



# 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 Sue Ellen Loyzelle*

*Council Member Mary Ann L. Mixon*

*Council Member Michael P. Callahan*

*Council Member Roger Coriat*

#### *CHARTER OFFICIALS*

*Town Attorney Mitchell Bierman*

*Town Attorney Chad Friedman*

*Town Manager Rafael G. Casals*

*Town Clerk Debra E. Eastman, MMC*

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Wednesday, April 19, 2017

7:00 PM

Council Chambers

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

Mayor Bell called the meeting to order at 7:07PM. Interim Town Clerk Debra Eastman called the roll. Mayor Bell led the Pledge of Allegiance. Mayor Bell requested Town Staff and Council Members limit time for discussion due to the size of the agenda.

**Present:** 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon, Council Member Michael P. Callahan and Council Member Roger Coriat

## 2. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS

### A. TOWN COUNCIL ANNOUNCEMENTS, BOARD AND COMMITTEE REPORTS

Council Member Callahan expressed gratitude to the Parks and Recreation Department on its efforts with the recent Easter Egg Hunt. Council Member Callahan announced the upcoming Earth and Arbor Day Event and the Baynanza Cleanup Event at Black Point Marina both on April 22, the Movie Night on May 12, the Bite Nite Food Truck Event on April 21, and the 9th Annual Cutler Bay Open Golf Tournament on July 8.

Council Member Mixon reported on the recent Floodplain Mitigation Plan Committee Meeting and announced the Floodplain Mitigation Plan Committee Meeting on June 29.

Vice Mayor Loyzelle reported on attendance at the recent Miami-Dade County League of Cities Board Meeting and requested Council approval to host a Miami-Dade County League of Cities Board Meeting Dinner at Town Hall. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Mixon to allow the Town Manager to work with the League of Cities to host a dinner at Town Hall. Mayor Bell called for the vote and the motion passed 5-0.

Vice Mayor Loyzelle expressed gratitude to Town staff for keeping track of activities for the age friendly community, and announced the Living with Low Vision Event on April 20. Vice Mayor Loyzelle announced the Ms. Florida Senior Pageant being hosted by the City of North Miami Beach and encouraged interested seniors to compete. Vice Mayor Loyzelle reported on the Federal Emergency Management Agency (FEMA) fact sheet on flood insurance and the

Homeowner Flood Insurance Affordability Act (HFIAA) surcharge. Vice Mayor Loyzelle announced the CarFit Event on May 9, and also expressed gratitude to the Town Manager on a report provided to AARP. Vice Mayor Loyzelle reported on the potential Louise Lockwood Butterfly Garden design, assisted by Mr. Adam Skowronski. Vice Mayor Loyzelle spoke on the possibility of exploring annexation at a future workshop. Mayor Bell suggested the Town Clerk poll the Council on possible dates for a workshop.

Council Member Coriat reported on the recent Education Advisory Committee Meeting and announced the next meeting on May 4. Council Member Coriat announced the Bite Nite on April 21 and reported on attendance at the recent Beer and Music Backyard Festival. Council Member Coriat thanked the South Miami-Dade Cultural Arts Center for their partnership with the Town.

Council Member Callahan informed the Council that the Parks and Recreation Committee will bring forward a recommendation on the proposed Louise Lockwood Butterfly Garden to the Council at a later time.

· Mayor Bell Monthly Report March 8 - April 7 2017

Mayor Bell announced the Economic Growth Committee Meeting and the Transportation Town Hall Meeting in Palmetto Bay both taking place on April 20, and the Earth and Arbor Day Event on April 22. Mayor Bell recognized members of the Youth Council Committee in attendance and invited them to introduce themselves. Mayor Bell spoke of the Youth Council Committee proposed Tallahassee trip and a possible day trip to a League of Cities Event. Mayor Bell also mentioned the possibility of a health fair presented by the Youth Council Committee for next year.

### 3. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Ms. Nancy Mayes spoke in opposition of animal sacrifices taking place in her neighborhood. Town Attorney Mitchell Bierman spoke on the Religious Liberty Act and will work with Town Staff to determine if any action can be taken. There being no one else wishing to speak, Mayor Bell closed Public Comments.

Mayor Bell requested to move forward item 10A on the agenda. A motion was made by Council Member Coriat, seconded by Council Member Mixon to move forward item 10A on the agenda. Mayor Bell called for the vote and the motion passed 5-0.

### 4. REPORTS

#### A. TOWN MANAGER'S REPORT

Town Manager Rafael Casals introduced Gary Ratay of Kimley Horn and Associates who presented an update on the Caribbean Boulevard Gap 2 Project. Town Manager Rafael Casals provided information on the bridge project. Public Information Officer Janet Delgado with Kimley Horn and Associates provided an update on community outreach for the Caribbean Boulevard Gap 2 Project. Town Manager Casals announced the awarding of the Consultant of the Year Stormwater Award and Contractor of the Year Award for Stormwater Award to the Town by the American Public Works Association (APWA) Florida Chapter, the Employee Appreciation Luncheon on April 28, and an additional increase in funding of \$100,000 for a grant awarded to the Town by the Florida Department of Environmental Protection (FDEP) and thanked Town staff for their efforts. Town

Manager Casals also announced the Bite Nite event and a contract for sales which led to \$567 being deposited into the Cutler Bay Community Fund, and the adult fitness classes taking place at Town Hall in Suite 440 on Mondays, Tuesdays and Fridays.

Mayor Bell announced Open Mic Night on April 24, the South Dade More to Explore Event on April 27, the Small Business Week Event on May 1 in partnership with Miami-Dade County, and the Town Hall Meeting to discuss Mass Transit in South Dade on April 20.

## **B. TOWN ATTORNEY'S REPORT**

Town Attorney Mitchell Bierman provided an update on several Florida legislative items of concern to the Town.

## **C. TOWN CLERK'S REPORT**

Interim Town Clerk Debra Eastman announced the updated Town Code of Ordinances online at Municode. Interim Town Clerk Debra Eastman introduced new Assistant to the Town Clerk Erika Vera and welcomed her to the Town.

## **5. CONSENT AGENDA**

Council Member Callahan pulled items F, H and N from the Consent Agenda. Vice Mayor Loyzelle pulled item M from the Consent Agenda. Mayor Bell pulled item K from the Consent Agenda.

A motion was made by Council Member Coriat, seconded by Council Member Mixon to approve items A, B, C, D, E, G, I, J and L on the Consent Agenda. Mayor Bell called for the vote and the motion passed 5-0.

## **A. APPROVAL OF MINUTES**

- January 4 2017 Town Council Workshop Minutes
- March 15 2017 Regular Town Council Minutes
- March 29 2017 Town Council Workshop Minutes

**These Minutes were approved on Consent.**

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING TOWN RESOLUTION #16-54 FOR THE INSTALLATION OF OUTDOOR FITNESS EQUIPMENT AT BLUE HERON PARK AND SAGA BAY PARK; PROVIDING FOR AUTHORIZATION; 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, AUTHORIZING THE ISSUANCE OF AN INVITATION TO BID (ITB) FOR NEW BUS SHELTERS AT VARIOUS LOCATIONS THROUGHOUT THE TOWN; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**This Resolution was adopted on Consent.**

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING VISUALSCAPE, INC. PURSUANT TO REQUEST FOR PROPOSAL NO. 17-01 FOR THE TOWN'S TREE PLANTING PROGRAM; PROVIDING FOR AUTHORIZATION; 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, APPROVING VISUALSCAPE, INC. PURSUANT TO REQUEST FOR PROPOSAL NO. 17-02 FOR THE TOWN'S TREE TRIMMING MAINTENANCE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE CONTRACT BETWEEN THE CHILDREN'S TRUST AND THE TOWN FOR THE PROVISION OF A ROBOTICS SUMMER CAMP AT TOWN HALL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Clerk Debra Eastman read the title of the Resolution. Council Member Callahan expressed gratitude to Town staff for acquiring the grant, and provided background on the item.

At the request of Vice Mayor Loyzelle, Town Attorney Mitchell Bierman provided clarification on the order of the Agenda and clarified that the Town Council can amend the order of items in the interest of time. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat to move forward with the pulled items on the Consent Agenda. Mayor Bell called for the vote and the motion passed 5-0.

After discussion, a motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.

- G.** 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 HVAC EQUIPMENT AND CONTROLS REPLACEMENT AND MAINTENANCE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ISSUE AN ADDITIONAL PURCHASE ORDER TO WOLFBERG ALVAREZ & PARTNERS FOR THE AQUATIC FACILITY CONSTRUCTION PLANS AND FINAL DESIGN SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Clerk Debra Eastman read the title of the Resolution. Council

Member Callahan expressed concern about the item and would prefer to have a recommendation on site and financing before approval. Vice Mayor Loyzelle suggested having a workshop to further discuss the item. A motion was made by Council Member Callahan to table the item. Town Attorney Mitchell Bierman informed the Council that a motion to defer indefinitely is in order. A corrected motion was made by Council Member Callahan, seconded by Council Member Mixon, that this Resolution be deferred indefinitely. Mayor Bell called for the vote and the motion passed 5-0.

- I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, TO APPOINT A NEW MEMBER TO THE FLOODPLAIN MITIGATION PLAN ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- J. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE STATE LEGISLATIVE AGENDA OF THE TOWN OF CUTLER BAY REGARDING MUNICIPAL HOME RULE; EXPRESSING OPPOSITION TO PROPOSED FLORIDA HOUSE BILL 17, WHICH EXPRESSLY PREEMPTS LOCAL GOVERNMENT REGULATION OF BUSINESSES, PROFESSIONS, AND OCCUPATIONS TO THE STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- K. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE MIAMI-DADE LEAGUE OF CITIES RESOLUTION ENDORSING THE EXPANSION OF THE NEW STARTS TRANSIT PROGRAM (NSTP) TO FACILITATE FUNDING FOR THE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Clerk Debra Eastman read the title of the Resolution. Mayor Bell provided background information on the item. After discussion, a motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.

- L. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DESIGNATING THE USE OF A SPECIFIC CONSUMER PRICE INDEX TABLE FOR CALCULATING THE INFLATION RATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- M. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING TETRA TECH INC. FOR DISASTER DEBRIS MONITORING SERVICES; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Clerk Debra Eastman read the title of the Resolution. At the request of Vice Mayor Loyzelle, Town Manager Rafael Casals provided information on the bidding process for the item. Town Attorney Mitchell Biermain provided further

information on the piggy-back exception to the bid ordinance. After discussion, a motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.

- N. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ISSUE AN ADDITIONAL PURCHASE ORDER TO KIMLEY HORN & ASSOCIATES, INC. FOR THE TOWN CENTER PLAZA CONSTRUCTION PLANS AND FINAL DESIGN SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Clerk Debra Eastman read the title of the Resolution. Council Member Callahan expressed concern with the project because there is no financing in place. Vice Mayor Loyzelle expressed concern with the location of the project. Mayor Bell, Council Member Mixon and Council Member Coriat expressed their support for the project. At the request of Mayor Bell, Town Manager Rafael Casals provided an explanation of the request for authority to negotiate a price for construction plan drawings. There was discussion on the site location for the project.

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

## **6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)**

There were no Quasi-Judicial Hearings.

**(THESE HEARINGS ARE SCHEDULED FOR A TIME CERTAIN OF 8:00 P.M.)**

**EACH PARTY WILL BE LIMITED TO A PRESENTATION OF 20 MINUTES. THIS TIME LIMITATION MAY BE EXTENDED BY THE CHAIR OF THE MEETING.**

## **7. ORDINANCES FOR FIRST READING (NO PUBLIC HEARING REQUIRED)**

There were no Ordinances for First Reading (No Public Hearing Required).

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

There were no Ordinances for First Reading (Public Hearing Required).

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

- A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING THE COASTAL MANAGEMENT ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN TO BE CONSISTENT WITH RECENT STATE LAW LEGISLATION; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Clerk Debra Eastman read the title of the Ordinance. Town Manager Rafael Casals introduced Consultant Alex David with Calvin Giordano and Associates to present a report on the item. Vice Mayor Loyzelle expressed gratitude to Alex David and Town staff for their efforts on the item.

Mayor Bell opened the Public Hearing. There being no one wishing to speak, Mayor Bell closed the Public Hearing. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Mixon, that this Ordinance be approved on second reading. The motion carried by the following vote:

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

Mayor Bell called for a brief recess. The meeting briefly recessed at 10:05PM and reconvened at 10:07PM.

## 10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$27,275 FOR THE PURCHASE OF EQUIPMENT AS PER THE EXECUTED INTERLOCAL AGREEMENT BETWEEN THE MIAMI DADE COUNTY PUBLIC SCHOOLS AND THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE. (\*previously deferred per March 15, 2017 Regular Town Council Meeting to date certain April 19, 2017 Regular Town Council Meeting)

Mayor Bell introduced Miami-Dade County Public Schools Associate Superintendent Iraidia Mendez-Cartaya, South Region Superintendent Barbara Mendizabal, Cutler Bay Middle School Principal Paul Pfeiffer, Cutler Bay Senior High School Principal Lucas De La Torre, and Cutler Bay High School Lead Teacher Maria Rahouly.

Interim Town Clerk Debra Eastman read the title of the Resolution. At the request of Council Member Callahan, Cutler Bay High School Principal Lucas De La Torre provided clarification on the purpose of purchasing new computers every year and on the procedure for repurposing older computers after four years. There was discussion on funding through the Interlocal Agreement. There was discussion on options to repurpose older computers. Mayor Bell spoke regarding a previous meeting with the Superintendent and their discussion about changes to the Interlocal Agreement. There was discussion on the development of a joint use agreement regarding the use of school facilities. There was discussion on after school programming at the middle school. Mayor Bell expressed disappointment in the lack of response to her concerns from the School District and would like to defer the item until concerns are addressed in full. Town Attorney Mitchell Bierman provided clarification on the interlocal agreement allowing the school board to request additional funds yearly.

Miami-Dade County Public Schools Associate Superintendent Iraidia Mendez-Cartaya assured the Mayor that she will provide a written response to her concerns. There was discussion on how the school board provides funding for other iPrep programs within the district, and on possible deferral of the item. A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 4-1 with Mayor Bell voting in opposition.

Council Member Callahan spoke about the potential of creating a magnet school academy pathing program in Cutler Bay for children starting in kindergarden through high school, and also spoke on the possibility of partnering with Deering

Estate to develop a pathing program for magnet schools. Cutler Bay Middle School Principal Paul Pfeiffer provided information on the interest and rise in openings for the Cutler Bay Ocean Academy of Science and Technology (COAST) Program. Associate Superintendent Iraid Mendez-Cartaya spoke on school capacity and students being denied enrollment for not meeting minimum requirements, and also suggested the Town market the school to Cutler Bay residents.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH DEBRA E. EASTMAN, MMC AS THE TOWN CLERK; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT RELATED TO THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Clerk Debra Eastman read the title of the Resolution. Mayor Bell explained the process regarding the proposed employment agreement with the Interim Town Clerk. Council Member Coriat expressed support for the proposed employment agreement. Council Member Mixon expressed support for the proposed employment agreement. Vice Mayor Loyzelle expressed concern with the proposed employment agreement. There was discussion on the term length, proposed salary, and vacation days of the proposed employment agreement. There was also discussion on the potential of adding and training a Deputy Town Clerk position to the Office of the Town Clerk. Council Member Callahan expressed support for the proposed employment agreement. After further discussion, Council Member Mixon called the question.

A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 4-1 with Vice Mayor Loyzelle voting in opposition.

## **11. PUBLIC COMMENTS**

Mayor Bell opened Public Comments. There being no one wishing to speak, Mayor Bell closed Public Comments.

## **12. ADJOURNMENT**

The meeting adjourned at 10:55PM.

For complete audio recording of this meeting, please visit [www.cutlerbay-fl.gov](http://www.cutlerbay-fl.gov) or contact the Town Clerks Office at (305) 234-4262.