



Town of Cutler Bay

Town Hall
10720 Caribbean Blvd
Cutler Bay, FL 33189

Meeting Minutes Town Council

MAYOR AND COUNCIL MEMBERS

Mayor Peggy R. Bell
Vice Mayor Ernest N. Sochin
Council Member Mary Ann L. Mixon
Council Member Sue Ellen Loyzelle
Council Member Roger Coriat

CHARTER OFFICIALS

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Manager Rafael G. Casals
Town Clerk Jacqueline N. Wilson

Wednesday, October 21, 2015

7:00 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE & INVOCATION

Mayor Bell called the meeting to order at 7:02PM. Town Clerk Jacqueline Wilson called the roll. Mayor Bell led the Pledge of Allegiance. Mayor Bell led a Moment of Silence in memory of Mr. Owens Baker Thomas, who passed away on September 22, 2015.

Town Clerk Jacqueline Wilson read a statement into the record regarding an issue in Granicus which affected the numbering on the agenda and confirmed for the record that the Ordinance for Second Reading item was advertised for Second Reading on Thursday October 8, 2015.

Present: 5 - Mayor Peggy Bell, Vice Mayor Ernest Sochin, Council Member Mary Ann Mixon, Council Member Sue Ellen Loyzelle and Council Member Roger Coriat

2. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

A. · Presentation- Certificate of Appreciation - Town Executive Interns

Town Manager Rafael Casals introduced Public Works Director Alfredo Quintero to present Certificates of Recognition to Town Executive Interns for participation with the SW 212 St Drainage Improvement Project over the summer.

B. · Presentation- Certificate of Appreciation - Alva R. Royston, Sr. & Carla Hill

Mayor Bell introduced Mr. Alva Royston, President of A Randall Financial and Ms. Carla Hill, Theater Education & Outreach Manager South Miami-Dade Cultural Arts Center with Certificates of Recognition in recognition of outstanding community involvement and for being honored at the ICABA Salutes Miami's Distinguished Achievers Ceremony.

Town Manager Rafael Casals welcomed and introduced Mr. Sam Accursio, newly appointed governing board member for the South Florida Water Management District.

3. APPROVAL OF MINUTES

A. June 24 2015 Town Council Workshop Minutes

A motion was made by Council Member Mixon, seconded by Council Member Coriat, that the Minutes be approved. Mayor Bell called for the vote and the motion passed 5-0.

4. TOWN COUNCIL ANNOUNCEMENTS

Council Member Loyzelle reported on attendance at the South Florida Executive Magazine Reception hosted by Superintendent of Miami-Dade County Public Schools, Alberto Carvalho on October 13, 2015. Council Member Loyzelle announced Public Health Approach to School Safety and Violence Prevention event on November 13, 2015. Vice Mayor Sochin announced 4th Annual Curriculum Expo 2015 on October 22, 2015. Council Member Mixon announced Halloween Event on October 30, 2015. Mayor Bell reported on attendance with the Council at the Palmetto Bay State of the Village Address on October 14, 2015 and reported on recent meeting with Florida International University President, Mr. Mark Rosenberg.

5. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Mr. Tom Condon thanked Council Member Mixon and Council Member Coriat for sponsorship of Solar Power Ordinance. Mr Condon also spoke in favor of a request by former Mayor Edward MacDougall for an evidentiary hearing before the Council. Mr. Charles Knight spoke on the Solar Power Resolution and requested Council deferral. Former Mayor Edward MacDougall spoke on his request previously sent through the Clerk to the Council for an evidentiary hearing and provided a copy of his request for the record. Mayor Bell closed Public Comments.

6. REPORTS

A. TOWN MANAGER'S REPORT

A. 2014-15 Miami-Dade Transit Circulator Annual Report

Town Manager Rafael Casals introduced Mr. Gerald Bryan of Miami-Dade County Transit Department to present the Annual Transit Circulator Report for 2014-15 in accordance with the Interlocal Agreement to operate the municipal circulator.

B. 2015 Local Mitigation Strategy Annual Update

Town Manager Rafael Casals introduced Public Works Director Alfredo Quintero to present the 2015 Annual Local Mitigation Strategy Update as part of the Town participation in the National Flood Insurance Program and the Credit Rating System (CRS).

Gary Ratay of Kimley Horn and Associates presented an update on the Caribbean Boulevard Roadway Improvement Project.

Town Manager Rafael Casals introduced DERM Pollution Regulation Division Chief, Mr. Rashid Istambouli to speak on Environmental Complaints Procedures and the DERM complaint phone number (305) 372-6789 for public use to report odors including those associated with the South Dade Water Sewer Treatment Plant and the South Dade Landfill Facility.

Town Manager Rafael Casals reported on negotiations with Miami-Dade County Public Works Department for a new traffic signal to be installed at 92nd Avenue and SW 216 Street.

B. TOWN ATTORNEY'S REPORT

Town Attorney Mitchell Bierman provided an update on Municode Codification.

C. TOWN CLERK'S REPORT

Town Clerk Jacqueline Wilson introduced Mauricio Melinu and welcomed him as the new Assistant to the Town Clerk.

A motion was made by Council Member Mixon, seconded by Council Member Coriat to move forward item 7C on the agenda. Mayor Bell called for the vote and the motion passed 5-0.

Mayor Bell requested any pulls from the Consent Agenda. Council Member Coriat pulled item 7E from the Consent Agenda.

D. BOARD AND COMMITTEE REPORTS

Council Member Coriat announced the Second Annual Cutler Bay Senior Games undway and Award Ceremony and Barbeque on October 23, 2015. Council Member Coriat reported on the Parks and Recreation Committee and progress with the upcoming Bike Ride Event on January 23, 2016. Council Member Coriat also announced the next Parks and Recreation Committee Meeting on November 2, 2015.

Council Member Mixon reported on the status of the Floodplain Mitigation Plan Advisory Committee and announced the next committee meeting on December 10, 2015.

Vice Mayor Sochin reported on the progress of the Education Advisory Committee and announced an upcoming offsite meeting at the South Dade Cultural Arts Center in the planning stages.

Council Member Loyzelle reported on the progress of the Communities for a Lifetime Committee and announced the next committee meeting on November 4, 2015.

Mayor Bell reported on the progress of the Economic Growth Committee and announced the next meeting on October 29, 2015. Mayor Bell also announced the next Youth Council Committee Meeting on October 28, 2015.

7. CONSENT AGENDA

A motion was made by Council Member Coriat, seconded by Council Member Mixon, to adopt the remaining items 7A, 7B and 7D on the Consent Agenda. Mayor Bell called for the vote and the motion passed 5-0.

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO ENVIROWASTE SERVICES GROUP, INC. FOR TOWNWIDE SIDEWALK IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING KIMLEY-HORN & ASSOCIATES, INC. FOR THE TOWN CENTER PLAZA CONCEPTUAL PLANS DESIGN AND COST ESTIMATE SERVICES; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT RELATING TO THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA APPOINTING MEMBER(S) TO THE TOWN OF CUTLER BAY YOUTH COUNCIL ADVISORY COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Jacqueline Wilson read the title of the Resolution. Vice Mayor Sochin introduced Kara Kushma as his recommended appointment to the Youth Council Committee. A motion was made by Vice Mayor Sochin, seconded by Council Member Mixon, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF KONICA MINOLTA BUSINESS SOLUTIONS USA INC. FOR THE LEASE OF LARGE CAPACITY COPIERS BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REMOVE BARRIERS TO CUSTOMER-SITED SOLAR POWER AND EXPRESSING SUPPORT FOR THE FLORIDIANS FOR SOLAR CHOICE BALLOT PETITION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell opened the item for the public to allow Mr. Knight to answer Council questions regarding FPLs position on this issue. Council Member Mixon spoke in support of the Resolution. Council Member Coriat also spoke in support of the Resolution. Mayor Bell spoke in opposition of Mr. Knight's proposed changes to the Resolution. After discussion, a motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted. After further discussion, Mayor Bell called for the vote and the motion carried 4-1 with Vice Mayor Sochin in opposition.

8. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE PROPOSED TRANSPORTATION PLAN, TITLED "MIAMI-DADE CONNECTION 2.0 RECOMMENDATION," ESTABLISHING AN EFFICIENT AND FUNCTIONAL TRANSPORTATION SYSTEM FOR THE RESIDENTS OF MIAMI-DADE COUNTY; REQUESTING THE MIAMI-DADE COUNTY COMMISSION TO IMPLEMENT THE WILL OF ITS RESIDENTS IN THIS CURRENT BUDGET SESSION BY ADOPTING THE PROPOSED TRANSPORTATION PLAN AND IDENTIFYING A SOURCE OF FUNDING FOR THIS INITIATIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Jacqueline Wilson read the title of the Resolution. Mayor Bell spoke in favor of the Resolution. Vice Mayor spoke in opposition. Town Attorney Mitchell Bierman provided clarification on the proposed transportation plan methods for overall county needs. After discussion, a motion was made by Council Member Coriat, seconded by Council Member Lozelle, that this Resolution be adopted. The motion carried by the following vote:

Yes: 4 - Mayor Peggy Bell, Council Member Mary Ann Mixon, Council Member Sue Ellen Lozelle and Council Member Roger Coriat

No: 1 - Vice Mayor Ernest Sochin

9. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

There were no Quasi-Judicial items.

10. ORDINANCES FOR FIRST READING (NO PUBLIC HEARING REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 30 "TRAFFIC AND MOTOR VEHICLES" REGARDING GOLF CART USE ON STREETS WITHIN THE TOWN; DELETING EXHIBIT "A" TO ORDINANCE 10-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Jacqueline Wilson read the title of the Ordinance. Town Manager Rafael Casals presented the item to the Council and thanked Town Attorney Mitchell Bierman for his assistance. A motion was made by Vice Mayor Sochin that this Ordinance be approved on first reading. Although not required, Mayor Bell opened for public hearing. There being no one wishing to speak, Mayor Bell closed the public hearing. After discussion, the motion was seconded by Council Member Coriat and carried by the following vote:

Yes: 5 - Mayor Peggy Bell, Vice Mayor Ernest Sochin, Council Member Mary Ann Mixon, Council Member Sue Ellen Loyzelle and Council Member Roger Coriat

11. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

There were no Ordinances for first reading requiring a public hearing.

12. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REGARDING BUDGETING AND RESERVES; AMENDING ORDINANCE 13-06 TO INCREASE THE MINIMUM RESERVE PERCENTAGE FOR THE RESERVE FUND BALANCE OF THE TOWN'S ANNUAL GENERAL FUND BUDGET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Jacqueline Wilson read the title of the Ordinance. Mayor Bell spoke in support of this item. Town Manager Rafael Casals presented the item to the Council with 17% proposed fund balance and reserves. Mayor Bell opened for public hearing. There being no one wishing to speak, Mayor Bell closed the public hearing. A motion was made by Vice Mayor Sochin, seconded by Council Member Loyzelle, that this Ordinance be approved on second reading. The motion carried by the following vote:

Yes: 5 - Mayor Peggy Bell, Vice Mayor Ernest Sochin, Council Member Mary Ann Mixon, Council Member Sue Ellen Loyzelle and Council Member Roger Coriat

12. PUBLIC COMMENTS

Mayor Bell opened Public Comments and there were none.

13. MAYOR AND COUNCIL COMMENTS

Council Member Loyzelle announced ChamberSouth Government Relations Committee Joint Legislative Roundup on October 27, 2015, Miami-Dade County Days Reception on October 27, 2015 and Homestead Seminole Theatre Grand Opening on October 28, 2015. Council Member Loyzelle also announced Miami-Dade League of Cities Board of Directors Meeting on November 5, 2015 and the SHARKPAC Concert Event also on November 5, 2015.

14. OTHER BUSINESS

Council Member Coriat discussed Public Comments for acknowledgement. At the request of Council Member Mixon Town Attorney Mitchell Bierman provided clarification on the procedure for a Public Hearing. Town Attorney Mitchell Bierman also provided clarification to Charter provisions regarding the Right to be Heard and the Right to a Public Hearing. After discussion, Council Member Mixon requested to poll the Council for position on moving forward with a public hearing. Mayor Bell recused herself and Vice Mayor Sochin received the gavel. Council Member Mixon expressed opinion of no merit to move forward with a public hearing, by general consensus, the Council concurred.

15. ADJOURNMENT

A motion was made by Council Member Mixon to adjourn. The motion received a second from Vice Mayor Sochin. The meeting adjourned at 9:52PM.

For complete audio recording of this meeting, please contact the Town Clerk Office at (305) 234-4262.