

**VILLAGE OF PALMETTO BAY**

Mayor Karyn Cunningham  
Vice Mayor Leanne Tellam  
Council Member Patrick Fiore (Seat 1)  
Council Member Steve Cody (Seat 2)  
Council Member Marsha Matson (Seat 3)

Village Manager Nick Marano  
Village Attorney John C. Dellagloria  
Village Clerk Missy Arocha

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.

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**AGENDA**  
**REGULAR COUNCIL MEETING**  
**MONDAY, JANUARY 8, 2024 – 7:00 PM**  
**(PROCLAMATIONS, AWARDS, & PRESENTATIONS WILL BEGIN AT 6:30 PM)**  
VILLAGE HALL MUNICIPAL CENTER  
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157  
(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**
  - A. Recognition of the 2023 State of the Village Sponsors (Nicklaus Children's Hospital, Palmer Trinity School, Police Benevolent Association, and The Collection)
  - B. Recognition of Martin Luther King, Jr., Day (Edward Hanna, West Perrine Community Development Corporation)
  - C. Presentation on Sleep Safely Program Bedrails by Councilmember Marsha Matson

### 3. APPROVAL OF MINUTES

- A. Regular Council Meeting (December 4, 2023)

### 4. REQUESTS, PETITIONS AND PUBLIC COMMENTS SUBMITTED

Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of the agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign-in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of the agenda. Please limit your comments to three (3) minutes or less. Public comments made by members of the public are important to the Village Council. Speakers will address the Village Council with respect.

### 5. VILLAGE MANAGER'S REPORT

- A. Departmental Updates
- B. Police Commander Report

### 6. VILLAGE ATTORNEY'S REPORT

- A. Litigation Update

### 7. VILLAGE CLERK'S REPORT

- A. Update: Calendar for the month of January 2024

### 8. BOARD AND COMMITTEE REPORTS

- A. Notice: Member Solicitation (Art-in-Public Places Advisory Board)
- B. Tree Advisory Board Meeting (July 31, 2023)
- C. Tree Advisory Board Meeting (September 18, 2023)
- D. Parks & Recreation Committee Meeting (October 5, 2023)
- E. Youth Community Involvement Task Force Meeting (November 17, 2023)

### 9. EMERGENCY ORDINANCES WITH PUBLIC HEARING

### 10. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REMOVING IN ITS ENTIRETY ARTICLE III, SECTIONS 6-44 THROUGH 6-55 FROM THE CODE OF ORDINANCES STYLED "LICENSING", AS THE LICENSE FORMERLY KNOWN AS AN "OCCUPATIONAL LICENSE"; THIS BEING REPLACED WITH A "BUSINESS TAX RECEIPT", AS CODIFIED IN ARTICLE V, SECTIONS 26-151 THROUGH 26-162 OF THE VILLAGE CODE STYLED "LOCAL BUSINESS TAX"; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Heidi Siegel, Director of Community and Economic Development) (Passed on First Reading on December 4, 2023 - Regular Council Meeting)*

**11. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENTS****12. CONSENT AGENDA****13. RESOLUTIONS REQUIRING PUBLIC HEARING****14. RESOLUTIONS WITH PUBLIC COMMENT**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO, FLORIDA, AUTHORIZING THE VILLAGE TO EXECUTE AN AGREEMENT WITH FLORIDA INTERNATIONAL UNIVERSITY INC., TO PROVIDE FUNDING TO FIRST GENERATION COLLEGE SCHOLARSHIPS FOR PALMETTO BAY RESIDENTS AS PART OF THE STATE OF FLORIDA'S 2:1 MATCHING GRANT, WITH THE TOTAL AMOUNT OF FUNDING FROM VILLAGE NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000) FOR SCHOOL YEAR 2023-24; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AGREEMENTS IN CONNECTION WITH THE PROGRAM; AND AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham) (Continued from Regular Council Meeting - December 4, 2023)*
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, TO PROTECT AND SAVE THE ATALA BUTTERFLY, AN IMPERILED POLLINATOR NATIVE TO THE VILLAGE, AND PROCLAIMING IT THE OFFICIAL VILLAGE BUTTERFLY; PLACING ATALA HOST PLANTS IN VILLAGE PARKS, PROPERTIES, PINE ROCKLANDS, AND OPEN SPACES; DEVELOPING PROGRAMS TO ENCOURAGE RESIDENTS TO PLANT ATALA HOST PLANTS TO SUSTAIN AND NOURISH THE BUTTERFLY; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson) (Continued from Regular Council Meeting - December 4, 2023)*
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO VILLAGE-WIDE TRAFFIC CALMING IMPROVEMENTS, APPROVING THE RECOMMENDATIONS MADE BY MARLIN ENGINEERING, INC. FROM THEIR TRAFFIC STUDY CONDUCTED FOR THE FISCAL YEAR 2023-2024; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Dionisio Torres, Public Services Director)*
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ESTABLISHING A "TREE OF THE YEAR" PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO RESILIENCY; ADOPTING THE COMMUNITY RATING SYSTEM REPETITIVE LOSS AREA ANALYSIS (RLAA) AND SUBSTANTIAL DAMAGE PLAN (SDP), ATTACHED AS EXHIBITS "A" AND "B" AS PART OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Andrea Candelaria, Sustainability & Resiliency Planner and Co-Sponsored by Vice Mayor Leanne Tellam)*
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO PROCUREMENT; APPROVING THE SELECTION OF PIMENTEL CONSTRUCTION GROUP, LLC. TO IMPROVE THE STREETScape ON SW 148TH STREET, PURSUANT TO INVITATION TO BID (ITB) NO.

2024-11-002; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT AND ISSUE A PURCHASE ORDER IN THE AMOUNT OF THREE HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED FIFTY DOLLARS AND ZERO CENTS (\$344,850.00), AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Alessia Bencomo, Procurement Specialist)*

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO PROCUREMENT; APPROVING THE SELECTION OF HARTEC GROUP, INC. TO CONSTRUCT PAVING AND DRAINAGE IMPROVEMENTS FOR SUB-BASIN 57/96, PURSUANT TO INVITATION TO BID (ITB) NO. 2024-11-003; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT AND ISSUE A PURCHASE ORDER IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED NINETY-EIGHT THOUSAND AND ZERO CENTS (\$1,798,000.00), AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Alessia Bencomo, Procurement Specialist)*
- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO PROCUREMENT; APPROVING THE SELECTION OF METRO EXPRESS, INC. TO PROVIDE SIDEWALK REPAIRS AND INSTALLATION; PIGGY-BACKING FROM THE CITY OF MIAMI BEACH ITB# 2023-422-DF; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR THE AMOUNT NOT TO EXCEED THE AMOUNT BUDGETED IN FISCAL YEAR 2023-2024 IN THE AMOUNT OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$175,000.00) *(Sponsored by Administration and Prepared by Alessia Bencomo, Procurement Specialist)*
- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF THALATTA ESTATE AT NO COST, TO CHABAD OF PALMETTO BAY AND DEERING BAY, INC. FOR THE PURPOSE OF CONDUCTING 2024 "LUNCH AND LEARN" MONTHLY EDUCATIONAL CLASSES; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Fanny Carmona, Parks & Recreation Director)*

## 15. OTHER BUSINESS

## 16. COUNCIL COMMENTS

## 17. NEXT MEETING AND ADJOURNMENT

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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.

### NOTICE OF APPEAL RIGHTS

Pursuant to Florida Statutes 286.0105, the Village hereby advises the public that if a person decides to appeal any decision made by the Council with response 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 verbatim record of the proceedings is made, which record includes 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.

### AMERICAN DISABILITIES ACT OF 1990

This meeting is open to the public. In accordance with the American Disabilities Act of 1990, persons needing special accommodation or a sign language interpreter to participate in this proceeding should contact the Village Clerk at (305) 259-1234 no later than four (4) days prior to the meeting. Hearing Assistance Devices are available with the Village Clerk.