



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA
REGULAR COMMISSION MEETING
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, January 14, 2020 7:00 pm

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

Mayor Truppman
Vice-Mayor Tudor
Commissioner Samaria

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.

- **Village Attorney - Request for Executive Session**

5 Certification and Installation of New Commissioners

5.a Resolution # 2020-01 - Certification of Newly Elected Officials

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA TO CERTIFY THE RESULTS OF THE SPECIAL ELECTION; ADMINISTER THE OATH OF OFFICE TO THE NEWLY ELECTED COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.

5.b Installation of New Commissioners

- Virginia O'Halpin - swearing in by North Miami Beach Commissioner Barbara Kramer
- MacDonald Kennedy - swearing in by Dan Schneider

6 Presentation

6.a Finance Presentation

6.b New Special Magistrate ratification

7 PUBLIC HEARING /QUASI-JUDICIAL PROCEEDING - Variance Application

Variance PV019-0003 - SCHER - Swimming Pool Setback 955 NE 118th Street, Biscayne Park, FL 33161

Swear in and Public comments from the public relating to Variance PV019-0003

8 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

9 Information / Updates

10 Consent Agenda

Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.

10.a Acceptance of Commission Minutes

- Regular Commission Meeting December 03, 2019

10.b Acceptance of Boards Minutes

- Biscayne Park Foundation Meeting November 13, 2019
- Charter Review Advisory Board Meeting November 7, 2019
- Charter Review Advisory Board Meeting December 5, 2019

10.c Resolution 2020-02 - Surplus Vehicle

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA DECLARING VILLAGE VEHICLE AS SURPLUS PROPERTY AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS THROUGH BIDERA AUCTIONS; PROVIDING FOR AN EFFECTIVE DATE.

11 Ordinances

None

12 Resolutions

12.a Resolution # 2020-03 - Turf and Landscape Maintenance NE 6th Avenue

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RENEWAL FOR THE TURF AND LANDSCAPE MAINTENANCE JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BISCAYNE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

13 Old Business

13.a Attorney billings - by Commissioner Dan Samaria

14 New Business

14.a Position of Mayor - by Commissioner Dan Samaria

15 Request for placement of items on next meeting agenda

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

16 Reports

16.a Village Attorney

16.b Village Manager

16.c Board / Committee Reports

16.d Commissioners Comments:

- Mayor Truppman
- Vice Mayor Tudor
- Commissioner Kennedy
- Commissioner O'Halpin
- Commissioner Samaria

17 Announcements

- Biscayne Park Foundation - Wednesday, January 15, 2020 7:00 pm - Village Hall
- Parks & Parkway Advisory Board - Thursday, January 16, 2020 5:30 pm - Village Hall

- Planning & Zoning Board - Tuesday, January 21, 2020 6:30 pm - Log Cabin
- Public Safety Advisory Board - Wednesday, January 22, 2020 7:00 pm - Log Cabin
- Planning & Zoning Board - Monday, February 3, 2020 6:30 pm - Log Cabin

- Waste Pro Saturday Sweep - January 11, 2020 from 8:00 am to 5:00 pm

- All Village Departments will be closed - Monday, January 20, 2020 for Dr. Martin Luther King Day
- **Next Regular Commission Meeting - Tuesday, February 4, 2020 7:00 pm - Log Cabin**

18 Adjournment



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 5.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: January 14, 2020

TITLE: Resolution 2020-01

Recommendation:

Approval of Resolution 2020-03

Background

On January 7, 2020, the special election was held in the Village of Biscayne Park for the purpose of electing two (2) Commissioners. Three (3) candidates were qualified and placed on the ballot.

Provided are the results of the voting for each precinct; 151 and 177, and combined, as well as the certified results of the Canvassing Board.

Resource Impact

None

Attachments

- Resolution 2020-01
- Certificate of the Canvassing Board for Miami-Dade Department of Elections
- Official results from precincts 151, 177 and combined

Prepared by: Roseann Prado, Village Clerk

1
2
3 **RESOLUTION 2020-01**
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION OF THE**
6 **VILLAGE OF BISCAIYNE PARK, FLORIDA TO CERTIFY THE**
7 **RESULTS OF THE SPECIAL ELECTION; ADMINISTER THE**
8 **OATH OF OFFICE TO THE NEWLY ELECTED**
9 **COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE**
10 **DATE.**

11
12 **WHEREAS**, Miami-Dade SOE previously approved the Village’s special election date
13 of January 7, 2020 to fill a commission vacancy resulting from the October 2019 resignation of
14 former-commissioner Laura Betsy Wise; and
15

16 **WHEREAS**, on November 6, 2019, the Village Manager received a written notice of
17 resignation from commissioner Jenny Johnson-Sardella, effective November 6, 2019; and
18

19 **WHEREAS**, the Village Manager promptly notified the Village Commission of the
20 resignations and vacancies; and
21

22 **WHEREAS**, Miami-Dade SOE approved the Village’s special election to be held on
23 January 7, 2020 to fill two (2) vacant seats of commission; and
24

25 **WHEREAS**, the Village desires to certify the results of the special election, and to
26 administer the oath of office to the newly elected Commissioners; and
27

28 **WHEREAS**, the Supervisor of Elections of Miami-Dade County, Florida, counted the
29 ballots and certified the returns of said election to the Village Commission with the final results
30 on January 10, 2020; and
31

32 **WHEREAS**, the Village Commission, consistent with state law, is required to canvass
33 the returns of the election, as certified by the Supervisor of Elections of Miami-Dade County,
34 Florida; and,
35

36 **WHEREAS**, the filing of the Oath of Office, pursuant to 876.05. Florida Statutes, is
37 required prior to an elected official actually may take office; and,

1
2 **WHEREAS**, public officials are subject to laws and requirements not applicable to the
3 electorate, and it would be prudent to advise the elected officials as to the requirements relating
4 to public meetings, public records, and the State and County Code of Ethics.
5

6 **NOW, THEREFORE**, be it resolved by the Commission of the Village of Biscayne
7 Park, Florida that:
8

9 **Section 1.** The above whereas clauses are incorporated by reference.
10

11 **Section 2.** The swearing in and certification shall occur on January 14, 2020, at 7:00
12 p.m., on the first item of the regular commission meeting.
13

14 **Section 3.** That, right before the regular commission meeting the Village
15 Commission shall hold a workshop to educate and provide an orientation to all elected officials
16 as it relates to the Village charter, sunshine law, public records, and ethics requirements for
17 elected officials.
18

19 **Section 4.** This Resolution shall become effective upon adoption.
20

21 PASSED AND ADOPTED this 14th day of January, 2020.
22
23
24

25 _____
26 Tracy Truppman, Mayor
27

Mayor Truppman:
Vice Mayor Tudor:
Commissioner Samaria:

28 Attest:
29
30

31 _____
32 Roseann Prado, Village Clerk
33

34 Approved as to form:
35
36
37

38 _____
39 Rebecca Rodriguez, Village Attorney
40



miamidade.gov

Elections

2700 NW 87th Avenue

Miami, Florida 33172

T 305-499-8683 F 305-499-8547

TTY 305-499-8480

CERTIFICATION

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, Christina White, Supervisor of Elections for Miami-Dade County, Florida, do hereby certify that the attached is a true and correct copy of the Official Results for the municipal office listed below in the **Biscayne Park Special Election** conducted on January 7, 2020:

Commissioner

WITNESS MY HAND AND
OFFICIAL SEAL, AT MIAMI,
MIAMI-DADE COUNTY, FLORIDA,
ON THIS 10TH DAY OF JANUARY, 2020

A handwritten signature in blue ink, appearing to read "Christina White", written over a horizontal line.

Christina White
Supervisor of Elections
Miami-Dade County

Enclosure





ELECTION: **Biscayne Park Special Election**

DATE OF ELECTION: **January 7, 2020**

CERTIFICATION OF ELECTION TABULATION

I, the undersigned, **Roseann Prado**, Village Clerk of the **Village of Biscayne Park**, do by my signature hereto, certify that to the best of my knowledge:

1. On **January 7, 2020**, commencing at approximately **7:00 p.m.** the Miami-Dade County Supervisor of Elections had the absentee ballot tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for the candidates and/or issues, which have been voted in **The Village of Biscayne Park Special Election**, held on **January 7, 2020**.

2. The testing materials of the Public Test, delivered still under Seal No. **0051220**, opened in my presence, were used and the procedures of Paragraph Two, Certification of Logic and Accuracy were followed.

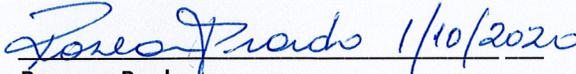
3. At the completion of the above test all counters were zeroed, and all votes cast in the above election were counted. Steps have been taken to ensure the security of said materials prior to, during and subsequent to the election, except when said materials were properly in the possession of the Elections Department staff appointed to conduct the election.

4. Except as otherwise specifically set forth and declared in this certification, in our presence and sight, no absentee ballot was removed from or added, and no absentee ballot was in any manner altered or tampered with by any person, and no person touched any absentee ballot or PEB, except a person authorized to do so pursuant to Section 101.5612, Florida Statutes.

5. At the completion of the vote count, the absentee ballot tabulating equipment was again tested to ascertain that the equipment correctly counted the votes cast for the candidates and/or issues.

6. Stored in a container(s), sealed, dated and signed by me, were placed the voted absentee ballots [], voided ballots [], Logic and Accuracy reports [], and test materials []. The sealed container(s) was/were delivered to the undersigned and placed in my custody.

CANVASSING BOARD:



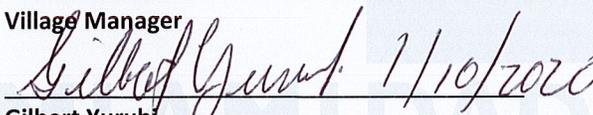
Roseann Prado

Village Clerk



Krishan Manners

Village Manager



Gilbert Yurubi

SOE Designee

MIAMI-DADE COUNTY

Run Date:01/10/20 10:05 AM

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	PROV
PRECINCTS COUNTED (OF 2)	2	100.00			
REGISTERED VOTERS - TOTAL	2,104				
BALLOTS CAST - TOTAL	448		326	122	0
BALLOTS CAST - BLANK	0		0	0	0
VOTER TURNOUT - TOTAL		21.29			
VOTER TURNOUT - BLANK					

Commissioner

(VOTE FOR) 2

Rafael Ciordia	168	21.13	130	38	0
MacDonald "Mac" Kennedy	304	38.24	216	88	0
Virginia M. O'Halpin	323	40.63	231	92	0
Total	795		577	218	0
Over Votes	0		0	0	0
Under Votes	101		75	26	0

[Handwritten Signature] 1/10/2020
Rosemary Pracho 1/10/2020
Gilbert Yurant 1/10/2020

Run Date:01/10/20 10:05 AM

Report EL30A Page 1510-01

1510 PRECINCT 151.0

	TOTAL VOTES	%	ED	VBM	PROV
REGISTERED VOTERS - TOTAL	494				
BALLOTS CAST - TOTAL.	87		64	23	0
BALLOTS CAST - BLANK.	0		0	0	0
VOTER TURNOUT - TOTAL		17.61			
VOTER TURNOUT - BLANK					

Commissioner
(VOTE FOR) 2

Rafael Ciordia.	37	23.72	29	8	0
MacDonald "Mac" Kennedy.	56	35.90	41	15	0
Virginia M. O'Halpin.	63	40.38	42	21	0
Total	156		112	44	0
Over Votes	0		0	0	0
Under Votes	18		16	2	0

[Handwritten Signature] 1/10/2020
[Handwritten Signature] 1/10/2020
[Handwritten Signature] 1/10/2020

Run Date:01/10/20 10:05 AM

Report EL30A Page 1770-01

1770 PRECINCT 177.0

	TOTAL VOTES	%	ED	VBM	PROV
REGISTERED VOTERS - TOTAL	1,610				
BALLOTS CAST - TOTAL	361		262	99	0
BALLOTS CAST - BLANK	0		0	0	0
VOTER TURNOUT - TOTAL		22.42			
VOTER TURNOUT - BLANK					

Commissioner

(VOTE FOR) 2

Rafael Ciordia	131	20.50	101	30	0
MacDonald "Mac" Kennedy	248	38.81	175	73	0
Virginia M. O'Halpin	260	40.69	189	71	0
Total	639		465	174	0
Over Votes	0		0	0	0
Under Votes	83		59	24	0



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

Tracy Truppman
Mayor

December 18, 2019

Commissioners
Dan Samaria
William Tudor

Ms. Annette Cannon, Esq.
103-7th Terrace, Dilido Island
Miami Beach, Florida 33139

Krishan Manners
Village Manager

Dear Ms. Cannon:

Rebecca Rodriguez
Village Attorney

Pursuant to our discussion yesterday, I am delighted to recommend you for Commission Ratification as the Special Magistrate for the Village of Biscayne Park.

Roseann Prado
Village Clerk

Confirming the rates/terms discussed, the Village will pay you \$150.00 per hour, with a minimum of 2 hours, to preside over hearings from our Code Department. No travel time will be billed, and Orders of Enforcement will be signed at each meeting. The term of this agreement will be for two (2) years. This agreement may be terminated by either party if necessary with 60 days' notice.

Please provide a copy of your Professional Liability Insurance Policy to the Village Manager as soon as possible.

This agreement will be presented to the Village Commission on January 14, 2020 for ratification. We would like for you to attend this Commission meeting to answer questions as needed for our Commissioners.

Again, it was a pleasure meeting with you and we look forward to working with you.

Sincerely,

Krishan Manners
Village Manager

OTHER NOTICES

Development District (the "District") located in unincorporated Miami-Dade County, State of Florida, seeking to determine the authority of said District to issue its Palm Glades Community Development District Special Assessment Bonds (Expansion Area Project) in one or more series, in an aggregate principal amount not to exceed \$1,800,000 (the "Bonds"), to determine the legality of the proceedings had and taken in connection therewith, and the legality of the provisions, covenants and agreements therein contained, and seeking a judgment of this Court that: (a) the District has power to issue the Bonds and to incur the bonded debt as set forth in the Complaint and has properly approved the issuance of the Bonds; (b) the proceedings essential to the Bonds, the Special Assessments (as defined in the Complaint) pledged for the payment of the principal of, redemption premium, if any, and interest on the Bonds, and the Bond Resolution (as such term is defined in the Complaint) are valid and in conformity with law; (c) upon due issuance of the Bonds in conformance with the Bond Resolution and the Indenture (as defined in the Complaint), the Bonds will constitute valid and binding obligations of the District and will be enforceable by their terms as established by the Bond Resolution and the Indenture; (d) the District has the power to plan, finance, refinance, acquire, construct, reconstruct, equip and install, in one or more stages, the Expansion Area Project (as defined in the Complaint); (e) the District has the power and authority pursuant to the Act to carry out the covenants and obligations of the District under the Indenture; and that (f) this Court grant such other relief as is just and appropriate. The aforesaid Complaint having been presented to this Court, and this Court being fully advised in the premises:

IT IS ORDERED AND ADJUDGED that the State of Florida, through the State Attorney of this Circuit, and the several taxpayers, property owners and citizens of the Palm Glades Community Development District, including non-residents owning property or subject to taxation therein, and others having or claiming any right, title or interest in property to be affected by the issuance of the Bonds or to be affected in any way thereby, be and they are each required to show cause, if any there be, before the Honorable Pedro P. Echarte, Jr., Circuit Court Judge, at a hearing to be held on the 31st day of January, 2020, at 9:45 o'clock A.M., at the Miami-Dade County Courthouse, 73 W. Flagler, DCC 511, Miami, Florida 33130, why said Complaint should not be granted and a final judgment entered by this Court as prayed for in said Complaint.

AND IT IS FURTHER ORDERED AND ADJUDGED, that the Clerk of this Court or Plaintiff, be and is hereby required to give notice of such hearing by publishing a copy of this Order in a newspaper of general circulation in Miami-Dade County, Florida, once each week for two (2) consecutive weeks prior to said hearing, the first publication to be at least twenty (20) days prior to said hearing date.

AND IT IS FURTHER ORDERED AND ADJUDGED, that by such publication of this Order, the State of Florida, and the several taxpayers, property owners and citizens of Palm Glades Community Development District, including non-residents owning property or subject to taxation therein, and others having or claiming any right, title or interest in the Palm Glades Community Development District, or any taxable, assessable or affected property therein or to be affected in any way thereby, shall be and are made party defendants to this proceeding, and that this Court shall have jurisdiction of them to the same extent as if specifically and personally named as defendants in said Complaint and personally served with process in this cause. **DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 27th day of November, 2019. 2019-034018-CA-01

11-27-2019 10:14 AM
Hon. Pedro P Echarte Jr.
CIRCUIT COURT JUDGE
Electronically Signed
No Further Judicial Action Required on THIS MOTION CLERK TO RECLOSE CASE IF POST JUDGMENT Copies Furnished To:
Joel D. Rosenblatt, Email: JROSEN945@AOL.COM
Joel D. Rosenblatt, Email: jroseevce@miamiso.com
Joel D. Rosenblatt, Email: joelrosenblatt@miamiso.com
Michael J Pawelczyk, Email: mjpawelczyk@bcntr.com
Michael J Pawelczyk, Email: mpawelczyk@bcntr.com
12/16-23 19-150/0000443807M

NOTICE OF ASSIGNMENT

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL COURT, IN AND FOR MIAMI DADE COUNTY, FLORIDA
CASE NO.: 2019-034465-CA-01
Judicial Division: 11
In re: ASSIGNMENT FOR BENEFIT OF CREDITORS OF:
ILLUSTRADENT SOUTH MIAMI DENTAL SERVICES, PLLC,
Assignor,
To:
NICOLE TESTA MEHDIPOUR,
Assignee
TO ALL CREDITORS AND OTHER INTERESTED PARTIES:
PLEASE TAKE NOTICE: that on November 22, 2019, a petition was filed commencing an assignment for the benefit of creditors proceeding, pursuant to Chapter 727, Florida Statutes, made by Illustradent South Miami Dental Services, PLLC, a Florida limited liability company, with its principal place of business at 9100 South Dadeland Boulevard, #502, Miami, FL 33156 to Nicole Testa Mehdipour, Assignee, who has offices at 200 E. Broward Blvd., #1110, Fort Lauderdale, FL 33301. Pursuant to Section 727.105, Fla. Stat., no proceeding may be commenced against the Assignee except as provided in Chapter 727 and excepting the case of a consensual lienholder enforcing its rights in personal property or real property collateral, there shall be no levy, execution, attachment or the like, in connection with any judgment or claim against assets of the estate in possession custody or control of the Assignee.

YOU ARE HEREBY further notified that in order to receive any dividend in this proceeding you must file a proof of claim (a copy of which is attached hereto as Exhibit A) with Nicole Testa Mehdipour, Assignee, 200 E. Broward Blvd., #1110, Fort Lauderdale, FL 33301 on or before March 21, 2020 (120 days from the date of the filing of this petition).
Dated: December 2, 2019
HOFFMAN, LARIN & AGNETTI, PA
Proposed Counsel for the Assignee
909 North Miami Beach Boulevard, Suite 201
North Miami Beach, Florida 33162
Telephone: 305.653.5555
Facsimile: 305.940.0090
Email: mstoftman@hialaw.com
By: **MICHAEL S. HOFFMAN**
Florida Bar No. 41164
12/9-16-23-30 19-10/0000442254M

NOTICE OF ACTION FOR CIVIL ACTION

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA
Case No.: 18-16431 SP05
Carleen Bishop,
Petitioner
and
Lucy Poag,
Respondent.
To: Lucy Poag
last known address 13716 NE 11 Ave, North Miami, FL 33161
YOU ARE NOTIFIED that an action for Small Claims Money Damage has been filed against you and that you are required to serve a copy of your written defenses, if any, to it on Carleen Bishop, whose address is 3267 NW 44 St #C, Oakland Park, FL 33099, on or before Feb. 3, 2020, and file the original with the clerk of

this Court at 73 W Flagler St, Miami, FL 33130, before service on Petitioner or immediately thereafter. If you fail to do so, a default may be entered against you for the relief demanded in the petition.
Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.
You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Designation of Current Mailing and E-Mail Address, Florida Supreme Court Approved Family Law Form 12.915).

Future papers in this lawsuit will be mailed or e-mailed to the addresses on record at the clerk's office.
WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.
Dated: Dec. 9, 2019.
HARVEY RUVIN
CLERK OF THE CIRCUIT COURT
(Circuit Court Seal)
By: Alexandra Barroso
Deputy Clerk
12/16-23-30 1/6 19-16/0000443814M

HEARINGS



**CITY OF AVENTURA
NOTICE OF PUBLIC HEARING**

Date and Time of Public Hearing: Tuesday, January 7, 2020 6:00 p.m.
Applicant Name/Number: Medical District Developments LLC Application # CU1911-0001 & ABRW1911-0001

Applicant Request: The applicant, Medical District Developments LLC, is requesting conditional use approval pursuant to Section 31-144(f)(2)(k) and (l) of the City Code to allow lot coverage of 40% and a floor area ratio of 1.99, where the City Code permits a floor area ratio of 1.39; conditional use approval pursuant to Section 31-144(f)(2)(c) for an increased height of 128'8" where the City Code permits a maximum height of 120'; conditional use approval pursuant to Section 31-144(f)(2)(d) for retail uses as part of a nonresidential development, totaling 9.38% of the floor area, where the City Code permits retail uses not in excess of 15% of the floor area; and vacation of that portion of NE 213 Street from NE 28 Court to its easterly termination, NE 28 Court between NE 213 Street and NE 214 Street, a portion of NE 29 Avenue and NE 214 Street and a portion of land reserved for future roadway, all for a proposed office/retail/assisted living facility development in the City of Aventura, located in the B2, Community Business District and MO, Medical Office District.

Location of Subject Property: 21290 Biscayne Boulevard, City of Aventura
Legal Description: Six parcels of land comprised of part of Lot 1, Block 3, Plat Book "B", Page 13 and part of the closed road allowance of NE 29 Avenue, and lots within Blocks 39 and 40, Hallendale Park, Plat Book 12, Page 37, and a portion of a reserved area on the plat of Hallendale Park, Plat Book 12, Page 37, recorded in the Public Records of Miami-Dade County, in the City of Aventura. The full legal description is on file at the City of Aventura.

Plans are on file and may be examined during regular business hours at the City of Aventura Government Center, Community Development Department, 19200 West County Club Drive, Aventura, Florida, 33180. Plans may be modified at or before the Public Hearing. The application may change during the hearing process.

The Public Hearing will be held in the City Commission Chamber at City of Aventura Government Center at the address above. Your comments may be made in person at the hearing or filed in writing prior to the hearing date. Refer to applicant/property on correspondence and mail same to City of Aventura Government Center, Community Development Department, at the address above. For further information, please call (305) 466-8940.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the City Clerk, (305) 466-8901, not later than two business days prior to such proceedings.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Elisa L. Horvath, MMOC, City Clerk
19-39/0000444771M
12/16



**NOTICE OF PUBLIC HEARING
VILLAGE OF BISCAYNE PARK**

NOTICE IS HEREBY GIVEN that the Village Commission of the Village of Biscayne Park, Florida will hear the following variance request at the Regular Commission Meeting to be held on Tuesday, January 14, 2020, at 7:00 P.M., at the Log Cabin located at 640 NE 114th Street, Biscayne Park, FL 33161.

Pursuant to Section 13.4 of the Code of Ordinances of the Code of Biscayne Park, Florida, the property owners hereby seek the following variance from the Village Code for their property located at:
Sandor & Stephanie Scher - 955 NE 118th Street
Biscayne Park, FL 33161
Variance Request: Swimming Pool - Setback

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 600 NE 114th Street, Biscayne Park, FL 33161. Interested parties may appear at the meeting and be heard with respect to the proposed Variance.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than 48 hours prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request. Roseann Prado, Village Clerk
12/16-26 19-36/000044166M

BID NOTICES & RFQS

**VIRGIN TRAINS USA LLC
REQUEST FOR QUALIFICATIONS (RFQ):
ARCHITECTURAL AND ENGINEERING
SERVICES FOR WEST AVENTURA
PASSENGER RAIL STATION
PROJECT NO. 2019-002**

RFQ AVAILABLE FOR DISTRIBUTION: November 22, 2019
(RFQ documents available from the contact listed below)

PRE-SUBMITTAL PROJECT BRIEFING TO BE HELD:
(Attendance of the Prime Consultant is mandatory.)
December 4, 2019, at 2:00 PM (Local Time)
161 NW 6th Street, 9th Floor
Miami, FL 33136
Miami, Florida

DEADLINE FOR RECEIPT OF QUESTIONS:
161 NW 6th Street
Miami, FL 33136
December 9, 2019, at 6:00 P.M. (Local Time)

CONTACT FOR THIS SOLICITATION:
Yvette Calas
Senior Project Coordinator
161 NW 6th Street, 9th Floor, Miami, FL 33136
E-mail: Yvette.calas@gobrightline.com
and Eric.Clausen@gobrightline.com

DEADLINE FOR RECEIPT OF PROPOSALS:
December 23, 2019, at 6:00 P.M. (Local Time)

Virgin Trains USA LLC ("Virgin Trains"), pursuant to Section 287.055, Florida Statutes, announces that it is seeking one A/E consultant to perform Architectural and Engineering Services for the West Aventura Passenger Rail Station and associated infrastructure.
11/22-25-26-27-29 12/2-3-4-5-6-9-10-11-12-13-16-17-18-19-20-23 19-66/0000440411M

**VIRGIN TRAINS USA LLC
REQUEST FOR QUALIFICATIONS (RFQ):
CONSTRUCTION MANAGEMENT
SERVICES FOR THE
WEST AVENTURA PASSENGER
RAIL STATION
PROJECT NO. AS2019-01**

RFQ AVAILABLE FOR DISTRIBUTION: November 27, 2019
(RFQ documents available from the contact listed below)

DEADLINE FOR RECEIPT OF QUESTIONS:
December 9, 2019, at 6:00 P.M. (Local Time)

CONTACT FOR THIS SOLICITATION:
Yvette Calas
Senior Project Coordinator
161 NW 6th Street, 9th Floor, Miami, FL 33136
E-mail: Yvette.Calass@gobrightline.com

DEADLINE FOR RECEIPT OF PROPOSALS:
161 NW 6th Street, 9th Floor
Miami, FL 33136
December 27, 2019, AT 6:00 P.M. (Local Time)

Virgin Trains USA LLC ("Virgin Trains"), pursuant to Sections 255.103 and 287.055, Florida Statutes, announces that it is seeking one Construction Manager at Risk for the West Aventura Passenger Rail Station and associated Infrastructure.
11/27-29 12/2-3-4-5-6-9-10-11-12-13-16-17-18-19-20-23-24-26-27 19-99/0000441240M

OTHER NOTICES

and in the same manner as are ad-valorem taxes and as prescribed by and in accordance with Chapter 197, Florida Statutes ("Uniform Method"); provided, however, that in the event the Uniform Method of collecting the Assessments is not available to the District in any year, or the District determines not to utilize the provisions of Chapter 197, Florida Statutes, the Assessments may be collected on an annual basis through direct billing or as is otherwise permitted by law.

12. Upon completion of the preliminary assessment roll for the Assessments, the Board shall adopt a subsequent resolution to fix a time and place at which the owners of property to be assessed or any other persons interested therein may appear before the Board and be heard as to the propriety and advisability of the Assessments or the making of the Expansion Area Project, the cost thereof, the manner of payment therefore or the amount thereof to be assessed against each property as improved; and to authorize such notice and publications of same as may be required by Chapter 170, Florida Statutes, or other applicable law.

13. Pursuant to Section 170.05, Florida Statutes, the District Manager is hereby directed to cause this Resolution to be published twice in a newspaper of general circulation within Miami-Dade County, Florida.

14. All documents referenced herein and in which it is indicated are on file at the District Offices and shall also be made available for inspection at said District Offices.

15. This Resolution shall be effective upon adoption by the Board.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE PALM GLADES COMMUNITY DEVELOPMENT DISTRICT, this 12th day of November, 2019.

PALM GLADES COMMUNITY DEVELOPMENT DISTRICT
19-289/0000444928M

NOTICE OF RULE DEVELOPMENT BY KINGMAN GATE COMMUNITY DEVELOPMENT DISTRICT

In accord with Chapters 190, Florida Statutes, the Kingman Gate Community Development District ("District") hereby gives notice of its intention to develop and/or revise its Rules of Procedure to govern the operations of the District.

The Rules of Procedure will address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, prequalification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

The purpose and effect of the Rules of Procedure are to provide for efficient and effective District operations. Specific legal authority for the Rules of Procedure includes Sections 190.011(6), 190.011(15), 190.033 and 190.035, Florida Statutes (2007). The specific laws implemented in the Rules of Procedure include, but are not limited to, Sections 190.011(6), 190.011(15), 190.006, 190.007, 112.3143, 119.07, 190.008, 286.0105, 190.035(2), 190.033, 285.20, 287.055, 218.931, 112.08, 255.0525, 287.017 and 190.011(3), Florida Statutes (2007).

A copy of the proposed Rules of Procedure may be obtained by contacting the District Manager at 5385 N. Nob Hill Road, Sunrise, Florida 33351, or by calling (954) 721-8881.

Luis Hernandez
Manager

12/26 19-26/0000446273M

NOTICE

Public Notice is hereby given that the following items have been received by the City of Hialeah Police Department as Lost/Abandoned Property. If the owner does not come forth and make a claim within 45 days of this notice's publication, said items will be disposed of according to Florida Statute 705.103 which may include retention for use by the unit of government, donation to a charitable organization, sale of property, or trade with another unit of local government or state agency.

ALL PERSONS AND ENTITIES WHO HAVE STANDING TO CLAIM A LEGAL INTEREST IN THE ABOVE STYLED PROPERTY, should contact the below listed supervisor:

- Brown Wallet, US Passport, \$10 Dollars U.S. Currency, and \$ 15 Cuban Pesos found in the vicinity of East 8 Avenue and 55 Street.

If owner wishes to make a claim, that individual should contact:

Lieutenant Osvaldo Sardina
City of Hialeah Police Department
Property & Evidence Bureau
305-953-7710, Monday through Friday, 7:00 a.m. to 4:00 p.m., excluding Holidays
Note: Proof of ownership is required
12/26 1/2 19-17/0000446199M

NOTICE OF ACTION CONSTRUCTIVE SERVICE
IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY, CIVIL ACTION NO. 2018-027495-CC-05
IN RE: MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN VS. ELLIOTT KUNSTLINGER AND AK "N" ELLIC
NOTICE BY PUBLICATION

TO: ELLIOTT KUNSTLINGER
1566 East 29 Street Brooklyn, NY 11229
YOU ARE HEREBY NOTIFIED that a petition for breach of contract has been filed against you and you are required to serve a copy of your written defenses, if any to it on **ALAN C. NASH, ESQ.**, attorney for MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN whose address is 100 NE Third Avenue Suite 1100 Ft. Lauderdale FL 33301 and file the

original with the clerk of the above styled court on or before Jan. 29, 2020; otherwise a default will be entered against you for the relief prayed for in the complaint or petition.

This notice shall be published once a week for four consecutive weeks in the Miami-Dade DAILY BUSINESS REVIEW.

WITNESS my hand and the seal of said court at MIAMI, Florida on this 4 day of December, 2019.

HARVEY RUVIN
Clerk of Circuit Court

(Circuit Court Seal)
By: EMPERATRIZ GULLLO
As Deputy Clerk

ALAN C. NASH, ESQ.

As Deputy Clerk

Attorney for
MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN
100 NE Third Avenue Suite 1100 Ft. Lauderdale FL 33301
(phone) (954) 847-4820
12/11-18-26 1/2 19-21/0000443092M

WITNESS my hand and the seal of said court at MIAMI, Florida on this 4 day of December, 2019.

HARVEY RUVIN
Clerk of Circuit Court

(Circuit Court Seal)
By: EMPERATRIZ GULLLO
As Deputy Clerk

ALAN C. NASH, ESQ.

As Deputy Clerk

Attorney for
MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN
100 NE Third Avenue Suite 1100 Ft. Lauderdale FL 33301
(phone) (954) 847-4820
12/11-18-26 1/2 19-22/0000443101M

WITNESS my hand and the seal of said court at MIAMI, Florida on this 4 day of December, 2019.

HARVEY RUVIN
Clerk of Circuit Court

(Circuit Court Seal)
By: EMPERATRIZ GULLLO
As Deputy Clerk

ALAN C. NASH, ESQ.

As Deputy Clerk

Attorney for
MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN
100 NE Third Avenue Suite 1100 Ft. Lauderdale FL 33301
(phone) (954) 847-4820
12/11-18-26 1/2 19-22/0000443101M

MEETINGS

PUBLIC NOTICE OF MIAMI-DADE COUNTY BISCAYNE BAY TASK FORCE (BBTF) MEETING

NOTICE IS HEREBY GIVEN that a Miami-Dade County Biscayne Bay Task Force (BBTF) meeting is scheduled for Monday, January 13, 2020 at 1:30 PM, in the 2nd floor training room, Overtown Transit Village, 701 NW 1st Court, Miami, Florida 33136.

All interested parties may appear and be heard at the time and place specified.

Miami-Dade County provides equal access and equal opportunity and does not discriminate on the basis of disability in its programs or services. For material in alternate formats, a sign language interpreter or other accommodation, please call 305-372-6739 or send email to: alexi.marinresa@miamidade.gov. 19-50/0000446545M 12/26

HEARINGS

VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay shall conduct a Zoning Public Hearing on Monday, January 27, 2020, at 7:00 p.m. at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL. Discussion and public input will be welcomed concerning the following items:



Item 1: The following item is being considered pursuant to Sections(6) 30-30.8, 30-10.5 and 30-30.5 Village's Land Development Code:

Applicant: Windsor Investments (Westminster Manor), LLC
Folio(s): 33-5023-000-0582
File No.: VPP-19-007

Location: North of SW 152nd Street, South of SW 149th Terrace, between SW 71st Court and SW 69th Court

Requests:

- (1) AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING THE COMPREHENSIVE PLAN, REFERRED TO IN SEC. 30-30.8, TO CHANGE FROM "ENVIRONMENTAL PROTECTED" TO "ESTATE DENSITY RESIDENTIAL", PROVIDING FOR CONFLICTING PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.
- (2) AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING, AMENDING THE ZONING MAP, REFERRED TO IN SEC. 30-10.5, TO CHANGE FROM "ESTATE-SINGLE FAMILY" ("E-1") TO "ESTATE MODIFIED" ("E-M") (ONE UNIT PER 15,000 NET SQ FT, PROVIDING FOR CONFLICTING PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.
- (3) SITE PLAN APPROVAL FOR THE DEVELOPMENT OF TEN (10) SINGLE FAMILY HOMES, PURSUANT TO SECTION 30-30.5 OF THE CODE OF ORDINANCES.

Item 2: The following item is being considered pursuant to Sections(6) 30-50.23, and 30-80.2 of the Village's Land Development Code:

Applicant: Parkview at Palmetto Bay LLC

NOTICE BY PUBLICATION

TO: AK "N" ELLIOTT

17800 Ipc Road Miami FL 33162

YOU ARE HEREBY NOTIFIED that a petition for breach of contract has been filed against you and you are required to serve a copy of your written defenses, if any to it on **ALAN C. NASH, ESQ.**, attorney for MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN whose address is 100 NE Third Avenue Suite 1100 Ft. Lauderdale FL 33301 and file the original with the clerk of the above styled court on or before Jan. 29, 2020; otherwise a default will be entered against you for the relief prayed for in the complaint or petition.

This notice shall be published once a week for four consecutive weeks in the Miami-Dade DAILY BUSINESS REVIEW.

WITNESS my hand and the seal of said court at MIAMI, Florida on this 4 day of December, 2019.

HARVEY RUVIN
Clerk of Circuit Court

(Circuit Court Seal)
By: EMPERATRIZ GULLLO
As Deputy Clerk

ALAN C. NASH, ESQ.

As Deputy Clerk

Attorney for
MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN
100 NE Third Avenue Suite 1100 Ft. Lauderdale FL 33301
(phone) (954) 847-4820
12/11-18-26 1/2 19-22/0000443101M

WITNESS my hand and the seal of said court at MIAMI, Florida on this 4 day of December, 2019.

HARVEY RUVIN
Clerk of Circuit Court

(Circuit Court Seal)
By: EMPERATRIZ GULLLO
As Deputy Clerk

ALAN C. NASH, ESQ.

As Deputy Clerk

Attorney for
MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN
100 NE Third Avenue Suite 1100 Ft. Lauderdale FL 33301
(phone) (954) 847-4820
12/11-18-26 1/2 19-22/0000443101M

Item 3: The following item is being considered pursuant to Sections(6) 30-30.4 and 30-60.30 of the Village's Land Development Code:

Applicant: Eco-Site II, LLC
Folio(s): 33-5028-025-0010
File No.: VPP-19-008

Location: 16051 South Dixie Highway
REQUEST FOR APPROVAL OF A SITE PLAN FOR THE INSTALLATION OF A CAMOUFLAGED 115-FOOT WIRELESS COMMUNICATION MONO-TOWER, ON A 2,441 SQUARE FEET PARCEL LOCATED IN THE SOUTHEAST PORTION OF THE 17.92-ACRE SHOPPING CENTER LOCATED AT 16051 SOUTH DIXIE HIGHWAY, ZONED BUSINESS DISTRICT SPECIAL (B-2) PURSUANT TO SECTION 30-30.4 CONDITIONAL USE APPROVAL, AND SECTION 30-60.30 TELECOMMUNICATION TOWERS, ANTENNAS AND SATELLITE DISHES.

Item 4: The following item is being considered pursuant to Sections(6) 30-50.23 and 30-80.2 of the Village's Land Development Code:

Applicant: 17777 Old Cutler Road, LLC (Palmetto Bay Village Center)
Folio(s): 33-5035-013-0020, 33-5035-013-0010
File No.: VPP-16-005

Location: 17777, 17901, 18001, 18101 Old Cutler Road
REQUESTS: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING SITE PLAN APPROVAL FOR A MULTIFAMILY DEVELOPMENT PURSUANT TO ORDINANCE 2016-14 AND RESOLUTION 2016-28; A RESOLUTION TO ACCEPT SPECIAL WARRANTY DEED PURSUANT TO RESOLUTION 2016-28; TO ACCEPT DECLARATION OF RESTRICTIONS, COVENANTS AND RESERVATIONS PURSUANT TO ORDINANCE 2016-14 AND RESOLUTION 2016-28; AND TO ACCEPT A RESTRICTIVE COVENANT PURSUANT TO ORDINANCE 2016-14.

If the item is not heard during the Zoning Hearing of January 27, 2019, the item will be deferred as the first item on the February 24, 2020 Zoning Hearing agenda.

All persons are invited to appear and be heard. The documents pertaining to this Zoning Hearing may be inspected at the Department of Planning & Zoning at Village Hall Municipal Center located at 9705 East Hibiscus Street, Palmetto Bay, FL 33157 during regular business hours. It is recommended that an appointment is scheduled in advance. Any meeting may be opened and/or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to these matters, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than seven (7) days prior to the proceedings.



NOTICE OF PUBLIC HEARING VILLAGE OF BISCAYNE PARK

NOTICE IS HEREBY GIVEN that the Village Commission of the Village of Biscayne Park, Florida will hear the following variance request at the Regular Commission Meeting to be held on Tuesday, January 14, 2020, at 7:00 PM, at the Log Cabin located at 640 NE 114th Street, Biscayne Park, FL 33161.

Pursuant to Section 13.4 of the Code of Ordinances of the Code of Biscayne Park, Florida, the property owners hereby seek the following variance from the Village Code for their property located at:

Sanior & Stephanie Scher - 955 NE 118th Street
Biscayne Park, FL 33161
Variance Request: Swimming Pool - Setback

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 600 NE 114th Street, Biscayne Park, FL 33161. Interested parties may appear at the meeting and be heard with respect to the proposed Variance.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than 48 hours prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request. Roseann Prado, Village Clerk.

19-36/0000444168M



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

December 11, 2019

Property Owner
920 NE 120 Street
Biscayne Park, FL 33161

NOTICE OF PUBLIC HEARING VARIANCE REQUEST

Notice is hereby given that the Village Commission of the Village of Biscayne Park, Florida, will hear the following variance request at the regular Commission Meeting to be held on **Tuesday, January 14, 2020 at 7:00pm** at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161.

**Sandor & Stephanie Scher – 955 NE 118th Street
Biscayne Park, FL 33161
Variance Request: Swimming Pool - Setback**

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 600 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Variance.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.

Roseann Prado, Village Clerk
Village of Biscayne Park



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: January 14, 2020

TITLE: Acceptance of Commission Minutes

Background

The minutes as listed below is being provided for the Commissioner's review and acceptance.

Recommendation

Acceptance at Consent Agenda.

Attachment

1. Regular Commission Meeting 12 03 2019

Prepared by: Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

MINUTES

**Regular Commission Meeting
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, December 03, 2019 at 7:00 pm**

1 Call to Order

Mayor Tracy Truppman called the meeting to order at 7:00 pm.

2 Roll Call

Mayor Truppman - present
Vice Mayor Samaria - present
Commissioner Tudor - present

Staff present:

Village Manager Krishan Manners
Village Attorney Rebecca Rodriguez
Village Clerk Roseann Prado
Sergeant of Arms Officer Paul Eppler
Chief of Police, Luis Cabrera
Public Works Manager, David Hernandez
Recording: Cesar Hernandez

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

Village Attorney requested item 8.g to move to 12.a for discussion.

Vice-Mayor requested to add an item for discussion regarding Charter Review Advisory Board. No consensus.

Vice-Mayor motioned to pull item 8.c from agenda. No second. Motion failed.

Vice-Mayor Samaria motioned to move item 8.c to 12.b for discussion. Motion passed.

Vice-Mayor Samaria motioned to remove item 9.a. No second. Motion failed.

Vice-Mayor Samaria motioned to remove item 9.b. No second. Motion failed.

Commissioner Tudor motioned to Commission accept the agenda as changed. Vice-Mayor Samaria seconded. **Motion passed 3 - 0.**

5 Presentations

5.a Vice-Mayor nomination.

Commissioner William Tudor nominated as the Vice-Mayor from December 1st 2019 to May 31, 2020.

5.b Proclamation - Metro Ford Winter Fest.

5.c Marie Perikles - Assistant Legal Counsel - Miami-Dade County Office of the Inspector General - spoke on whistleblower resolution of the County.

6 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

The following persons spoke on the record:

Linda Dillon / Judi Hamelburg

Bob Anderson

Dan Keys

Janey Anderson

Gary Kuhl

Barbara Kuhl

Rox Ross

Chuck Ross

MacDonald Kennedy

7 Information / Updates

7.a 2020 Commission Meetings Schedule

- Change date of Regular Commission Meeting - due to Special Election on the first Tuesday of the month - January 07, 2020.

Consensus with the Commission to change the dates:

- January 2020 - from January 07 to January 14, 2020.
- November 2020 - from November 03 to November 10, 2020.

8 Consent Agenda

8.a Acceptance of Commission Minutes

- Regular Commission Meeting October 01, 2019
- Special Commission Meeting October 17, 2019
- Workshop Discussion on Residents Communication October 17, 2019
- Special Commission Meeting October 24, 2019
- Workshop Review Branding Proposal October 24, 2019
- Regular Commission Meeting November 05, 2019
- Special Commission Meeting November 08, 2019
- Special Commission Meeting November 15, 2019

8.b Acceptance of Boards Minutes

- Charter Review Advisory Board October 3, 2019

- Public Safety Advisory Board October 23, 2019

8.d Resolution # 2019-28 - Judo Program

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT FOR THE PROVISION OF A JUDO PROGRAM BETWEEN THE VILLAGE OF BISCAYNE PARK AND JOSUE DEPREZ; PROVIDING FOR AN EFFECTIVE DATE.

Resolution approved on Consent Agenda with fees collected as 30% (Village) and 70% (Instructor) as amended.

8.e Resolution # 2019-32 - Donation of Vehicle

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; ACCEPTING THE DONATION OF A VEHICLE FROM OFFICER ROGER LOPEZ; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT TITLE TO THE VEHICLE TO BE USED WITHIN THE VILLAGE'S POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Consent agenda as selected with amendment on Resolution 2019-28 as indicated. Mayor Truppman seconded.

Motion passed 3 - 0.

9 Ordinances

9.a Ordinance # 2019-05 - Special Magistrate - second reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTERS 14 AND 15 OF THE LAND DEVELOPMENT CODE OF THE VILLAGE OF BISCAYNE PARK; AUTHORIZING SPECIAL MAGISTRATE POSITION FOR CERTAIN CODE ENFORCEMENT PROCEEDINGS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Public hearing related to Ordinance 2019-05

The following persons spoke on the record:

Bob Anderson

Dan Keys

Janey Anderson

Barbara Kuhl

Rox Ross

Chuck Ross

Jonas

Mac Kennedy

Vice-Mayor Tudor motioned to approve Ordinance # 2019-05 on second reading.

Mayor Truppman seconded.

Commission voted as follows:

Mayor Truppman - Yes

Vice-Mayor Tudor - Yes
Commissioner Samaria - No

Motion passed 2 - 1.

9.b Ordinance # 2019-06 - Commission Rules and Procedures - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 2-16 OF THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES; ADOPTING COMMISSION RULES AND PROCEDURES FOR MEETINGS AND WORKSHOPS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Public hearing related to Ordinance 2019-05
The following persons spoke on the record:

Bob Anderson
Dan Keys
Janey Anderson
Barbara Kuhl
Rox Ross
Chuck Ross
Jonas
Mac Kennedy
Linda Dillon

Vice-Mayor Tudor motioned to approve Ordinance 2019-06 on first reading.
Commissioner Samaria seconded.
Consensus from Commission was reached to postpone the second reading to the Regular Commission meeting in February 4, 2020.
Commission voted as follows:
Mayor Truppmann - Yes
Vice-Mayor Tudor - Yes
Commissioner Samaria - Yes

Motion passed 3-0.

10 Resolutions

10.a Resolution 2019-31 - Biscayne Park Foundation new members selection

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION AND APPOINTMENT OF BOARD MEMBERS TO THE BISCAYNE PARK FOUNDATION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2019-31. Vice-Mayor Tudor seconded. **Motion passed 3 - 0.**

11 Old Business

- 11.a** Whistleblower Protection for Village of Biscayne Park Employees - by Commissioner Samaria
Commissioner Samaria motioned to draft an Ordinance to have a first reading at next Regular Commission meeting. No second. **Motion failed.**

12 New Business

12.a Item 8.g - Commission Permission to Host Event - Meet the Candidates Night

Commissioner Samaria motioned to waive the fee of Recreation Center for residents to host a Meet the Candidates Night event on December 19, 2019. Vice-Mayor Tudor seconded. **Motion passed 2 - 1** (Mayor Truppman opposed)

12.b Item 8.c - Resolution 2019-24 - MOA Memorandum of Agreement with the City of North Miami - Landscape on median at 121st Street.

Consensus from Commission to return the Resolution to renegotiate with the city of North Miami.

12.c Discussion on Charter Review Advisory Board

12.d Item 8.f - Resolution 2019-33 MOA State Attorney Office and Eleventh Circuit Court

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE ATTORNEY'S OFFICE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Tudor motioned to approve Resolution 2019-33. Mayor Truppman seconded. **Motion passed 3 - 0.**

13 Request for placement of items on next meeting agenda

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

14 Reports

- 14.a** Village Attorney - requested schedule of an Executive Session for December 5, 2019 at 5:30 pm. Executive Session scheduled upon consensus of Commission.

FEMA appeals updates.

14.b Village Manager

14.c Board / Committee Reports - Barbara Kuhl from Parks & Parkway Advisory Board.

14.d Commissioners Comments:

- Mayor Truppman
- Vice-Mayor Tudor
- Commissioner Samaria - Tree funding to Biscayne Park Foundation.

15 Announcements

Planning & Zoning Board, Monday, December 2, 2019 6:30 pm

Charter Review Advisory Board, Thursday, December 5, 2019 7:00 pm

Biscayne Park Foundation, Tuesday, December 10, 2019 7:00 pm

Public Art Advisory Board, Thursday, December 12, 2019 5:00 pm - CANCELED

Planning & Zoning Board, Monday, December 17, 2019 6:30 pm

Public Safety Advisory Board, Wednesday, December 18, 2019 6:00 pm

Parks & Parkway Advisory Board, Friday, December 20, 2019 - CANCELED

Commission Executive Session, Thursday, December 5, 2019 5:30 pm at Village Hall

Next Regular Commission meeting, Tuesday, January 14, 2020 7:00 pm

All Village Departments will be closed - Wednesday, December 25, 2019 - Christmas Day

All Village Departments will be closed - Wednesday, January 01, 2020 - New Year's Day

16 Adjournment

- 11:09 pm - Mayor Truppman requested to extend the meeting to 11:20 pm. Extension granted by Commission.
- 11:27 pm - Mayor Truppman requested to extend the meeting to 11:40 pm. Extension granted by Commission.
- Vice-Mayor Tudor motioned to adjourn the meeting. Commissioner Samaria seconded. Meeting adjourned at 11:41 pm

Commission approved on December 03, 2019.

Attest:

Tracy Truppman, Mayor

Roseann Prado, Village Clerk



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 10.b

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: January 14, 2020

TITLE: Acceptance of Board Minutes

Background

The board/committee minutes as listed below are being provided for the commission's review and acceptance.

Recommendation

Acceptance on Consent Agenda

Attachment

- Biscayne Park Foundation Meeting November 13, 2019
- Charter Review Advisory Board Meeting November 7, 2019
- Charter Review Advisory Board Meeting December 5, 2019

Prepared by: Roseann Prado, Village Clerk



**MINUTES
BISCAYNE PARK FOUNDATION**

WEDNESDAY, NOVEMBER 13, 2019

7:00 p.m.

**BISCAYNE PARK
FOUNDATION**

Jorge Marinoni
Marie Smith
David Goehl

Meeting called to order at 7:00 p.m.

ROLL CALL: Jorge Marinoni, Marie Smith, David Goehl

IN ATTENDANCE: Commissioner Dan Samaria and City Manager Krishan Manners.

APPROVAL OF THE MINUTES: Motion by David Goehl seconded by Marie Smith to approve the Minutes of October 7, 2019. Motion passed.

OKTOBERFEST RE-CAP: Jorge reported a successful event, donations received \$184.00. Sales of wine & beer \$565.00 for a total of \$749.00. Entertainment was excellent (THE HOT FLASH BAND) for a fee of \$350.00, alcohol license was \$25.00 and sales taxes \$39.55. Jorge donated the beer and wine. Jorge thanked volunteers Karen Marinoni, Francis O'Connell and Steve Goehl.

Commissioner Dan Samaria donated the sum of \$720 for trees in front of the Log Cabin. Work had already begun at replacing the tree area at the Rec. Center. The money will go to the City after being deposited at the Foundation.

GIVE MIAMI DAY: Roxanna Ross was not present and an updated report on GIVE MIAMI DAY was unavailable. Jorge however was in contact with her on the status of GIVE MIAMI DAY, November 21st. An e-mail will be sent to Village residents from the City email list.

GREEN DAY MIAMI SHORES: The Village had a display table at this event with the Foundation participating.

REC. CENTER LIGHTING: Krishan reported that this should be completed in December. Marie stated that when the entrance was completed we should continue the lighting project around the park so residents can exercise in safety.

BRICK CAMPAIGN: Krishan sketched a proposed plan for the entrance to the Log Cabin. He sketched a sidewalk to be installed on each side to the entrance area and a plaza in the center. He will meet up with Jorge to further explain his design.



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

GRANT WRITING: It was reported that David Raymond, a member of Parks, is a grant writer. Krishan will contact him to see if he can write a grant for the Foundation. It was mentioned that the Batchelor Foundation approves grants for smaller municipal projects.

Recruiting New Board Members: An effort to recruit new board members was made at Oktoberfest and to date there has been one candidate. There will be an email campaign to get more candidates to apply.

TREASURER'S REPORT: Jorge submitted the report. Balance as of 10-31-2019 is \$11,489.39.

Meeting adjourned 8:00 p.m.

Jorge Marinoni, President _____

Marie Smith, Secretary: _____

Next Meeting: Tuesday, December 10, 2019, at 7:00 p.m.



Judith Gersten

Chair

Rachamin "Rocky" Cohen

Vice Chair

Kate Eaton

Manny Espinoza

Victoria Hernandez

Louis Rogers

Daniel Keys

MINUTES
Charter Review Advisory Board
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Thursday, November 7, 2019 at 6:30 pm

1. Call to Order

Chair Judith Gersten called the meeting to order at 6:30 pm.

2. Roll Call

Board Chair Judith Gersten - present

Board Vice-Chair Rachamin "Rocky" Cohen - present

Board Member Kate Eaton - present

Board Member Manny Espinoza - present

Board Member Victoria Hernandez - present

Board Member Louis Rogers - present

Board Member Roxanna Ross - present

Present from staff:

Village Manager Krishan Manners

Village Attorney Rebecca Rodriguez

Village Clerk Roseann Prado

Board Member Rogers motioned for the Board follow Robert's Rules of Order regarding alternate board members. Alternate board members will not participate in discussion or vote. Board Member Manny Espinoza seconded. Board Members voted as follows:

Board Member Rogers -Yes

Board Member Cohen - Yes

Board Member Ross - No

Board Member Hernandez - Yes

Board Member Espinoza - Yes

Board Member Eaton - Yes

Board Member Gersten - Yes

Village Attorney note: Section 2-30(e)(1) of the Village Code states: "Each board and committee shall adhere to Robert's Rules of Order, Newly Revised, to the extent that such rules do not conflict with this article, rules adopted by the board or committee, or applicable state law."

Board Member Ross motioned to move public comments to the beginning of the board meeting. Motion was not seconded. Motion failed.

3. Approval of Minutes

3.a October 3, 2019

Board Member Victoria Hernandez moved to approve Minutes of October 3, 2019 meeting. Board Member Louis Rogers seconded. **Motion passed 7 - 0.**

4. Old Business

5. New Business

Discussion: Charter Article I - Corporate Existence, Form of Government, Boundary and Powers

Board Member Ross expressed an interest in revisiting Article I of the Charter to include language expressing a desire for future annexation. Board to revisit proposed amendment.

Board Discussion - Charter Article II:

Section 2.02 - Mayor & Vice Mayor

Board held discussion regarding whether the positions of Mayor and Vice-Mayor should become elected positions. Commission currently elects Mayor amongst themselves and the title of Vice Mayor rotates every 6 months amongst the other four non-mayoral Commissioners. Board also discussed whether either position should be a separate item on the ballot, or should be based on highest number of votes.

Noted that if Mayor becomes an elected position, Charter Section 2.05 will also need to be amended to either: (1) ascend Vice Mayor to Mayor, or (2) require a special election to fill the mayoral vacancy. Charter currently states "If the position of Mayor becomes vacant, the Commission will elect a sitting Commissioner as Mayor who shall complete the term of the Mayor. The Commission vacancy shall then be filled in the manner described in subsection (C)."

Position of Mayor:

Board Member Rogers - Position of Mayor should be specifically elected by the Village electorate as a separate item on the ballot.; not appointed by the Commission or honorary.

Board Member Hernandez - Position of Mayor should be specifically elected by the Village electorate as a separate item on the ballot.; not appointed by the Commission or honorary.

Board Member Espinoza: Position of Mayor should be the candidate who receives the highest number of votes in at-large commission election. Not a separate item on the ballot.

Board Member Cohen - Position of Mayor should be the candidate who receives the highest number of votes in at-large commission election. Not a separate item on the ballot.

Board Member Gersten: Position of Mayor should be specifically elected by the Village electorate as a separate item on the ballot.; not appointed by the Commission or honorary.

Board Member Eaton: Position of Mayor should be specifically elected by the Village electorate as a separate item on the ballot.; not appointed by the Commission or honorary.

Board Member Ross: Does not support charter amendment on this issue.

Position of Vice-Mayor:

Board Member Rogers: supports Vice Mayor position being a separate, elected position on the ballot.

Board Member Eaton: supports Vice Mayor position to commission candidate who receives the highest votes in at-large commission election; not a separate item on election ballot.

Board Member Espinoza: supports Vice Mayor position to commission candidate who receives the highest votes in at-large commission election; not a separate item on election ballot.

Board Member Ross: Does not support a charter amendment on this issue.

Board Member Cohen: supports Vice Mayor position to commission candidate who receives the highest votes in at-large commission election; not a separate item on election ballot.

Board Member Hernandez: supports Vice Mayor position being a separate, elected position on the ballot.

Board Discussion Regarding Charter Article V - Elections

Discussion Regarding Mayoral Term of Office:

Board Member Rogers: 4 years (if Mayor becomes elected position)

Board Member Cohen: 4 years (if Mayor becomes elected position)

Board Member Ross: 2 year term limit (if Mayor becomes elected position)

Board Member Hernandez: 4 years (if Mayor becomes elected position)

Board Member Espinoza: 2 years (if Mayor becomes elected position)

Board Member Eaton: 4 years (if Mayor becomes elected position)

Board Member Gersten: 4 years (if Mayor becomes elected position)

Discussion Regarding Potential Term Limits:

Board Member Rogers: supports term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Cohen: supports term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Ross: does not support a charter amendment on this issue.

Board Member Hernandez: supports term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Gersten: supports term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Espinoza: does not support a charter amendment on this issue.

Board Member Eaton: supports term limits; proposed term limit of two (2) terms of four (4) years each

Switching Position: from Mayor to Commissioner - from Commissioner to Mayor

Board Member Rogers: supports mayoral term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Cohen: supports mayoral term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Ross: does not support a charter amendment on this issue.

Board Member Hernandez: supports mayoral term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Gersten: supports term limits; proposed term limit of two (2) terms of four (4) years each

Board Member Espinoza: does not support a charter amendment on this issue.

Board Member Eaton: supports term limits; proposed term limit of two (2) terms of four (4) years each

There was a consensus that if the Board ultimately decides to recommend a term limit Charter amendment to the Commission in its final report, term limits of Mayor, Vice Mayor, and Commission would be treated separately.

There was a consensus that if the Board ultimately decides to recommend a term limit Charter amendment to the Commission in its final report, the term limits would be solely based on consecutively served terms, and not applicable to someone who runs for office after a hiatus from a position.

There was a consensus that if the Board ultimately decides to recommend a term limit Charter amendment to the Commission in its final report, term limits would have a prospective application. Stated differently, previously-served terms which predate the amendment's adoption would not be counted towards term limits. No retroactive application.

Discussion Regarding Charter Section 5.02

Board recommends amendment to subsection (J) to state the term of any elected official will commence within ten (10) days from the date of certification for the election results by the Supervisor of Elections.

Discussed Section 2.05 Vacancies - no votes taken.

Board will explore amending Section 2.05 to incorporate a suspension from office section as the new subsection (B) (after vacancies and before forfeiture of office).

Items for Discussion during December 2019 Board Meeting

Board agreed to begin the December 2019 meeting with a discussion of election alignment issues relating to the rotation of the commission seats.

Board agreed to discuss Charter Section 5.02(c) during the December 2019 meeting.

Board agreed to discuss the definition of "resident" during the December 2019 meeting.

Board agreed to revisit Charter Section 2.02(a) to discuss signing authority and duties during the December 2019 meeting.

Board wishes to reconcile Charter Section 5.03 with the current version of the State statute. Village Attorney to compare and advise if updates to statute are applicable.

6. Public Comments

The following persons spoke:

Dan Keys - Does not support Mayor elected directly. Does not support term limit. Wants to have the availability to communicate with the other members.

Linda Dillon - Does not support amending the current version of the Charter.

Barbara Kuhl - Does not support amending the current version of the Charter.

Chuck Ross - Asked the Board to listen to longtime residents with more experience.

Fred Jonas - Does not support amending the current version of the Charter.

Dan Samaria - Said he is concerned by what he witnessed during the board's meeting, but will address his concerns with the Commission.

7 Adjournment

Board Member Ross motioned to adjourn the meeting. Board Member Rogers seconded. Motion passed. Meeting was adjourned at 10:12 pm.



Judith Gersten

Chair

Rachamin "Rocky" Cohen

Vice Chair

Kate Eaton

Manny Espinoza

Victoria Hernandez

Louis Rogers

Daniel Keys

MINUTES
Charter Review Advisory Board
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Thursday, December 5, 2019 at 6:30 pm

1. Call to Order

Chair Judith Gersten called the meeting to order at 6:30 pm.

2. Roll Call

Board Chair Judith Gersten - present

Board Vice-Chair Rachamin "Rocky" Cohen - present

Board Member Kate Eaton - present

Board Member Manny Espinoza - present

Board Member Victoria Hernandez - present

Board Member Louis Rogers - present

Board Member Daniel Keys - present

Present from staff:

Village Manager Krishan Manners

Village Attorney Rebecca Rodriguez

Village Clerk Roseann Prado

Board Member Dan Keys motioned to have summary of the public comments on prospective and retrospective minutes of the Board. Board Member Victoria Hernandez seconded. Board Members voted as follows:

Board Member Rogers -Yes

Board Member Eaton - Yes

Board Member Espinoza - Yes

Board Member Cohen - Yes

Board Member Hernandez - Yes

Board Member Keys - Yes

Board Member Gersten - Yes

Board Member Dan Keys motioned to move Public Comments to the beginning of the agenda. No second motion. Motion failed.

- 5.a Board Member Dan Keys motioned to move next Charter Review Advisory Board from January 2 to January 9, 2020. Board Member Louis Rogers seconded. **Motion passed 7 - 0.**

Board Member Victoria Hernandez motioned to revisit Section 2.02 regarding rotation of Vice-Mayor. Chair Gersten seconded to maintain the current rotation system. **Motion passed 7 - 0.**

4. Old Business

2.05 - B-3 (a) - Chair Gersten asked the vote of the Board deleting the entire section.

Board members voted as follows:

Board Member Rogers - Yes

Board Member Eaton - Yes

Board Member Keys - No

Board Member Hernandez - Yes

Vice-Chair Cohen - Yes

Board Member Espinoza - Yes

Chair Gersten - Yes

2.05 - B-3 (b) - Village Attorney asked to refer to Section 5.03-Recall. Board Members agreed as follows:

Board Member Rogers - Yes

Board Member Eaton - Yes

Board Member Keys - Yes

Board Member Hernandez - Yes

Vice-Chair Cohen - Yes

Board Member Espinoza - Yes

Chair Gersten - Yes

2.05 - C-1 (a) - Remaining Term - Board members agreed to change the language from six (6) months to nine (9) months. Board members voted as follows:

Board Member Rogers - Yes

Board Member Eaton - Yes

Board Member Keys - Yes

Board Member Hernandez - Yes

Vice-Chair Cohen - Yes

Board Member Espinoza - Yes

Chair Gersten - Yes

2.05 - C-1 (b) - Board Members agreed to change the call for a Special Election or wait for a General Election which shall occur within ninety (95) days, in no case to exceed one hundred and twenty (120) days. Board Members voted as follows:

Board Member Rogers - Yes

Board Member Eaton - Yes

Board Member Keys - Yes

Board Member Hernandez - Yes

Vice-Chair Cohen - Yes

Board Member Espinoza - Yes

Chair Gersten - Yes

2.05 - C-1 (d) - Change the language to - call a special election within not less than sixty (60) days. Board Members voted as follows:

Board Member Rogers - Yes

Board Member Eaton - Yes

Board Member Keys - Yes

Board Member Hernandez - Yes

Vice-Chair Cohen - Yes

Board Member Espinoza - Yes

Chair Gersten - Yes

5. New Business

Chair Gersten requested to add more meetings to fulfill the final Report to Commission in March/2020. Board Members were consulted according to their availability. Meeting dates are as follows:

December 09, 2019

January 13, 2020

January 15, 2020

February 05, 2020

February 19, 2020

March 05, 2020

6. Public Comments

The following persons spoke:

Chuck Ross - Requested to reconsider the changes proposed.

Linda Dillon - Requested clarification on vacancies regarding time to next election.

7 Adjournment

Board Member Rogers motioned to adjourn the meeting. Board Member Hernandez seconded. Motion passed. Meeting was adjourned at 9:54 pm.



**VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING**

Item # 10.c

TO: Members of the Biscayne Park Village Commission
FROM: Krishan Manners, Village Manager
DATE: January 14, 2020
TITLE: Resolution No. 2020-02 Sale of Surplus Vehicles

Background

The following Village of Biscayne Park vehicle have seen its useful life to the Village and are not in running condition due to age, mileage, and condition.

- ❖ 2002 – Chevrolet Van- 1GAHG39R821202799- Mileage 45152

Permission is sought to auction the vehicle via auction at no cost to the Village of Biscayne Park by Bidera Auctions of Miami, Florida.

Fiscal/Budget Impact: Revenue from the sale of the vehicle.

Recommendation: Acceptance at consent

Attachment:

- Resolution 2020-02

Prepared by: Krishan Manners

RESOLUTION NO. 2020-02

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA DECLARING VILLAGE VEHICLE AS SURPLUS PROPERTY AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS THROUGH BIDERA AUCTIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Biscayne Park owns a 2002 Chevrolet Van vehicle that has been utilized for several years by Recreation Center; and,

WHEREAS, Village Administration has determined that this vehicle is no longer serviceable due to the deterioration; and,

WHEREAS, the Village Commission finds that it is in the best interests of the community to declare certain Village vehicle as surplus property and grant the Village Manager authority to sell the vehicle;

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The following vehicle is hereby declared surplus property of the Village:

- ❖ 2002 – Chevrolet Van – 1GAHG39R821202799 - Mileage 45152.

Section 3. The Village Manager is authorized to sell the vehicle through Bidera Auctions, with proceeds to be put into the General Fund.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 14th day of January 2020.

The foregoing resolution upon being put to a vote, the vote was as follows:

Tracy Truppman, Mayor

Mayor Truppman:
Vice Mayor William Tudor:
Commissioner Kennedy:
Commissioner O’Halpin:
Commissioner Samaria:

Attest:

Roseann Prado, Village Clerk

Approved as to form:

Rebecca A. Rodriguez, Village Attorney

IDENTIFICATION NUMBER 1GAHG39R021202103	YR 2002	MAKE CHEV	MODEL	BODY VN	WT-L-BHP 6129	VESSEL REGIS. NO.	TITLE NUMBER 85996292
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REGISTERED OWNER

DATE OF ISSUE

**VILLAGE OF BISCAYNE PARK
640 NE 114 ST
BISCAYNE PARK FL 33161**

07/17/2002

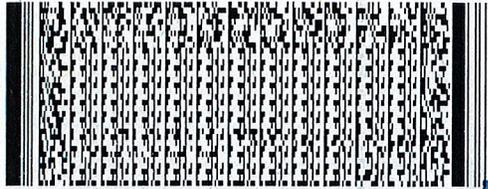
LIEN RELEASE
INTEREST IN THE ABOVE DESCRIBED VEHICLE IS
HEREBY RELEASED

BY _____

MAIL TO:

**VILLAGE OF BISCAYNE PARK
640 NE 114 ST
BISCAYNE PARK FL 33161-6202**

TITLE _____ DATE _____



LIEN SATISFACTION

CERTIFICATE OF TITLE

SATISFACTORY PROOF OF OWNERSHIP HAVING BEEN SUBMITTED UNDER SECTION 319.23/328.03, FLORIDA STATUTES, TITLE TO THE MOTOR VEHICLE OR VESSEL DESCRIBED BELOW IS VESTED IN THE OWNER(S) NAMED HEREIN, THIS OFFICIAL CERTIFICATE OF TITLE IS ISSUED FOR SAID MOTOR VEHICLE OR VESSEL

IDENTIFICATION NUMBER 1GAHG39R021202103		YR 2002	MAKE CHEV	MODEL	BODY VN	WT-L-BHP 6129	VESSEL REGIS. NO.	TITLE NUMBER 85996292
PREV STATE N	COLOR WHI	PRIMARY BRAND		SECONDARY BRAND		NO OF BRANDS	USE PVT	PREV ISSUE DATE
ODOMETER STATUS OR VESSEL MANUFACTURER 60 MILES 04/26/2002 ACTUAL				HULL MATERIAL		PROP		DATE OF ISSUE 07/17/2002

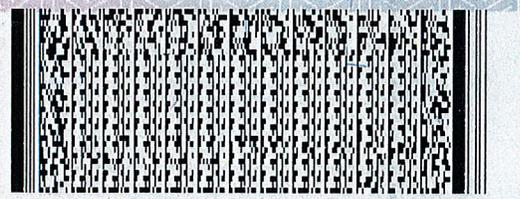
REGISTERED OWNER
**VILLAGE OF BISCAYNE PARK
640 NE 114 ST
BISCAYNE PARK FL 33161**

LIEN RELEASE
INTEREST IN THE ABOVE DESCRIBED VEHICLE IS
HEREBY RELEASED

BY _____
TITLE _____ DATE _____

1ST LIENHOLDER

NONE



VOID IF ALTERED

DIVISION OF MOTOR VEHICLES

TALLAHASSEE



FLORIDA

DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES

Carl A. Ford

Fred O. Dickinson III

CARL A. FORD
DIRECTOR

Control Number **56054358**

FRED O. DICKINSON, III
EXECUTIVE DIRECTOR

TRANSFER OF TITLE BY SELLER (This section must be completed at the time of sale.)
ODOMETER CERTIFICATION - Federal and state law require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.
This title is warranted and certified to be free from any liens except as noted on the face of this certificate and the motor vehicle or vessel described is hereby transferred to:

Purchaser: _____ Address: _____

I/We state that this 5 or 6 digit odometer now reads (no tenths) miles, date read _____ and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one of the odometer statement blocks is checked. CAUTION: DO NOT CHECK BOX IF ACTUAL MILEAGE 1. I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits. 2. I hereby certify that the odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Purchaser: _____ Printed Name of Purchaser: _____
Signature of Co-Purchaser: _____ Printed Name of Co-Purchaser: _____
Signature of Seller: _____ Printed Name of Seller: _____
Signature of Co-Seller: _____ Printed Name of Co-Seller: _____
(When Applicable) Selling Dealer's License Number: _____ Tax No. _____ Tax Collected: \$ _____
Auction Name _____ License Number: _____

STATE OF FLORIDA
APPLICATION FOR VEHICLE/VESSEL
CERTIFICATE OF TITLE
AND/OR REGISTRATION

COUNTY AGY # SUB # REPORT #
1 B VMG 731
L# 231141

T# 322075735
B# 208649
R# 322076374

DECAL NUMBER	DECAL YR. ISSUED	SEX	MO.	BIRTHDATE DAY	YR.	MO.	EXPIRES DAY	YR.	TRANS CODE	INSURANCE PIP	LIABILITY	PLATE ISSUED	RESIDENT Y	N	ALIEN	COUNTY RES. #	DATE OF ISSUE MO	DAY	YEAR	PLATE NUMBER OR FLORIDA #
									ORR				X	X		1	07	17	02	CITY212809
TITLE NUMBER	VEHICLE/VESSEL IDENTIFICATION #								YR. MAKE	MAKE or MANUFACTURER	BODY TYPE	CLASS	WT/LENGTH	GVW/LOC.						
85996292	1GAHG39R021202103								2002	CHEV	VN	97	6129							
HULL MATERIAL	PROPULSION	FUEL	VESSEL USE	VESSEL TYPE	WATER	BOB CODE	VEHICLE COLOR	1st OWNER FL/DL # OR F.E.I.D. #												
							CVR WHI													

Owner / Registrant's Name & Address

VILLAGE OF BISCAYNE PARK
640 NE 114 ST
BISCAYNE PARK, FL 33161

2nd OWNER FL/DL # OR UNIT #

VOLUNTARY CONTRIBUTIONS:

FLEET NUMBER	CREDIT VEHICLE MOS. CLASS	WT/LENGTH	MOS.	REG. FEE	INIT. REG.	AGENCY FEE	MAIL FEE	TITLE FEE	SALES TAX	GRAND TOTAL
			12	19.10		7.75		37.00	0.00	63.85

Action Requested: **ORIG NEW TITLE**

Brands:

STATE PREV. REG.	DATE ACQUIRED	NEW	USED	ODOMETER/VESSEL MANUFACTURER
	04/26/2002	XX		60 MILES 04/26/2002 ACTUAL

LIEN INFORMATION	DATE OF LIEN	FEID # OR FL/DL # AND SEX AND DATE OF BIRTH	<input type="checkbox"/> ODOMETER DECLARATION CERTIFICATION
NAME OF FIRST LIENHOLDER: (IF NO LIEN, ENTER NONE)			PRIVATE VEHICLE USE:
ADDRESS:			
CITY	STATE	ZIP CODE	
			SALVAGE TYPE

SELLER INFORMATION	232432984754
NAME OF SELLER, FLORIDA DEALER, OR OTHER PREVIOUS OWNER:	
ADDRESS:	
CITY STATE ZIP CODE	
DEALER LICENSE NO.	

SALES TAX AND USE REPORT	CONSUMER OR SALES TAX EXEMPTION #
TRANSFER OF TITLE IS EXEMPT FROM FLORIDA SALES OR USE TAX FOR THE REASON(S) CHECKED	INDICATE TOTAL PURCHASE PRICE, INCLUDING ANY UNPAID BALANCE DUE SELLER, BANK OR OTHERS \$ 0.00
<input type="checkbox"/> PURCHASER HOLDS VALID EXEMPTION CERTIFICATE	INDICATE SALES OR USE TAX DUE AS PROVIDED BY CHAPTER 212, FLORIDA STATUTES \$
<input type="checkbox"/> VEHICLE/VESSEL WILL BE USED EXCLUSIVELY FOR RENTAL	
<input type="checkbox"/> OTHER	<input type="checkbox"/> SELLING PRICE VERIFIED

APPLICANT CERTIFICATION

I/WE HEREBY CERTIFY THAT THE VEHICLE/VESSEL TO BE TITLED WILL NOT BE OPERATED UPON THE PUBLIC HIGHWAYS/WATERWAYS OF THIS STATE.

I CERTIFY THAT THE CERTIFICATE OF TITLE IS LOST OR DESTROYED.

I/WE HEREBY CERTIFY THAT I/WE LAWFULLY OWN THE ABOVE DESCRIBED VEHICLE/VESSEL, AND MAKE APPLICATION FOR TITLE. IF LIEN IS BEING RECORDED, NOTICE IS HEREBY GIVEN THAT THERE IS AN EXISTING WRITTEN LIEN INSTRUMENT INVOLVING THE VEHICLE/VESSEL DESCRIBED ABOVE AND HELD BY LIENHOLDER SHOWN ABOVE. I/WE FURTHER AGREE TO DEFEND THE TITLE AGAINST ALL CLAIMS.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 12.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Krishan Manners, Village Manager

DATE: January 14, 2020

TITLE: Resolution No. 2020-03 – Turf and Landscape Maintenance NE 6th
Avenue

BACKGROUND

The Florida Department of Transportation (FDOT) has jurisdiction over and maintains State Road (S.R.) 915/NE 6 Avenue/Biscayne Park Way. The Village and FDOT have previously entered into a Turf and Landscape Maintenance Joint Participation Agreement (JPA) in which FDOT reimburses the Village for the mowing the medians along NE 6 Avenue. The Village is responsible for the cost of maintenance for the landscaping and trees. This agreement must be renewed annually. Under a separate agreement the Village will be enhancing and repairing the landscaping and trees in the NE 6 Avenue medians.

This year, FDOT has proposed an increased budget amount of \$ 2,856.00.

FISCAL / BUDGET IMPACT

The annual reimbursement of \$2,856.00 to the Village offsets the cost of maintenance which is budgeted.

STAFF RECOMMENDATION

Staff recommends approval of Resolution 2020-03.

ATTACHMENTS

- Resolution No. 2020-03
- Turf and Landscape Maintenance Joint Participation Agreement between the Florida Department of Transportation and the Village of Biscayne Park

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RESOLUTION NO. 2020-03

**RESOLUTION OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK AUTHORIZING
THE VILLAGE MANAGER TO EXECUTE THE
RENEWAL FOR THE TURF AND LANDSCAPE
MAINTENANCE JOINT PARTICIPATION
AGREEMENT BETWEEN THE FLORIDA
DEPARTMENT OF TRANSPORTATION AND THE
VILLAGE OF BISCAYNE PARK; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the State of Florida Department of Transportation (“FDOT”) has created roadside areas and median strips on that part of the State Highway System within the limits of the Village of Biscayne Park (“Village”); and

WHEREAS, the specific location within the Village is S.R. 915 / NE 6th Avenue; and,

WHEREAS, a renewal of the Turf and Landscape Maintenance Joint Participation Agreement between FDOT and the Village (Financial Project No. 252372-3-78-01) at an annual cost to the Florida Department of Transportation of \$2,856.00, has been provided to the Village (“Maintenance Agreement Renewal”); and

WHEREAS, it is in the best interest of the Village to authorize the Village Manager to execute the renewal of the Maintenance Agreement Renewal between FDOT and the Village .

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park hereby approves the Maintenance Agreement Renewal between FDOT and the Village for landscape maintenance services, a copy of which is attached as Exhibit “A;” together with such non-material changes as may be acceptable to the Village Manager and approved as to form by the Village Attorney. The Village Manager is authorized to execute the Maintenance Agreement Renewal on behalf of the Village.

Section 3: This Resolution shall become effective upon its adoption.

**TURF AND LANDSCAPE MAINTENANCE
DEPARTMENT FUNDED AGREEMENT
BETWEEN THE
FLORIDA DEPARTMENT OF TRANSPORTATION
AND
VILLAGE OF BISCAYNE PARK**

This Agreement, is made and entered into this ____ day of _____, 20__, by and between the State of Florida Department of Transportation, a component agency of the State of Florida, hereinafter referred to as the ‘DEPARTMENT’, and Village of Biscayne Park, a municipal corporation of the State of Florida, hereinafter referred to as the ‘LOCAL GOVERNMENT’.

RECITALS:

WHEREAS, the DEPARTMENT has jurisdiction and maintains State Road 915 (NE 6th Avenue) from Biscayne Canal to NE 121st Street in the LOCAL GOVERNMENT; and

WHEREAS, the DEPARTMENT, at the LOCAL GOVERNMENT’s request, has agreed to compensate the LOCAL GOVERNMENT for the maintenance of turf and landscape, hereinafter referred to as the ‘PROJECT’, and

WHEREAS, the LOCAL GOVERNMENT recognizes that the State Right-of-Way contains turf and landscape, which requires ongoing maintenance; and

WHEREAS, the DEPARTMENT has programmed funding for the PROJECT under Financial Project Number 252372-3-78-01, and has agreed to compensate the LOCAL GOVERNMENT for turf and landscape maintenance services as further described in Exhibit “A” – Scope of Services, and in accordance with the provisions of Exhibit “B” – Financial Summary, which exhibits are attached hereto, and incorporated by reference; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the LOCAL GOVERNMENT is aware this Agreement will supplement all maintenance requirements between the DEPARTMENT and the LOCAL GOVERNMENT for all previously executed Permits and Agreements; and

WHEREAS, the parties are authorized to enter into this Agreement pursuant to **Section 339.08(e) and 339.12, Florida Statutes (F.S.);**

NOW, THEREFORE, in consideration of the premises, the mutual covenants and other valuable considerations contained herein, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. INCORPORATION OF RECITALS

The foregoing recitals are true and correct and are incorporated into the body of this Agreement, as if fully set forth herein.

2. GENERAL REQUIREMENTS AND OBLIGATIONS OF THE PARTIES

- a. The LOCAL GOVERNMENT shall submit this Agreement to its LOCAL GOVERNMENT Council/Commission for ratification or approval by resolution. A copy of said resolution is attached hereto as Exhibit "D" - Local Government's Resolution, and is herein incorporated by reference.
- b. The LOCAL GOVERNMENT shall not commence the PROJECT until the effective date of this Agreement, which shall be the date reflected on the written notice to proceed, and the DEPARTMENT shall not compensate the LOCAL GOVERNMENT for any PROJECT work undertaken prior to the effective date of this Agreement.
- c. The LOCAL GOVERNMENT shall be responsible for the maintenance of all areas that have turf and landscape within the DEPARTMENT's right-of-way (the project limits) as described in Exhibit "A".
- d. The LOCAL GOVERNMENT shall be responsible for performing the required maintenance within the project limits with the minimum frequencies stipulated in Exhibit "A".
- e. All turf and landscape maintenance shall be in accordance with the latest edition of the State of Florida "Guide for Roadside Mowing" and the latest edition of the "Maintenance Rating Program", and Index 546 of the latest FDOT Design Standards.
- f. Before the LOCAL GOVERNMENT starts the work, the DEPARTMENT shall be notified, via fax or e-mail. The fax or e-mail shall be sent to the attention of the North Miami-Dade Maintenance Engineer, Ivanohe Hernandez, P.E. at (305) 640-7165 or ivanohe.hernandez@dot.state.fl.us
- g. The LOCAL GOVERNMENT shall not be responsible for the clean-up, removal and disposal of debris from the DEPARTMENT's right of way following a natural disaster (i.e. hurricane, tornados, etc.). However, the cost of any cycle or part thereof impaired by any such event may be deducted from the DEPARTMENT's affected quarterly payment to the LOCAL GOVERNMENT.
- h. It is understood between the parties hereto that all the landscaping covered by this Agreement may be removed, relocated or adjusted at any time in the future as found necessary by the DEPARTMENT in order that the adjacent state road be widened, altered or otherwise changed and maintained to meet with future criteria or planning of

the DEPARTMENT.

- i. The LOCAL GOVERNMENT shall not plant additional landscaping within the limits of the PROJECT, without prior written approval by the DEPARTMENT, in accordance with Florida Administrative Code Rule 14-40.003. Such approval shall be in the form of a separate written agreement that will require the LOCAL GOVERNMENT to properly construct and maintain the additional landscaping without compensation from the DEPARTMENT.
- j. This Agreement shall not obligate the DEPARTMENT to pay the LOCAL GOVERNMENT to maintain any additional landscaping, planted after the effective date of this Agreement, within the limits of the PROJECT, and shall not obligate the LOCAL GOVERNMENT to maintain any such additional landscaping.
- k. Payments to the LOCAL GOVERNMENT shall be made in accordance with Sections 3 and 5 of this Agreement.

3. FINANCIAL PROVISIONS

- a. The DEPARTMENT agrees to compensate the LOCAL GOVERNMENT, up to the maximum participating annual amount of \$2,856.00 for completion of the services described in Exhibit “A” – Scope of Services. The method of compensation is included in Exhibit “B” – Financial Summary.
- b. The LOCAL GOVERNMENT shall provide quantifiable, measurable, and verifiable units of deliverables. Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion. The PROJECT, identified as PROJECT Number 252372-3-78-01, and the quantifiable, measurable, and verifiable units of deliverables, consisting of the performance measures services required to perform the PROJECT Scope of Services described in Exhibit “A”. (Section 287.058(1)(d) and (e), F.S.),
- c. Invoices shall be submitted by the LOCAL GOVERNMENT in detail sufficient for a proper pre-audit and post audit based on the quantifiable, measurable and verifiable units of deliverables as established in Exhibit “A”, accompanied by the duly executed certification document in Exhibit “C”, thereby establishing that the Scope of Services described in Exhibit “A” have been completed. Deliverables must be received and accepted in writing by the DEPARTMENT’s Project Manager prior to payments. (Section 287.058 (1)(a), F.S.)
- d. Supporting documentation must establish that the deliverables were received and accepted in writing by the LOCAL GOVERNMENT, or performed by the LOCAL GOVERNMENT, and must also establish that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in Exhibit “A” – Scope of Services was met (see Exhibit “C” – Turf and Landscape

JPA Work Certification Document).

- e. There shall be no reimbursement or compensation for travel expenses under this Agreement.
- f. Payment shall be made only after receipt and approval of goods and/or services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, F.S. If the DEPARTMENT determines that the performance of the LOCAL GOVERNMENT is unsatisfactory, the DEPARTMENT shall notify the LOCAL GOVERNMENT of the deficiency to be corrected, which correction shall be made within a time-frame to be specified by the DEPARTMENT.

The LOCAL GOVERNMENT shall, within five days after notice from the DEPARTMENT, provide the DEPARTMENT with a corrective action plan describing how the LOCAL GOVERNMENT will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the DEPARTMENT, the LOCAL GOVERNMENT shall be assessed a non-performance retainage equivalent to 10% of the total invoice amount. The retainage shall be applied to the invoice for the then-current billing period. The retainage shall be withheld until the LOCAL GOVERNMENT resolves the deficiency. If the deficiency is subsequently resolved, the LOCAL GOVERNMENT may bill the DEPARTMENT for the retained amount during the next billing period. If the LOCAL GOVERNMENT is unable to resolve the deficiency, the funds retained may be forfeited at the end of the Agreement's term. (Section 287.058(1)(h), F.S.).

The LOCAL GOVERNMENT providing goods and/or services to the DEPARTMENT should be aware of the following time frames. Inspection and approval of goods or services shall take no longer than 5 working days unless the bid specifications, purchase order, or contract specifies otherwise. The DEPARTMENT has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved. (Section 215.422(1), F.S.).

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to Section 55.03(1), F.S., will be due and payable, in addition to the invoice amount, to the LOCAL GOVERNMENT. Interest penalties of less than one (1) dollar will not be enforced unless the LOCAL GOVERNMENT requests payment. Invoices that have to be returned to LOCAL GOVERNMENT because of LOCAL GOVERNMENT preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the DEPARTMENT. (Section 215.422(3)(b), F.S.)

A Vendor Ombudsman has been established within the DEPARTMENT of Financial Services. The duties of this individual include acting as an advocate for LOCAL

GOVERNMENT who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516. (Section 215.422(5) and (7), F.S.)

- g. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the DEPARTMENT at all times during the period of this Agreement and for five (5) years after final payment is made. Copies of these documents and records shall be furnished to the DEPARTMENT upon request. Records of costs incurred include the LOCAL GOVERNMENT's general accounting records and the PROJECT records, together with supporting documents and records, of the contractor and all subcontractors performing work on the PROJECT, and all other records of the Contractor and subcontractors considered necessary by the DEPARTMENT for a proper audit of costs. (Section 287.058(4), F.S.)
- h. In the event this contract is for services in excess of \$25,000.00 and a term for a period of more than 1 year, the provisions of Section 339.135(6)(a), F.S., are hereby incorporated:

"The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the DEPARTMENT that such funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year."

- i. The DEPARTMENT's obligation to pay is contingent upon an annual appropriation by the Florida Legislature. (Section 216.311, F.S.)
- j. The LOCAL GOVERNMENT shall:
 - i. Utilize the U.S. DEPARTMENT of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the LOCAL GOVERNMENT during the term of the contract; and
 - ii. Expressly require any contractors and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. DEPARTMENT of Homeland Security's E-Verify system to verify the

employment eligibility of all new employees hired by the subcontractor during the contract term. (Executive Order Number 2011-02).

The LOCAL GOVERNMENT shall insert the above clause into any contract entered into by the LOCAL GOVERNMENT with vendors or contractors hired by the LOCAL GOVERNMENT for purposes of performing its duties under this Agreement.

4. COMMUNICATIONS

All notices, requests, demands, consents, approvals, and other communication which are required to be served or given hereunder, shall be in writing and shall be sent by certified U.S. mail, return receipt requested, postage prepaid, addressed to the party to receive such notices as follows:

To DEPARTMENT: Florida Department of Transportation
1000 NW 111th Avenue, Room 6205
Miami, Florida 33172-5800
Attention: District Maintenance Engineer

To LOCAL GOVERNMENT: Village of Biscayne Park
600 NE 114th Street
Biscayne Park, Florida 33161
Attention: Village Manager

Notices shall be deemed to have been received by the end of five (5) business days from the proper sending thereof unless proof of prior actual receipt is provided.

5. INVOICING

- a. The LOCAL GOVERNMENT shall submit quarterly invoices for DEPARTMENT review, approval, and payment in accordance with this Agreement. Quarterly payments will be made upon invoice approval in an amount not to exceed one fourth of the eligible PROJECT costs. Each invoice shall include a completed Turf and Landscape JPA Work Certification Document (Exhibit "C") certifying that the goods and/or services to be completed and paid under this Agreement have been satisfactorily completed and delivered in accordance with the required Scope of Work in Exhibit "A".
- b. In the event temporary work by the DEPARTMENT's forces or by other Contractors temporarily prevent the LOCAL GOVERNMENT from performing the work described in this Agreement, the DEPARTMENT shall deduct from the affected quarterly payment(s) the acreage affected area and only compensate the LOCAL GOVERNMENT for the actual work it performs.
 - i. The DEPARTMENT shall initiate this procedure only if the temporary work

prevents the LOCAL GOVERNMENT from performing its work for a period of one (1) month or longer.

- c. In the event this Agreement is terminated as established in Section 8 herein, payment will be prorated within the quarter in which termination occurs. The prorated payment shall be for approved work meeting the requirements stipulated in this Agreement.

6. FINANCIAL CONSEQUENCES

Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under **Chapters 215 and 216, F.S.** Deliverable(s) must be received and accepted in writing by the Contract Manager on the DEPARTMENT's invoice transmittal forms prior to payment. If the DEPARTMENT determines that the performance of the LOCAL GOVERNMENT is unsatisfactory, the DEPARTMENT shall notify the LOCAL GOVERNMENT of the deficiency to be corrected, which correction shall be made within thirty (30) calendar days by the LOCAL GOVERNMENT. The LOCAL GOVERNMENT shall, within five (5) days after notice from the DEPARTMENT, provide the DEPARTMENT with a corrective action plan describing how the LOCAL GOVERNMENT will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the DEPARTMENT, the DEPARTMENT may, at its option, proceed as follows:

- a. The LOCAL GOVERNMENT shall be assessed a non-performance retainage equivalent to 10% of the total invoice amount. The retainage shall be applied to the invoice for the then-current billing period. The retainage shall be withheld until the LOCAL GOVERNMENT resolves the deficiency. If the deficiency is subsequently resolved, the LOCAL GOVERNMENT may bill the DEPARTMENT for the retained amount during the next billing period. If the LOCAL GOVERNMENT is unable to resolve the deficiency, the funds retained may be forfeited at the end of the Agreement period. **(Section 287.058(1)(h), F.S.)**
- b. Maintain the median or roadside area(s) declared deficient with DEPARTMENT and/or a Contractor's material, equipment and personnel. The actual cost for such work will be deducted from the DEPARTMENT's affected quarterly payment to the LOCAL GOVERNMENT; or
- c. Terminate this Agreement.

7. EXPIRATION/RENEWAL

This Agreement is for a term of one (1) year beginning on the effective date of this Agreement, which shall be the date reflected on the written notice to proceed, and may be renewed twice, only if mutually agreed to in writing by the DEPARTMENT and the LOCAL GOVERNMENT. Any such renewal shall be subject to the same terms and conditions set forth in this Agreement, and shall be contingent upon both satisfactory LOCAL GOVERNMENT performance evaluations by the DEPARTMENT and the availability of funds.

This Agreement may be extended if mutually agreed in writing by both parties, for a period not to exceed six (6) months and shall be subject to the same terms and conditions set forth in this Agreement. There shall be only one (1) extension of this Agreement.

8. TERMINATION

This Agreement, or part hereof, is subject to termination under any one of the following conditions:

- a. In the event the DEPARTMENT exercises the option identified by Section 6 of this Agreement.
- b. As mutually agreed by both parties.
- c. In accordance with **Section 287.058(1)(c), F.S.**, the DEPARTMENT shall reserve the right to unilaterally cancel this Agreement if the LOCAL GOVERNMENT refuses to allow public access to any or all documents, papers, letters, or other materials made or received by the LOCAL GOVERNMENT pertinent to this Agreement which are subject to provisions of **Chapter 119, of the F.S.**

9. ENTIRE AGREEMENT

This Department Funded Agreement is the entire Agreement between the parties hereto, and it may be modified or amended only by mutual consent of the parties in writing.

10. GOVERNING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of Florida.

11. AMENDMENT

This Agreement may be amended by mutual agreement of the DEPARTMENT and the LOCAL GOVERNMENT expressed in writing, executed and delivered by each party.

12. INVALIDITY

If any part of this Agreement shall be determined to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, if such remainder continues to conform to the terms and requirements of applicable law.

13. INDEMNIFICATION

Subject to Section 768.28, Florida Statutes, as may be amended from time to time, the LOCAL GOVERNMENT shall promptly indemnify, defend, save and hold harmless the DEPARTMENT, its officers, agents, representatives and employees from any and all losses, expenses, fines, fees, taxes, assessments, penalties, costs, damages, judgments, claims, demands, liabilities, attorneys fees, (including regulatory and appellate fees), and suits of any nature or kind whatsoever caused by, arising out of, or related to the LOCAL GOVERNMENT's negligent exercise or of its responsibilities as set out in this AGREEMENT, including but not limited to, any negligent act, negligent action, negligence or omission by the LOCAL GOVERNMENT, its officers, agents, employees or representatives in the performance of this AGREEMENT, whether direct or indirect, except that neither the LOCAL GOVERNMENT nor any of its officers, agents, employees or representatives will be liable under this provision for damages arising out of injury or damages caused or resulting from the negligence of the DEPARTMENT.

The LOCAL GOVERNMENT's obligation to indemnify, defend and pay for the defense of the DEPARTMENT, or at the DEPARTMENT's option, to participate and associate with the DEPARTMENT in the defense and trial of any claim and any related settlement negotiations, shall be triggered immediately upon the LOCAL GOVERNMENT's receipt of the DEPARTMENT's notice of claim for indemnification. The notice of claim for indemnification shall be deemed received if the DEPARTMENT sends the notice in accordance with the formal notice mailing requirements set forth in Section 5 of this AGREEMENT. The DEPARTMENT's failure to notify the LOCAL GOVERNMENT of a claim shall not release the LOCAL GOVERNMENT of the above duty to defend and indemnify the DEPARTMENT.

The LOCAL GOVERNMENT shall pay all costs and fees related to this obligation and its enforcement by the DEPARTMENT. The indemnification provisions of this section shall survive termination or expiration of this AGREEMENT, but only with respect to those claims that arose from acts or circumstances which occurred prior to termination or expiration of this AGREEMENT.

The LOCAL GOVERNMENT's evaluation of liability or its inability to evaluate liability shall not excuse the LOCAL GOVERNMENT's duty to defend and indemnify the DEPARTMENT under the provisions of this section. Only an adjudication or judgment, after the highest appeal is exhausted, specifically finding the DEPARTMENT was negligent shall excuse performance of this provision by the LOCAL GOVERNMENT.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, on the day and year above written.

VILLAGE OF BISCAYNE PARK:

**STATE OF FLORIDA, DEPARTMENT
OF TRANSPORTATION:**

**BY: _____
LOCAL GOVERNMENT MANAGER**

**BY: _____
DISTRICT SECRETARY**

**ATTEST: _____
(SEAL) LOCAL GOVERNMENT CLERK**

**ATTEST: _____
(SEAL) EXECUTIVE SECRETARY**

LEGAL REVIEW:

**_____
LOCAL GOVERNMENT ATTORNEY**

**_____
DISTRICT CHIEF COUNSEL**

Exhibit "A"

Scope of Services

Maintenance Responsibilities of the LOCAL GOVERNMENT

The LOCAL GOVERNMENT shall be responsible for the maintenance of all turf and landscape areas within the DEPARTMENT's right of way on the State Roads below in accordance with all applicable DEPARTMENT guidelines, standards, and procedures, which shall include but shall not be limited to the Maintenance Rating Program Handbook, as may be amended from time to time. Additionally, the LOCAL GOVERNMENT shall maintain the all turf and landscape areas in accordance with the International Society of Arboriculture standards, the latest FDOT Design Standard, guidelines, and procedures, as may be amended from time to time.

State Road No.	Street Name	From	To
915	NE 6 th Avenue	Biscayne Canal	NE 121 st Street

For each of the following work activities, the LOCAL GOVERNMENT shall be responsible for performing these minimum frequencies:

- Litter Pickup - twenty-four (24) times per year
- Mowing, including edging and sweeping - eighteen (18) times per year
- Landscape/Tree Trimming - four (4) times per year

The LOCAL GOVERNMENT shall perform a minimum of two cycles per quarter for each of the work activities described above.

The LOCAL GOVERNMENT's maintenance obligations shall include but not be limited to:

- a. Mowing, cutting and/or trimming and edging the grass and turf.
- b. Pruning all plant materials, which include trees, shrubs and ground covers, and parts thereof, including all material from private property encroaching into the DEPARTMENT'S right-of-way
- c. Maintaining existing decorative bricks, mulch and other aesthetic features currently found within these corridors.
- d. Fertilizing, insecticide, pesticide, herbicide and watering will be required to

maintain the current landscape and turf in a healthy and vigorous growing condition.

- e. Paying for all water use and all costs associated therewith.
- f. Pruning such parts thereof which may present a visual or other safety hazard for those using or intending to use the right-of-way.
- g. Removing and disposing of all undesirable vegetation including but not limited to weeding of plant beds and removal of invasive exotic plant materials.
- h. Removing and properly disposing of dead, diseased or otherwise deteriorated plants in their entirety, and replacing those that fall below the standards set forth in all applicable DEPARTMENT guidelines, standards and procedures as may be amended from time to time.
- i. Removing and disposing of all trimmings, roots, branches, litter, and any other debris resulting from the activities described by (a) to (h).
- j. Submitting Lane Closure Requests to the DEPARTMENT when maintenance activities will require the closure of a traffic lane in the DEPARTMENT's right-of-way. Lane closure requests shall be submitted through the District Six Lane Closure Information System, to the DEPARTMENT's area Permit Manager and in accordance with the District Six Lane Closure Policy, as may be amended from time to time.

FDOT Financial Project Number: 252372-3-78-01

County: Miami-Dade

FDOT Project Manager:

Ivanohe Hernandez, P.E. - (305) 640-7165 or ivanohe.hernandez@dot.state.fl.us

LOCAL GOVERNMENT Project Manager:

Krishan T. Manners, Village Manager - (305) 899-8000 or villagemanager@biscayneparkfl.gov

Exhibit "B"

Financial Summary

Financial Responsibilities of the LOCAL GOVERNMENT

The LOCAL GOVERNMENT shall submit invoices to the DEPARTMENT as described in Section 5 of this Agreement for the work described in Exhibit "A". The following are the maximum participating compensation amounts the DEPARTMENT will make annually for each of these work activities:

- **Litter Pickup:** **\$344.00**

- **Mowing, including edging and sweeping:** **\$1,072.00**

- **Landscape/Tree Trimming:** **\$1,440.00**

TOTAL ANNUAL PROJECT AMOUNT ELIGIBLE FOR COMPENSATION BY THE DEPARTMENT: **\$2,856.00**

The LOCAL GOVERNMENT may choose to exceed the required minimum maintenance frequencies for each of the work activities described above at no additional cost to the DEPARTMENT.

Exhibit "C"

Exhibit "D"
LOCAL GOVERNMENT's Resolution

To be herein incorporated once approved by the LOCAL GOVERNMENT Council/Commission.

1 **PASSED AND ADOPTED this 14th day of January, 2020.**

2
3 The foregoing resolution upon being put to a vote,
4 the vote was as follows:

5
6
7
8 _____
9 Tracy Truppman, Mayor

Mayor Truppman:
Vice Mayor Tudor:
Commissioner Kennedy:
Commissioner O’Halpin:
Commissioner Samaria:

10
11
12
13 Attest:

14
15
16
17 _____
18 Roseann Prado, Village Clerk

19
20 Approved as to form:

21
22
23
24 _____
25 Rebecca A. Rodriguez, Village Attorney
26



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 13.a

REGULAR MEETING

TO: Mayor & Members of the
Biscayne Park Village Commission

FROM: Dan Samaria, Commissioner

DATE: November 5, 2019

TITLE: Village Attorney Invoices and Future Role

Background

The Village Charter describes the qualifications and role of the Village Attorney stating:
Section 3.02. - Village Attorney.

(A) The Commission shall appoint an attorney who is licensed to practice law in the State of Florida to serve as Village Attorney (the "Attorney") and who shall serve at the pleasure of the Commission. The Attorney shall act as the legal advisor to, and attorney and counselor for, the Village and all of its officers in matters relating to their official duties under such terms, conditions and compensation as are consistent with this Charter and as may be established. The Commission at any time may remove the Attorney as provided in Section 3.03 below. (B) When requested by the Commission or Manager, the Attorney shall: (1) prepare all contracts, bonds and other instruments in writing or shall endorse on each his/her approval of the form, language and execution thereof; (2) prosecute and defend, for and on behalf of the Village, all complaints, suits and controversies in which the Village is a party; (3) furnish his/her opinion on any question of law relating to their respective powers and duties; and (4) perform such other professional duties as may be required by ordinance, by resolution of the Commission, by this Charter, or such as are prescribed for village attorneys under the general laws of the State, not inconsistent with this Charter. (C) No contract with the Village shall be binding upon the Village until the Attorney has approved such contract for form, language and execution.

By Resolution 2018-23 on July 30, 2018, the Commission approved the engagement and fee agreement with John R. Herin, Jr., (as the main point of contact and lead attorney pursuant to the proposal) and the firm of Gray Robinson, P.A. ("GR"), a copy of which is attached to this Agenda Item. The agreement specifies,

- a) "In the even that two attorneys attend a Commission meeting or [GR's] convenience, the Village will not be double billed for their attendance." (Emphasis added.)

- b) "We will not bill the Village for routine phone calls or for travel time to and from the Village, and provide the services set forth in our proposal free of charge."

At a special meeting held February 12, 2019, the Commission discussed GR's request for the Village to remain as a client with GR, move to John Herin's new firm, or make a third selection for continuing representation. Discussions and presentations since that meeting led the Commission to decide on staying with GR as Village Attorney.

In the last few months Village residents have highlighted categories of GR billings that are out of line with past experience and contrary to the retainer agreement. Specifically, with regard to preparation for and attendance at Commission meetings, GR billings include "double billed" and triple billed for service, in the following instances, causing excessive billing of at least \$8,220+ (bundled and vague entries preclude calculation of a definitive amount):

- 1) March 18, 2019 – 3 GR attorneys billed preparation for meeting: JCM 1.9 hr, RR 2.7 hr, THL 1.1 hr = 5.7 hours / \$1,282.50 total.
- 2) March 19, 2019 – 2 GR attorneys prep and attend meeting: JCM 5.2 hr, RR 3.6 hr = 8.8 hours / \$1,980. total.
- 3) April 1, 2019 – 3 GR attorneys on teleconference re meeting agenda: JCM .6 hr, RR .9 hr, AP .9 hr = 2.4 hours / \$540 total.
- 4) April 2, 2019 – 3 GR attorneys prep and attend meeting: JCM .6 hr, RR four entries combined for 5.1 hr, AP 5.4 hr = 11.1 hours / \$2,497.50 total.
- 5) April 16, 2019 – 3 GR attorneys addressing GoToMeeting / Zoom issues: JCM 1.4 hr, RR 1 hr, AP 1.4 hr = 3.8 hours / \$855 total.
- 6) April 18, 2019 – 2 GR attorneys participating in conference call: JCM 2.5 hr, RR 1.2 hr = 3.7 hours / \$832.50 total.
- 7) April 26, 2019 – 3 GR attorneys participating in conference call: JCM 1.6 hr, RR 1.1 hr, AP 1 hr = 3.8 hours / \$855 total.
- 8) May 7, 2019 – 3 GR attorneys prep and attend meeting: JCM 6.5 hr, RR 6.5 hr (of which 2.7 is no charged), AP 6.7 hrs = 20.3 hours / (adjusted for no charge) \$3,937.50 total.
- 9) May 13, 2019 – 2 GR attorneys on conference call: JCM .9 hr / RR .6 hr = 1.5 hours / \$337.50 total.

Other GR billing categories of concern include:

- 1) Exclusive contact w/Mayor of undisclosed substance. Details of the Mayor's consultations with the attorney need to be made public.

2) Unauthorized research and drafting of documents, particularly drafting of an ordinance concerning boards.

Recommendations

I ask the Commission to consider and support the following recommendations, as well as others that may develop in discussion:

- 1) Task the Manager or his designee (possibly, the Finance Director) to prepare an analysis to determine the credit due to the Village for overcharges by GR.
- 2) Consider withholding any further payments until an appropriate credit is accomplished.
- 3) Going forward, elected officials must follow the Charter and Code when dealing with the Administration and the Attorney. Since the Manager-Commission form of government was instituted, the Manager (as the budget officer) has been the point person for communications with the Attorney.
- 4) When a situation arises that requires an individual Commissioner/Mayor to consult with the Village Attorney, the substance of such communication should be reported by the Attorney at the next Commission meetings so that all elected officials are informed on matters of relevance to decisions on Village business.
- 5) All attorney time entries must be sufficiently detailed to reflect the name of persons participating in the task, the subject and substance of the matters billed to the Village.
- 6) Pursue a substitute for Rebecca Rodriguez as lead attorney.

Resource Impact

The Village budget will experience a positive impact from the proper resolution of these issue. Without it, the impact on resource will continue to be negative.

Attachments:
Reso. 2018-23

Prepared by: Dan Samaria

Rebecca A. Rodriguez, Esq.
Of Counsel
305-913-0536

REBECCA.RODRIGUEZ@GRAY-ROBINSON.COM

MEMORANDUM

TO: Mayor & Commissioners of the Village of Biscayne Park, Florida

FROM: Rebecca A. Rodriguez, Village Attorney

DATE: October 1, 2019

SUBJECT: Written Notice of Conflict of Interest; Procedures for Charter Officers Pursuant to the Applicable Provisions of the Village Charter.

With respect to the upcoming regular commission meeting scheduled for Tuesday, October 1, 2019, proposed agenda item 11.b (the "Proposed Agenda Item") seeks to, among other things, discuss suspending payments to, and potentially removing the Village Attorney. The Proposed Agenda Item also seeks to take certain actions which have the potential to inure a financial detriment to the Village Attorney. A plain reading of the Proposed Agenda Item makes clear it presents an apparent conflict of interest.

Therefore, pursuant to the applicable authority governing conflicts of interest, the Village Attorney is unable to provide any legal advice or guidance to Village Commission for the Proposed Agenda Item. Of course, the Village Attorney will provide legal guidance and counsel on all other agenda items and issues in the upcoming meeting which do not present a conflict of interest.

Lastly, as this agenda item seeks to discuss suspending and potentially removing the current Village Attorney, the Village Attorney must be afforded certain procedures as a Charter Officer. Should the Village Commission elect to proceed on this item, it will have to retain separate outside counsel for those proceedings.



Rebecca Rodriguez, Village Attorney



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 14.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Dan Samaria

DATE: January 14, 2020

TITLE: The Commission shall elect one of its members to the position of
Mayor at the first meeting of each newly elected Commission.
[Village Charter, Sec. 2.01]

Recommendation

At the first meeting of the newly elected and reconstituted Commission, pass the gavel to the Village Clerk to conduct a selection for the Mayor by the newly elected and reconstituted Commission in the following steps:

- accept spoken nominations for Mayor
- call a vote of nominations in the order made
- swear in the selected Mayor

Background

Sec. 2.01. – Village Commission..... The Commission shall elect one of its members to the position of Mayor at the first meeting of each newly elected Commission.

Resource Impact

Minimal financial impact.

Attachment

None.

Prepared by: Dan Samaria