

Town of Cutler Bay

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



Meeting Agenda

Wednesday, January 20, 2021

7:00 PM

Council Chambers

Town Council

MAYOR AND COUNCIL MEMBERS

*Mayor Tim Meerbott
Vice Mayor Michael P. Callahan
Council Member Robert "BJ" Duncan
Council Member Suzy Lord
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.

TO WATCH OR LISTEN TO THE VIRTUAL PUBLIC MEETING:

The meeting is accessible to the public live via web link:

<https://virtualmeetings.cutlerbay-fl.gov/RTCMeeting>

Enter the Meeting ID: 944 8692 4049

You may listen to the meeting via telephone by dialing 786-573-5529 and then entering the Meeting ID: 944 8692 4049, followed by #. See the instructions below for additional information.

PUBLIC COMMENTS WILL BE ACCEPTED IN ADVANCE OF THE MEETING AND DURING THE LIVE MEETING BY THE FOLLOWING MEANS:

BY STATING YOUR NAME, ADDRESS AND AGENDA NUMBER

EMAIL THE PUBLIC COMMENT TO TownClerk@cutlerbay-fl.gov

PRIOR TO 5 PM TUESDAY, JANUARY 19, 2021 AND LIMIT IT TO 400 WORDS

CALL 786-573-5529 AND LEAVE A MESSAGE, UP TO 3 MINUTES IN LENGTH, PRIOR TO 5 PM ON TUESDAY, JANUARY 19, 2021.

IF YOU WISH TO REGISTER IN ADVANCE TO MAKE A PUBLIC COMMENT, PLEASE DO SO PRIOR TO 7 PM, WEDNESDAY, JANUARY 20, 2021 AT [HTTPS://VIRTUALMEETINGS.CUTLERBAY-FL.GOV/REGISTER](https://virtualmeetings.cutlerbay-fl.gov/register)

TO PARTICIPATE IN TELEPHONE PUBLIC COMMENTS DURING THE LIVE MEETING:

You will automatically be muted and will hear a recorded message advising how many participants are in the meeting and that if you wish to speak, you should press *9 and the host will be alerted. Pressing *9 is known as “raising your hand.” Once you press *9, you will be placed in a queue to speak and will be called upon by your name or the last three digits of your telephone number. Please wait to be called upon.

When the host of the meeting recognizes you by the last three digits of your telephone number, the host will “unmute” you and you will hear a message advising you to press *6 to unmute yourself. Press *6 and you will be unmuted and may proceed to deliver your comments.

Before delivering your comments, please provide: Your Name, Address, if you are a hired Consultant or Town Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization.

Please be sure to be in a quiet area to avoid unnecessary noise.

A time limit of three minutes may be imposed for each speaker during public comment.

Your cooperation is appreciated in observing the time limit.

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

2. 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.

3. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS

- A.**
 - Mayor Meerbott January 2021 Report
 - Vice Mayor Callahan January 2021 Report
 - Council Member Duncan January 2021 Report
 - Council Member Lord January 2021 Report
 - Council Member Coriat January 2021 Report

Attachments: [Mayor Meerbott January 2021 Report](#)

[Vice Mayor Callahan January 2021 Report](#)

[Council Member Duncan January 2021 Report](#)

[Council Member Lord January 2021 Report](#)

[Council Member Coriat January 2021 Report](#)

- B.**
 - Former Vice Mayor Loyzelle Photo Book & Proclamation

4. REPORTS

A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report January 2021

Attachments: [Town Manager Monthly Report January 2021](#)

- 2019-20 Miami-Dade Transit Circulator Annual Report

Attachments: [2019-20 Miami-Dade Transit Circulator 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.**
- September 16 2020 Regular Town Council Minutes
 - September 24 2020 Special Call Meeting Minutes
 - October 15 2020 Special Call Meeting Minutes
 - October 28 2020 Regular Town Council Minutes

Attachments: [09-16-20 RTC Minutes](#)

[09-24-20 STC Minutes](#)

[10-15-20 STC Minutes](#)

[10-28-20 RTC Minutes](#)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN ATTORNEY TO APPEAR AS AMICUS CURIAE AND/OR TO JOIN AS A SIGNATORY ON ANY LOCAL GOVERNMENT AMICUS BRIEF IN SUPPORT OF LOCAL CONVERSION THERAPY BANS, INCLUDING, BUT NOT LIMITED, TO THE CURRENT PETITION FOR REHEARING AND REHEARING EN BANC IN OTTO ET AL. V CITY OF BOCA RATON ET AL.; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Council Member Roger Coriat

Attachments: [Council Memo-Authorizing the Town Attorney to Appear as Amicus Curiae](#)

[Resolution-Authorizing the Town Attorney to Appear as Amicus Curiae](#)

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS BOARD'S 2021 STATE LEGISLATIVE PROGRAM; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Council Member Roger Coriat

Attachments: [Council Memo-Supporting MDCPS Board 2021 State Legislative Program](#)
[Resolution-Supporting MDCPS Board 2021 State Legislative Program](#)
[Resolution-Exhibit A-MDCPS Board 2021 State Legislative Program](#)

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING VISUALSCAPE, INC. FOR THE TREE PLANTING PROGRAM PURSUANT TO REQUEST FOR PROPOSAL NO. 20-04; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Awarding RFP No. 20-04 Tree Planting Program-VisualScape](#)
[Resolution-Awarding of RFP 20-04 Tree Planting Program-VisualScape](#)
[Resolution-Exhibit A-Tree Planting Program Agreement](#)

- E. 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 CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR CUTLER RIDGE SECTION 3 RESURFACING AND DRAINAGE IMPROVEMENTS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Issuance of PO Cutler Ridge Section 3 CEI Services](#)
[Resolution-Issuance of PO for Cutler Ridge Section 3 CEI Services](#)
[Resolution-Exhibit A-Consultant Proposal-CEI Services](#)

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING SFM SERVICES, INC. FOR TREE TRIMMING MAINTENANCE SERVICES PURSUANT TO REQUEST FOR PROPOSAL NO. 20-05; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Awarding RFP No. 20-05 Tree Trimming Services-SFM](#)
[Resolution-Awarding of RFP 20-05 Tree Trimming Services-SFM](#)
[Resolution-Exhibit A-Tree Trimming Program Agreement](#)

- G. 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 SRS ENGINEERING, INC. FOR DESIGN SERVICES FOR THE SAGA BAY DRAINAGE SOUTH SUB-BASIN SECTION 1.5 SOUTH WATER QUALITY IMPROVEMENT PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Issuance of PO Saga Bay Sec 1.5 Design Services](#)
[Resolution-Issuance of PO Saga Bay Sec 1.5 Design Services](#)
[Resolution-Exhibit A-Consultant Proposal-Design Services](#)

- H. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SECOND AMENDMENT TO THE LANDSCAPE MAINTENANCE SERVICES (RIGHT-OF-WAYS) AGREEMENT WITH VISUALSCAPE, INC. FOR ADDITIONAL SCOPE OF SERVICES WITHIN TOWN DESIGNATED RIGHT-OF-WAYS FOR AN ANNUAL AMOUNT OF \$5,800.00; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Approving Second Amendment to RFP 19-04 Agreement](#)
[Resolution-Approving Second Amendment to RFP 19-04 Agreement](#)
[Resolution-Exhibit A-Second Amendment Agreement-VisualScape Inc](#)

- I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CERTIFYING AND DECLARING THE OFFICIAL RESULTS OF THE TOWN'S NOVEMBER 3, 2020, GENERAL ELECTION AND DECEMBER 1, 2020, RUNOFF ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Clerk Memo- Certification of 2020 Election Results](#)
[Resolution- Certification of 2020 Election Results](#)
[Exhibit A Certification of Results - General Election 11.03.20](#)
[Exhibit B Certification of Results - Run-Off Election 12.01.20](#)

- J. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RETROACTIVELY APPROVING THE ACCEPTANCE OF A FLORIDA DEPARTMENT OF LAW ENFORCEMENT CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING GRANT AWARD; APPROVING AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Retroactively Approving Acceptance of FDLE Grant Award](#)
[Resolution-Retroactively Approving Acceptance of FDLE Grant Award](#)
[Resolution-Exhibit A-FDLE Acceptance of Funding Agreement](#)

- K. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A FOURTH AMENDMENT TO THE COMPREHENSIVE PARKS LANDSCAPE / GROUNDS MAINTENANCE SERVICES AGREEMENT WITH BRIGHTVIEW LANDSCAPING SERVICES, INC. FOR ADDITIONAL SCOPE OF SERVICES WITHIN TOWN PARKS FOR AN ANNUAL AMOUNT OF \$9,625.00; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Approving Fourth Amendment to RFP 13-01 Agreement](#)
[Resolution-Approving Fourth Amendment to RFP 13-01 Agreement](#)
[Resolution-Exhibit A-Fourth Amendment to RFP 13-01 Agreement-Brightview](#)

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.

7. 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.

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

9. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

10. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING CHAPTER 9, TITLED "PUBLIC NUISANCES," AUTHORIZING A SPECIAL MAGISTRATE TO PRESIDE OVER NUISANCE ABATEMENT CASES AND IMPOSE FINES AND OTHER NONCRIMINAL PENALTIES PURSUANT TO SECTION 893.138, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Mayor Tim Meerbott

Attachments: [Council Memo-2nd Reading-Creating Chapter 9-Public Nuisances Abatement](#)
[Council Memo-Attach A-Section 893.138 Florida Statute](#)
[Ordinance-2nd Reading-Creating Chapter 9-Public Nuisances Abatement](#)
[Council Memo-Creating Chapter 9-Public Nuisances Abatement](#)
[Council Memo-Attach A-Section 893.138 Florida Statute](#)
[Ordinance-1st Read-Creating Chapter 9-Public Nuisances Abatement](#)

11. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE JUNE 2020 BISCAYNE BAY TASK FORCE REPORT AND RECOMMENDATIONS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Council Member Robert Duncan and Council Member Roger Coriat

Attachments: [Council Memo- Supporting the Biscayne Bay Task Force Report](#)
[Council Memo-Attachment A-Biscayne Bay Task Force Report](#)
[Resolution-Supporting the Biscayne Bay Task Force Report](#)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE BAHAMIAN GOVERNMENT TO REVOKE OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Council Member Robert Duncan

Attachments: [Council Memo-Urging Bahamian Government Revoke Oil Drilling Licenses](#)
[Resolution-Urging Bahamian Government to Revoke Oil Drilling Licenses](#)

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EXPAND THE QUALIFYING IMPROVEMENTS THAT MAY BE FINANCED THROUGH PROPERTY ASSESSED CLEAN ENERGY PROGRAMS TO INCLUDE CONVERSION FROM SEPTIC TANKS TO SEWER SYSTEMS AND OTHER SEWAGE TREATMENT IMPROVEMENTS; PRELIMINARILY IDENTIFYING THIS ISSUE AS A STATE LEGISLATIVE PRIORITY FOR THE 2021 SESSION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Mayor Tim Meerbott

Attachments: [Mayor Memo-Urging a Financial Expansion of PACE for Qualifying Improvem](#)
[Resolution-Urging a Financial Expansion of PACE for Qualifying Improvements](#)

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING AMENDMENT NO. 5 TO EMERGENCY ORDER NO. 20-04, DUE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Manager Memo-Confirming Issuance of Emergency Order 20-04 Amendment 5](#)
[Resolution-Confirming Issuance of Emergency Order 20-04 Amendment 5](#)
[Resolution-Exhibit A-Town Emergency Order 20-04 Amendment No 5](#)

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.