old Cutler Road which included an approximate cost of 3.7 million dollars. Mr. Barrios provided additional information related to detours related to road closures, communications to residents, landscaping replacement and additional projects planned in the Village. He stated the project duration will be approximately 365 days.

Members of Council posed questions to Mr. Barrios.

Vice Mayor Tellam questioned Mr. Barrios regarding the total contract time, name of contractor and notice to residents related to communications.

Mr. Barrios stated the name of the contractor is Metro Express.

Vice Mayor Tellam questioned Mr. Barrios about the removal of the trees. He responded that tree tags would be used, different color tags.

1 Councilmember Matson spoke to Mr. Barrios regarding detour routes through
2 residential neighborhoods and how the County will communicate information to
3 residents.

4
5 Mr. Barrios provided information that notices will be placed in the four local
6 newspapers and variable messaging signs will be placed. In addition, the
7 County has met with all three cities related to traffic.

8
9 Village Manager Marano stated that communication has been sent out on
10 social media, our enewsletter and on the Village website. Manager Marano
11 stated that Mr. Barrios's presentation will be provided through a newsletter to
12 residents. In addition, Manager Marano will be meeting with the Village
13 Policing unit relating to the traffic issues that may arise.

14
15 Councilmember Matson asked Mr. Barrios about the SW 87 Bridge.

16
17 Mr. Barrios stated that the only area pending on the bridge is the Army Corps
18 of Engineers.

19
20 Attorney Dellagloria stated he will meet this week with attorneys related to the
21 bridge in an attempt to get an injunction filed.

22
23 Attorney Dellagloria stated that a tentative date for the trial with the County is
24 May 1, 2023.

25
26 Mayor Cunningham questioned Mr. Barrios regarding the schools and the
27 traffic patterns and road closures.

28
29 Mr. Barrios stated the road closure will be between 10:00 am to 4:00 pm.

30
31 Mayor Cunningham spoke regarding the movement of traffic and if police will
32 be added to the plan.

33
34 Mr. Barrios stated that police will be added to the plan if issues arise.

35
36 Mayor Cunningham questioned Mr. Barrios regarding how the County will notify
37 the residents regarding projects.

38
39 Mr. Barrios stated that multiple meetings will be held (at a minimum a total of
40 two public meetings will be held), notices will be placed in four local
41 newspapers, variable messaging signage will be placed at intersections and a
42 fact sheet will be available to residents.

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44 Mayor Cunningham requested a copy of the fact sheet that the County will have
45 available for residents.

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47 Manager Marano continued with the Village Manager's report which included
48 upcoming projects and updates on each project.

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Major Guerra provided the monthly Police Commander Report and answered questions raised by the Village Council regarding the Police Commander Report.

Major Guerra stated that Councilmember Fiore was being evaluated by Miami-Dade Fire Rescue and would not be returning to the meeting.

Mayor Cunningham announced that Councilmember Fiore would be leaving the meeting.

6. VILLAGE ATTORNEY’S REPORT

Attorney John Dellagloria provided a litigation update and answered questions raised by the Village Council regarding active litigation cases.

7. VILLAGE CLERK’S REPORT

Acting Village Clerk Melissa Dodge provided the calendar update for the month of November 2022 and December 2022. In addition, she provided an update on the Village’s General Election scheduled for November 8, 2022.

8. BOARD AND COMMITTEE REPORTS

- A. Art-in-Public Places Advisory Board Meeting (September 9, 2022)
- B. Education Advisory Board Committee Meeting (August 23, 2022)
- C. Education Advisory Board Committee Meeting (September 27, 2022)
- D. Parks & Rec./Comm. Outreach Committee Meeting (September 1, 2022)
- E. Tree Advisory Board Meeting (May 23, 2022)
- F. Tree Advisory Board Meeting (July 25, 2022)
- G. Tree Advisory Board Meeting (September 26, 2022)
- H. Youth Community Involvement Task Force (April 12, 2022)

Councilmember Marsha Matson **motioned** to approve the Board and Committee Reports. Councilmember Steve Cody **seconded** the motion. **All voted in favor (4-0) (Councilmember Fiore was absent). The motion passed unanimously.**

9. EMERGENCY ORDINANCES WITH PUBLIC HEARING: There were no Emergency Ordinances with Public Hearing.

10. ORDINANCES FOR SECOND READING AND PUBLIC HEARING: There were no Ordinances for Second Reading and Public Hearing.

11. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENTS: There were no Ordinances for First Reading with Public Comments.

12. CONSENT AGENDA

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Acting Clerk Dodge announced that items 12A and 12E were timely pulled from the Consent Agenda.

Councilmember Steve Cody motioned to approve the remaining items within the consent agenda. Vice Mayor Leanne Tellam **seconded** the motion. **All voted in favor (4-0) (Councilmember Fiore was absent). The motion passed unanimously.**

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF LUDOVICI PARK AT NO COSTS ON DECEMBER 13, 2022, TO THE CHILDREN’S VOICE CHORUS INC., FOR THE PURPOSE OF CONDUCTING A HOLIDAY CAROLING EVENT; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 12A was pulled from the Consent Agenda.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF CORAL REEF PARK AT NO COST ON DECEMBER 18, 2022, TO CHABAD OF PALMETTO BAY AND DEERING BAY, INC. FOR THE PURPOSE OF CONDUCTING A CHANUKAH CELEBRATION; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 12B passed on the Consent Agenda.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AMENDING RESOLUTION NO. 2022-76, CHANGING THE EVENT DATE FROM FEBRUARY 25, 2023 TO MARCH 11, 2023 FOR THE CYSTIC FIBROSIS – CURE MIAMI FUND RAISING KICKBALL TOURNAMENT AT PALMETTO BAY PARK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 12C passed on the Consent Agenda.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A FORTY-EIGHT (48) MONTH LEASE AGREEMENT WITH RICOH USA, INC. FOR A MONTHLY CHARGE OF EIGHT HUNDRED TWENTY-ONE DOLLARS AND EIGHTY-SIX CENTS (\$821.86), PIGGY-BACKING THE STATE OF FLORIDA’S

1 AGREEMENT NO. 44000000-NASPO-19-ACS FOR SEVEN (7) MULTI-
2 FUNCTION PHOTOCOPIERS, MODEL NO. RICOH-MPC4504-RM;
3 AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by*
4 *Administration*)
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6 Item 12D passed on the Consent Agenda.
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8 E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
9 THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE
10 OPERATIONS AND MAINTENANCE OF THE VILLAGE
11 STORMWATER SYSTEM; REQUIRING THE VILLAGE MANAGER TO,
12 AMONG OTHER MATTERS: ASSIST IN THE MIAMI-DADE COUNTY’S
13 ESTABLISHMENT OF NEW DESIGN AND CONSTRUCTION
14 STANDARDS FOR MUNICIPAL STORMWATER SYSTEMS;
15 ESTABLISH EDUCATIONAL CAMPAIGNS RELATING TO BISCAYNE
16 BAY; ASSIST THE FLORIDA DEPARTMENT OF ENVIRONMENTAL
17 PROTECTION IN ITS EFFORTS TO STRENGTHEN REQUIREMENTS
18 REGARDING PERMITS FOR MUNICIPAL WATER SYSTEMS; AND
19 PROVIDING AN EFFECTIVE DATE. (*Sponsored by Councilmember*
20 *Marsha Matson*)
21

22 Item 12E was pulled from the Consent Agenda.
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25 **13. RESOLUTIONS REQUIRING PUBLIC HEARING:** There were no Resolutions
26 requiring Public Hearing.
27

28 **14. RESOLUTIONS WITH PUBLIC COMMENT**
29

30 Mayor Cunningham opened up public comments for all resolutions with public
31 comment.
32

33 The following public comments were made in person during the meeting for a
34 time allotment of three minutes:
35

- 36 • Jorge Pulido (16025 SW 89 Avenue Road – spoke regarding item 14A; and
37 questioned whether the artwork was going to relate to the Village of
38 Palmetto Bay. Regarding item 14B, he questioned whether there were any
39 drawings or concepts using the feedback from the residents. Regarding
40 item 14C, he questioned what the duration of is the \$135,000 for the
41 upkeep of the service, is there a particular timeframe.
- 42 • Vitality Falcovitch (9280 SW 167th Terrace) – spoke in support of 14A and
43 opposition to item 14E.
- 44 • Don Pybas (9264 SW 180 Street) – spoke as the chair of the Veteran’s
45 Park Task Force and a member of the Tree Advisory Board; spoke in favor
46 of agenda items 14B and 14C.
47
48

1 Vice Mayor Tellam read an email from Mr. Henry Clifford into the record
2 regarding item 14B; he wrote about the design concept of the Veteran’s Park
3 from the tree board. He provided the issues in his email.
4

5 Acting Clerk Dodge read public comments into the record received by form for
6 Item 14E:
7

- 8 • Norma Castellanos (9001 SW 156th Street) – spoke in support of item
9 14E.
- 10 • Mariana Hinckley (17605 SW 84th Avenue) – spoke in support of item
11 14E.

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13 ITEM 12A: CONSENT AGENDA

14 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
15 VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND
16 RECREATION; AUTHORIZING THE USE OF LUDOVICI PARK AT NO
17 COSTS ON DECEMBER 13, 2022, TO THE CHILDREN’S VOICE CHORUS
18 INC., FOR THE PURPOSE OF CONDUCTING A HOLIDAY CAROLING
19 EVENT; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by*
20 *Administration*)
21

22 Item 12A was moved by Vice Mayor Leanne Tellam. Seconded by
23 Councilmember Steve Cody.
24

25 Acting Clerk Dodge read Item 12A.
26

27 Councilmember Marsha Matson announced that she timely pulled the item from
28 the consent agenda and questioned the safety of the event being held at night
29 and assistance may be needed to cross Old Cutler Road. She questioned if
30 an officer will be at the event. She feels that all events should have a parking
31 plan.
32

33 Councilmember Matson questioned if the event has an officer to help at the
34 event.
35

36 Director Fanny Carmona answered that the event will require two off-duty
37 officers at their expense.
38

39 The question was called in favor of item 12A. **Item 12A passed (4-0);**
40 **Councilmember Fiore was absent.**
41

42 ITEM 12E: CONSENT AGENDA

43 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
44 VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE
45 OPERATIONS AND MAINTENANCE OF THE VILLAGE STORMWATER
46 SYSTEM; REQUIRING THE VILLAGE MANAGER TO, AMONG OTHER
47 MATTERS: ASSIST IN THE MIAMI-DADE COUNTY’S ESTABLISHMENT OF
48 NEW DESIGN AND CONSTRUCTION STANDARDS FOR MUNICIPAL

1 STORMWATER SYSTEMS; ESTABLISH EDUCATIONAL CAMPAIGNS
2 RELATING TO BISCAYNE BAY; ASSIST THE FLORIDA DEPARTMENT OF
3 ENVIRONMENTAL PROTECTION IN ITS EFFORTS TO STRENGTHEN
4 REQUIREMENTS REGARDING PERMITS FOR MUNICIPAL WATER
5 SYSTEMS; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by*
6 *Councilmember Marsha Matson)*

7
8 Item 12E was moved by Councilmember Matson. **Fails for lack of a second.**

9
10 Councilmember Matson questioned why the item was pulled from the consent
11 agenda and why can't the item be discussed.

12
13 Mayor Cunningham stated the item wasn't seconded.

14
15 Attorney Dellagloria said that Councilmember Matson was out of order.

16
17 Vice Mayor Tellam stated a comment.

18
19 Councilmember Matson spoke to discuss Item 12E.

20
21 Mayor Cunningham stated the item didn't receive a second and will not be
22 discussed.

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25 A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
26 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DIVISION
27 30-160, ART-IN-PUBLIC PLACES ("AIPP") PROGRAM; ACCEPTING
28 THE RECOMMENDATION OF THE AIPP ADVISORY BOARD TO
29 ACCEPT THE ART IN PUBLIC PLACE ARTWORK PROPOSED BY
30 PINECREST BAKERY LOCATED AT 16725 SOUTH DIXIE HIGHWAY,
31 PALMETTO BAY, FLORIDA 33157 AS THE ART IN PUBLIC PLACES
32 COMPONENT FOR THE RENOVATION OF THE INTERIOR AND
33 EXTERIOR OF THE BAKERY; AND PROVIDING AN EFFECTIVE
34 DATE. *(Sponsored by Administration)*

35
36 Item 14A was moved by Councilmember Cody. Seconded by Vice
37 Mayor Leanne Tellam.

38
39 Acting Clerk Dodge read Item 14A.

40
41 Director Siegel provided information concerning Item 14A.

42
43 Staff member Andrea Candelaria provided a staff report on Item 14A.
44 She provided a presentation to Council regarding the concept art.

45
46 Councilmember Cody spoke in support of Item 14A. Councilmember
47 Cody is the liaison for the Art in Public Places Committee, and he is
48 very pleased to present this art to the Village of Palmetto Bay.

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Vice Mayor Tellam questioned the artist regarding the sun damage to paint.

The artist said that he uses top quality paint; the sun does do damage to paint. He said that by using top quality paint it should last approximately three to four years.

Councilmember Matson questioned the cost of the art piece and how was the arrangement made with the owners in terms of the Art in Public Places money.

Staff member Candelaria stated that the artwork will cost \$12,000. The cost of this project was \$190,000; the Art in Public Places budget wasn't triggered in the \$250,000 or more for construction costs.

The question was called in favor of the Resolution. **All voted in favor (4-0) (Councilmember Fiore was absent). The Resolution passed unanimously.**

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; ADOPTING THE PROPOSED CONCEPTUAL DESIGN FOR "CHARLES AND FANNY DASCAL VETERAN'S PARK" AS PREPARED BY KIMLEY HORN AND ASSOCIATES, INC.; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO DIRECT KIMLEY HORN AND ASSOCIATES, INC. TO PROCEED WITH CONSTRUCTION DRAWINGS PURSUANT TO THE EXISTING PROJECT AGREEMENT WORK ORDER NO. 000058; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 14B was moved by Vice Mayor Leanne Tellam. Seconded by Councilmember Steve Cody.

Acting Clerk Dodge read Item 14B

Director Carmona provided staff report for Item 14B.

Councilmember Matson spoke to ensure the gold star memorial will take place in Phase I. She questioned the phase development.

Director Carmona said that the gold star memorial will take place in Phase I. No costs are available at this time; construction drawings are not complete. She said when the construction drawings go out to bid will have a better idea and regarding a timeline.

Manager Marano said that there is no price estimate available at this

1 time. Construction drawings have not been completed yet. He did state
2 that this will be an expensive project.

3
4 Councilmember Matson wanted the legal status to go into the record
5 regarding the Veteran's Park.

6
7 Councilmember Matson questioned the Attorney if the Village will own
8 the property known as South Motors property which will be known as
9 Veteran's Park with a deed that is free and clear.

10
11 Attorney Dellagloria stated that the Village cannot receive the deed until
12 this process is completed and any other final construction matters that
13 they have to consider. The Village will receive the deed; nothing with
14 any delay on part of the Village; we just have to go through the process
15 that the contract calls for.

16
17 Attorney Dellagloria stated that the deed will be a special warranty deed
18 which will give the Village the property free and clear except for any
19 reservation that is a normal reservation or exception in the process. The
20 reservations will come out when the title policy is issued.

21
22 Councilmember Matson said that this item should be deferred because
23 the Tree Board and the Veteran's Park Task Force members have
24 questions.

25
26 Councilmember Matson made a motion to defer Item 14B. Vice Mayor
27 Tellam seconded for purpose of discussion.

28
29 Vice Mayor Tellam spoke that for discussion point with regard to the
30 process of construction drawings.

31
32 Director Carmona stated that at the last Veterans Park Task Force
33 approved the concept design with the presentation that was presented
34 at the meeting.

35
36 Vice Mayor Tellam said that if we move this forward, there will still be
37 time for feedback.

38
39 Manager Marano said that Mr. Clifford's opinion is valued. There may
40 be one or two people that have a different opinion. The consultant has
41 taken all the opinions from prior forums. The architect is a landscape
42 architect. This plan has been vetted and taken the concerns into
43 consideration with all the additions/deletions. There is broad consensus.

44
45 Vice Mayor Tellam spoke regarding the budget and that many steps are
46 in the process to a great park.

47
48 Director Carmona said that what is being approved today is to approve

1 the proposed conceptual design for the Veteran's Park and that the next
2 step will be the construction drawings. This is part of the contract with
3 Kimley Horn.

4
5 Manager Marano stated that final drawings will come back to Council to
6 approve. Phase I would be to be put out to RFP.

7
8 Vice Mayor Tellam spoke in support of Item 14B and she is not in favor
9 of deferring.

10
11 Councilmember Matson withdrew her motion to defer.

12
13 The question was called in favor of the Resolution. **The Resolution**
14 **passed (4-0) (Councilmember Fiore was absent); The Resolution**
15 **passed unanimously.**

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17 C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
18 VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO
19 PROCUREMENT, APPROVING THE SELECTION OF BEATO
20 GROUP, INC., PURSUANT TO RFP#2022-12-009 TO REPAIR THE
21 RUBBERIZED TRAILS AT CORAL REEF PARK AND MAINTENANCE
22 PLAN; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND
23 ENTER INTO A CONTRACT IN THE AMOUNT OF FIVE HUNDRED
24 AND SEVENTY-NINE THOUSAND FOUR HUNDRED SEVENTY-
25 EIGHT DOLLARS AND EIGHTY-EIGHT CENTS (\$579,478.88) FOR
26 THE REPAIRS OF THE TRAIL AND ONE HUNDRED AND THIRTY-
27 FIVE THOUSAND EIGHT HUNDRED FIFTY DOLLARS AND ZERO
28 CENTS (\$135,850.00) FOR THE AS-NEEDED SERVICING OF THE
29 TRAIL; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by*
30 *Administration*)

31
32 Item 14C was moved by Councilmember Steve Cody. Vice Mayor
33 Leanne Tellam seconded.

34
35 Acting Clerk Dodge read Item 14C.

36
37 Director Carmona and staff member Litsy Pittser provided staff report for
38 Item 14C.

39
40 Staff member Pittser stated that when working with the contractor he
41 explained the correct way to place the trail in regards to the water being
42 able to permeate. She explained that root barriers will be placed.

43
44 Councilmember Cody questioned the need for a permeable under
45 surface known when the trail was installed initially.

46
47 Staff member Pittser stated that it was not known because of the
48 deterioration happening so quickly to the trail. The original contractor

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wasn't specialized.

Manager Marano reported that at the time it was not known about the water; only the curbing to maintain the integrity of the rubberized trail.

Staff member Pittser spoke that the contractor stated that the curbing was needed to keep in place the material.

She continued to explain that the contractor explained once the trails are done correctly; the Parks department will need to inspect the trails in approximately 6-8 months to check for wearing and that the parks department would be shown and trained how to put the adhesive and patch it up. This is included in the \$135,000 for the next 3-5 years. The contractor would come back in approximately 3-5 years for resurfacing including an overlay and adhesive.

Councilmember Matson questioned the maintenance cost.

Staff member Pittser responded that it's a one-time payment of \$135,000 and if maintenance is needed in year 3-5; the cost would be \$135,000.

Councilmember Matson questioned what the Village's total out of pocket cost for the project; not including the state grant.

Staff member Pittser stated \$289,739.44. She also stated that the \$135,000 would be paid in year 3-5.

Councilmember Matson questioned how much of the path is being repaired.

Director Carmona stated that it's the rubberized trail on the east side of the park.

Councilmember Matson stated that she would support the item.

Vice Mayor Tellam questioned comparative costs as we move forward; due to negligence of original contractor, the Village may need to replace and repair.

Manager Marano and Director Torres provided comments regarding the repairs needed and costs.

Vice Mayor Tellam questioned the previous grant money and if the Village removes the trail; we would need to repay. We received approximately \$85K from FRDAP grant. She asked if the Village decided to go through the cheaper route of taking out and replacing the rubberized trail with the asphalt trail; would the Village need to repay the \$85K to the grant from FRDAP.

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Staff member Pittser mentioned that the original contractor gave the Village a two-year warranty; but the Village hasn't been able to reach the original contractor.

Attorney Dellagloria reported that he will work with Director Carmona and review all the documents to see if the Village has taken negligent action against the initial contractor.

Vice Mayor Tellam questioned if the matching grant is coming from FRDAP again.

Staff member Pittser responded yes; the matching grant is coming from FRDAP.

Vice Mayor Tellam questioned the references of the contractor that the Village may choose. She mentioned that the references were all from the City of Tampa. She also questioned if anyone checked with the Village of Pinecrest to see what company they used for their installation of a rubberized trail at Pinecrest Gardens.

Vice Mayor Tellam stated for the record that she would like to bring up the question raised by Mr. Pybas regarding protecting the trees; the Village has an arborist on staff.

Director Carmona mentioned that she met with the arborist at Palmetto Bay Park to evaluate the work that was being performed.

Manager Marano reported that the arborist didn't find any damage to the trees.

Vice Mayor Tellam reported that she would like to find out what company Pinecrest used and to see if we would need to repay the \$85K-more modified approach and to place additional signage where there are issues on the trail.

Manager Marano responded that the Village has been working on this for several months to get to the point we are at now. Manager Marano stated that one contractor responded to the RFP; there aren't many contractors that do this type of work.

Director Carmona stated that FRDAP stands for Florida Department of Environmental Protection Recreational Trails Program.

Vice Mayor Tellam spoke that she has too many questions and that she cannot support until she receives answers to some of her concerns.

Mayor Cunningham reported that she understands the concerns of the

1 Vice Mayor and she has her concerns.
2

3 Mayor Cunningham reported that the original work had flaws with the
4 peeling and cracking of the trail. She wants the Village to take the
5 correct path since the trails are so well used. She feels that the Village
6 needs to get the path moving along.
7

8 Mayor Cunningham spoke in support of the item. She gave directions
9 to the Village Attorney and Village Manager to track down the prior
10 contractor but not hold up the valuable project.
11

12 The question was called in favor of the Resolution. **Vote (3-1). Vice
13 Mayor Tellam voted no. (Councilmember Fiore was absent.)**
14

15 D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
16 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO
17 PROCUREMENT, APPROVING THE SELECTION OF METRO
18 EXPRESS, INC. TO PROVIDE SIDEWALK REPAIRS AND
19 INSTALLATION; PIGGY-BACKING FROM THE CITY OF
20 HOMESTEAD ITB# 201904; AUTHORIZING THE VILLAGE
21 MANAGER TO ENTER INTO AN AGREEMENT FOR THE
22 AMOUNT NOT TO EXCEED THE AMOUNT BUDGETED IN
23 FISCAL YEAR 2022-2023 IN THE AMOUNT OF TWO
24 HUNDRED THOUSAND DOLLARS AND ZERO CENTS
25 (\$200,000.00); AND PROVIDING AN EFFECTIVE DATE.
26 *(Sponsored by Administration)*
27

28 Item 14D was moved by Vice Mayor Leanne Tellam.
29 Councilmember Steve Cody seconded.
30

31 Acting Clerk Dodge read Item 14D.
32

33 Director Torres provided a staff report.
34

35 The question was called in favor of the Resolution. **Vote (4-0)**
36 **The Resolution passed unanimously (Councilmember Fiore**
37 **was absent).**
38

39 E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
40 THE VILLAGE OF PALMETTO BAY, FLORIDA, TO CENSURE
41 COUNCILMEMBER STEVE CODY FOR VIOLATING RESOLUTION
42 NO. 2017-27, AND EMPHASIZING THE VILLAGE'S COMMITMENT
43 TO MAINTAIN CIVILITY IN THE CONDUCT OF THE PUBLIC'S
44 BUSINESS; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by*
45 *Councilmember Marsha Matson)*
46

47 Item 14E was moved by Councilmember Matson. **Fails for a lack**
48 **of a second.**

1 **15. OTHER BUSINESS:** None.

2

3 **16. COUNCIL COMMENTS**

4

5 Councilmember Matson addressed Councilmember Cody and requested that
6 he stop negative comments.

7

8 Mayor Cunningham mentioned that the State of the Village will be held on
9 Thursday, December 1, 2022, at Coral Reef Park. She reminded residents to
10 vote on Election Day, Tuesday, November 8, 2022.

11

12 **17. NEXT MEETING AND ADJOURNMENT**

13

14 Mayor Karyn Cunningham announced that the next Regular Council Meeting is
15 scheduled for Monday, December 5, 2022.

16

17 At 9:40 PM, Vice Mayor Tellam motioned to adjourn the meeting.
18 Councilmember Steve Cody seconded the motion. All voted in favor (4-0)
19 (Councilmember Fiore was absent). The motion passed unanimously.

20

21

22 The meeting minutes were written and prepared by Acting Clerk, Melissa
23 Dodge.

24

25 The meeting minutes were approved this 5th day of December 2022.

26

27 Attest:

28

29 DocuSigned by:

30 *Karyn Cunningham*

31 Mayor Karyn Cunningham

DocuSigned by:

Melissa Dodge

Acting Clerk Melissa Dodge