



TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Santamaria
Town Manager Steven Alexander

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired 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.

TOWN COUNCIL MEETING AGENDA

Wednesday, July 15, 2009, 7:00 PM
South Dade Regional Library
10750 SW 211th Street, 1st Floor
Cutler Bay, Florida 33189

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

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

3. APPROVAL OF MINUTES

- A. Regular Council Meeting – June 17, 2009
- B. Special Council Meeting – June 29, 2009

TAB 1

4. REPORTS

A. TOWN MANAGER'S REPORT

B. TOWN ATTORNEY'S REPORT

C. BOARD/COMMITTEE REPORTS AND COUNCIL ANNOUNCEMENTS

- 1. Appointment of Parks Committee Member – Councilmember Peggy Bell
- 2. Volunteer Events Committee – Councilmember Peggy Bell

5. CONSENT AGENDA

ANY ITEMS SHALL BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION OR SEPARATE VOTE IF REQUESTED OR PULLED BY A COUNCILMEMBER OR THE TOWN MANAGER.

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUIRING THAT THE TOWN SHALL COMPLY WITH ALL STATE AND FEDERAL REQUIREMENTS WITH RESPECT TO

TAB 2

EMPLOYEES ABSENT FROM WORK FOR SERVICE IN THE UNIFORMED SERVICES; PROSPECTIVELY RESCINDING PREVIOUS SUPPLEMENTAL PAY POLICY; ALLOWING FUTURE SUPPLEMENTAL PAY IF REQUIRED BY LAW OR WHERE TOWN COUNCIL, IN ITS SOLE DISCRETION, DETERMINES THAT CIRCUMSTANCES SO WARRANT; AND PROVIDING FOR AN EFFECTIVE DATE. **(MACDOUGALL)**

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK OR HER DESIGNEE TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER AND TAX COLLECTOR OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE. TAB 3

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF PLAYMORE RECREATIONAL PRODUCTS & SERVICES FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT, SAFETY SURFACING AND A SHADE STRUCTURE ON THE PLAYGROUND AT SAGA BAY PARK IN THE AMOUNT OF \$84,096.10 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. TAB 4

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DECLARING CERTAIN VEHICLES TO BE SURPLUS IN ACCORDANCE WITH TOWN ORDINANCE 06-22; PROVIDING FOR THE REVISION OF THE TOWN INVENTORY; DIRECTING THE TOWN MANAGER TO DISPOSE OF SURPLUS VEHICLES IN ACCORDANCE WITH TOWN ADMINISTRATIVE PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE. TAB 5

- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE TOWN'S PARTICIPATION IN THE STATE OF FLORIDA'S ENERGY ECONOMIC ZONE PILOT PROGRAM; AND PROVIDING AN EFFECTIVE DATE. TAB 6

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND MIAMI-DADE COUNTY FOR THE ENFORCEMENT OF COMMERCIAL AND MULTI-FAMILY RECYCLING PROGRAMS IN THE TOWN OF CUTLER BAY; AND PROVIDING FOR AN EFFECTIVE DATE. TAB 7

- G.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES TAB 8

AGREEMENT, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO MARLIN ENGINEERING, INC. FOR ENGINEERING AND SURVEYING SERVICES FOR STREET IMPROVEMENTS ON SW 208th STREET BETWEEN 87th AVE TO OLD CUTLER ROAD; AND PROVIDING AN EFFECTIVE DATE.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

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.

7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)

A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING GREEN LAND DEVELOPMENT REGULATIONS WITHIN THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

TAB 9

8. ORDINANCES FOR FIRST READING OR RESOLUTIONS REQUIRING A PUBLIC HEARING

A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE CONSTRUCTION OF A TRAFFIC CIRCLE AT THE INTERSECTION OF CARIBBEAN BOULEVARD AND SW 192 DRIVE; REQUESTING THAT MIAMI-DADE COUNTY CONSTRUCT A TRAFFIC CIRCLE AT THAT INTERSECTION; AND PROVIDING AN EFFECTIVE DATE.

TAB 10

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

10. PUBLIC COMMENTS

THE PRESIDING OFFICER SHALL HAVE THE DISCRETION TO LIMIT THE LENGTH OF PUBLIC COMMENTS IN THE INTEREST OF TIME IN ORDER TO ALLOW ALL PERSONS WHO WISH TO SPEAK AN OPPORTUNITY TO DO SO.

11. MAYOR AND COUNCIL COMMENTS

12. OTHER BUSINESS

13. ADJOURNMENT

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS 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.

TAB 1

**TOWN OF CUTLER BAY
TOWN COUNCIL MEETING
MINUTES**

Wednesday, June 17, 2009, 7:00 PM
South Dade Regional Library
10710 SW 211th Street, 1st Floor
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:00 PM. Present were the following:

Councilmember Peggy R. Bell

Councilmember Timothy J. Meerbott

Councilmember Ernest N. Sochin

Vice Mayor Edward P. MacDougall

Mayor Paul S. Vrooman (At 7:30 p.m. Mayor Vrooman passed the gavel to Vice Mayor MacDougall to conduct the remainder of the meeting.)

Town Attorney Mitchell Bierman

Town Clerk Erika Santamaria

Town Manager Steven J. Alexander

2. PROCLAMATIONS, AWARDS, PRESENTATIONS:

A. Mayor Vrooman congratulated and thanked the Cutler Bay Police Department for all of their endless hard work and dedication on the cat serial killings that occurred in Town and in neighboring Palmetto Bay.

B. Vice Mayor MacDougall recognized Brooklyn Waters, the winner of the Whispering Pines fifth grade essay contest. Ms. Waters read her winning essay to the council which was a letter to the President asking for a solution to the economic crisis. (7:45 p.m.)

3. APPROVAL OF MINUTES:

A. Councilmember Meerbott made a motion approving the minutes of the special meeting on May 12, 2009. The motion was seconded by Councilmember Bell and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

B. Councilmember Meerbott made a motion approving the minutes of the meeting on May 20, 2009. The motion was seconded by Councilmember Bell and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

4. REPORTS

A. TOWN MANAGER'S REPORT

The town manager reported that proposed JPA's on Old Cutler Road and Caribbean Boulevard are pending County approval. The manager thanked the Cutler Bay Police Department for their endless efforts on the serial cat killings in Town and Palmetto Bay. The manager then introduced Fausto Gomez, the Town's state lobbyist, who continued to report on the last legislative session.

B. TOWN ATTORNEY'S REPORT

The town attorney requested to withdraw Item A from the consent agenda until the next meeting.

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE CONSTRUCTION OF A TRAFFIC CIRCLE AT THE INTERSECTION OF CARIBBEAN BOULEVARD AND SW 192 DRIVE; REQUESTING THAT MIAMI-DADE COUNTY CONSTRUCT A TRAFFIC CIRCLE AT THAT INTERSECTION; AND PROVIDING AN EFFECTIVE DATE.**

The town attorney further discussed that Senate Bill 360, which passed during the legislative session, was being challenged by the Town of Weston. He stated that Weiss Serota is Weston's Town Attorney and at the request of Weston's Town Manager, the manager offered Cutler Bay to be a plaintiff in the challenging of said Senate Bill. The town attorney inquired if the council would be interested in pursuing a legal lawsuit and requested a consensus of the council to allocate funds in the amount not to exceed \$2,500 to continue in the litigation. Councilmember Sochin made a motion to approve the funds to go forward in the litigation. The motion was seconded by Councilmember Bell and all were in favor of the motion. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

C. BOARD AND COMMITTEE REPORTS, COUNCIL ANNOUNCEMENTS

Councilmember Sochin discussed his recent trip to the Congress of New Urbanism conference. He was amazed of how many ideas he brought home for the Town to become more mindful of growth.

Councilmember Meerbott encouraged citizens and the Council to attend the upcoming Public Service Commission meeting in reference to the FPL proposed transmission lines on June 25th at 4:00 p.m. at the Museum of Science.

The mayor mentioned that the Florida League of Cities conference is coming up in August and encouraged the Council to attend. Councilmember Bell made a motion to approve council travel to the Florida League of Cities conference. The motion was seconded by Councilmember Meerbott and the council was in favor of the motion.

5. CONSENT AGENDA:

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PARKS MASTER PLAN TO INCLUDE RETENTION OF THE CUTLER RIDGE POOL; AND PROVIDING FOR AN EFFECTIVE DATE. **(MEERBOTT)**

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH SUPERIOR LANDSCAPE AND LAWN SERVICE FOR THE LANDSCAPE MAINTENANCE SERVICE FOR THE TOWN; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN AGREEMENT AND IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE SAGA BAY DRAINAGE BASIN 1.3 AND 1.4 PAVING AND DRAINAGE IMPROVEMENTS PROJECT; AND PROVIDING AN EFFECTIVE DATE.

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF TYLER TECHNOLOGIES "EDEN" AS THE COMPREHENSIVE GOVERNMENT ERP SOFTWARE SYSTEM FOR THE TOWN; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SOFTWARE SERVICES CONTRACT WITH SUCH FIRM; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY RELATING TO THE TRANSFER OF THE LAKES BY THE BAY PARK PROPERTY AND ASSOCIATED FUNDING TO THE TOWN OF CUTLER BAY; AUTHORIZING THE MAYOR TO EXECUTE THE SAME AND PROVIDING FOR AN EFFECTIVE DATE.

The town attorney withdrew Item A from the Consent Agenda. Councilmember Meerbott pulled Item B from the Consent Agenda.

Councilmember Meerbott made a motion to approve the Consent Agenda as amended with Item A withdrawn by the town attorney and Item B pulled for discussion. The motion was seconded by Councilmember Bell and Resolutions 09-43 through 09-47 was adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following resolution by title:

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUIRING THAT THE TOWN SHALL COMPLY WITH ALL STATE AND FEDERAL REQUIREMENTS WITH RESPECT TO EMPLOYEES ABSENT FROM WORK FOR SERVICE IN THE UNIFORMED SERVICES; RESCINDING PREVIOUS SUPPLEMENTAL PAY POLICY; ALLOWING FUTURE SUPPLEMENTAL PAY IF REQUIRED BY LAW OR WHERE TOWN COUNCIL, IN ITS SOLE DISCRETION, DETERMINES THAT CIRCUMSTANCES SO WARRANT; AND PROVIDING FOR AN EFFECTIVE DATE. **(MACDOUGALL)**

Councilmember Meerbott made a motion to defer the resolution until the next council meeting. The motion was seconded by Councilmember Bell and the motion was approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Councilmember Bell requested that the item in reference to the retention of Cutler Ridge pool be reconsidered. After some discussion, Member Bell made comments on the item and expressed that she is concerned that creating resolutions which are unnecessary to ease the concerns of one citizen may create future problems. She encouraged the council to reconsider certain requests for resolutions that will change comprehensive plans because they are long-term plans and not automatically an immediate alteration within the Town.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

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.

7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED):

The town clerk read the following ordinance by title:

- A.** AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 33-124 "STANDARDS" RELATING TO OFF STREET PARKING REQUIREMENTS FOR FURNITURE STORES; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

David Hennis, the Planning Director, gave an oral report on the ordinance.

The mayor opened the public hearing. There were no speakers. The mayor closed the public hearing.

Councilmember Sochin made a motion to approve the ordinance. The motion was seconded by Vice Mayor MacDougall and the ordinance was adopted by unanimous 5-0 roll call vote. The vote

was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following ordinance by title:

- B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING REGULATIONS RELATED TO LOCAL BUSINESS TELEPHONE DIRECTORIES; ALLOWING RESIDENTS TO OPT OUT OF THE RECEIPT OF LOCAL BUSINESS TELEPHONE DIRECTORIES; AMENDING THE SCHEDULE OF VIOLATIONS AND CIVIL PENALTIES SECTION OF THE CODE TO INCLUDE PENALTIES FOR VIOLATION OF THESE SECTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE. (MACDOUGALL)**

Vice Mayor MacDougall made a request to withdraw the item. He stated that AT&T has made great efforts to accommodate the request of the Town to notify the residents, through advertisements and possible postcards, that there is an option to opt-out of receiving future telephone directories.

Vice Mayor MacDougall made a motion to withdraw the ordinance from consideration. The motion was seconded by Councilmember Meerbott and the ordinance was withdrawn by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Sochin, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

10. PUBLIC COMMENTS

THE PRESIDING OFFICER SHALL HAVE THE DISCRETION TO LIMIT THE LENGTH OF PUBLIC COMMENTS IN THE INTEREST OF TIME IN ORDER TO ALLOW ALL PERSONS WHO WISH TO SPEAK AN OPPORTUNITY TO DO SO.

Bill Meiklejohn, 9311 Sterling Drive, Louise Lockwood, 9071 Ridgeland Drive, and Joyce Huck, 9401 Easter Road.

11. MAYOR AND COUNCIL COMMENTS

Councilmember Bell reminded the public that there will be a Parks Committee meeting on June 30th at Cutler Ridge Park. She was proud to announce that the unofficial town events committee have been working diligently to create certain annual Town events such as a music fest and a chili cook-off.

12. OTHER BUSINESS: None at this time.

13. ADJOURNMENT

The next council meeting will be held on July 15, 2009 at South Dade Regional Library.

The meeting was officially adjourned at 8:40 P.M.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Council on
this 15th day of July, 2009.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS 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.

**TOWN OF CUTLER BAY
TOWN COUNCIL SPECIAL MEETING
MINUTES**

Monday, June 29, 2009, 4:30 p.m.
Town Hall Conference Room
10720 Caribbean Boulevard, Suite 105
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 4:30 p.m. Present were the following:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott (via Conference Call)
Councilmember Ernest N. Sochin
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Town Manager Steven J. Alexander
Town Clerk Erika Santamaria
Town Attorney Chad Friedman

2. ACTION ITEM

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON JUNE 25, 2009 TO VOTE ON TWO CHARTER AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

The town clerk made brief presentation to the Council on the Resolution and on the elections results.

After some discussion, Councilmember Sochin made a motion to approve the resolution. The motion was seconded by Councilmember Bell and Resolution 09-48 was approved by a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

3. ADJOURNMENT

The meeting was officially adjourned at 4:45 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Council on
this 15th day of July, 2009.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS 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.

TAB 2

RESOLUTION NO. 09-____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUIRING THAT THE TOWN SHALL COMPLY WITH ALL STATE AND FEDERAL REQUIREMENTS WITH RESPECT TO EMPLOYEES ABSENT FROM WORK FOR SERVICE IN THE UNIFORMED SERVICES; **PROSPECTIVELY** RESCINDING PREVIOUS SUPPLEMENTAL PAY POLICY; ALLOWING FUTURE SUPPLEMENTAL PAY IF REQUIRED BY LAW OR WHERE TOWN COUNCIL, IN ITS SOLE DISCRETION, DETERMINES THAT CIRCUMSTANCES SO WARRANT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) recognizes the importance of employees’ responsibilities to fulfill their United States Armed forces obligations; and

WHEREAS, the Town Council intends to remain compliant with all state and federal requirements with respect to employees absent from work for service in the uniformed services; and

WHEREAS, On July 18, 2007, the Town Council passed Resolution 07-36, which ratified Town Administrative Order No. 07-01 “Military Leave for Active Military Service,” which created a rigid and inflexible policy for supplemental pay for individuals which take military leave for active military service; and

WHEREAS, as a relatively new municipality, the Town must exercise utmost fiscal restraint and is thus not in a position to have a uniform, mandatory policy which offers its employees supplemental pay above and beyond that which is required by state and/or federal law; and

WHEREAS, the Town Council also desires to retain benefits at the same level for those currently receiving such benefits pursuant to the policy so as not to unfairly and adversely effect their present condition given the current economic circumstances; and

WHEREAS, the Town Council 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. Compliance with State and Federal Law. The Town shall comply with all state and federal requirements with respect to employees absent from work for service in the uniformed services

Section 3. Rescinding Supplemental Pay Policy. Town Administrative Order 07-01 is hereby rescinded, and the Town shall not be required to pay supplemental pay, which is an amount awarded to bring employees' total salary, inclusive of their military pay, to the level earned by them in Town service at the time they were ordered to active military service, unless required to do so by state and/or federal law. **The rescission shall not affect the benefits currently being received by any covered employees and such employees shall continue to receive benefits in accordance with the terms of the original policy.**

Section 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2009.

PAUL VROOMAN
Mayor

Attest: _____
ERIKA GONZALEZ SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.
Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul Vrooman _____
Vice Mayor Edward MacDougall _____
Council Member Timothy J. Meerbott _____
Council Member Ernest Sochin _____

Council Member Peggy Bell

TAB 3



MEMORANDUM

To: Mayor and Council

From: Steven Alexander

Date: July 10, 2009

Re: Millage rate **REVISED**

BACKGROUND

Section 200.065, Florida Statutes, requires that each taxing authority advise the property appraiser of its proposed millage and special assessment rates within 35 days of certification of value so the information can be included in the Notice of Proposed Property Taxes mailed to property owners in August. This Statute also establishes and describes the requirement that the governing body of each taxing authority hold public hearings on the tentative budget and proposed millage rate.

Legislation adopted by the State last year established requirements for the approval of millage rates in September. Millage rates at or below the state-defined maximum millage rate require an affirmative vote of a majority of the Council; however, Cutler Bay was provided a reprieve from this limitation for five years, which period will end with our next budget year. Thereafter, if the Town's millage rate is above the state-defined maximum millage rate, it will require an affirmative two-thirds vote of the Council.

The Property Appraiser will mail required notices to all property owners in August, using proposed tax rates adopted by all taxing authorities in Miami-Dade County. Thus, the millage rate you set will be used in the notice and will effectively represent the ceiling for Cutler Bay property taxes that appear on the tax bill.

As the Council is aware, the millage rate cannot be raised at the first budget hearing without again notifying all affected property owners by mail. At the second public budget hearing, the millage rate cannot be





increased above the rate adopted at the first budget hearing. For purposes of approving the rates to be used for notification purposes, only a simple majority vote is necessary at this time. The FY 2009-10 Proposed Budget will be based on the maximum millage rate reported prior to the August 4 deadline.

The revised tax roll was only provided to us on July 1, 2009, leaving little time to brief the Council prior to the July Council meeting. Although it is preferable to set the maximum tax rate as required by law at the regular July meeting, it is possible with the consent of the Council to delay this vote to a special meeting for the purpose of adopting the maximum millage rate.

ROLLBACK OPTION

Millage rates cannot be raised at the first budget hearing without again notifying all affected property owners by mail, and cannot be raised at the second budget hearing. To provide maximum flexibility, the Council may choose at this point to adopt the roll back millage rate, which would generate additional revenue as detailed in the table below and based on the July 1 property tax roll values. This rate will establish the expected revenues to be included in the Proposed Budget.

County precedents

The total millage for all County operating purposes is fixed at 4.8733 mills on the dollar of taxable value of all property in Miami-Dade County, Florida, for the 2008-09 fiscal year. This millage represents a 5.36 percent increase above the state-defined rolled-back rate and is 6.41 percent higher than the 2007-08 fiscal year countywide millage rate of 4.5796.

Thus, the County has recently raised the tax rate without undo levels of acrimony in an effort to continue to provide essential levels of services that the community depends upon the county to provide. Similarly this year, Mayor Carlos Alvarez has been quoted in the Herald as stating, "there is a real possibility of millage and fee increases" in the FY 2009-10 budget process. The article went on to say that Mayor Alvarez aims to send a budget to the BCC that doesn't compromise public safety or cut services to the point it jeopardizes residents' quality of life.

The County Manager was quoted in the same article, asserting "a budgetary gap of this magnitude cannot be closed through expenditure reductions alone without seriously impacting our core services." The





article stated that this is the first time that Miami-Dade's taxable values have dropped more than they did in 1993 in the aftermath of Hurricane Andrew. That drop was 2.9 percent. This year, the Cutler Bay reduction is over **19 percent!** That is the virtual equivalent of 6 Hurricane Andrews occurring at once. These are clearly extraordinary times that require extraordinary leadership and extraordinary courage. As always, we will endeavor to continue to provide the levels of services our community is accustomed to, with ever more limited resources available for this purpose.

Municipality precedents

Other nearby municipalities have recently made the decision to revise their tax revenue to reflect their rollback rate:

Palmetto Bay set millage at the rollback rate for FY 2008-09

Miami Gardens have exceeded the rollback rate every year for FY 2005 through FY 2008-9

Pinecrest set their Millage at their rollback rate for FY 2008-09

Homestead raised their tax rate in the last fiscal year and has verbally informed me that they may go up by one full mill this year.

South Miami raised their tax rate as well in the last fiscal year.

Doral has verbally indicated that they will raise taxes for FY 2009-10 despite not having to fund the county mitigation expense beginning this year.

Coral Gables just raised their maximum tax rate from 5.65 to 6.25 on July 8, 2009 for FY 2009-10.

FISCAL IMPACT

Given the current economy, especially the declining real estate market, we will continue to face funding shortfalls as we develop the budgets for at least the next two fiscal years. Significant challenges in addressing service priorities and requirements, which were the primary reasons for incorporating the Town of Cutler Bay, will remain. Not adequately or responsibly funding the budget by ensuring sufficient revenues would



counteract the benefit the Town has gained by removing ourselves from the County's apparent lack of services.

Because of the property valuation losses that have been prevalent in the past year, the responsible and responsive development of the FY 2009-10 Budget is a tremendous challenge. The revenue losses due in part to the implemented by the voter-approved increase of the homestead exemption from \$25,000 to \$50,000 have been staggering.

Based on the June 1 preliminary tax roll, the Town began the process of drafting a budget some 15% less than the prior year budget due to the reduced property values caused by the current economic situation. The value of the certified tax roll for FY 2009-10 was released on July 1 and was lower (a total of over 19% lower than the prior year) than projected in the June preliminary estimation. To allow maximum flexibility in its budget deliberation, the Council may adopt a millage rate that generates revenue at the same level as in FY 2008-09. This is called the roll back rate, as it is the rate at which revenues are rolled back to those received prior to the loss in value of the tax roll.

A millage rate could be set at less than the roll back rate and even at that rate, the owner of a home of average value will still pay less in property taxes for FY 2009-10 than paid in FY 2008-09. As noted in Chart A, depending on the rate chosen by the Council, homeowners in Cutler Bay will be able to save money on their taxes over last year.

The revenue shortfall forecast for the next budget cycle clearly indicates the need to raise revenue. The public services that our community relies upon each day cannot be reduced to make up the difference without serious service level consequences.

The current millage rate (2.447) will generate \$5.25 million for the Town's FY 2009-10 general fund (budgeted at 95%), which is \$1.29 million, or 19.7%, less than budgeted for FY 2008-09. The owner of a home of average assessed value (\$101,462) would pay \$55 less in ad valorem taxes for FY 2009-10, at the current millage rate, as compared to FY 2008-09. This revenue loss results from the decline in the average assessed value from 2008-09 levels. Chart B has other possibilities for different rates based upon the same average home value.

IMPROVED SERVICE EXPECTATIONS





There is a great challenge in this temporary downturn: providing the community the upgraded services that they voted for upon incorporation, while remaining true to the wishes of those who hope to keep taxes low. It may be seen as a “bait and switch” or a failed promise to some if the town does not make good on its implied or perceived promise that it could provide better and quicker services than the county did for less taxes than the county is charging. However, we are in the middle of the “perfect storm”: economic downturn resulting in plummeting home values, passage of the homestead exemption increase and the portability of homestead values, combined with reduction in State revenue. If the Town of Cutler Bay wishes to continue to provide superior services, it remains apparent that taxes and/or revenues will have to increase.

Raising revenue is the smart, prudent way to confront our revenue shortfall. Deep cuts in spending would deprive all of our community, particularly the most vulnerable residents, of key public services at a time when they are most needed. For instance, we are most likely going to have to lay off some employees, in the administration and including possibly from the police force. It is most likely that we will have to reduce parks programming as well as many employees there and many public works functions will need to be suspended or severely reduced as the result of a low revenue budget. Maintaining a bare bones budget could deepen and prolong the downward economic spiral that our town has experienced.

Setting a tax rate that provides flexibility is a smart move, as the dismal revenue forecast leaves no doubt that the most sensible and necessary approach to Cutler Bay’s fiscal crisis may be to provide more services than can be funded by the existing millage rate, which is based on fallen values. The Town of Cutler Bay is in a rapid growth rate in terms of services it provides. The community demands services in excess of those delivered (or not) by the county in a more rapid and responsive manor than the county. With each passing month the town is more able to deliver more service, which is primarily limited by the towns budget constraints. This is both in terms of serving the vital needs of our residents and stabilizing our budget.





Chart A is the spreadsheet showing various rollback rate impacts to residents

	FY 2008-09 Budget (2.447 mil rate)	Current Year Millage Rate 2.447 mil rate	"Half Way" to Full Rollback Rate 2.75 mil rate	Just Below Full Rollback Rate 2.95 mil rate	Full Rollback Rate 3.031 mil rate
Projected General Revenues:					
Ad Valorem	6,538,046	5,248,821	5,898,756	6,327,757	6,501,502
Utility Taxes	1,910,000	1,875,300	1,875,300	1,875,300	1,875,300
Local Gov't Half-Cent Sales Tax	2,264,807	1,996,003	1,996,003	1,996,003	1,996,003
Communications Services Tax	1,538,143	810,333	810,333	810,333	810,333
Revenue Sharing	1,035,905	913,691	913,691	913,691	913,691
Franchise Fees	1,410,607	1,339,500	1,339,500	1,339,500	1,339,500
Occ Licenses, Burglar Alarms, Solid Waste	105,000	200,000	200,000	200,000	200,000
Parks Fees	178,635	148,460	148,460	148,460	148,460
Judgements and Fines	300,000	200,000	200,000	200,000	200,000
Misc Revenues	28,000	75,000	75,000	75,000	75,000
Investment Income	190,000	145,000	145,000	145,000	145,000
Sub-total	15,499,143	12,952,108	13,602,043	14,031,044	14,204,789
Transfer from Special Revenues	1,110,495	1,084,458	1,084,458	1,084,458	1,084,458
Carryover	3,479,507	2,438,108	2,438,108	2,438,108	2,438,108
Total Operating Revenues	20,089,145	16,474,674	17,124,609	17,553,610	17,727,355
Additional Revenue Generated at Stated Millage Rate over 2008-09 Millage Rate	N/A	N/A	649,936	1,078,936	1,252,681
Average Taxable Value of Cutler Bay Home	123,740	101,462	101,462	101,462	101,462
Cutler Bay Ad Valorem Tax Paid By Resident	303	248	279	299	308

NOTE: Based on the projected rollback rate of 3.0310 per \$1,000, any millage rate equal to or less than that rate would NOT be considered a tax increase per TRIM even though higher than the prior year millage rate of 2.4470 per \$1,000.



Chart B is the spreadsheet showing various partial rollback rates

BACKGROUND:

Rollback rate is the millage rate needed to generate the same amount of revenue in the upcoming year as was assessed in the current year. Setting the proposed millage rate equal to, or less than, the rollback rate does not result in a tax increase under TRIM rules even if that rate is greater than the current year millage rate. The rollback rate is inversely related to property values. When property values decline (as is the case in budget year 2009-10), the rollback rate will be higher than the current year millage rate and, conversely, the rollback rate will be lower than the current year millage rate in years in which property values increase.

	2009-10 Examples			2008-09 millage rate
	#1	#2	#3	
Assumed Rollback Rate	<u>3.0310</u>	<u>3.0310</u>	<u>3.0310</u>	
Assumed Proposed Millage Rate	3.0310	2.6500	2.4470	2.4470
Current Millage Rate	<u>2.4470</u>	<u>2.4470</u>	<u>2.4470</u>	
Differential	0.5840	0.2030	0.0000	
Assumed Taxable Value	<u>101,462</u>	<u>101,462</u>	<u>101,462</u>	
Revenue Difference recovered thru millage rate	<u>59</u>	<u>21</u>	<u>0</u>	
Average Taxable Value of Cutler Bay Home	<u>101,462</u>	<u>101,462</u>	<u>101,462</u>	<u>123,740</u>
Cutler Bay Ad Valorem Tax Paid By Resident	<u>308</u>	<u>269</u>	<u>248</u>	<u>303</u>

EXPLANATION OF RESULTS:

- Example 1 - setting the millage rate equal to the rollback rate, the Town receives the same amount of revenue from this parcel as it did in the current year. The resident has no net increase in the Cutler Bay portion of their ad valorem tax (the increased millage rate offsets the decreased property value yielding the same net property tax). The \$59 net affect essentially keeps the Town and the resident whole versus the current year.
- Example 2 - setting the millage rate to an amount below the rollback rate, but higher than the current millage rate, will result in some lost revenue for the Town as well as provide some property tax decrease to the resident. In this case, the Town would lose, and the resident would save, \$38 in property taxes (i.e. \$59 needed to be made whole, but only recover \$21).
- Example 3 - setting the millage rate equal to the current millage rate results in the Town absorbing the full impact of the decline in property tax values. In this case, the Town would lose, and the resident would save, \$59 in property taxes (i.e. \$59 needed to be made whole, but nothing recovered via the millage rate).





The tax rollback rate is the tax rate that would bring in the same amount of dollars from the previous year. Whenever a taxing authority does not alter the millage rate to an amount that would bring in the same dollars they are generating either more or less revenue. In the current economy the roll back rate is a higher rate due to property value slippage.

The County's public budget hearings have been scheduled for 5:01 p.m. on September 3, 2009, and September 17, 2009, and the School Board's public budget hearings have been scheduled for 5:01 p.m. on July 28, 2009, and September 9, 2009. Municipalities cannot hold their budget hearings on the same date as the County or the School Board.

Recommendation

It is recommended that the Council approve a millage rate which is between the roll back rate and the current rate, as indicated below, for use in preparing the "Notice of Proposed Property Taxes" to be mailed to all property owners in August.



RESOLUTION NO. 09-___

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK OR HER DESIGNEE TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER AND TAX COLLECTOR OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 1, 2009, Property Appraiser of Miami-Dade County, Florida (the "Property Appraiser") served upon the Town of Cutler Bay, Florida (the "Town"), a "Certification of Taxable Value" certifying to the Town its 2009 taxable value; and

WHEREAS, the provisions of Section 200.065, Florida Statutes, require that the Town, within thirty-five (35) days of service of the Certification of Taxable Value, furnish to the Property Appraiser and Tax Collector the proposed millage rate and the date, time and place at which public hearings will be held to consider the proposed millage rate and the tentative budget; and

WHEREAS, the Town is proposing the adoption of a millage rate of _____ mills and desires to set the dates for the first and second public hearings to adopt its budget and set the final millage rate.

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

Section 1. The above recitals are true and correct and incorporated into this resolution by this reference.

Section 2. That the proposed millage is declared to be _____ mills, which is \$ _____ per \$1,000.00 of assessed property within the Town of Cutler Bay, Florida.

Section 3. That the date, time and place of the first and second public hearings are set by the Town Council as follows:

<u>Date</u>	<u>Time</u>	<u>Place</u>
<u>First Budget Hearing:</u>		
<u>September 14, 2009</u>	<u>7:00 PM</u>	<u>South Dade Library Branch</u> <u>10750 SW 211 Street</u> <u>2nd Floor</u> <u>Cutler Bay, Florida 33189</u>

Second Budget Hearing:

September 23, 2009

7:00 P.M.

South Dade Regional Library
10750 SW 211 Street
2nd Floor
Cutler Bay, Florida 33189

In the event that either the Board of County Commissioners of Miami-Dade County, Florida or the Miami Dade County School Board schedule their Budget Hearings on a date set for a Town Budget Hearing, the Mayor is authorized to change the date, time and place of one or both of the Budget Hearings as required by general law. In the event the date, time or place of a Town Budget Hearing is changed the Town Clerk provide public notice in the manner required by general law and the Town Charter.

Section 4. That the Town Clerk is directed to send the original Certification of Taxable Value and a certified copy of this resolution to the Property Appraiser.

Section 5. This resolution shall be effective immediately upon its adoption.

PASSED and ADOPTED this _____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA
Town Clerk

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

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.A.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice-Mayor Edward P. MacDougall _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

TAB 4



MEMORANDUM

To: Honorable Mayor, Vice Mayor and Town Council

From: Steven J. Alexander, Town Manager

Date: July 15, 2009

Re: **INSTALLATION OF PLAYGROUND EQUIPMENT, SAFETY SURFACING AND SHADE STRUCTURE AT SAGA BAY PARK**

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF PLAYMORE RECREATIONAL PRODUCTS & SERVICES FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT, SAFETY SURFACING AND A SHADE STRUCTURE ON THE PLAYGROUND AT SAGA BAY PARK IN THE AMOUNT OF \$84,096.10 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

At the July 17, 2008 Town Council meeting, a resolution was adopted, approving a grant agreement between the Town and the Department of Environmental Protection for funding from the Florida Recreation Development Assistance Program (FRDAP) for improvements to Saga Bay Park. The Parks and Recreation Department has been in contact with playground equipment manufacturers to obtain information relating to the playground portion of the planned improvements project.

One of the manufacturers, Playmore Recreational Products & Services, currently has an award in place from the City of Jacksonville (Bid # SC-0511-06 for Park and Playground Equipment), and has submitted a quotation that includes all of the following services:

- Removal and disposal of existing outdated equipment
- Installation of new playground equipment
- Installation of new ADA safety surfacing
- Installation of a shade structure over the playground

All of these items are identified on the Saga Bay Park master site plan that was approved by the Town Council at the November 19, 2008 Council meeting. The playground improvements total \$84,096.10, and will be paid for using the aforementioned FRDAP grant funding. In accordance with the Town's purchasing ordinance, we will be accessing the City of Jacksonville's Bid # SC-0511-06 for Park and Playground Equipment for the services provided by Playmore Recreational Products & Services (see attached award documentation).



RECOMMENDATION

We recommend that the attached resolution be adopted, authorizing the Town Manager to enter into an agreement with Playmore Recreational Products & Services for the installation of playground equipment, safety surfacing and a shade structure over the playground at Saga Bay Park.



RESOLUTION NO. 09-_____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF PLAYMORE RECREATIONAL PRODUCTS & SERVICES FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT, SAFETY SURFACING AND A SHADE STRUCTURE ON THE PLAYGROUND AT SAGA BAY PARK IN THE AMOUNT OF \$84,096.10 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 17, 2008 the Town of Cutler Bay (the “Town”) adopted a resolution approving an agreement between the Town and the Florida Recreation Development Assistance Program (FRDAP) for funding for park improvements including the installation of playground equipment, safety surfacing and a playground shade structure at Saga Bay Park; and

WHEREAS, the Parks and Recreation Department has solicited information from playground manufacturers for the planned improvements; and

WHEREAS, in accordance with the Town’s purchasing Ordinance 06-22, the Town intends to utilize the prices submitted through the competitive bidding process as performed by the City of Jacksonville (Bid # SC-0511-06), to procure a playground at a competitive price as described by the specifications and price quotations attached as Exhibit “A” (the “Quotation”);

WHEREAS, the Town Manager is seeking approval for the purchase and the installation of the playground equipment, safety surfacing and shade structure through that bid’s approved vendor, Playmore Recreational Products & Systems, at a cost of \$84,096.10; and

WHEREAS, the Town Council desires to authorize the Town Manager, on behalf of the Town, to negotiate and enter into a Purchase Agreement (the “Agreement”), for the amount and the playground described herein, provided that Town Attorney determines that the terms of the Agreement are legally sufficient; and

WHEREAS, the Town Manager has determined in accordance with Section 3.10 of the Town Charter and the Town purchasing ordinance that there is a sufficient unencumbered budget appropriation within the department to pay for the Quotation, and

the Town Manager has made a written recommendation to the Council for its approval; 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. Selection Approved. Pursuant to Section 4 of the Town of Cutler Bay Ordinance 06-22, the Town intends to contract with Playmore Recreational Products & Systems, which was selected through the competitive bidding process as performed by the City of Jacksonville (Bid # SC-0511-06), to procure a playground at a competitive price as described by the specifications and price quotations attached as Exhibit "A" (the "Quotation").

Section 3. Town Manager Authorized. The Town Manager is hereby authorized to negotiate and enter into a Purchase Agreement (the "Agreement") in the amount of \$84,096.10 for the playground described in Exhibit "A", provided that the Agreement is subject to review for legal sufficiency by the Town Attorney.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

PLAYMORE

Recreational Products & Services

10271 Deer Run Farms Road, Suite 1
Fort Myers, FL 33966
(239) 791-2400 (239) 791-2401 fax
(888) 886-3757 toll free
www.playmoreonline.com

QUOTATION

05/06/09

Job Number: 1935
Revision:

Client: Town of Cutler Bay
10100 SW 200 Street
Cutler Bay FL 33157

Job: Saga Bay Park
SW 207 & SW 80 Ct.
Cutler Bay FL 33157
Alan Ricke
305-238-4166

Sales Rep: Anna Marie Rosinski

Terms: Net 30

Item	Description	Quantity	Cost	Subtotal
1 Equipment				
Challenger	Custom Play Structure, RBS-911	1	\$26,896.00	\$26,896.00
Discount Jax	City of Jacksonville SC-0511-06 5%	-1	\$1,344.80	-\$1,344.80
Discount	Courtesy Discount	-1	\$7,552.20	-\$7,552.20
ZZCH4577	Single Post Seat	1	\$218.00	\$218.00
ZZCH4570	Playseat	1	\$557.00	\$557.00
ZZXX0416	Standard E-Z Digger	1	\$699.00	\$699.00
Discount Jax	City of Jacksonville SC-0511-06 5%	-1	\$73.70	-\$73.70
Shade Systems	34' x 47' Mega Span Shade System - 14' High	1	\$17,596.00	\$17,596.00
Discount Jax	City of Jacksonville SC-0511-06 3%	-1	\$527.88	-\$527.88
			Subtotal:	\$36,467.42
2 Freight				
Freight	Playworld Freight to Cutler Bay, FL 33157	1	\$1,898.00	\$1,898.00
Freight	Shade Systems Freight to Cutler Bay, 33157	1	\$1,610.00	\$1,610.00
			Subtotal:	\$3,508.00
3 Installation				
PSI Installation	Installation of Playworld Equipment per City of Jax SC-0511-06	1	\$8,624.48	\$8,624.48
Installation	Installation of Shade Systems Shade per City of Jax SC-0511-06	1	\$21,115.20	\$21,115.20
Child Safe	400 SF of Pour in Place Rubber Surfacing at a 1-1/2" depth, 50% Color 50% Black, priced per SF.	400	\$17.14	\$6,856.00

Notes: NO OTHER SERVICES INCLUDED.

COST OF SAIL SHADE WOULD BE \$42,535

PLAYMORE

Recreational Products & Services

10271 Deer Run Farms Road, Suite 1
Fort Myers, FL 33966
(239) 791-2400 (239) 791-2401 fax
(888) 886-3757 toll free
www.playmoreonline.com

QUOTATION

05/06/09

Job Number: 1935
Revision:

Client: Town of Cutler Bay
10100 SW 200 Street
Cutler Bay FL 33157

Job: Saga Bay Park
SW 207 & SW 80 Ct.
Cutler Bay FL 33157

Item	Description	Quantity	Cost	Subtotal
Removal	Removal of Existing Equipment and to Dispose of off Site	1	\$2,625.00	\$2,625.00
Eng Drwgs	Engineered Sealed Drawings	1	\$1,000.00	\$1,000.00
Permits	Building Permit Fees, Permit Expediting Costs, and Project Management/Administration Fee (does not include site plans, engineered drawings, surveys, or any other permits unless otherwise noted).	1	\$3,900.00	\$3,900.00
			Subtotal:	\$44,120.68
			Grand Totals:	\$84,096.10

PLAYMORE

Recreational Products & Services

10271 Deer Run Farms Road, Suite 1
Fort Myers, FL 33966
(239) 791-2400 (239) 791-2401 fax
(888) 886-3757 toll free
www.playmoreonline.com

Client: Town of Cutler Bay
10100 SW 200 Street
Cutler Bay FL 33157

QUOTATION

05-06-2009

Job Number: 1935
Revision:

Job: Saga Bay Park
SW 207 & SW 80 Ct.
Cutler Bay FL 33157

General Terms:

Acceptance by either a signature or a purchase order based on this proposal indicates that you are in full agreement with all terms and conditions of this proposal including the following:

Prices are valid for 30 days. After 30 days, prices are subject to change without notice. Sales tax will be charged unless a copy of a valid Sales tax exemption certificate is presented with order. Specify all color selections in writing. Any discrepancies that arise due to oral color selections will be the responsibility of the customer. If customer is installing equipment, all equipment is to be installed per manufacturer's instructions and appropriate guidelines such as ASTM and CPSC. Installation, site work, building permits, engineered drawings, etc. are not included unless noted.

Installation Terms:

Standard Services Include:

- * Shipping Notification/Receiving Instructions
- * Pre-Installation On-Site Meeting
- * Underground Utility Check (Sunshine State One Call)
- * Accept Delivery and Unload Equipment (If site is ready)
- * Moving New Equipment to Job Site
- * Layout of Equipment
- * Installation of Equipment and Materials Per Manufacturer's Instructions
- * Trash Clean Up (Dumpsters and Off-Site Trash Disposal not Standard)
- * Post-Installation Walk Through Maintenance Explanation

Customer Responsibilities (unless otherwise noted in the applicable quotation/contract):

- * Trash Disposal - Dumpsters or Off Site Disposal.
- * Accept Delivery and Unload Equipment (If site is not ready.) \$500.00 Charge will Apply if Customer wants Installers to Unload.
- * Provide Area for Storage and Staging.
- * Secure Site and Equipment.
- * Provide Access as Outlined below.

Some Optional Responsibilities (Must be clearly outlined in the applicable quotation/contract):

- * Removal of Existing Equipment.
- * Site Preparation and Grading.
- * Building Permits.
- * Engineered Drawings for Purchased Equipment.
- * Other Permits or Engineered Drawings (i.e. zoning permits, environmental permits, site surveys, etc.)

*Any other responsibilities must be clearly outlined in the applicable quotation/contract.

Other Notes:

Access/Utilities. Access must be provided to the installation area for heavy trucks and equipment. Access of equipment and personnel is the obligation of the customer to provide until the project is fully completed. We will take every precaution to avoid damage, however any damage caused by the normal installation of our product, such as sod, concrete sidewalks, private underground utilities, etc, will be the responsibility of the customer, as will any additional costs associated with limiting damage such as providing plywood over sod for access. If access is not reasonably close to the jobsite, any additional costs incurred due to having to transport materials and/or supplies will be the responsibility of the customer.

Rock/Foreign Object Clause. Most installations require digging of holes and footing equipment in concrete below finished grade. Removal of existing ground covers such as asphalt, concrete, tan bark, sand, pea gravel, wood fiber, rubber matting, poured-in-place rubber surfacing, or any other material that interferes or delays the digging of holes, is the responsibility of others, unless otherwise noted. If excessive underground obstructions such as rock, coral, asphalt, concrete, pipes, drainage systems, root systems, water, or any other unknown obstructions are discovered, charges will be added to the original proposal.

Playground Loose-Fill Surfacing. The CPSC Public Playground Safety Handbook states "Never use less than 9 inches of loose-fill material. Shallower depths are too easily displaced and compacted." and "CPSC staff strongly recommends against installing playgrounds over hard surfaces, such as asphalt, concrete, or hard packed earth, unless the installation adds the following layers of protection. Immediately over the hard surface there should be a 3 - 6 inch base layer of loose-fill (e.g., gravel for drainage). The next layer should be a Geotextile cloth. On top of that should be a loose-fill layer ... Embedded in the loose-fill layer should be impact attenuating mats under high traffic areas, such as under swings, at slide exits, and other places where displacement is likely. ... Older playgrounds that still exist on hard surfacing should be modified to provide appropriate surfacing." Playmore strongly recommends that these guidelines be followed. If the customer contracts for something contrary to the guidelines, they are accepting all responsibility for any liability and future litigation that may arise.

Acceptance Signature _____ Date _____ P.O. # _____



April 15, 2009

SUBJECT: BID # SC-0511-06 - PRICE AGREEMENT CONTRACT FOR PARK & PLAYGROUND EQUIPMENT – 90-DAYS EXTENSION REQUEST

Dear Vendor:

The above bid is due to expire on May 31, 2009. The City of Jacksonville is in the process of requesting an extension of 90-days to allow adequate time to process and award a new bid.

The City of Jacksonville would like to offer your company the opportunity to extend your award through August 31, 2009, with the understanding that no terms of the contract will change, including the submitted discount percentage quoted originally.


If your company agrees to the 90-days extension, please sign below and return this letter to the attention of Jerrie Gunder, Contract Administration Coordinator by fax (904) 255-8929 or email GUNDER@coj.net, no later than April 24, 2009.

Please do not hesitate to contact me at (904) 255-8994, if you have any questions or need additional information regarding this request.

The undersigned authorized representative of the company agrees to the 90-days extension of Bid #SC-0511-06 - Price Agreement Contract for Park and Playground Equipment:

COMPANY NAME: PLAYMORE WEST, INC.

ADDRESS: 10271 DEER RUN FARMS RD., SUITE 1
FT. MYERS, FL 33966

SIGNATURE: 

G:\Admin\Finance\Contracts FY 07-08\Letters for Awards\Extension\Park & Playground Extension Vendor Request - 4-13-09.doc

FILED
APR 17 2009

DEPARTMENT OF PROCUREMENT



NOTIFICATION OF AWARD AND RELATED ACTIONS

DATE: 6/17/2008

ADDRESS: Playmore Recreational Products and Services
10271 Deer Run Farms Road
Fort Myers, FL 33912

Attn: Luke Russell

BID# SC-0511-06

TITLE: PRICE AGREEMENT CONTRACT FOR PARK AND PLAYGROUND EQUIPMENT

Ladies/Gentlemen:

- You are a successful bidder on the above referenced bid. Bid is accepted subject to the terms, conditions and stipulations in our specifications.
- Performance Bond in the amount of \$ _____ (as required in the original bid package) must be returned within 10 days from receipt of this notification. (Please include bid number on performance bond remittance)

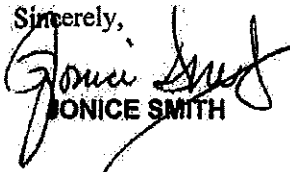
**CONTRACT DOCUMENTS OR PURCHASE ORDER TO FOLLOW.
THIS IS NOT AN ORDER.**

Awarded as follows:

Second and Final Renewal Option. Period of Service June 1, 2008 thru May 31, 2009.

- You are not a successful bidder. Bids are available for inspection in the Department of Procurement.
- Bid security is herewith returned; Check # _____ Amount _____

Sincerely,


JONICE SMITH

St. James City Hall, 117 West Duval Street, Suite 335
Jacksonville, Florida 32202
Phone: (904)630-1184 Fax: (904)630-2151

SUBJECT: PRICE AGREEMENT CONTRACT FOR PARK AND PLAYGROUND EQUIPMENT

BID# SC-0511-06

OPEN DATE: 4/26/2006

GENERAL GOVERNMENT AWARDS COMMITTEE

KIND AND BASIS OF CONTRACT:

SUPPLY CONTRACT - EFFECTIVE JUNE 1, 2006 THROUGH MAY 31, 2007 WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS

AGENCY: RECREATION

BASIS OF AWARD: MULTIPLE AWARD TO ALL QUALIFIED BIDDERS

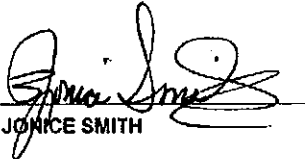
NUMBER OF BIDS INVITED 35 NUMBER RECEIVED 35 OTHER 0

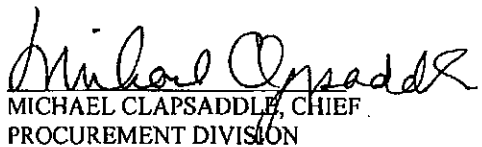
SUMMARY OF BIDS AND RECOMMENDED ACTIONS:

RECOMMEND APPROVAL OF AWARD TO UTILIZE THE SECOND AND FINAL RENEWAL OPTION FROM JUNE 1, 2008 THROUGH MAY 31, 2009 TO ORIGINAL VENDORS LISTED ON TAB SHEET; BP INTERNATIONAL INC. AND PLAYMAKER SERVICES, LLC (DID NOT RESPOND TO RENEWAL REQUESTS).

ESTIMATED EXPENDITURE FOR THE RNEWAL PERIOD IS \$1,500,000.00. TOTAL ESTIMATED EXPENDITURE NOT TO EXCEED \$4,500,000.00.

ATTACHMENTS: RECOMMENDATION MEMO
VENDOR RENEWAL LETTERS
PREVIOUS AWARDS
TABSHEET

BUYER: 
JONICE SMITH


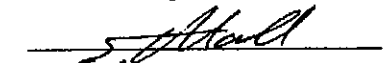

RESPECTFULLY SUBMITTED: 
MICHAEL CLAPSADDLE, CHIEF
PROCUREMENT DIVISION

CONCURRENCE BY: KELLEY BOREE, DIRECTOR, RECREATION AND COMMUNITY SERVICES DEPT

(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)

ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING 3 MEMBERS DISAPPROVING _____ DATE: 05/29/08

OTHER: _____

ACTION OF AWARDING AUTHORITY

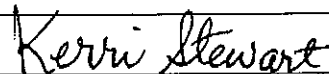
DATE: 5/30/08

APPROVED X

DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION



Kerri Stewart
Deputy Chief Administrative Officer
For: Mayor John Peyton
Under Authority of: _____

Executive Order No. 07-12
FORM GB-108, Revised 12/2007

PRICE AGREEMENT CONTRACT FOR PARK AND PLAY EQUIPMENT
 CONTRACT NO. SC-0511-06
 EFFECTIVE 6/1/06 FOR ONE YEAR, WITH TWO RENEWAL OPTION YEARS

Playmore Recreational Products and Services
 10271 Deer Run Farms Road, Suite 1
 Fort Myers, FL 33912
 239-791-2400
info@playmoreonline.com
 Luke Russell

Manufacturer	Discount Allowed from MSRP	Installation: Fixed % of Cost After Discount
Playworld	5%	32%
PlayDesigns	5%	32%
Climbing Boulders	5%	27%
Woodward	5%	27%
LifeTrail	5%	27%
Apollo Sunguard	5%	quoted
Fairweather	5%	50%
SofSurfaces	5%	quoted
SportsPlay	5%	50%
Zeager	5%	quoted
Irvine	5%	quoted
Webcoat	5%	50%
Sun Ports	2%	quoted
Enwood	10%	quoted
Americana	5%	quoted
Child Safe	5%	included
Child Forms	5%	32%
Kay Park	5%	50%
Groundscape	5%	quoted

Failure of an awarded bidder to adhere to completion dates defined in its Request for Quotation may result in no further awards being made to such bidder under this Price Agreement Contract.

CORRECTIONS MADE BY BIDDER:

Bidders are cautioned not to obliterate, erase, or strike over any printed material as set forth in this bid invitation. In quoting prices, whether unit prices or total price, wherever bidders have made an error, or has corrected it, any and all such corrections should be initialed by the person signing the bid cover sheet. Failure to comply with this provision may result in rejection of bid.

GENERAL CONDITIONS:

Signature on bid form verifies that the bidder is acquainted with the general conditions contained herein and will comply with all specifications, terms and conditions contained in this bid invitation.

INSURANCE, WORKER'S COMPENSATION:

The contractor shall take out and maintain during the life of this agreement, worker's compensation insurance for all of his employees connected with the work of this project and, in case any work is sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance for all of the latter's employees unless such employees are covered by the protection afforded by the contractor. Such insurance shall comply fully with the Florida worker's compensation law. In case any class of employees engaged in hazardous work under this contract at the site of the project is not protected under the workmen's compensation statute, the contractor shall provide, and cause each sub-contractor to provide, adequate insurance, satisfactory to the purchaser, for the protection of his employees not otherwise protected. The awarded vendor must submit a copy of an insurance certificate naming the City as additional insured no later than ten (10) days after the award has been made.

 **COOPERATIVE PURCHASES:**

This is a cooperative purchase contract. State law allows any government agency and any accredited school in the state to buy off this contract without going to bid, as long as it does not conflict with any of their local regulations.

TAB 5

RESOLUTION 09-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DECLARING CERTAIN PROPERTY TO BE SURPLUS IN ACCORDANCE WITH TOWN ORDINANCE 06-22; PROVIDING FOR THE REVISION OF THE TOWN INVENTORY; DIRECTING THE TOWN MANAGER TO DISPOSE OF SURPLUS PROPERTY IN ACCORDANCE WITH TOWN ADMINISTRATIVE PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) owns certain property as described in Exhibit “A” attached hereto, and

WHEREAS, the property has become obsolete over time and have been replaced, and

WHEREAS, the Town Staff has recommended that the property be deemed surplus items; and

WHEREAS, in accordance with Town Ordinance 06-22, the Town Council declares the property as described in Exhibit “A” to be surplus property and directs the Town Manager to dispose of the surplus property in accordance with Town administrative procedures; and

WHEREAS, the Town Council further directs the Town Finance Director to delete this surplus property from the inventory of the Town once disposed of by the Town Manager; 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. **Declaration of Surplus.** The Town Council of the Town of Cutler Bay hereby declares the items described in Exhibit “A” attached hereto, with a total value of less than \$1000, to be surplus property to be disposed of in accordance with Town Ordinance 06-22.

Section 3. **Direction to Town Manager.** The Town Council of the Town of Cutler Bay, in accordance with Town Ordinance 06-22, directs the Town Manager to dispose of the surplus property as described in Exhibit “A” in a manner consistent with Town administrative procedures.

Section 4. Town Inventory Amended. The Town Council of the Town of Cutler Bay authorizes and directs the Town Manager to amend the Town's inventory by showing the deletion of the items as described by Exhibit "A" disposed hereunder once the surplus property has been disposed of, noting this Resolution as the authority for aforementioned deletion.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this ____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.A.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin

—

Exhibit A

YEAR	MAKE	MODEL	VIN #
2000	FORD	CROWN VICTORIA	2FAFP71W8YX102635
2000	FORD	CROWN VICTORIA	2FAFP71W1YX190329
2000	FORD	CROWN VICTORIA	2FAFP71WXYX102569

TAB 6



MEMORANDUM

To: Honorable Mayor & Town Council

From: Steven J. Alexander, Town Manager

Date: July 9, 2009

Re: Participation in the Energy Economic Zone Pilot Program

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE TOWN'S PARTICIPATION IN THE STATE OF FLORIDA'S ENERGY ECONOMIC ZONE PILOT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

Town staff is proactively seeking opportunities to lead the way in the current environmental stewardship movement, and as such, has identified a pilot program that is being offered by the Office of Tourism, Trade and Economic Development, through the Department of Community Affairs. The Energy Economic Zone Pilot Program is designed to develop a model to help communities encourage and attain renewable electric energy generation, the manufacture of products that contribute to energy conservation, green jobs and energy-efficient land design. Participating in the Energy Economic Zone Pilot Program will put Cutler Bay in the forefront of State's efforts in creating green sustainable communities.

One of the requirements of the Energy Economic Zone Pilot Program application is approval of a resolution demonstrating organizational and financial support for participation in the program.

RECOMMENDATION

I recommend approval of this proposed resolution.

RESOLUTION NO. 09-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE TOWN'S PARTICIPATION IN THE STATE OF FLORIDA'S ENERGY ECONOMIC ZONE PILOT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the "Town") has repeatedly demonstrated its commitment to a variety of sustainable initiatives since its inception, including energy conservation, carbon reduction, green building and economic development; and

WHEREAS, the Town Council has instituted a moratorium on the construction of non-Green Buildings – the first of its kind in the state; and

WHEREAS, through the use of a planning charette and the subsequent adoption of the Town's urban center regulations, the Town has also moved to increase density in the town's commercial district, enthusiastically embracing smart growth concepts, while at the same time seeking to facilitate the redevelopment of that area; and

WHEREAS, the Town Council also allocated in the last fiscal year \$200,000, a significant monetary commitment, towards the adoption of a Green Plan; and

WHEREAS, the Town has also hired a consultant in order to assist the Town with the attainment of certification as a Green certified local government; and

WHEREAS, the Town is also exploring ways of increasing alternative energy usage by creating new financing options for home and business owners interested in installing solar panels; and

WHEREAS, the Town Council has also undertaken a number of other Green or sustainable initiatives, including a resolution seeking to ban plastic grocery bags and an ordinance allowing residents to opt-out of the delivery of unwanted telephone books, amongst others; and

WHEREAS, the Town desires to participate in the state of Florida's Energy Economic Zone Pilot Program (the "Pilot Program") in order to receive assistance from the State of Florida in the cultivation of green economic development, encouraging renewable electric energy generation, manufacturing products that contribute to energy conservation and green jobs, and discouraging sprawl and assisting in developing energy-efficient land use patterns and greenhouse gas reduction strategies; and

WHEREAS, the Town Council is committed to ensuring that both a sufficient number of staff members and an appropriate fiscal appropriation are made to ensure the success of the Pilot Program should it be awarded to the Town; 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. Support of Energy Economic Zone Pilot Program. The Town Council of the Town of Cutler Bay hereby supports participating in the Energy Economic Zone Pilot Program (the “Pilot Program”) in conjunction with the Florida Department of Community Affairs, the Florida Department of Transportation, and the Governor’s Office of Tourism, Trade and Economic Development, and further commits to supplying adequate financial and personnel resources to support the Pilot Program.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

TAB 7

RESOLUTION NO. 09-____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND MIAMI-DADE COUNTY FOR THE ENFORCEMENT OF COMMERCIAL AND MULTI-FAMILY RECYCLING PROGRAMS IN THE TOWN OF CUTLER BAY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Sections 15-2.2 to Section 15-2.5 of the Miami Dade County Code of Ordinances, the sections of the Miami-Dade County Code of Ordinances as they relate to multi-family and commercial recycling, commercial and multi-family recycling requirements in both the incorporated and unincorporated areas shall either be enforced by Miami-Dade County (the “County”) or the municipality with the County’s concurrence, or in alternative the municipality may adopt its own ordinance and enforce that ordinance themselves with the County’s approval; and

WHEREAS, the Town of Cutler Bay, Florida (the “Town”) staff has analyzed this issue and concluded that the Town would be best served in terms of enforcing this section of the County Code by allowing the County to enforce it themselves; and

WHEREAS, allowing the County to enforce this section of the County Code would not only assist the Town in conserving its financial resources but also ensure that the entities governed by the recycling policies are strictly adhering to the requirements; and

WHEREAS, the Town Council has repeatedly expressed its interest in creating and maintaining a more sustainable community and ensuring the strictest possible enforcement of recycling requirements is consistent with those goals; 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. Approval of Agreement and Authorization. The Multi-Family and Commercial Recycling Memorandum of Understanding between the Town of Cutler Bay and Miami-Dade County, in substantially the form attached hereto as Exhibit “A”, is hereby approved by the Town Council, and the Town Manager is authorized to negotiate and execute the same on behalf of the Town.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest S. Sochin _____

Miami-Dade County

Multi-Family and Commercial Recycling Memorandum Of Understanding

I. PREAMBLE

This Memorandum of Understanding (MOU) memorializes an agreement reached between Miami-Dade County Department of Solid Waste Management, and the municipality of _____, hereafter referred to collectively as "the parties". The operational commitments delineated in this MOU become effective _____.

II. DEFINITIONS

Commercial establishment: Any structure used or constructed for use for business operations. For purposes of this MOU, hotels and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multi-family residential establishment.

Department: The Miami-Dade County Department of Solid Waste Management.

Modified recycling program: An operation, approved by the Department, which provides for the recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3 of the Miami-Dade County Code (Code) as provided in section 15-2.4 of the Code. (All attached as Exhibit "A").

Multi-family residential establishment: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

* A property of 4-units or more in the unincorporated area of Miami-Dade County is considered to be a multi-family residential establishment.

Recyclable material: Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include green glass, brown glass and clear glass; aluminum and steel cans and scrap metal; plastic containers, mixed paper, newspaper, corrugated cardboard, office paper, and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.

Recycling container: Receptacle used for recyclable material.

Recycling program: An operation which provides for the separate gathering, storage, collection and marketing of recyclable material.

Recycling services: Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.

III. BACKGROUND AND SCOPE

Sec. 15-2.5. of the Code states that the provisions of Sections 15-2.2, 15-2.3 and 15-2.4, designated on the attachment (Exhibit "A"), shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

This MOU provides several purposes, first, it fulfills the requirement of Section 15-2.5 of the Code, secondly, it improves communication between the parties, and thirdly, it establishes jurisdictional responsibility that will improve utilization of enforcement resources.

IV. TERM

This MOU is valid for an indefinite period of time between the parties. Any changes to the term of this agreement must be done with the mutual consent of the parties.

V. AMENDMENTS TO THE CODE

This MOU is based on the current Code of Miami-Dade County. Any future alteration, modification, or amendments to the Code shall be communicated in writing. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

**VII. ENFORCEMENT AGREEMENT AND EXECUTION OF MOU
(Select one of the following options.)**

- a. The Municipality hereby agrees that the Department shall enforce the ordinance within its boundaries.

Municipality Designee (Initials):_____

Miami-Dade County Department of Solid Waste Management Designee (Initials):_____

- b. The Municipality shall enforce this ordinance within its boundaries.

Municipality Designee (Initials):_____

Miami-Dade County Department of Solid Waste Management Designee (Initials):_____

- c. The Municipality is operating a recycling program that meets the minimum standards.

Municipality Designee (Initials):_____

Miami-Dade County Department of Solid Waste Management Designee (Initials):_____

Wherefore the Parties have hereunto set their hands this _____day of _____, 20__

Municipality:_____

Print:_____ Designee

Signature:_____ Date:_____ Designee

Miami-Dade County Department of Solid Waste Management

Print:_____ Designee

Signature:_____ Date:_____ Designee

Miami-Dade County

Multi-Family and Commercial Recycling Memorandum Of
Understanding

EXHIBIT

A

Sec. 15-2.2. Recycling programs required for multi-family residential establishments.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE, NDPE-natural, HDPE colored)

(b) The failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

(Ord. No. 91-123, § 4, 10-15-91)

Sec. 15-2.3. Recycling programs required for commercial establishments; joint and several liability.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every commercial establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include a minimum of three (3) materials of its choice selected from the list provided in Section 15-2.3 below.

Recyclable Materials: Commercial Establishments

- (1) High grade office paper
- (2) Mixed paper
- (3) Corrugated cardboard
- (4) Glass (flint, emerald, amber)
- (5) Aluminum (cans, scrap)
- (6) Steel (cans, scrap)

Chapter 15 SOLID WASTE MANAGEMENT*

- (7) Other metals/scrap production materials
- (8) Plastics (PETE, HDPE-natural, HDPE-colored)
- (9) Textiles
- (10) Wood

(b) The failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

(Ord. No. 91-123, § 5, 10-15-91)

Sec. 15-2.4. Modified recycling programs allowed.

(a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 15-2.2 and 15-2.3 may be submitted to the Department for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Department. The Department shall consider the following factors in evaluating the proposed modified recycling program:

- (1) Whether the establishment operates a recycling program, and is self-hauling the materials to a recyclable material vendor.
- (2) Whether the establishment generates a lesser number of recyclable materials than the required minimum.
- (3) Whether the establishment generates and recycles materials not listed in Section 15-2.2 or Section 15-2.3 hereof, as applicable.
- (4) Whether the establishment is contracting with a permitted private hauler for collection services, which services provide for a post-collection separation of recyclable material, and which:
 - (i) Generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 15-2.2 or Section 15-2.3 hereof, as applicable; and
 - (ii) Utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.

(b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the Department. All modified recycling programs shall be reviewed on a semiannual basis and applicants shall be required to confirm or revise the information contained in their applications at that time.

An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:

- (1) Supporting documentation to evidence self-haul activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.
- (2) A waste composition study of the waste generated by the applicant, which shall cover a representative time period of no shorter than one (1) week.
- (3) A copy of the applicable contract with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

(Ord. No. 91-123, § 6, 10-15-91)

Sec. 15-2.5. Applicability.

The provisions of Sections 15-2.2, 15-2.3 and 15-2.4 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 91-123, § 7, 10-15-91)

TAB 8



Steven J. Alexander
Town Manager

MEMORANDUM

To: Honorable Mayor, Vice Mayor and Town Council

From: Steven J. Alexander, Town Manager

Date: July 15, 2008

Re: EXECUTION OF AGREEMENT FOR ENGINEERING AND SURVEYING SERVICES ASSOCIATED WITH THE SW 208th STREET ROADWAY MODIFICATIONS AND IMPROVEMENTS PROJECT

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES AGREEMENT, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO MARLIN ENGINEERING, INC. FOR ENGINEERING AND SURVEYING SERVICES FOR STREET IMPROVEMENTS ON SW 208th STREET BETWEEN 87th AVE TO OLD CUTLER ROAD; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

During the early days of the Town's incorporation, Town staff was contacted by the Cantamar Homeowner's Association ("Association") regarding the existing roadway conditions along SW 208th Street (between SW 87th Ave and Old Cutler Road). The Association was concerned with the amount of speeding, lack of a center median, and need for traffic calming devices. The Town's initial response was that the roadways are not currently owned by the Town and the process for the transfer of the roadways was moving forward.

On February 20, 2008, the Town executed the Roadway Transfer Agreement with Miami-Dade County's Public Works Department. The Agreement transferred the ownership of SW 208th Street corridor in question and Town staff proceeded to study the corridor. The following is a timeline of events which have taken place, since the Town received ownership of the roadway:

- On April 2008 Marlin Engineering was given Notice to Proceed to commence the roadway analysis for the roadway modifications for SW 208th Street. The preliminary analysis consisted of developing different alternatives in order to achieve the following goals:
 - Incorporate bicycle paths between SW 87th Avenue and Old Cutler Road.
 - Eliminate the existing at-grade median Two Way Left Turn Lane, and provide a median landscape.
 - Reduce the number of lanes from five (5) lanes to four or other variant.
 - By implementing all those features, Traffic Calming could be achieved.
- May 29, 2008 the Preliminary concept was submitted to Town of Cutler Bay for review. This proposal included the landscaped median in lieu of the at-grade median, a bike path on the north side, and four (4) 10-ft lanes.
- The Town provided comments and design changes were implemented by early July and August

- September 3rd, 2008 a workshop and presentation was provided to Cantamar HOA with the proposed improvements. Resulting from that meeting the following modifications were implemented:
 - The typical section was reduced from four (4) lanes to two lanes
 - Bike lanes were on both directions were implemented
 - Parking (parallel Parking) was accommodated where it was feasible.
- Marlin Engineering visited the Miami-Dade County Public Works Traffic Division to present the modifications as well as with Miami-Dade County Public Works – Highway Division.
- A traffic analysis was conducted to satisfy the requirements of Miami-Dade County Public works Traffic Division and a report will be delivery on November 20, 2008 for approval
- March 17, 2009 the Miami-Dade Public Works Department – Highway Division approved the concept on the basis that all roads have been turned over to the Town.
- Upon approval of the Traffic Report. The second phase of the project will begin with the preparation of design documents for the construction of the project. Anticipated approval of the Traffic Report is December 2008.
- A second Cantamar HOA meeting was held in March 25, 2009, where the revised concept was presented and accepted by the Cantamar HOA.

RECOMMENDATION

We recommend that the attached resolution be adopted, authorizing the Town Manager to issue a Purchase Order to Marlin Engineering Inc. for engineering design and surveying services for SW 208th Street roadway modifications and improvements.

RESOLUTION NO. 09-___

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER AMENDING THE AGREEMENT WITH MARLIN ENGINEERING, INC. TTO PROVIDE ENGINEERING AND SURVEYING SERVICES FOR STREET IMPROVEMENTS ON SW 208th STREET BETWEEN SW 87th AVENUE TO OLD CUTLER ROAD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 14, 2007 the Town of Cutler Bay (the “Town”) adopted Resolution No. 07-52 approving the execution of non-exclusive professional services agreements (the “Agreement”) to allow firms to provide various engineering and architectural services for the Town; and

WHEREAS, Marlin Engineering, Inc. is one of the firms that was selected to perform professional services pursuant to its Agreement approved under Resolution No. 07-52, and

WHEREAS, the Town seeks to improve the existing roadway conditions along SW 208th Street between SW 87th Avenue and Old Cutler Road; and

WHEREAS, the scope of work will include the engineering and surveying services associated with converting the existing four lane roadway of SW 208th Street to a two-lane divided roadway with a landscaped center median and provide a bicycle land connection of the bike path from SW 87th Avenue; and

WHEREAS, in accordance with the terms of the Agreement and the provisions set forth in Resolution 07-52, the Public Works Department solicited a proposal from Marlin Engineering, Inc. to provide engineering and surveying services associated with improving the existing roadway conditions along SW 208th Street between SW 87th Avenue and Old Cutler Road; and

WHEREAS, Town staff has conducted preliminary negotiations with Marlin Engineering, Inc. and estimated the cost to the Town to be approximately \$74,829.00 for engineering and surveying services; and

WHEREAS, the Town desires to issue a purchase order (attached as Exhibit “A”) amending the Agreement with Marlin Engineering, Inc. to provide engineering and surveying services associated with improving the existing roadway conditions along SW 208th Street between SW 87th Avenue and Old Cutler Road; 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. 07-52, which approved the execution of non-exclusive professional services agreements (the “Agreement”) to allow firms to provide various engineering and architectural services for the Town, the Town Manager is authorized, on behalf of the Town, to negotiate and execute with Marlin Engineering, Inc. a purchase order in the amount of \$74,829.00 amending the Agreement to provide to provide engineering and surveying services associated with improving the existing roadway conditions along SW 208th Street between SW 87th Avenue and Old Cutler Road, in substantially the form attached hereto as Exhibit “A”.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:

Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____



July 7, 2009

Rafael G. Casals
Public Works Director
Town of Cutler Bay
10720 Caribbean Boulevard
Suite 105
Cutler Bay, FL 33189

Re: **Proposal for Professional Engineering Services for
SW 208 Street Improvements from SW 87th Avenue to Old Cutler Rd.
and the Conversion of Existing Two Way Left Turn Lanes (TWLTL) into Raised Landscaped
Medians with Bicycle Lanes.
Project No.: RFQ# 2007-02
Task Work Order No. 01 (MEI 2008001.01)**

Dear Mr. Casals:

We are pleased to provide this proposal to provide professional engineering services for the subject project as requested by the Town. Enclosed are the Scope of Services and Fee Estimate for Marlin Engineering, Inc. for the design of the improvements described below.

Below is an outline of scope, contract duration, subconsultants, and total fee proposal for this contract.

1. PURPOSE

Marlin Engineering Inc. will provide Design Services for the SW 208 Street roadway improvements from SW 87th Avenue to Old Cutler Road. The improvements will be to provide a bicycle lane from SW 87 Avenue to the existing Bike Path along Old Cutler Road, by converting the existing Two Way Left Turn Lanes (TWLTL) into a raised landscaped median. The project is located in the Town of Cutler Bay Miami-Dade County, Florida and the scope of services is as outlined below.

2. SCOPE OF SERVICES

- Perform the design and contract plans preparation for the roadway improvements outlined earlier including but not limited to:
 1. Roadway Design Analysis to accommodate the bicycle lane and the removal of the Two Way Left Turn Lane
 2. Typical Section Package for new section
 3. Pavement Design Package for the Milling and Resurfacing the pavement
 4. Signing and Pavement Markings
 5. Topographic Survey
 6. Public Information Workshops
 7. Bid Document Development
- Design of a landscaped system. Planting material type to be determined by Rosenberg Gardner Landscape Architects (optional Services)

Transportation Planning • Traffic Engineering • Project Development • Highway Design
Municipal • Aviation • Transit • Construction Management • Bridge Inspection • Surveying

2191 NW 97 Avenue Miami, Florida 33172-2313 Tel. (305) 477-7575 Fax (305) 477-7590

www.marlinengineering.com

3. CONTRACT DURATION

The anticipated contract duration for these services and the basis for the attached fee estimate is 12 months.

4. FEE PROPOSAL


The total fee for the post design services is a Lump Sum not to exceed the amount of SEVENTY FOUR THOUSAND EIGHT HUNDRED TWENTY NINE dollars, \$74,829.00. This fee will be invoiced on a monthly basis. Additional services not included in the aforementioned scope of services and/or work beyond the CONTRACT DURATION for required post design will require a separate Proposal. Below please find a breakdown of the major design cost items:

• Roadway Design & Plans Production	\$54,829.00
• Surveying Services	\$20,000.00
• Landscape Plans	(Optional Services)
TOTAL	\$74,829.00

If you have any questions, please call me at (305) 477-7575.

Sincerely,

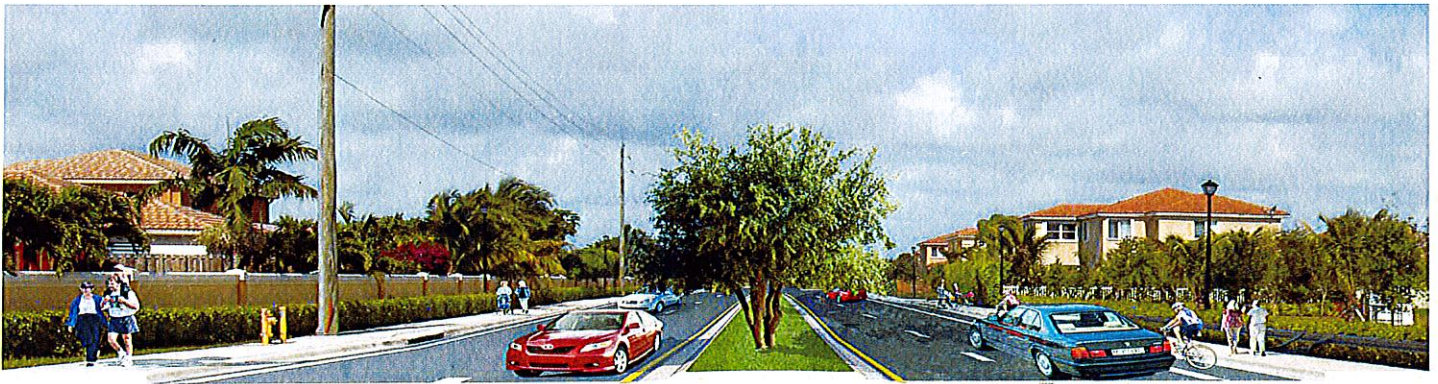
Marlin Engineering, Inc.



Ramon Soria, P.E.
President



*SW 208th. Street From SW 92nd Avenue to SW 87th Avenue
Before*



*SW 208th. Street From SW 92nd Avenue to SW 87th Avenue
After*

Four Lane Typical Section w/ Bike Lanes

TAB 9



Community Development Department

David Hennis, AICP
Community Development Director

MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David G. Hennis, Community Development Director

Date: July 1, 2009

Re: Green Land Development Regulations

The attached Green Land Development Regulations establish a program and procedure addressing sustainable and ecologically friendly design limitations to minimize the negative environmental impacts of development.

The overall goal of the regulations is to provide leadership to both the public and private sectors in the area of green building practices to create a more sustainable and environmentally-conscious community. The regulations were crafted to address the requirements expressed within the green development moratoriums enacted in 2008.

The regulations include mandatory requirements for the following green development initiatives within LEED and FGBC program parameters.

- Parking for alternatively-fueled vehicles
- Creating water-efficient Florida Friendly landscapes
- Utilizing recycling and environmentally sound solid waste practices
- Public buildings be constructed to meet LEED standards
- Bicycle parking and storage for all development
- Use of low emitting materials
- Lighting standards to limit glare and night sky illumination
- Heat island reduction strategies
- Density and height incentives for projects receiving LEED or alternate certification

Recommendation

Adopt the Ordinance establishing a program and process for protecting, conserving, and enhancing the Town's resources and establishing community development standards for sustainable living practices.

ORDINANCE NO. 09- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING GREEN LAND DEVELOPMENT REGULATIONS WITHIN THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) recently adopted its first Growth Management Plan, which provides the blueprint for long term growth within the Town; and

WHEREAS, the Town has engaged highly qualified planning consultants to draft the necessary Land Development Regulations to implement the Growth Management Plan in order to provide for efficient and well conceived growth; and

WHEREAS, the Town recognizes the importance of becoming a sustainable community and environmental stewardship in a variety of media, which include, but are not limited to, water, energy, air, and waste; and

WHEREAS, the Town finds that a policy of sustainability incorporates the fundamental philosophy that the needs of the present generation must not compromise the needs of future generations; and

WHEREAS, the Town wishes to become a leader in setting policies and practicing service delivery innovations that promote environmental sustainability; and

WHEREAS, the Town finds that green building practices applied to the design, construction, and maintenance of buildings would achieve the following goals: (1) Encourage resource conservation; (2) Reduce the waste generated by construction projects; (3) Reduce water consumption; (4) Increase energy efficiency; and (5) Promote the health and productivity of residents, workers, and visitors to the Town; and

WHEREAS, the Town finds that this Ordinance is consistent with the Growth Management Plan and will promote the health, safety and welfare of the residents of the Town.

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

Section 1. Findings. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Adoption of Green Land Development Regulations. The Town Council of the Town of Cutler Bay hereby creates the “Town of Cutler Bay Green Building Program” as follows¹:

A. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning.

Certification means the final designation awarded by a third party certifying agency such as the USGBC or FGBC evidencing compliance with the certification requirements under the applicable program.

Cut-Off type lighting fixture means a luminaire that allows a minimum amount of light directed at a horizontal plane (ninety (90) degrees). Light above the horizontal plane is limited to less than 2.5% of the total lamp lumens.

Construction and demotion debris or *C&D* means used or commonly discarded materials removed from premises of a project during construction, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, remodeling, repair, deconstruction, or demolition operations on any pavement, house, residential building, non-residential building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavement, house, residential building, non-residential building, and other structures.

Director means the director of the Town’s Community Development Department

FGBC means the Florida Green Building Coalition, Inc. a Florida 501(c)(3) not-for-profit corporation whose mission is to establish and maintain a Florida system of statewide green building standards and third party certification programs with environmental and economic benefits.

Florida Friendly Landscaping means guiding principles of the Florida Yard and Neighborhood programs which principles include locating the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests, responsibly recycle, reduce storm water runoff, and protect the waterfront.

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

Florida Yard And Neighborhoods is a University of Florida Extension Service program that encourages homeowners and professionals to create and maintain Florida friendly landscapes that protect the natural environment for future generations.

Full cut-off fixture means a luminaire, as installed, that is designed or shielded in such a manner that no light is present at or above a horizontal plane.

Fully shielded means a light fixture constructed in such a manner that all light emitted by the fixture, whether directly from the lamp or a defusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed. Fixture shall be mounted such that no light is emitted above the horizontal plane.

Glare means a light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

Green building is a structure that is designed, built, renovated, operated and reused in an ecological and resource-efficient manner.

Green Globes[®] means the most recent version of the Green Globes[®] Rating System which includes Green Globes for New Construction and Green Globes for Continual Improvements of Existing Buildings.

LEED[®] means the most recent version of the Leadership in Energy and Environmental Design[®] Rating System which is a third party certification system designed for rating various building types as developed by the U.S. Green Building Council.

Light Pollution means any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction to the eye, or any man-made light that diminishes the ability to view the night sky.

Light Trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen means a unit of luminous flux; used to measure the amount of light emitted by lamps.

Major renovation/remodel is any design and construction project that alters the structure or other site improvements of an existing building where the cost of construction is equal to or exceeds 50% of the building's replacement cost.

Nadir. The direction pointing vertically down from the lowest light emitting part of the luminaire.

Program means the Town of Cutler Bay Green Building Incentive Program.

Solar Reflective Index (SRI) means a measure of a material's ability to reject solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100.

Uplighting means fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

USGBC means the U.S. Green Building Council.

Volatile Organic Compounds (VOCs) mean carbon compounds that participate in atmosphere photochemical reactions (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonates, and ammonium carbonate). The compounds vaporize at normal room temperatures.

B. Intent and Purpose.

To establish goals, programs and procedures which reduce the use of natural resources, create a healthier and more sustainable living environment; minimizes the negative environmental impacts of development; reduces green house gas emissions; promotes economic and environmental health through sustainable and environmental friendly design parameters; provides leadership to both the private and public sectors in the area of green building practices; and to minimize the negative environmental impacts of development in the Town.

The goals of the Town of Cutler Bay Green Building Program are:

1. Promote a sustainable future that meets today's needs of a stable diverse and equitable economy without compromising the ability of future generations to meet their needs by:
 - a. Protecting the quality of the air water land and other natural Resources
 - b. Conserving native vegetation fish wildlife habitat and other ecosystems
 - c. Minimizing human impacts on local and worldwide ecosystems; and
 - d. Reducing green house gas emissions;
2. Become a leader in setting policies and practicing service delivery innovations that promote environmental sustainability;
3. Create a sustainable municipality by delivering renewable energy and energy efficiency projects, alternatively-fueled vehicles, developing green buildings and water-efficient landscapes, resource education, and utilizing recycling and environmentally sound solid waste practices; and
4. Establish a green building program to:
 - a. Improve the economic and environmental health of the jurisdiction through measurable objectives

- b. Commit the jurisdiction to achieve green designations
- c. Provide incentives for voluntary compliance and
- d. Provide green building educational opportunities for the community.

C. Green Building Standards

To assist in implementation of sustainable building practices and strategies that reduce green house gas emissions, a more efficient use of materials and a reduction in noxious chemicals, the following green building initiatives are required.

1. Public Facilities. Public facilities shall be constructed to meet the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the Florida Department of Management Services.
2. Bicycle Parking/Storage. Non-residential development shall provide a minimum of 6 secure bicycle parking/storage spaces for each 50,000 SF of floor area or part thereof. Townhouse and Multi-family development shall provide secure bicycle parking/storage spaces for 20% of the residential units. The location of the space shall be indicated on the site plan and located in a prominent location near the main entrance of the building or development.
3. Exchange of Off-Street Parking for Bicycle Parking. Non-residential and multi-family development may reduce the amount of required parking in exchange for additional bicycle parking/storage on a 1 parking space to 6 bicycle parking/storage space ratio. No more than 5% of required parking shall be eligible for exchange. The bicycle parking/storage shall be in addition to required bicycle parking/storage space.
4. Showers Facilities. Non-residential development shall provide one accessible and private indoor shower facility for each building, greater than 10,000 SF in area, to accommodate employees traveling on bicycles.
5. Storage and Collection of Recyclables. Every building shall dedicate an accessible area, serving the entire building, for the collection and storage of non-hazardous recycling materials; including paper, corrugated cardboard, glass, plastics and metals. Such areas shall be a minimum of 100 SF for structures less than 15,000 SF in area; a minimum of 200 SF for structures larger than 15,000 SF in area. Such areas shall be excluded from floor area ratio calculation.
6. Low-Emission and Fuel-Efficient Vehicle Parking. Non-residential and/or Multi-family development requiring 20 or more parking spaces shall provide an area for parking low-emission and fuel-efficient vehicles, equal to 5% of the off-street parking required for the site. Such parking spaces shall be clearly marked and reserved for such vehicles.
7. Low Emitting Materials. Non-residential and/or Multi-family development shall incorporate low emitting materials and substances containing minimal or no levels of volatile organic compounds [low-VOC or no-VOC] for paints, coatings, adhesives, sealants, composite wood, and agri-fiber products. Alternate products and technologies shall be permitted upon written approval of the Director.

8. Exterior Lighting Standards / Light Pollution Reduction. Exterior lighting intensities shall be controlled to assure that excessive light spillage and glare are not directed onto adjacent properties or streets and all direct illumination is kept within property boundaries. Exterior lighting shall be controlled to not adversely affect adjacent properties, neighboring areas, and motorists.
- (a) Fixtures. Exterior lighting shall be architecturally integrated with the character of the building. Full cut-off type lighting fixtures shall be used to illuminate all site areas, including pedestrian, parking, and circulation.
 - (b) Type and Shielding Standards. Exterior lighting shall be fully-shielded to prevent glare. Any bright light shining onto adjacent property or streets which results in nuisance glare or disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane beyond the levels noted above shall be considered non-compliant. The shield or hood must mask the direct horizontal surface of the light source. The light must be aimed to insure the illumination is only pointing downward onto the ground surface, with no upward escaping light permitted to contribute to sky glow.
 - (c) Height. Exterior lighting not attached to structures shall be designed, located and mounted at heights no greater than 25 feet above grade and located at least 10 feet from property lines.
 - (d) Illumination Levels. Maximum illumination at the property line shall not exceed 0.3 foot candles and 0.01 foot candles 10 feet beyond the property line. The intensity of illumination for exterior lighting across the site shall not exceed 6 foot candles measured at grade. Fixtures shall be placed to provide uniform distribution of light and to avoid excessive glare. Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.
 - (e) Existing Fixtures. Existing fixtures may be adapted to comply with this Ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward toward the ground surface.
 - (f) Flood or Spot Lamps. Flood or spot lamps shall be aimed no higher than 45 degrees from nadir when the source is visible from any off-site residential property or public roadway. Depending upon the fixture selected, these flood or spot lamps shall be required to include a glare shield to prevent glare. Any lamp installed on a residential property must be fully shielded such that the lamp itself is not directly visible from any other residential property.
 - (g) Security Lighting. Exterior lighting for non-residential areas shall be reduced to a maximum of 1 foot candle from dusk until dawn. This level may be reduced to .5 foot candle on non-business days.
 - (h) Landscape and Accent Lighting. Uplighting may be utilized for landscape lighting so long as direct light emissions shall not be visible above the roofline or beyond the building edge. Accent lighting shall be directed downward onto the building or object and not toward the sky or onto adjacent properties.

- (i) Parking Lots, Pedestrian Areas, and Street Lights. Due to their high energy efficiency, long life and spectral characteristics, Pulse-Start Metal Halide or LED lamp sources shall be the illumination sources for outdoor lighting throughout the Town.
 - (j) Prohibitions. The use of laser source light or any similar high intensity light for point of sale or entertainment and the operation of searchlights for advertising purposes are prohibited.
 - (k) Exemptions. Outdoor lighting fixtures on, in or in connection with the following facilities and land use types are exempt from the standards of this section, but voluntary compliance with the intent and provisions is encouraged.
 - i. Land owned or operated by the government of the United States of America or the State of Florida.
 - ii. Lights used by police, firefighting, or medical personnel.
 - iii. Residential and commercial seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted from Thanksgiving thru January 15.
 - iv. Flag Poles.
 - v. Underwater lighting used for the illumination of swimming pools, fountains and other water features.
 - vi. Lighting of radio, communication and navigation towers; provided that the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Code.
 - vii. Sports field lighting.
9. Water Conservation. Residential and non-residential developments, as well as Major Renovations must meet the requirements of the Miami-Dade County Water-Use Efficiency Standards Manual, effective January 2009, as may be amended from time to time. The Town shall post a copy of the manual on the Town website and shall have a copy available in the Department.
10. Paving Materials. Non-residential, multi-family, and/or mixed-use development shall use paving materials for sidewalks, courtyards, and non-covered parking lots with a minimum Solar Reflective Index (SRI) of 29. As an alternate solution, open grid pervious pavement may be used if it is a minimum of 50% pervious and contains vegetation in the open cells.
11. Roof Finishes. Roof finishes for residential and non-residential developments shall have a minimum Solar Reflective Index (SRI) of 65 for slopes up to a 2:12 and 25 for slopes greater than 2:12. The minimum SRI shall apply to 75% of the roof surface.
12. Recycling and Diversion of Construction and Demolition Waste. 60% or more of waste tonnage from construction, demolition, and renovation projects shall be diverted from

disposal in landfills. Diversion may be accomplished using new construction methods that reduce the amount of waste generated; through on-site reuse of the waste; delivery of the waste from the site to an approved recycling facility; donation of the material to a non-profit organization in need of such materials; and all other methods as may be approved by the Director through acceptance of a Construction and Materials Management Plan (CDMMP).

- (a) CDMMP. A CDMMP shall be prepared and submitted to the Director indicating the method and process for complying with the 60% diversion standard along with information:
- i. Estimated volume or weight of project construction and debris materials to be generated by type.
 - ii. Estimated volume or weight of construction and debris materials feasible to divert; considering cost, energy consumption and delays; via reuse or recycling.
 - iii. The vendor and/or facility proposed to collect, divert, market, reuse and/or receive each material diverted.
 - iv. Estimated volume or weight of the residual materials to be landfilled.
 - v. Projects involving the removal of all or part of an existing structure shall indicate deconstruction methods; to the maximum extent feasible. Applicants will indicate the manner and method for making the materials generated available for salvage prior to being transported for disposal in a landfill or transformation facility. If deconstruction is not feasible, the applicant shall indicate the circumstances prohibiting such solution.
- (b) Compliance with the CDMMP. Prior to issuance of a Certificate of Occupancy, the applicant shall submit documentation indicating compliance with the diversion requirement thresholds specified in the CDMMP. The documentation shall include all of the following:
- i. Receipts and gate tickets from the vendor(s) or facility(s) that collected or received construction and demolition debris from the covered project showing the actual weight or volume of that material
 - ii. Any additional information the applicant believes is relevant in determining its efforts to comply with this article
 - iii. The Director shall review the information submitted and determine whether the applicant has complied with the requirements of this Ordinance for material diversion. If the Director determines that the documentation and certification provided by the applicant does not fully comply with the requirements of this article, the applicant will be found to be in violation and issued a citation equal to 3 times the diversion fee for the project.
 - iv. The Department may withhold issuance of the Certificate of Occupancy permit for any project until documentation has been received affirming compliance with this section.
 - v. Approval shall not be required where an emergency demolition is required to protect public health and safety.

- vi. The Department shall only approve the documentation if it indicates at least 60% of all construction and demolition debris generated by the project has been diverted pursuant to this chapter; or has received a modification by the Department.
 - (c) Weighing of Wastes. Applicants shall make reasonable efforts to ensure that all construction and demolition materials diverted, or delivered to disposal facilities for disposal, are measured and recorded using the most accurate method of measurement reasonably available. To the extent practical, all construction and demolition debris shall be weighed on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to size or other considerations, a volumetric measurement may be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the Town for this purpose. Documentation of the foregoing shall consist of photocopies of receipts, weight tickets, gate tickets, and other records from recycling facilities, deconstruction contractors, solid waste enterprises and disposal facilities.
 - (d) Modification of the Diversion Requirement. An applicant may apply for a modification from the 60% diversion requirement if unique site circumstances make it unfeasible to comply. The applicant shall indicate the circumstances that make it unfeasible along with an estimated feasible diversion rate and the rate for each material. The Director shall review the application and determine the maximum feasible diversion rate for each material based on site circumstances. This modified threshold rate will be used for comparison purposes in the issuance of a Certificate of Occupancy. If the Director determines that it is possible for the applicant to meet the 60% requirement, the Town shall so inform and provide the applicant with the rationale followed for such determination
 - (e) Approved Recycling Facility. Only recycling facilities that are in full compliance with all federal, state, and local permits shall be allowed as an approved recycling facility within a CDMMP.
 - (f) CDMMP Application Fee. Each CDMMP application shall be subject to the diversion fee as adopted by resolution of the Town Council.
13. Erosion Control Site Plan. For all new construction, prior to the issuance of a building permit, the owner shall submit a plan for erosion and sedimentation control to be implemented before the site is cleared or graded including areas where topsoil will be removed and contours of slopes will be cleared. The plan should also include location and type of erosion control measures, stormwater and sediment management systems, and a vegetative plan for temporary and permanent stabilization. The plan shall remain on-site for the duration of construction activity.

14. Additional Landscape Requirements. In addition to the requirements in the Town's landscape code, all developments for which a landscape plan is required shall comply with the Florida Friendly Landscaping guiding principles of the Florida Yard and Neighborhood programs. The applicant shall provide written evidence of compliance with each principle.

D. Green Building Incentive Program

Green Building Incentive Program/bonuses may be granted, after a public hearing, by the Town Council.

1. Incentive Program Procedures. As part of the site plan approval process the applicant shall do the following in order to be considered for the Green Building Incentive Program:
 - (a) The applicant must successfully register the project with the United States Green Building Council (USGBC) or the Florida Green Building Coalition and provide evidence of such registration.
 - (b) Applicant shall have a minimum of one (1) LEED accredited professional, or other similarly accredited professional, on the design team. Applicant shall provide a copy of the LEED accreditation certificate or similar certification and describe the role of the LEED accredited professional on the design team.
 - (c) The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System or FGBC Designation for the specific building type.
 - (d) Prior to award of incentives and/or bonuses, the applicant shall be required to attend a pre-application meeting with the Director for the purpose of a review of the proposed certification checklist and detail of proposed credits for certification. The checklist and certification details shall be confirmed through a development agreement or other agreement between the applicant and the Town that the minimum required by the program guidelines, policies and procedures will be incorporated into the development and maintained in perpetuity. The applicant will provide a performance bond in conformance with the requirements set forth herein.
2. Available Incentives. In furtherance of environmental stewardship and creating a sustainable urban community, green building incentives are established for projects seeking and obtaining third party green building certification.
 - (a) Increased Floor Area. Projects achieving a minimum LEED Silver or other equivalent third party certification, up to 10% increase in floor area; projects

achieving a minimum LEED Gold or other equivalent third party certification, up to 15% increase in floor area; projects achieving a minimum LEED Platinum or other equivalent third party certification, up to 20% increase in floor area. The bonus floor area shall not exceed the maximum floor area permitted by the underlying Growth Management Plan designation.

- (b) Increased Height. Additional “bonus” height up to the maximum permitted by the underlying Growth Management Plan designation may be permitted within the Mixed Use or Town Center Land Use Designations on the adopted Future Land Use Map.
- (c) Reduction in Parking. Reductions in parking of up to 10% may be allowed for projects achieving third party certification. In no instance shall a reduction in parking exceed 20% of the required parking for each individual use on the site.
- (d) Increase Density. Additional “bonus” density up to the maximum range permitted by the underlying Growth Management Plan designation may be permitted within the Mixed Use or Town Center Land Use Designations on the adopted Future Land Use Map.
- (e) Expedited site and building plan review. The Director shall implement a program to expedite the review and approval of site plan and building permit applications for green buildings.
- (f) Expedited building inspections. Building inspections for projects participating in the Green Building Incentive Program shall be given priority over non-program participants.
- (g) Reduced Site Plan Review fee. The applicable site plan review fee shall be equal to 80% of the fee required for a non-program participant.
- (h) Eligibility for Green Building Award granted by Town. For the purpose of publicly recognizing outstanding commitment to “green building,” the Town shall provide for an award called the “Town of Cutler Bay Green Building Award” to be awarded annually to a development(s) that participated within the program.
- (i) Green Credit Checklist. The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System or FGBC Designation for the specific building type.
- (j) Performance Bond. Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to 5% of the total cost of the construction in order to secure performance and fulfillment of the applicant's obligation to obtain the applicable level of certification. In lieu of the bond required by this Section, the Town may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the applicant and the Town. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to

meet the criteria required for certification by the United States Green Building Council (USGBC) or other nationally recognized certifying agency within one (1) year after receiving the Town's certificate of occupancy, the applicant shall either request an extension or forfeit one hundred percent (100%) of the bond. The applicant, for good cause shown, may request an extension of time of up to one (1) additional year to achieve certification. Such extension may go granted at the sole discretion of the Town manager after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the Town's certificate of occupancy, the applicant shall forfeit one hundred percent (100%) of the bond. Funds that become available to the Town from the forfeiture of the performance bonds shall be deposited in a Green Building Fund established by the Town.

E. Establishment of Town Green Building Fund.

Funds that become available to the Town from the forfeiture of any performance bond shall be deposited in a Green Building Fund established by the Town. The Town shall use the funds for any of the following: education and training of Town staff; education and outreach for the public; energy efficient improvements to municipally owned properties including weatherization, lighting upgrades, heating, ventilation and air conditioning upgrades; open space/green space improvements such as rights-of-way tree plantings; traffic calming, pollution mitigation, low impact drainage and sanitary sewer improvements; and any other additional improvements consistent with green building initiatives as deemed appropriate by the Town Council.

F. Permitted Acts.

Nothing in these regulations shall prohibit the following:

1. Solar Equipment: Solar equipment may encroach into side and rear setbacks. In addition, solar equipment may exceed the maximum permitted building height up to 24 inches in order to accommodate better solar collection.
2. Rain Barrels: Rain barrels shall be permitted within side and rear setbacks
3. Clotheslines: Clotheslines may be located within the rear yard, or in the case of a corner lot a side yard, and shall not be visible from the public right of way.

G. Program Review.

- (a) Purpose. The purpose of reviewing the program includes but is not limited to updating program standards and incentives, recommending program or marketing changes, reviewing suggestions made by program participants, and annually awarding the green building award of the program.

(b) Staff Review. The Town shall provide for a review of the program to determine the need for changes in the program to increase its effectiveness.

(c) Frequency. The program shall be subject to review one (1) year after the effective date of this Ordinance and thereafter at a frequency of not less than once per year.

Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2009.

PASSED AND ADOPTED on second reading this _____ day of _____, 2009.

PAUL S. VROOMAN
Mayor

Attest:

ERIKA GONZALEZ SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.
Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul Vrooman _____

Vice Mayor Edward MacDougall _____

Council Member Timothy J. Meerbott _____

Council Member Ernest Sochin _____

Council Member Peggy Bell _____

TAB 10



MEMORANDUM

To: Honorable Mayor, Vice Mayor and Town Council

From: Steven J. Alexander, Town Manager

Date: July 8, 2009

Re: **PROPOSED INSTALLATION OF A TRAFFIC CALMING CIRCLE AT THE INTERSECTION OF CARIBBEAN BLVD. AND SW 192 DRIVE**

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE CONSTRUCTION OF A TRAFFIC CIRCLE AT THE INTERSECTION OF CARIBBEAN BOULEVARD AND SW 192 DRIVE; REQUESTING THAT MIAMI-DADE COUNTY CONSTRUCT A TRAFFIC CIRCLE AT THAT INTERSECTION; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

Since late 2008, the Town Public Works Department staff has been contacted by concerned residents (via email, phone, and in person) with regards to safety issues at the intersection located at Caribbean Blvd. & SW 192 Drive. The concerns deal mainly with vehicular speeding along Caribbean Blvd and vehicles disregarding the stop signs on both approaches of SW 192nd Drive.

On November 6, 2008, our Public Works Department formally requested that the Miami-Dade County Public Works Department (MDPWD) perform a Traffic Engineering Study at the intersection. In order to expedite the request for a Traffic Engineering Study, the following information was attached to the Town's letter:

- Field observations confirmed speeding by some vehicles traveling on Caribbean Blvd and the capacity/Level of Service (LOS) analyses indicated a LOS "E" at the westbound (WB) approach of SW 192 Dr during the AM peak hour period. The analyses also reflected relatively long vehicular queues on this WB approach.
- Collected peak hour traffic volumes on both roadways indicate that the vehicular volume thresholds for supporting traffic calming measures are satisfied.
- Available crash data indicates that there have been three angle related vehicular collisions at this intersection within the last three years.



As a result of the Town's written request and several meetings with MDPWD Traffic Engineering staff, on January 8, 2009 the MDPWD "approved" the Town's initial request and proceeded with the design phase of a traffic calming circle at the intersection. One of the criteria set by the MDPWD is to obtain full consent from the residents which are directly affected by the construction of the proposed traffic calming circle (abutting property owners).

On April 8, 2009, the Town was informed by MDPWD that based on the mail-in ballots; the required 100% consent approval was NOT obtained. MDPWD policy requires that the local municipality's governing body adopt a Resolution after a Public Hearing to discuss the proposed traffic calming circle.

The Town Council may hold a public hearing to meet the requirement of the County's criteria during its June 17th Council meeting.

RECOMMENDATION

We recommend that the Town Council hold a public hearing to meet the requirement of the County's criteria during its June 17th Council meeting.

We recommend that the attached resolution be adopted, authorizing the Town Manager to forward the Town's Resolution to the Miami-Dade County Public Works Department.



RESOLUTION NO. 09-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE CONSTRUCTION OF A TRAFFIC CIRCLE AT THE INTERSECTION OF CARIBBEAN BOULEVARD AND SW 192 DRIVE; REQUESTING THAT MIAMI-DADE COUNTY CONSTRUCT A TRAFFIC CIRCLE AT THAT INTERSECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, responding to numerous complaints by residents of the Town of Cutler Bay (the “Town”), staff undertook a study last year of the intersection of Caribbean Boulevard and SW 192 Drive (the “Intersection”) to assess the alleged deficiencies with the Intersection; and

WHEREAS, the Town study determined that there was an issue with speed of vehicles along Caribbean Boulevard approaching the Intersection and that there were significant intersection capacity/level of service (LOS) issues associated with that Intersection, including relatively long vehicular queues on the westbound approach during AM peak service times; and

WHEREAS, subsequently, Town staff submitted its data and a letter summarizing its conclusions on November 6, 2008 to Miami-Dade County (the “County”) requesting that the County install a traffic circle at the Intersection to act as a traffic calming device; and

WHEREAS, the County will approve the request following a public hearing on the matter and a Town Resolution in support of the traffic circle; and

WHEREAS, because of the dangerous nature of the intersection, danger which is supported by data collected by Town staff, the Town believes that it is of the utmost importance to construct a traffic circle at the Intersection; and

WHEREAS, the Town has conducted the public hearing required by the County and has listened carefully to the input of the interested parties on this issue; and

WHEREAS, the Town recognizes that traffic circles are more environmentally friendly and provide a safer and more aesthetically pleasing alternative to traditional old school traffic signals; and

WHEREAS, Town Council supports the construction of a traffic circle at the Intersection and formally requests that the County undertakes to do so at their earliest possible convenience; 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. Support and Request. The Town of Cutler Bay Council has held a public hearing and the Town Council hereby supports the construction of a traffic circle at the intersection of Caribbean Boulevard and SW 192 Drive (the “Intersection”), requests that Miami-Dade County undertake the construction of a traffic circle at the Intersection at its earliest convenience, and directs the Clerk of the Town of Cutler Bay to submit a copy of this resolution to Miami-Dade County.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____



Department of Public Works

Rafael G. Casals
Public Works Director

November 6, 2008

Mr. Muhammed Hasan, P.E., Chief
Traffic Engineering Division
Miami-Dade County Public Works Department
111 NW 1st Street Suite 1510
Miami, Florida 33128-1970

Re: Caribbean Blvd and SW 192 Drive Intersection in the Town of Cutler Bay

Dear Mr. Hasan: *Muhammed*

The Town of Cutler Bay has been contacted by concerned residents with regards to safety issues at the above referenced intersection. The concerns deal mainly with vehicular speeding along Caribbean Blvd and an indication that some vehicles are failing to stop thus disregarding the stop sign on both approaches of SW 192nd Drive.

The Town of Cutler Bay Public Works Department and its consultant The Corradino Group have collected available crash data for the past three years, traffic volume counts during the morning and afternoon peak hours and performed intersection capacity/level of service (LOS) analyses at this intersection. Although not a formal and customary traffic study, our efforts have resulted in the following points and observations:

- Field observations did confirm speeding by some vehicles traveling on Caribbean Blvd and the capacity/LOS analyses indicated a LOS E at the westbound (WB) approach of SW 192 Dr during the AM peak hour period. The analyses also reflected relatively long vehicular queues on this WB approach.
- Collected peak hour traffic volumes on both roadways indicate that the vehicular volume thresholds for supporting traffic calming measures are satisfied.
- Available crash data indicates that there have been three angle related vehicular collisions at this intersection within the last three years.

In light of the above, and out of respect for your home rule authority over the transportation network, the Town of Cutler Bay respectfully requests your office to conduct a formal traffic engineering study to address these concerns. To facilitate your efforts, I'm enclosing the following information: available police vehicular crash reports for the past three years; collected traffic count data and the intersection capacity/LOS analyses.

If you have any questions, please contact me at (305) 234-4262.

Sincerely,

Rafael G. Casals
Public Works Director

10720 Caribbean Boulevard, Suite 105, Cutler Bay, FL 33189
(305) 234-4262 Office (305) 234-4251 Fax
www.cutlerbay-fl.gov



Public Works
 Traffic Engineering Division
 111 NW 1st Street • Suite 1510
 Miami, Florida 33128-1970
 T 305-375-2030 F 305-372-6064

miamidade.gov

January 8, 2009

Mr. Rafael G. Casals
 Public Works Director
 Town of Cutler Bay
 10720 Caribbean Boulevard
 Suite 105
 Cutler Bay, Florida 33189

Re: Request for a Traffic Study at the Intersection of Caribbean Boulevard and SW 192 Drive

Dear Mr. Casals:

In response to your referenced request, the Miami-Dade County Public Works Department (PWD) evaluated the traffic data you submitted and obtained additional data to determine if additional traffic control devices may be warranted. As a result, it was determined that the construction of a traffic circle will improve the operational safety at this location.

Therefore, PWD will initiate the design, and upon its completion, will contact residents who will be affected by the proposed traffic circle to seek their consent for the construction. Should the residents agree with the proposal, PWD will schedule it for construction as funds and contracts are identified.

Should you have any questions or require additional information, please contact Dr. Joan Shen, P.E., PTOE, at (305) 375-2030.

Sincerely,

Muhammed Hasan, P.E.
 Chief, Traffic Engineering Division

cc: Esther L. Calas, P.E. Director
 Joan Shen, Ph.D., P.E., PTOE, Manager, Traffic Engineering Division
 Vishnu Rajkumar, Signal Design Administrator
 Muhammed Mansuri, P.E., Traffic Engineering Division
 Teresa Novakovic, P.E., Traffic Engineering Division

Delivering Excellence Every Day

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire/Rescue
- General Services Administration
- Government Information Center
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum and Gardens
- Water & Sewer



ADA Coordination

Agenda Coordination

Animal Services

Art in Public Places

Audit and Management Services

Aviation

Building

Building Code Compliance

Business Development

Capital Improvements

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Government Information Center

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Services

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

Planning and Zoning

Police

Procurement Management

Property Appraisal

Public Library System

Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer

April 8, 2009

Mr. Rafael G. Casals, Director
Town of Cutler Bay
Public Works Department
10720 Caribbean Boulevard
Suite 105
Cutler Bay, Florida 33189

Re: Ballot Results for a Proposed Traffic Circle at the Intersection of Caribbean Boulevard and SW 192 Drive.

Dear Mr. Casals:

As a follow-up to previous correspondence of January 8, 2009, concerning the referenced device, please be advised that the Miami-Dade County Public Works Department (PWD) mailed ballots to residents who would be directly affected by construction of a traffic circle at the referenced intersection.

Tabulation of the ballots indicated PWD did not obtain the required 100% concurrence. Two of the four affected residents responded in favor of the device; however, one other voted against the proposal, while no response was received from the fourth. Since the required concurrence was not obtained, PWD will not pursue this matter any further. (Attached, please find a copy of the ballot tabulation).

Should the Town of Cutler Bay desire to pursue this matter, PWD policy provides that in lieu of concurrence from the affected residents, the City may pass a resolution after a public hearing, requesting that PWD approve the proposed traffic circle.

Should you have any questions or require additional information, please do not hesitate to contact me at (305) 375-2030.

Sincerely,

Joan Shen, Ph.D., P.E., PTOE, Manager
Traffic Engineering Division

Attachment: Ballot Tabulation

c: Esther L. Calas, P.E. Director
Vishnu Rajkumar, Signal Design Administrator
Teresa Novakovic, P.E., Traffic Design

Delivering Excellence Every Day



PUBLIC WORKS DEPARTMENT
111 N.W. FIRST STREET, SUITE 1510
MIAMI, FLORIDA 33128-1970

January 30, 2009

SAMPLE

Dear

**OFFICIAL NEIGHBORHOOD TRAFFIC CALMING
RESIDENT AND/OR PROPERTY OWNER BALLOT**

The Miami-Dade County Public Works Department (PWD) has completed a traffic study at the intersection of **Caribbean Boulevard and SW 192 Drive**. As a result of this study, PWD is considering the installation of a **Roundabout** at this intersection. (See attached drawing).

Should 100% of the residents and/or property owners adjacent to the **Roundabout** concur with the proposed improvement, the PWD will proceed with the installation of this device, as funds and contracts become available.

Please read through the ballot, check the appropriate box, complete the pertinent information and return this original ballot to PWD no later than. **February 27, 2009**. A self-addressed return envelope with pre-paid postage is enclosed for your convenience. All submitted ballots (one ballot per property) must be original and completed in ink.

Your presence is welcomed at the opening and tabulation of the received ballot envelopes on **March 6, 2009**, at 10:00 a.m., at the Stephen P. Clark Center, 111 NW 1st Street, 15th floor, rear conference room.

Ballot:

I, the undersigned resident and/or property owner do hereby indicate my preference by checking the appropriate box, **FOR** or **AGAINST** the installation of the proposed **Roundabout** at the intersection of **Caribbean Boulevard and SW 192 Drive**.

FOR

AGAINST

Signature _____

Property Address _____

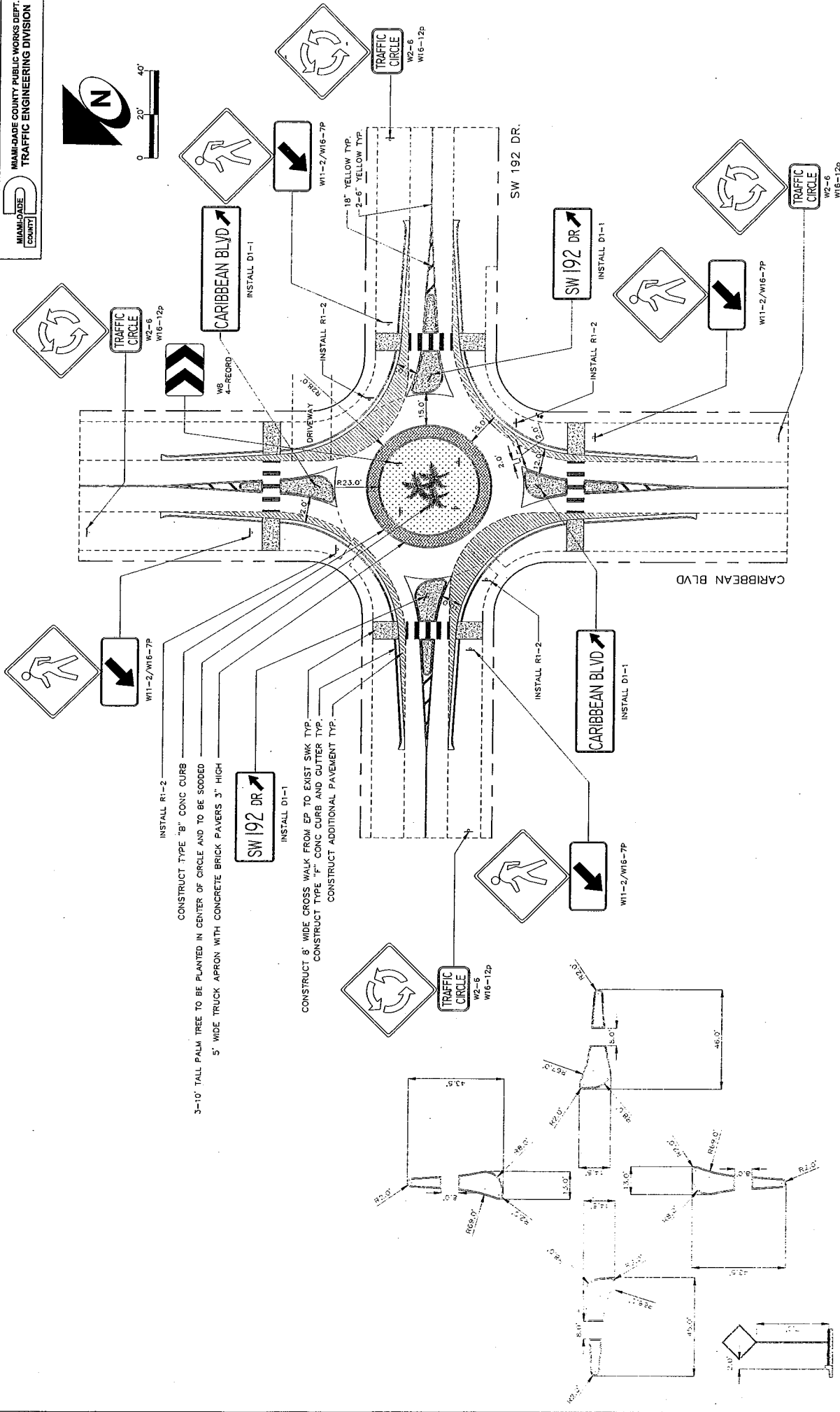
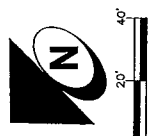
Print Name _____

Phone Number _____

Date _____

SAMPLE

Should you have any questions or require additional information, please contact Dr. Joan Shen, P.E., PTOE, Manager, Traffic Engineering Division, by email at shenj@miamidade.gov or by phone at (305) 375-2030.



INSTALL R1-2
 CONSTRUCT TYPE "B" CONC CURB
 CONSTRUCT TYPE "F" CONC CURB AND GUTTER TYP.
 CONSTRUCT ADDITIONAL PAVEMENT TYP.

CONSTRUCT 8' WIDE CROSS WALK FROM EP TO EXIST SWK TYP.
 CONSTRUCT TYPE "F" CONC CURB AND GUTTER TYP.
 CONSTRUCT ADDITIONAL PAVEMENT TYP.

(SIGNS PLACEMENT)

SIGN MUST BE PLACED 2' FROM OUTSIDE CURB TO EDGE OF SIGN
 AND 7' FROM BOTTOM OF SIGN.

REV.	DATE	DESCRIPTION	BY



CARIBBEAN BLVD AND SW 192 DR. CIRCLE
 J. MUSINO 07/13/09
 DESIGN DATE
 INTERSECTION ID NO. 0000