

# Town of Cutler Bay

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



## Meeting Agenda

**Wednesday, February 19, 2020**

**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 February 2020 Report  
· Vice Mayor Loyzelle February 2020 Report  
· Council Member Duncan February 2020 Report  
· Council Member Callahan February 2020 Report  
· Council Member Coriat February 2020 Report

**Attachments:** [Mayor Meerbott February 2020 Report](#)  
[Vice Mayor Loyzelle February 2020 Report](#)  
[Council Member Duncan February 2020 Report](#)  
[Council Member Callahan February 2020 Report](#)  
[Council Member Coriat February 2020 Report](#)

- B.** · 2020 CFAL Age Friendly Action Plan Update

**Attachments:** [2020 CFAL Age Friendly Action Plan Update](#)

**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 February 2020

**Attachments:** [Town Manager Monthly Report February 2020](#)

##### 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.**
- January 15 2020 Local Planning Agency Minutes
  - January 15 2020 Regular Town Council Minutes
  - January 22 2020 Town Council Workshop Minutes

**Attachments:** [1-15-20 LPA Minutes](#)

[1-15-20 RTC Minutes](#)

[1-22-20 TCW Minutes](#)

- B.** 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 FRANJO ROAD ROADWAY IMPROVEMENTS (FROM OLD CUTLER ROAD TO S.W. 184 STREET) PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Issuance of PO Stantec Franjo Road Improvements Design](#)

[Manager Memo-Attach A-Miami Dade County Compliance Review](#)

[Manager Memo-Attach B-JPA-Franjo Road Roadway Improvements Design](#)

[Resolution-Issuance of PO to Stantec Franjo Road Improvements Design](#)

[Resolution-Exhibit A-JPA-Franjo Road Roadway Improvements Design](#)

- C. 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 AN AMICUS BRIEF TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S AFFORDABLE CLEAN ENERGY RULE; URGING LOCAL GOVERNMENT SUPPORT OF THE BRIEF; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Attorney Memo-Authorizing Amicus Brief Opposing the ACE Rule](#)  
[Attorney Memo-Attachment A-CPP vs ACE Rule Comparison](#)  
[Attorney Memo-Attachment B-State and Federal Clean Cars Standards](#)  
[Resolution-Authorizing Amicus Brief Opposing the ACE Rule](#)

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO APPROVE SENATE BILL 182, ALSO KNOWN AS "PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS," AND ANY COMPANION HOUSE BILLS RELATING TO THE REPEAL OF SECTIONS 403.7033 AND 500.90, FLORIDA STATUTES REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS AND PREEMPTION OF LOCAL LAWS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:** Council Member Robert Duncan

**Attachments:** [Council Memo-Urging FL Legislature to Approve Senate Bill 182](#)  
[Resolution-Urging FL Legislature to Approve Senate Bill 182](#)

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING H.G. CONSTRUCTION, DEVELOPMENT AND INVESTMENT, INC. FOR THE CONSTRUCTION OF THE BIKE/PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Award ITB 19-12 Bike Pedestrian Facilities Improvements](#)  
[Manager Memo-Attachment A-FDOT Notice to Proceed Letter](#)  
[Manager Memo-Attachment B-Advertisement-Daily Business Review](#)  
[Manager Memo-Attachment C-Pre-Bid Meeting Sign-In Sheets](#)  
[Manager Memo-Attachment D-Summary of Bid Opening](#)  
[Manager Memo-Attachment E-FDOT Concurrence to Award Letter](#)  
[Manager Memo-Attachment F-FDOT Certificate of Qualification](#)  
[Resolution-Approving Award ITB 19-12 Bike Pedestrian Improvements](#)  
[Resolution-Exhibit A-Bike Pedestrian Facilities Improvements Contract](#)

## 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.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST OF COUGAR HOLDINGS, LLC TO PERMIT A REZONING FROM SR (SINGLE- FAMILY RESIDENTIAL DISTRICT) TO NC-1 (NEIGHBORHOOD CENTER 1 DISTRICT) ON PROPERTY GENERALLY LOCATED AT 8495 S.W. 200 STREET (FOLIO NO. 36-6003-035-0060 & 36-6003-002-0040) AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY +/- .82 NET ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.( \* previously deferred per January 15, 2020 Regular Town Council Meeting to date certain February 19, 2020 Regular Town Council Meeting. )

**Attachments:** [Manager Memo-1st Reading- Cougar Holdings Rezoning ZC-2018-004](#)  
[Manager Memo-1st Reading- Cougar Holdings Rezoning ZC-2018-004](#)  
[Manager Memo-1st Reading-Attachment A-Town Consultant Report](#)  
[Report-Ex A-Aerial Map](#)  
[Report-Ex B-Existing and Proposed Rezoning Amendment](#)  
[Report-Ex C1- Applicant Technical Memorandum 06-06-2018](#)  
[Report-Ex C2-Town Traffic Review Comments 06-04-2018](#)  
[Report-Ex C3-Applicant Technical Memorandum 03-16-2018](#)  
[Report-Ex C4-Town Traffic Review Comments 03-09-2018](#)  
[Report-Ex C5-Applicant Traffic Submittal](#)  
[Manager Memo-1st Reading-Attachment B-Application](#)  
[Manager Memo-1st Reading-Attachment C-Courtesy Notices and Posting](#)  
[Ordinance-1st Reading-Cougar Holdings Rezoning ZC-2018-004](#)  
[Ordinance-1st Reading-Exhibit A-Legal Description](#)  
[Ordinance-1st Reading-Exhibit B-Rezoning Amendment](#)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR MARLIN ESTATES FOR PROPERTY GENERALLY LOCATED WEST OF BELVIEW DRIVE AND SOUTHWEST OF S.W. 191 STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A" ON APPROXIMATELY 1.25 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Approval of Marlin Estates Final Plat Site Plan](#)  
[Manager Memo-Attachment A-Applicant Submittal](#)  
[Manager Memo-Attachment B-Ad Courtesy Notices and Posting](#)  
[Resolution-Approval Marlin Estates Final Plat Site Plan](#)  
[Resolution-Exhibit A-Legal Description](#)  
[Resolution-Exhibit B-Marlin Estates Final Plat](#)

## **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 THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY LOCATED AT OLD CUTLER ROAD AND SW 200 STREET (FOLIO NO. 36-6003-035-0060) FROM LOW DENSITY RESIDENTIAL TO MIXED USE; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (\* previously deferred per January 15, 2020 Regular Town Council Meeting to date certain February 19, 2020 Regular Town Council Meeting.)

**Attachments:** [Manager Memo-1st Reading-Cougar Holdings LLC FLUM Amendment](#)  
[Manager Memo-1st Reading-Cougar Holdings LLC FLUM Amendment](#)  
[Manager Memo-1st Reading-Attachment A-Town Consultant Report](#)  
[Report-Ex A-Existing and Proposed FLUM Amendment](#)  
[Report-Ex B-Aerial Map](#)  
[Report-Ex C1- Applicant Technical Memorandum 06-06-2018](#)  
[Report-Ex C2-Town Traffic Review Comments 06-04-2018](#)  
[Report-Ex C3-Applicant Technical Memorandum 03-16-2018](#)  
[Report-Ex C4-Town Traffic Review Comments 03-09-2018](#)  
[Report-Ex C5-Applicant Traffic Submittal](#)  
[Manager Memo-1st Reading-Attachment B-Application](#)  
[Manager Memo-1st Reading-Attachment C-Courtesy Notices and Posting](#)  
[Ordinance-1st Reading-Cougar Holdings 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, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 3, "LAND DEVELOPMENT REGULATIONS" OF THE TOWN CODE OF ORDINANCES RELATING TO MOBILITY REGULATIONS; DISSOLVING THE MORATORIUM IMPOSED BY ORDINANCE NO. 19-13 AS TO MOBILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-1st Read-Amending Chapter 3-Traffic Mobility Regulations](#)  
[Memo-1st Read-Attach A-Traffic Impact Analysis Methodology Standards](#)  
[Ordinance-1st Read-Amending Chapter 3 LDR-Traffic Mobility Regulations](#)  
[Ordinance-1st Read-Exhibit A-Chapter 3 LDR-Traffic Mobility Regulations](#)

## **8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)**

## **9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)**

## **10. RESOLUTIONS**

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE CUTLER BAY MOBILITY HUBS PLAN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Adopting Cutler Bay Mobility Hubs Plan](#)  
[Resolution- Adopting Culer Bay Mobility Hubs Plan](#)  
[Resolution-Exhibit A-Cutler Bay Mobility Hubs Plan](#)  
[Resolution-Exhibit A-Appendix I-Public Information Plan](#)  
[Resolution-Exhibit A-Appendix II-Questionnaire and Survey](#)  
[Resolution-Exhibit A-Appendix III-Cost Estimates](#)  
[Resolution-Exhibit A-Appendix IV-Development Review Element Checklist](#)  
[Resolution-Exhibit A-Appendix V-Public Meeting Notes and Attendance](#)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING STONEHENGE CONSTRUCTION, LLC. FOR THE FRANJO PARK IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Award of RFP No. 19-13 Franjo Park Improvements](#)  
[Manager Memo-Attachment A-Advertisement-Daily Business Review](#)  
[Manager Memo-Attachment B-Pre-Bid Meeting Sign-In Sheets](#)  
[Manager Memo-Attachment C-Summary of Bid Opening](#)  
[Manager Memo-Attachment D-Town Consultant Pay Item Bid Review](#)  
[Manager Memo-Attachment E-Bid Submittal Review](#)  
[Manager Memo-Attachment F-Bidder Submittal Package](#)  
[Resolution-Approving Award RFP 19-13 Franjo Park Improvements](#)  
[Resolution Award- Exhibit A-Franjo Park Improvements Contract](#)

## 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.