

**RESOLUTION NO. 17-\_\_**

**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 VISUALSCAPE, INC. FOR TREE SERVICES AS A RESULT OF HURRICANE IRMA WITHIN THE TOWN OWNED AND MAINTAINED ROADWAYS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (“Town”) Council, pursuant to Town Resolution No. 16-52, authorized the issuance of a Request for Proposals No. 17-02 (“RFP”) for the Town’s Tree Trimming Maintenance Services; and

**WHEREAS**, the RFP resulted in two (2) sealed bids being received prior to the March 30, 2017 deadline; and

**WHEREAS**, on April 19, 2017, the Town Council adopted Resolution No. 17-26, selecting the first ranked firm, VisualScape, Inc., to provide services identified in the RFP, and authorizing the Manager to execute an Agreement with VisualScape, Inc.; and

**WHEREAS**, the Town Council desires to utilize the services of the first ranked firm, VisualScape, Inc., for Tree Services within the Town; and

**WHEREAS**, VisualScape, Inc. crews are to remove attached broken limbs, branches, and damaged trees that are still in place to the extent they pose an immediate threat from right-of-ways on Town owned and maintained roadways (“ROW”), which removal is to include extraction, transportation, disposal of, and filling the root-ball holes (“Project”); and

**WHEREAS**, on September 4, 2017, Florida Governor Rick Scott issued Executive Order No. 17-235 declaring a State of Emergency due to Hurricane Irma, and on September 5, 2017, Miami-Dade County Mayor Carlos Gimenez issued a County-wide Declaration of a State of Emergency; and

**WHEREAS**, on September 6, 2017, the Town of Cutler Bay (the “Town”) Manager issued a Declaration of State of Emergency due to Hurricane Irma, which was sent to the Town Clerk’s Office for posting and local media outlets; and

**WHEREAS**, Hurricane Irma caused down and leaning trees and hanging limbs within the ROW throughout the Town, which pose an ongoing threat to human life, health, and property of the Town; and

**WHEREAS**, pursuant to the Federal Emergency Management Agency’s (“FEMA”) Public Assistance Program and Policy Guide FP 104-009-2 published April 2017, FEMA will reimburse the Town for costs so long as the work contracted costs are

charged on a per-tree/limb basis if the tree has a diameter of 6 inches or greater, measured 4.5 feet above ground level, and has a split trunk, broken canopy, or leaning at an angle greater than 30 degrees; and

**WHEREAS**, FEMA may reimburse the Town for removal of broken limbs or branches that are 2 inches or larger in diameter (measured at the point of break), limbs or branches that extend over the public ROW, and limbs or branches that pose an immediate threat; and

**WHEREAS**, funding for the Project is included within the Town's Public Works 2017-18 Fiscal Year Budget; and

**WHEREAS**, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Authorization.** In accordance with the terms and conditions of Resolution No. 17-26, which incorporates RFP No. 17-02 and approved an Agreement with VisualScape, Inc. for Tree Services, the Town Manager is authorized, on behalf of the Town, to issue a Purchase Order for \$100,000.00 to VisualScape, Inc. the Project.

**Section 3. Effective Date.** The Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of November, 2017.

Attest:

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Mary Ann Mixon \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_