

Town of Cutler Bay

*Town Hall
10720 Caribbean Blvd
Cutler Bay, FL 33189*



Meeting Agenda

Wednesday, November 20, 2019

7:00 PM

Council Chambers

Town Council

MAYOR AND COUNCIL MEMBERS

Mayor Tim Meerbott

Vice Mayor Sue Ellen Loyzelle

Council Member Robert "BJ" Duncan

Council Member Michael P. Callahan

Council Member Roger Coriat

CHARTER OFFICIALS

Town Attorney Mitchell Bierman

Town Attorney Chad Friedman

Town Manager Rafael G. Casals, ICMA-CM, CFM

Town Clerk Debra E. Eastman, MMC

DECORUM POLICY

No individuals shall make slanderous or unduly repetitive remarks or engage in any other form of behavior that disrupts or impedes the orderly conduct of the meeting, as determined by the Presiding Officer. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted.

Individuals addressing the Town Council must first be recognized by the Presiding Officer and must do so utilizing the designated podium in the Council Chambers. No more than one person may address the Council at a time unless specifically permitted by the Presiding Officer. Comments are to be made to the Town Council and not to the audience. Persons exiting the Council Chambers shall do so quietly. Any individuals determined to have violated the Rules of Decorum, as determined by the Presiding Officer, may be required to leave the Council Chambers.

NOTICE TO ALL LOBBYISTS

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the Town Clerk prior to engaging in lobbying activities before the Town Council pursuant to Sec. 2-236, Town Code and Sec. 7.6, Town Charter.

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE**2. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS**

- A.**
- Mayor Meerbott November 2019 Report
 - Vice Mayor Loyzelle November 2019 Report
 - Council Member Duncan November 2019 Report
 - Council Member Callahan November 2019 Report
 - Council Member Coriat November 2019 Report

Attachments: [Mayor Meerbott November 2019 Report](#)
[Vice Mayor Loyzelle November 2019 Report](#)
[Council Member Duncan November 2019 Report](#)
[Council Member Callahan November 2019 Report](#)
[Council Member Coriat November 2019 Report](#)

3. PUBLIC COMMENTS

Any person who wishes to comment on an agenda item which is not under public hearings may be heard at this time and must sign up in advance. Please limit your comments to three (3) minutes or less, as directed by the Presiding Officer. Comments made by members of the public are important to the Town Council. If appropriate, items may be referred to town staff for review and resolution. Speakers will address the Town Council with respect. Inappropriate language will not be tolerated.

4. REPORTS**A. TOWN MANAGER'S REPORT**

- Town Manager Monthly Report November 2019
Attachments: [Town Manager Monthly Report November 2019](#)
- 2018-19 Miami-Dade Transit Circulator Annual Report
Attachments: [2018-19 Miami-Dade Transit Circulator Annual Report](#)
- 2019 Local Mitigation Strategy Annual Report
Attachments: [2019 Local Mitigation Strategy Annual Report](#)
- 2019 Flood Mitigation Project Annual Report
Attachments: [2019 Flood Mitigation Project Annual Report](#)

B. TOWN ATTORNEY'S REPORT

C. TOWN CLERK'S REPORT

5. CONSENT AGENDA

Any items shall be removed from the Consent Agenda for discussion or separate vote if requested or "pulled" by a Council Member or the Town Manager.

APPROVAL OF MINUTES

- A.**
- October 16 2019 Local Planning Agency Minutes
 - October 28 2019 Town Council Workshop Minutes
- Attachments:* [10-16-19 LPA Minutes](#)
[10-28-19 TCW Minutes](#)
- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING RESOLUTION 18-60, WHICH ADOPTED THE BUDGET FOR THE 2018/2019 FISCAL YEAR, BY REVISING THE 2018/2019 OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- Attachments:* [Manager Memo-FY 2018-19 Budget Amendment](#)
[Resolution-FY 2018-19 Budget Amendment](#)
[Resolution-Exhibit A-FY 2018-19 Budget Amendment](#)

- C. 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 H & R PAVING, INC. FOR TOWNWIDE SIDEWALK REPAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Issuance of PO to H&R Paving Sidewalk Repairs](#)
[Resolution-Issuance of PO to H&R Paving Sidewalk Repairs](#)
[Resolution-Exhibit A-H & R Paving Inc Proposal](#)

- D. 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 STANTEC CONSULTING SERVICES, INC. FOR DESIGN SERVICES OF THE CUTLER RIDGE SECTION 3 RESURFACING AND DRAINAGE IMPROVEMENTS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Issuance of PO Stantec Cutler Ridge Design Services](#)
[Manager Memo-Attachment A-Consultant Proposal](#)
[Resolution-Issuance of PO Stantec Cutler Ridge Design Services](#)
[Resolution-Exhibit A-Stantec Consulting Services, Inc Proposal](#)

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A STANDARD GRANT AND AGREEMENT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$200,000.00 FOR THE CUTLER RIDGE SECTION 3 RESURFACING AND DRAINAGE IMPROVEMENTS PROJECT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Accepting FDEP Grant Cutler Ridge Drainage Project](#)
[Manager Memo-Attachment A-Legislative Funding Request](#)
[Resolution- Accepting FDEP Grant Cutler Ridge Drainage Project](#)
[Resolution-Exhibit A-FDEP Grant Agreement-Cutler Ridge Drainage Project](#)

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR STREET SWEEPER SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Issuance of RFP Street Sweeper Services](#)
[Resolution-Issuance of RFP Street Sweeper Services](#)
[Resolution-Exhibit A-RFP 19-11 Street Sweeper Services](#)

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

(These hearings are scheduled to begin being heard not later than 8:00 P.M.)

All persons addressing the Town Council shall be sworn-in prior to giving testimony and may be subject to cross examination. All persons addressing the Town Council shall state their name and address for the record.

Each party will be limited to a presentation of 20 minutes. This time limitation may be extended by the chair of the meeting.

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF CEDAR HOLDING, LLC TO PERMIT A ONE HUNDRED NINETY-NINE (199) UNIT RESIDENTIAL APARTMENT BUILDING AT THE POINT ROYALE SHOPPING CENTER, WHICH IS ON PROPERTY LOCATED AT 18901 SOUTH DIXIE HIGHWAY (FOLIOS # 36-6005-070-0010), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 3.58 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

Attachments: [Manager Memo-Cedar Holding LLC Site Plan](#)
[Manager Memo-Attachment A-Town Consultant Report](#)
[Report-Ex A-NGBS Certification Plan and Scoring Summary](#)
[Report-Ex B-Covenant in Lieu and Easement Operating Agreement](#)
[Report-Ex C-Economic Impact Study Point Royale](#)
[Report-Ex D-Methodology and Applicant Traffic Study Dec 15 2018](#)
[Report-Ex E-Applicants Revised Traffic Study May 13 2019](#)
[Report-EX F-Applicants Revised Trip Generation Study Nov 5 2019](#)
[Report-Ex G-Consultant Point Royale Circulation Assessment Review Oct 8 2019](#)
[Manager Memo-Attachment B-Site Plan Application](#)
[Manager Memo-Attachment C-Posting of Property](#)
[Applicant Deferral Letter Request for 10-16-2019 Town Council Meeting](#)
[Resolution-Approving Cedar Holding LLC Site Plan](#)
[Resolution-Exhibit A-Legal Description](#)
[Manager Memo-Traffic and Ped Assessment Point Royale Site Plan](#)
[Manager Memo-Attachment A-Point Royale Circulation Assessment](#)
[Manager Memo-Attachment B-Town Consultant Report Revised](#)
[Manager Memo-Cedar Holding LLC Site Plan](#)
[Manager Memo-Attachment A-Town Consultant Report](#)
[Manager Memo-Attachment B-Site Plan Application](#)
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)
[Resolution-Approving Cedar Holding LLC Site Plan](#)
[Resolution-Exhibit A-Legal Description](#)

7. 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 SECTION 2-236 "LOBBYISTS AND PRINCIPALS" OF THE TOWN CODE OF ORDINANCES RELATING TO THE REGISTRATION FEES OF LOBBYISTS AND PRINCIPALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Clerk Memo- Ordinance Amending Section 2-236 Lobbyists and Principals](#)
[Ordinance-Amending Section 2-236 Lobbyists and Principals](#)

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160) FROM LOW DENSITY RESIDENTIAL TO INSTITUTIONAL; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (* previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

Attachments: [Manager Memo-1st Reading-Centro Evangelistico La Roca FLUM Amendment](#)
[Manager Memo-1st Reading-Attachment A-Town Consultant Report](#)
[Manager Memo-1st Reading-Attachment B-Application](#)
[Manager Memo-1st Reading-Attachment C-Ad Courtesy Notices and Posting](#)
[Ordinance-1st Reading-Centro Evangelistico La Roca FLUM Amendment](#)
[Ordinance-1st Reading-Exhibit A-Legal Description](#)
[Ordinance-1st Reading-Exhibit B-Future Land Use Map Amendment](#)

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST OF CENTRO EVANGELISTICO LA ROCA, INC. TO PERMIT A REZONING FROM SR (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO INT (INSTITUTIONAL DISTRICT) ON PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 4.2 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (* previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

Attachments: [Manager Memo-1st Reading-Centro Evangelistico Rezoning ZC-2018-033](#)
[Manager Memo-1st Reading-Attachment A-Town Consultant Report](#)
[Manager Memo-1st Reading-Attachment B-Application](#)
[Manager Memo-1st Reading-Attachment C-Courtesy Notices and Posting](#)
[Ordinance-1st Reading-Centro Evangelistico Rezoning ZC-2018-033](#)
[Ordinance-1st Reading-Exhibit A-Legal Description](#)
[Ordinance-1st Reading-Exhibit B-Rezoning Request Map](#)

- C.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Council Member Roger Coriat

Attachments: [Council Memo-1st Reading-Amend Comp Plan FLU-4F GMP to Conservation](#)
[Council Memo-1st Reading-Attachment A-Town Consultant Report](#)
[Council Memo-1st Reading-Attachment B-Property Locations](#)
[Council Memo-1st Reading-Attachment C-Advertisement Notices and Posting](#)
[Ordinance-1st Reading-Amend Comp Plan FLU-4F GMP to Conservation](#)
[Ordinance-1st Reading-Exhibit A-Property Locations](#)

- D. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, EXTENDING THE MORATORIUM ADOPTED BY ORDINANCE 19-13; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-1st Reading-Moratorium Extension-Development Applications](#)
[Manager Memo-1st Reading-Attachment A-Town Ordinance No 19-13](#)
[Manager Memo-1st Reading-Attachment B-Advertisement](#)
[Ordinance-1st Reading-Moratorium Extension on Development Applications](#)

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-40 OF THE LAND DEVELOPMENT REGULATIONS, RELATING TO GROWTH MANAGEMENT PLAN AMENDMENT APPLICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-2nd Reading-Amending Sections in Chapter 3 LDR](#)
[Manager Memo-2nd Reading-Attachment A-Advertisement](#)
[Ordinance-2nd Reading-Amending Sections in Chapter 3 LDR](#)
[Manager Memo-1st Reading-Amending Sections in Chapter 3 LDR](#)
[Ordinance-1st Reading-Amending Sections in Chapter 3 LDR](#)

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING THE CANDIDATE QUALIFYING PERIOD FOR THE 2020 MUNICIPAL GENERAL ELECTION AND ESTABLISHING THE RUN-OFF DATE, IF NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Clerk Memo-2nd Read-Qualifying-Run-off-General Election Dates](#)
[Clerk Memo-2nd Reading-Attachment A-Advertisement](#)
[Ordinance-2nd Read-Qualifying-Run-off-General Election Dates](#)
[Clerk Memo-1st Read-Qualifying-Run-off-General Election Dates](#)
[Ordinance-1st Read-Qualifying-Run-off-General Election Dates](#)

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING UPDATED LIEN SEARCH FEES; REPEALING RESOLUTION NO. 06-111; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Clerk Memo- Updating Lien Search Fees](#)
[Resolution-Updating Lien Search Fees](#)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN TO JOIN IN THE FILING OF A BRIEF AT THE FLORIDA SUPREME COURT SUPPORTING THE PLACEMENT ON THE BALLOT OF THE INITIATIVE PETITION ENTITLED “PROHIBITS POSSESSION OF DEFINED ASSAULT WEAPONS”; URGING LOCAL GOVERNMENT SUPPORT OF THE BRIEF; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Council Member Robert Duncan

Attachments: [Council Memo-Support Placement on Ballot-Assault Weapon Ban Initiative](#)
[Resolution-Support Placement on Ballot-Assault Weapon Ban Initiative](#)

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH JUAN CARLOS GIL IN THE MATTER OF JUAN CARLOS GIL V. TOWN OF CUTLER BAY, FLORIDA (CASE NO.: 1:19-CV-21840-DPG); PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Approving Settlement Agreement-Case No 119-CV-21840DPG](#)
[Resolution-Approving Settlement Agreement-Case No 119-CV-21840DPG](#)
[Resolution-Exhibit A-Settlement Agreement Case No 119-CV-21840DPG](#)

11. PUBLIC COMMENTS

Any person who wishes to comment on an agenda item which is not under public hearings may be heard at this time and must sign up in advance. Please limit your comments to three (3) minutes or less, as directed by the Presiding Officer. Comments made by members of the public are important to the Town Council. If appropriate, items may be referred to town staff for review and resolution. Speakers will address the Town Council with respect. Inappropriate language will not be tolerated.

12. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, the town hereby advises the public that if a person decides to appeal any decision made by the council with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, the affected person may need to ensure that verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the town for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation or a sign language interpreter to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four days prior to the meeting. Hearing Assistance Devices are available with the Town Clerk.

Wireless connection GUEST@TOWNOFCUTLERBAY is now available in the Town Council Chambers. Once connected, you will be redirected to the new splash page where you must read the Terms of Service and click “I Accept Connect Me Now.” Please make note there is a maximum of two (2) hours before you are automatically disconnected from the Wi-Fi and must reconnect.

We, the Town Council of Cutler Bay, hereby recommit ourselves to maintain civility in our public and political discourse and we hereby pledge our commitment to the following principles:

We will respect the right of all citizens in our community to hold different opinions;

We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;

We will strive to understand differing perspectives;

We will choose our words carefully;

We will speak truthfully without accusation and we will avoid distortion; and

We will speak out against violence, prejudice and incivility of their forms, whenever and wherever they occur.