



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 Manager Steven Alexander
Interim Town Clerk Erin O'Donnell

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, August 25, 2010, 7:00 p.m.
South Dade Regional Library
10750 SW 211th Street,
Cutler Bay, Florida 33189

1. **CALL TO ORDER, ROLL CALL, and PLEDGE OF ALLEGIANCE**
2. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
 - A. Presentation- Alzheimer's Association of Southeast Florida Memory Walk
 - B. Proclamation- Alzheimer's Association of Southeast Florida
 - C. Letter of Recognition- Diego Family Spartan Scholarship
3. **APPROVAL OF MINUTES**
 - A. Special Council Meeting- June 9, 2010
 - B. Special Council Meeting- June 14, 2010
 - C. Special Council Meeting- July 21, 2010
 - D. Regular Council Meeting – July 21, 2010
 - E. Special Council Meeting- August 9, 2010
4. **REPORTS**
 - A. **TOWN MANAGER'S REPORT**
 - B. **TOWN ATTORNEY'S REPORT**
 - C. **BOARD/COMMITTEE REPORTS AND COUNCIL ANNOUNCEMENTS**

TAB 1

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, URGING CONGRESS TO APPROPRIATE MONEY IN THE AMOUNT OF FIVE MILLION DOLLARS TO FIX THE SECURITY GATE LOCATED AT THE HOMESTEAD AIR RESERVE BASE; TRANSMITTING THIS RESOLUTION TO CERTAIN PUBLIC OFFICIALS; AND PROVIDING AN EFFECTIVE DATE. **(MEERBOTT)**

TAB 2

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE TOWN OF CUTLER BAY FOR THE CUTLER BAY BICYCLE AND PEDESTRIAN MASTER PLAN; PROVIDING FOR THE AUTHORIZATION OF THE TOWN MANAGER TO ENTER INTO THIS AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 3

C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN THE CORRADINO GROUP, INC. AND THE TOWN CUTLER BAY FOR PREPARATION OF THE BICYCLE AND PEDESTRIAN MASTER PLAN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 4

D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR PROFESSIONAL SERVICES: STORMWATER ASSETS INVENTORY; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 5

E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA REQUESTING THE TOWN MANAGER TO POST A MONTHLY REPORT OF THE TOWN'S CHECK REGISTRY; REQUESTING THAT THIS INFORMATION BE PROVIDED IN THE FUTURE ON A MONTHLY BASIS; PROVIDING FOR A SUNSET PERIOD; AUTHORIZING THE TOWN MANAGER TO BRING FORWARD AN ORDINANCE PROVIDING FOR THE ELECTRONIC POSTING OF THE CONTENTS OF THE TOWN'S CHECK REGISTRY ON THE TOWN'S OFFICIAL WEBSITE AT THE CONCLUSION OF THE SUNSET PERIOD; AND PROVIDING AN EFFECTIVE DATE. **(MACDOUGALL)**

TAB 6

F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, FILLING THE VACANCY OF COUNCIL SEAT NUMBER ONE; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 7

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 OR RESOLUTIONS REQUIRING A PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ENCUMBERING BUDGETED FUNDS FROM THE 2009/2010 FISCAL YEAR BUDGET FOR ONE UPCOMING EVENT WITHIN THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

TAB 8

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 07-30 RELATING TO DANGEROUS INTERSECTION SAFETY; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION WITHIN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 9

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 06-22 RELATING TO PURCHASING GUIDELINES FOR TOWN HALL; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 10

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

A. 1st Budget Workshop

Wednesday September 1, 2010, at 4:00 p.m. at Town Hall, 10720 Caribbean Blvd, Suite 105

B. 1st Budget Hearing

Wednesday September 8, 2010 at 7:00 p.m. at South Dade Regional Library,
10750 SW 211th ST

C. Council Meeting

Wednesday, September 15, 2010, at 7:00 p.m. at South Dade Regional Library,
10750 SW 211th ST

D. 2nd Budget Hearing

Wednesday September 22, 2010 at 7:00 p.m. at South Dade Regional Library,
10750 SW 211th ST

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 SPECIAL MEETING
MINUTES**

Wednesday, June 9, 2010, 8:30 a.m.
Cutler Bay Town Hall
10720 Caribbean Blvd, Suite 105
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 8:30 a.m. 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

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

2. ACTION ITEM

The town clerk read the following Ordinance by title:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RATIFYING RESOLUTION 10-28 AND AUTHORIZING THE BORROWING OF FUNDS TO PURCHASE THE PROPERTY LOCATED AT 10720 CARIBBEAN BOULEVARD AND THE PROPERTY IMMEDIATELY SOUTH OF THIS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)**

The town attorney explained the ordinance. The town manager then provided the council with interest rates of 3.05% for non taxable and 4.42% on the taxable.

Councilmember Sochin made a motion to approve the Ordinance. The motion was seconded by Councilmember Meerbott and the ordinance was approved on first reading by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

B. EXECUTIVE SESSION

The town attorney explained the purpose and rules of executive session. Details and all other records regarding this session shall be released in the future. The executive session started at 9:00 a.m.

3. ADJOURNMENT

The meeting was officially adjourned at 8:45 am with an executive session commencing at 9:00 a.m.

Respectfully submitted:

*Erin O'Donnell
Interim Town Clerk*

*Adopted by the Town Council on
This ___ day of ___, 2010.*

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**

Wednesday, June 14, 2010, 8:30 a.m.
Cutler Bay Town Hall
10720 Caribbean Blvd, Suite 105
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 8:30 a.m. 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

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

2. ACTION ITEM

Vice Mayor MacDougall made a motion to allow councilmember Meerbott to attend by phone. The motion was seconded by councilmember Bell and was passed unanimously by 4-0 voice vote. The vote was as follows: Councilmembers Bell, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following Ordinance by title:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RATIFYING RESOLUTION 10-28 AND AUTHORIZING THE BORROWING OF FUNDS TO PURCHASE THE PROPERTY LOCATED AT 10720 CARIBBEAN BOULEVARD AND THE PROPERTY IMMEDIATELY SOUTH OF THIS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)**

The town manager provided an explanation of the ordinance as well as updates since the last meeting regarding the property.

The mayor opened the public hearing. The following individuals spoke: Jaime Reyes, 9750 SW 215 Lane; Steve Zarzecki, 9640 Martinique Drive; Ed Wolmers, 9370 Dominican Drive; Kevin Voitke, 19001 SW 91 Ave.

Councilmember Sochin made a motion to approve the Ordinance. The motion was seconded by Vice Mayor MacDougall and Ordinance 10-06 was approved on second reading by a unanimous 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 8:57 am.

Respectfully submitted:

*Erin O'Donnell
Interim Town Clerk*

*Adopted by the Town Council on
This ___ day of ___, 2010.*

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**

Wednesday, July 21, 2010, 4:00 p.m.
Cutler Bay Town Hall
10720 Caribbean Blvd, Suite 105
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 4:00 p.m. 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

Town Manager Steven J. Alexander
Town Attorney Chad Friedman
Assistant to the Town Clerk Erin O'Donnell

2. ACTION ITEM

The assistant to the town clerk read the following Resolution by title:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN AND ERIKA GONZALEZ-SANTAMARIA, AS PROVIDED IN EXHIBIT "A;" AND PROVIDING AN EFFECTIVE DATE.**

The mayor gave a brief overview of the contract for services. He clarified the details of her consulting package including effective dates, fees, and allowable hours.

Vice Mayor MacDougall made a motion to approve the Resolution. The motion was seconded by Councilmember Meerbott and Resolution 10-36 was approved by unanimous 5-0 voice 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 4:03 p.m.

Respectfully submitted:

*Erin O'Donnell
Assistant to the Town Clerk*

*Adopted by the Town Council on
This ___ day of ___, 2010.*

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 MEETING
MINUTES**

Wednesday, July 21, 7:00 p.m.
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 7:10 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

Town Attorney Mitchell Bierman
Town Manager Steven J. Alexander
Assistant to the Town Clerk Erin O'Donnell

Mayor Vrooman led the Pledge of Allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS:

3. APPROVAL OF MINUTES:

A. Vice Mayor MacDougall made a motion approving the minutes of the regular council meeting on June 16, 2010. The motion was seconded by Councilmember Sochin and adopted by a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall, and Mayor Vrooman voting Yes.

4. REPORTS

A. TOWN MANAGER'S REPORT:

The town manager commented on the add on resolution concerning a line of credit from Sunstate Bank. He commented on the revenue of funds coming from the state down to the Town. The town attorney and the manager are traveling to speak to the Federal Housing Financing Agency in reference to the resolution currently on the agenda. He mentioned the current status of Miami Dade County PTP funds and our involvements. The next phase of tree planting is going on in the town, and he alluded to the current resolution on agenda which keeps the same warranty issued for last phase. He is continuing to meeting with the architect who is designing Town Hall. Pricing notes and final drawings for Town Hall should be in by the end of the week. Issues have come about for the town staff and he is hoping to address some of those with the ordinance on

purchasing presented on the agenda. Lakes by the Bay Park construction is moving along well and he discussed permitting issues and future planned activities. The town manager invited Ramon Castella from C3TS, who is currently head of the Old Cutler Roadway Improvements Project. He reported that he has met with several local business owners to help with their concerns. Future questions of specific designs for capital improvements and landscaping were briefly discussed.

Councilmember Meerbott was concerned with the improvement of transportation in the town. In conjunction with the current status report given by the town manager on PTP funds, he expressed interest in the acceleration of current circulator buses projects previously approved by the Town. Councilmember Meerbott made a motion to expedite the PTP funds once we receive them for this project. The motion was seconded by Councilmember Bell which passed with a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

B. TOWN ATTORNEY'S REPORT:

The town attorney reported that items 6A-C under quasi-judicial matters would be deferred until September 15 as requested by the applicant. This refers to the following titles:

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY TO PERMIT A ONE STORY BUILDING WHERE A MINIMUM SIX STORIES IS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.
- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 33-284.86 (B)(1)(A) FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY TO PERMIT A BUILDING TO NOT BE DIRECTLY ACCESSIBLE FROM A STREET FRONTAGE; AND PROVIDING FOR AN EFFECTIVE DATE.
- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 33-284.86 (B)(1)(B) FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY RELATING TO THE CLEAR GLAZED AREA OF THE FAÇADE OF THE BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to defer these items to the meeting on September 15. The motion was seconded by Vice Mayor MacDougall which passed with a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

C. BOARD AND COMMITTEE REPORTS, COUNCIL ANNOUNCEMENTS

Councilmember Bell mentioned that her appointee for a replacement to the Parks Committee would not be present but would be present for the next week.

Councilmember Sochin reported on the progress of the Charter School Committee. Chair Alvarez was attending a training during the meeting in order to help the Town apply for a Charter School. He commented on future public involvement and the committee's hard efforts to gather as much information as possible.

5. CONSENT AGENDA:

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE CONTRACT BETWEEN THE CHILDREN'S TRUST AND THE TOWN OF CUTLER BAY FOR THE PROVISION OF AN AFTER SCHOOL PROGRAM AT CUTLER RIDGE PARK; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME AND PROVIDING FOR AN EFFECTIVE DATE.

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DIRECTING THE TOWN MANAGER TO TAKE ANY AND ALL MEANS NECESSARY TO CONDUCT A NATIONWIDE SEARCH FOR POTENTIAL CANDIDATES FOR THE TOWN CLERK POSITION; AND PROVIDING AN EFFECTIVE DATE.
(SOCHIN)

The assistant to the town clerk read the following add-on resolution. The item was pulled to read for the record as it was not previously on the agendas distributed.

- G.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A LINE OF CREDIT IN THE AMOUNT OF TWO MILLION DOLLARS FROM SUNSTATE BANK, AS FURTHER PROVIDED IN EXHIBIT "A;" AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor MacDougall pulled items A, C, E, and F for discussion. Item G was pulled to read the title as it was an add-on resolution.

Councilmember Bell made a motion to approve the Consent Agenda as amended with Items A, C, E, F, and G pulled for discussion. The motion was seconded by Councilmember Meerbott and Resolutions 10-38 and 10-40 were adopted by 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall, and Mayor Vrooman voting Yes.

The assistant to the town clerk read the following resolution by title:

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED

FUNDS FOR THE PURCHASE OF AN OUTDOOR MOVIE SCREEN WITH PROJECTOR AND RELATED EQUIPMENT FROM AN AUTHORIZED VENDOR IN AN AMOUNT NOT TO EXCEED \$10,000.00, AND PROVIDING FOR AN EFFECTIVE DATE. **(BELL)**

Councilmember Bell explained the purpose of this resolution along with information discussed by the Parks Committee for this purchase. An amendment was proposed to change “encumbered funds” to “unencumbered funds” and recognize the funding source was listed in error.

Councilmember Sochin made a motion to approve the resolution. The motion was seconded by Councilmember Bell and Resolution 10-37 was adopted with a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The assistant to the town clerk read the following resolution by title:

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK AND TOWN MANAGER TO FILE THIS RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

The town manager explained the purpose for the ordinance. The item allows the council to set the proposed millage rate as required along with the public notice of the town’s budget hearings for FY 2010-2011.

Councilmember Meerbott made a motion to approve the resolution. The motion was seconded by Councilmember Bell and Resolution 10-39 was adopted with a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The assistant to the town clerk read the following add-on resolution by title:

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FEDERAL HOUSING FINANCE AGENCY TO ADOPT AND IMPLEMENT THE NECESSARY UNDERWRITING GUIDELINES AND CONSUMER PROTECTION STANDARDS TO PROTECT THE MORTGAGE INDUSTRY, WHILE AT THE SAME TIME ALLOWING SENIOR LIEN PACE LENDING INITIATIVES TO PROCEED IN ORDER TO PROTECT OUR ENVIRONMENT; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.

The vice mayor explained his reasoning for pulling the resolution. The town attorney explained to the public the legalities involved in this resolution.

Councilmember Meerbott made a motion to approve the resolution. The motion was seconded by Councilmember Bell and Resolution 10-39 was adopted with a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The assistant to the town clerk read the following add-on resolution by title:

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AND ENTER INTO AN AGREEMENT WITH GROUNDKEEPERS, INC. FOR THE PURCHASE AND INSTALLATION OF LIVE OAK TREES WITHIN THE TOWN'S DESIGNATED RIGHT-OF-WAYS FOR AN AMOUNT NOT TO EXCEED \$150,000.00 WITH DISBURSEMENT FROM ACCOUNT NUMBER 001.519000.3400; AND PROVIDING FOR AN EFFECTIVE DATE.

The vice mayor wanted clarification of the fiscal years in which the town would be purchasing these trees. The town manager explained that Phase III of the program will be using funds budgeted in FY 2009-2010

Vice Mayor MacDougall made a motion to approve the resolution. The motion was seconded by Councilmember Bell and Resolution 10-42 was adopted with a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

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.

All witnesses giving testimony were sworn-in by the assistant to the town clerk. The assistant to the town clerk read all resolutions by title. Planning Director David Hennis gave an oral report approving the applicant's requests for waivers.

Jerry Proctor, 200 South Biscayne Boulevard, Suite 2500, a representative of the applicant, addressed the Council.

The mayor opened the public hearing. No other members of the public other than the applicant spoke on this item.

After discussion and presentations of all items by the applicant, each item was discussed and voted on individually by the council. Item H was withdrawn by the applicant.

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A FLOOR AREA RATIO VARIANCE FOR

CITY FURNITURE, LOCATED AT 18750 & 18760-80 S. DIXIE HIGHWAY, TO PERMIT 63.46% WHERE 51% IS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Sochin made a motion to approve the resolution. The motion was seconded by Vice Mayor MacDougall and Resolution 10-44 was adopted with a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A LOT COVERAGE VARIANCE FOR CITY FURNITURE, LOCATED AT 18750 & 18760-80 S. DIXIE HIGHWAY, TO PERMIT 44.4% WHERE 40% IS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bell made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and Resolution 10-45 was adopted with a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A LANDSCAPING VARIANCE FOR CITY FURNITURE, LOCATED AT 18750 & 18760-80 S. DIXIE HIGHWAY, TO PERMIT 16% WHERE 17.5% IS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Sochin made a motion to approve the resolution. The motion was seconded by Vice Mayor MacDougall and Resolution 10-46 was adopted with a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SIGNAGE VARIANCE FOR CITY FURNITURE, LOCATED AT 18750 & 18760-80 S. DIXIE HIGHWAY, TO PERMIT THREE WALL SIGNS ON THE BUILDING WHERE ONE IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor MacDougall made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and Resolution 10-47 was adopted with a 3-2 roll call vote. The vote was as follows: Councilmembers, Meerbott, Sochin, and Vice Mayor MacDougall voting Yes, Councilmember Bell and Mayor Vrooman voting No.

- I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SITE PLAN FOR CITY FURNITURE, LOCATED AT 18750 & 18760-80 SOUTH DIXIE HIGHWAY, TO PERMIT A 56,558 SQUARE FOOT BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to approve the resolution. The motion was seconded by Councilmember Bell and Resolution 10-47 was adopted with a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The mayor recessed the meeting at 9:12 p.m. The mayor commenced the meeting at 9:23 p.m.

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

The assistant to the town clerk read the following ordinance by title:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCES 07-30 AND 08-13 RELATING TO DANGEROUS INTERSECTION SAFETY; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION WITHIN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The town manager provided an explanation on the ordinance. Amendments were made to the town's original ordinance and were due to changes in the state legislature.

Councilmember Bell made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Meerbott and the ordinance passed with a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The assistant to the town clerk read the following ordinance by title:

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 06-22 RELATING TO PURCHASING GUIDELINES FOR TOWN HALL; AND PROVIDING FOR AN EFFECTIVE DATE.**

The town manager provided an explanation on the resolution. The purpose for the resolution was so Town staff can provide immediate assistance to current and future tenants without calling a special council meeting for large purchases. An amendment was added to notify the town council immediately by email once a purchase over \$25,000 was made.

Councilmember Sochin made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Meerbott and the ordinance passed with a 4-1 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, and Mayor Vrooman voting Yes, Vice Mayor MacDougall voting No.

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

None at this time.

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

The assistant to the town clerk read the following ordinance by title:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING GENERAL REGULATIONS AND PROCEDURES RELATING TO TOWN ADVISORY BOARDS; PROVIDING THAT THESE GENERAL REGULATIONS AND PROCEDURES SHALL APPLY TO ALL EXISTING BOARDS AS WELL AS THOSE BOARDS ESTABLISHED IN THE FUTURE; AND PROVIDING FOR AN EFFECTIVE DATE. (VROOMAN)**

The town attorney provided clarification and additional amendments given at the previous meeting. New amendments to this ordinance include the addition of the secretary position for replacement by a new council member and having all provisions of this ordinance apply to members who serve on two committees once one of their terms expire.

The mayor opened the public hearing. The following individuals spoke: Louise Lockwood, 1101 East Ridge Village Drive.

Councilmember Bell made a motion to approve the ordinance on second reading. The motion was seconded by Councilmember Meerbott and Ordinance 10-08 passed with a 4-1 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes, Councilmember Sochin voting No.

The assistant to the town clerk read the following ordinance by title:

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER, IN ACCORDANCE WITH SECTION 4.3(7) OF THE TOWN CHARTER, TO ENTER INTO LEASES BY ADMINISTRATIVE ACTION FOR THE PROPERTY LOCATED AT 10720 CARIBBEAN BOULEVARD AND THE PROPERTY IMMEDIATELY SOUTH OF THIS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The town manager provided explanation of this ordinance and future opportunities available for new land being purchased.

The mayor opened the public hearing. The following individuals spoke: Steve Zarzecki, 9640 Martinique Drive.

Councilmember Sochin made a motion to approve the ordinance on second reading. The motion was seconded by Vice Mayor MacDougall and Ordinance 10-09 passed with a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The assistant to the town clerk read the following ordinance by title:

- D.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER, IN ACCORDANCE WITH SECTION 4.3(7) OF THE TOWN CHARTER, TO ENTER INTO LEASES OF TOWN OWNED PARK LAND BY ADMINISTRATIVE ACTION; APPROVING THE SITE LEASE AGREEMENT BETWEEN THE TOWN AND T-MOBILE SOUTH LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO PLACE A TELECOMMUNICATIONS TOWER DESIGNED AS A FLAG POLE, WIRELESS ANTENNA AND GROUND EQUIPMENT ON TOWN-OWNED PROPERTY LOCATED AT 10100 SW 200TH STREET (A/K/A CUTLER RIDGE PARK), PROVIDING FOR THE AUTHORIZATION OF THE TOWN MANAGER TO ENTER INTO THIS AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

The town manager provided explanation of this ordinance. Amendments were added to remove Section 2 of the ordinance as well as to notify the neighboring residents of Cutler Ridge Park.

The mayor opened the public hearing. The following individuals spoke: Bill Meiklejohn, 9311 Sterling Drive; Steve Zarzecki, 9640 Martinique Drive; David Feinberg, 19161 Caribbean Blvd; Louise Lockwood, 1101 East Ridge Village Drive.

Councilmember Bell made a motion to approve the ordinance on second reading. The motion was seconded by Councilmember Sochin and Ordinance 10-10 passed with a 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, 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.

The mayor opened the public hearing. The following individuals spoke: Kevin Woitke, 19001 SW 91 ave; David Feinberg, 9161 Caribbean Blvd; Bill Meiklejohn 9311 Sterling Drive; Marlene Behenna 9451 Tony Drive; Steve Zarzecki, 9640 Martinique Drive.

11. MAYOR AND COUNCIL COMMENTS:

The vice mayor expressed concern over a resident complaint in regards to peddling laws within the town.

Councilmember Meerbott informed the Council about current grant opportunities from the South Dade Coalition.

Councilmember Bell announced that the Parks and Recreation Committee would not be meeting in July as previously scheduled. She also mentioned her affection on the progress of the ARRA lighting project on 216th street. She also announced that the chain link resolution passed by the council for 87th avenue is still being discussed with Miami-Dade County.

12. OTHER BUSINESS: None at this time.

13. ADJOURNMENT

The next council meeting will be held on August 25, 2010 at South Dade Regional Library.

The meeting was officially adjourned at 10:50 p.m.

Respectfully submitted:

*Erin O'Donnell
Interim Town Clerk*

*Adopted by the Town Council on
this 25th day of August, 2010.*

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, August 9, 2010, 9:30 a.m.
Cutler Bay Town Hall
10720 Caribbean Blvd, Suite 105
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 9:38 a.m. 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

Town Manager Steven J. Alexander
Town Attorney Mitch Bierman
Interim Town Clerk Erin O'Donnell

2. ACTION ITEM

Councilmember Peggy Bell was unable to attend the meeting in person. Councilmember Meerbott made a motion to attend by phone and ratify her votes. The motion was seconded by Vice Mayor MacDougall and was approved by unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The interim town clerk read the following Resolution by title:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING ERIN O'DONNELL AS INTERIM TOWN CLERK; AUTHORIZING THE MAYOR TO EXECUTE THE OFFER LETTER, ATTACHED AS EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE.**

The mayor gave a brief overview of the intent of the resolution. The town manager briefed the council on salary and other compensation for the interim position. Councilmember Sochin then expressed interest in the current status on the employment search for a new town clerk. The town manger explained their current standing and it was agreed upon by the town council that they would serve as a town clerk search committee with Councilmember Bell assisting the town manager in narrowing down finalists.

Vice Mayor MacDougall made a motion to approve the Resolution. The motion was seconded by Councilmember Meerbott and Resolution 10-37 was approved by unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The interim town clerk read the following Resolution by title:

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH KVC CONSTRUCTORS, INC. FOR IMPROVEMENTS TO TOWN HALL; AND PROVIDING AN EFFECTIVE DATE.

The town manger gave an overview of each floor plan prepared for future build out, addressing current costs and potential problems. Councilmember Meerbott requested that an amendment be added to include local labor preference when hiring workers. Councilmember Sochin inquired about alternative energy source availability and future town signage.

Vice Mayor MacDougall made a motion to approve the Resolution. The motion was seconded by Councilmember Meerbott and Resolution 10-38 was approved by unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The interim town clerk read the following Resolution by title:

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE PURCHASE AND SALE AGREEMENT WITH SOUTHLAND MALL PROPERTIES, LLC (SELLER) FOR ACQUISITION OF AN OUTPARCEL CONSISTING OF APPROXIMATELY 2.27 ACRES (“PROPERTY”); AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENT; AUTHORIZING THE TOWN MANAGER AND OFFICIALS TO FINALIZE THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT, AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION AND CLOSING OF THE PROPERTY; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

The town manager gave an overview of the agreement including current issues with stormwater structure ownership and limitations for the use of the property. He also addressed the potential future use of the property.

Councilmember Sochin made a motion to approve the Resolution. The motion was seconded by Councilmember Bell and Resolution 10-39 was approved by a 4-1 voice vote. The vote was as follows: Councilmembers Bell, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes; and Councilmember Meerbott voting No.

The mayor recessed the meeting at 10:22 a.m. The major commenced the meeting at 10:26 a.m. Vice Mayor MacDougall excused himself from the meeting.

The town attorney addressed the town council regarding an issue for their approval. A member of the Council has been made a subject of an ethics concern with the Ethics Commission of the State of Florida. Common-law provides that elected officials are entitled to this defense payable by the town but authorization is necessary to cover the costs as incurred rather than seek reimbursement at a later time.

In either case he is entitled to the defense but it is easier for them to be paid directly from the town versus the reimbursement option. He also noted that this complaint remains confidential and no further detail of the Councilmember was provided.

Mayor Vrooman made a motion to approve the authorization. The motion was seconded by Councilmember Bell.

The mayor recessed the meeting at 10:35 a.m. The mayor called the meeting to order at 10:43 a.m. Councilmember Meerbott excused himself from the meeting.

The remaining Council voted on the motion presented before recess. The vote was as follows: Councilmembers Bell, Sochin, and Mayor Vrooman voting Yes.

3. ADJOURNMENT

The meeting was officially adjourned at 10:46 a.m.

Respectfully submitted:

Erin O'Donnell
Assistant to the Town Clerk

Adopted by the Town Council on
This ___ day of ___, 2010.

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 10-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING CONGRESS TO APPROPRIATE MONEY IN THE AMOUNT OF FIVE MILLION DOLLARS TO FIX THE SECURITY GATE LOCATED AT THE HOMESTEAD AIR RESERVE BASE; TRANSMITTING THIS RESOLUTION TO CERTAIN PUBLIC OFFICIALS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the lives of our soldiers are invaluable; and

WHEREAS, the Homestead Air Reserve fighter wing is an important part of providing protection to our Country, State, and Town; and

WHEREAS, the guard gate at Homestead Air Reserve Base is in a state which is lacking inadequateness to protect the safety of our troops; and

WHEREAS, as such, the Town Council urges Congress to appropriate five (5) million dollars to secure the gate at Homestead Air Reserve Base; and; and

WHEREAS, the Town Council finds that this Resolution will promote the health, safety and welfare of the residents 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. Urging Congress. The Town Council hereby urges Congress to appropriate five (5) million dollars in order to secure the gate at Homestead Air Reserve Base.

Section 3. Transmittal. The Town Clerk is hereby directed to transmit this Resolution to the President of the Senate, Speaker of the House of Representatives, and the Secretary of the Air Force immediately upon its adoption.

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

PASSED and ADOPTED this ___ day of____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIN O'DONNELL
Interim 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 _____

TAB 3

RESOLUTION NO. 10-____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE TOWN OF CUTLER BAY FOR THE CUTLER BAY BICYCLE AND PEDESTRIAN MASTER PLAN; PROVIDING FOR THE AUTHORIZATION OF THE TOWN MANAGER TO ENTER INTO THIS AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) and the Miami-Dade Metropolitan Planning Organization (the “MPO”) desire to jointly fund the “Cutler Bay Bicycle and Pedestrian Master Plan;” and

WHEREAS, in furtherance of this desire, the Town and the MPO have mutually agreed to enter into the Interlocal Agreement, in substantially the form attached hereto as Exhibit “A;” and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents 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 the Agreement. The Town Council hereby approves the Interlocal Agreement for the “Cutler Bay Bicycle and Pedestrian Master Plan” between the Town and the MPO in substantially the form attached hereto as Exhibit “A.”

Section 3. Authorization of the Town Manager. The Town Manager is hereby authorized to take all action necessary to enter into the Interlocal Agreement for the “Cutler Bay Bicycle and Pedestrian Master Plan” between the Town and the MPO in substantially the form attached hereto as Exhibit “A” for the Town.

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

PASSED and ADOPTED this _____ day of _____, 2010.

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 _____



METROPOLITAN PLANNING ORGANIZATION
(MPO) SECRETARIAT
111 N.W. 1 STREET, SUITE 910
MIAMI, FLORIDA 33128-1904
(305) 375-4507
FAX: (305) 375-4950

July 9, 2010

The Honorable Paul Vrooman, Mayor
Town of Cutler Bay
10720 Carribbean Boulevard, Suite 105
Cutler Bay, FL 33189

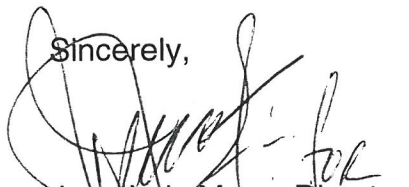
Subject: FY 2011 Municipal Grant Program Award Notification

Dear Mayor Vrooman:

The MPO Board at their June 17th meeting approved the recommendations by the Municipal Grant Program Committee awarding the Town of Cutler Bay up to \$40,000 to conduct the Town-wide Bicycle and Pedestrian Master Plan. Oscar Camejo, MPO Project Manager, will be contacting the Town of Cutler Bay directing the preparation of the study's scope of work, budget and schedule details. As a condition of awarding these funds, the City must provide a twenty percent (20%) minimum match and have in place an Interlocal Agreement with the MPO within three months (see attached). No work shall commence until full execution of the Interlocal Agreement and receipt of the Notice to Proceed letter.

Thank you for participating in this fiscal year's Municipal Grant Program. We look forward in working with your staff in producing an important transportation-related end product.

Sincerely,



Jose Luis Mesa, Director
MPO Secretariat

Attachments

c: Steven J. Alexander, Town Manager
Oscar Camejo, MPO Finance Manager
Rafael Casals, Public Works Director



Condition of Award Form

Municipal Grant Program

Municipality Name.	Town of Cutler Bay
Name of Transportation Planning Study	Bicycle / Pedestrian Master Plan

As a condition to awarding of funds, the recipient will abide by the following schedule in addition to the Interlocal Agreement language:

- 1 Prepare and forward to assigned MPO Project Manager Exhibits A, B and C, Scope of Services, Tentative Project Schedule and Project Costs, respectively, within one month after receipt of Award Notification letter.
- 2 Executer Interlocal Agreement within 3 months of Award Notification Letter.

I Steven Alexander, Town Manager will hereby abide by the above stated rules and timelines as stipulated. Failure to make any deadline may result in the forfeiture of funds.

Signed:

A handwritten signature in black ink, appearing to be "Steven Alexander", written over a horizontal line.

Date:

JANUARY 6, 2010

INTERLOCAL AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2010, by and between the Miami-Dade Metropolitan Planning Organization (MPO), hereinafter called the MPO and the *Town of Cutler Bay*, hereinafter called *CUTLER BAY*.

That the MPO and *CUTLER BAY* have determined to jointly fund the *Town-wide Bicycle and Pedestrian Master Plan* and that *CUTLER BAY* has determined to provide the services for such study and its share of the costs thereof as provided below.

WITNESSETH:

ARTICLE 1.00: The MPO does hereby retain *CUTLER BAY* to provide the services for the *Town-wide Bicycle and Pedestrian Master Plan*, which services are described in Exhibit "A": "Scope of Services", and Exhibit "B": "Tentative Project Schedule". The parties further agree that the project costs are provided in Exhibit "C": "Project Cost." The referenced exhibits are attached hereto and made a part hereof as though fully recited herein. Article 16.00 governs each party's obligations for its portion of the Project Cost.

ARTICLE 2.00: The MPO and *CUTLER BAY* mutually agree to furnish, each to the other, the respective services, information and items as described in Exhibit "A" Scope of Services, Exhibit "B" Tentative Project Schedule, and Exhibit "C" Project Cost. The MPO agrees to furnish *CUTLER BAY* and its duly designated representatives information including, but not limited to, existing data and projects related to the study area which may be available in other governmental offices. *CUTLER BAY* agrees to perform or cause to be performed, in a timely and professional manner, the work elements set forth in the above-enumerated Exhibits, in accordance with the Schedule set forth in Exhibit "B".

Before initiating the work described in Exhibits "A", "B", and "C", the MPO Director or his designee shall execute and issue *CUTLER BAY* a Notice-to-Proceed with the work described in

said Exhibits, such work to constitute performance of the *Town-wide Bicycle and Pedestrian Master Plan* as set forth in said Exhibits.

ARTICLE 3.00: The services to be rendered by **CUTLER BAY** shall be commenced subsequent to the execution and issuance of the Notice-to-Proceed and shall be completed within six (6) **months** from the date of execution and issuance of the Notice-to-Proceed.

ARTICLE 4.00: **CUTLER BAY** agrees to provide Project Schedule progress reports on a monthly basis and in a format acceptable to the MPO Director. The MPO Director shall be entitled at all times to be advised, at his request, as to the status of work being done by **CUTLER BAY** and of the details thereof. Coordination shall be maintained by **CUTLER BAY** with representatives of the MPO. Either parties to the agreement may request and be granted a conference.

ARTICLE 5.00: In the event there are delays on the part of the MPO as to the approval of any of the materials submitted by **CUTLER BAY** or if there are delays occasioned by circumstances beyond the control of **CUTLER BAY** which delay the Project Schedule completion date, the MPO Director or his designee may grant **CUTLER BAY**, by a letter an extension of the contract time, equal to the aforementioned delays, provided there are no changes in compensation or scope of work.

It shall be the responsibility of **CUTLER BAY** to ensure at all times that sufficient contract time remains within which to complete services on the project and each major Task Group as designated with roman numerals on the Exhibits. In the event there have been delays which would affect the project completion date or the completion date of any major Task Group, **CUTLER BAY** shall submit a written request to the MPO Director or his designee **twenty (20) days** prior to the schedule completion date which identifies the reason(s) for the delay and the amount of time related to each reason. The MPO Director or his designee will review the request and make a determination as to granting all or part of the requested extension. Scheduled completion dates shall be determined by the elapsed times shown in Exhibit "B" and the issue

date of the Notice-to-Proceed.

In the event contract time expires and *CUTLER BAY* has not requested, or if the MPO Director or his designee has denied an extension of the completion date, partial progress payments will be stopped on the date time expires. No further payment for the project will be made until a time extension is granted or all work has been completed and accepted by the MPO Director or his designee.

ARTICLE 6.00: *CUTLER BAY* shall maintain an adequate and competent professional staff and may associate with it, for the purpose of its services hereunder, without additional cost to the MPO, other than those costs negotiated within the limits and terms of this Agreement and upon approval by the MPO Director, such specialists as *CUTLER BAY* may consider necessary.

ARTICLE 7.00: The MPO shall not be liable for use by the *CUTLER BAY* of plans, documents, studies or other data for any purpose other than intended by the terms of this Agreement.

ARTICLE 8.00: All tracings, plans, specifications, maps, and/or reports prepared or obtained under this Agreement shall be considered research and shall become the property of the MPO without restriction or limitation on their use; and shall be made available, upon request, to the MPO at any time. Copies of these documents and records shall be furnished to the MPO upon request, verbal or written, allowing reasonable time for the production of such copies.

SUB-ARTICLE 8.10: Records of costs incurred by *CUTLER BAY* and all subconsultants performing work on the project, and all other records of *CUTLER BAY* and subconsultants considered necessary by the MPO for proper audit of project costs, shall be furnished to the MPO upon request.

Whenever travel costs are included in the performance of services set forth in Exhibits "A", "B" and "C", the provisions of Metropolitan Miami-Dade County Administrative Order 6-1, shall govern *or Florida Statutes, whichever is more restrictive.*

CUTLER BAY shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by *CUTLER BAY* in conjunction with this Agreement. Failure by *CUTLER BAY* to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the MPO Director.

ARTICLE 9.00: *CUTLER BAY* shall comply with all federal, state, and local laws and ordinances applicable to the work or payment for work thereof, and shall not discriminate on the grounds of race, color, religion, sex, or national origin in the performance or work under this contract.

ARTICLE 10.00: The MPO agrees to pay *CUTLER BAY* compensation as per Article 16.00 of this Agreement and Exhibits "A", "B", and "C", attached hereto and made a part hereof.

ARTICLE 11.00: The MPO Director may terminate this Agreement in whole or in part at any time the interest of the MPO requires such termination.

SUB-ARTICLE 11.10: If the MPO Director determines that the performance of *CUTLER BAY* is not satisfactory, the MPO Director shall have the option of (a) immediately terminating the Agreement or (b) notifying *CUTLER BAY* of the deficiency with a requirement that the deficiency be corrected within a specified time, otherwise the Agreement will be terminated at the end of such time.

SUB-ARTICLE 11.20: If the MPO Director requires termination of the Agreement for reasons other than unsatisfactory performance of *CUTLER BAY*, the MPO Director shall

notify *CUTLER BAY* of such termination, with instructions as to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.

SUB-ARTICLE 11.30: If the Agreement is terminated before performance is completed, *CUTLER BAY* shall be paid for the work satisfactorily performed. Payment is not to exceed the prorated amount of the total share of the project costs to be paid by MPO as provided in Article 16.00 agreement amount based on work satisfactorily completed. Such determination shall be based and calculated upon a percentage allocation of total project cost, by major Task Group.

ARTICLE 12.00: All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

ARTICLE 13.00: *CUTLER BAY* warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for *CUTLER BAY*, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person, company, corporation, individual or firm any fee, commission, percentage, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. It is understood and agreed that the term "fee" shall also include brokerage fee, however denoted.

SUB-ARTICLE 13.10: For the breach or violation of Article 13.00, the MPO Director shall have the right to terminate this Agreement without liability, and, at its discretion, to deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

ARTICLE 14.00: *CUTLER BAY* agrees that it shall make no statements, press releases or publicity releases concerning this Agreement or its subject matter or otherwise disclose or permit to be disclosed any of the data or other information obtained or furnished in compliance with this Agreement, or any particulars thereof, during the period of this Agreement, without first

notifying the MPO Director or his designee and securing its consent. **CUTLER BAY** also agrees that it shall not copyright or patent any of the data and/or information furnished in compliance with this Agreement, it being understood that, under Article 8.00 hereof, such data or information is the property of the MPO. This Section shall not be construed to limit or restrict public access to documents, papers, letters or other material pursuant to Article 8.10 of this Agreement.

ARTICLE 15.00: The MPO shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no money shall be paid on such contract.

ARTICLE 16.00: Payment of project costs - It is mutually agreed and understood that the Project Costs shall be as provided in Exhibit C . MPO shall pay **CUTLER BAY** 80% of such Project Costs. **CUTLER BAY** shall be responsible for the remaining 20% of such Costs. **CUTLER BAY** shall invoice MPO monthly for MPO's share of Project Costs in a format acceptable to the MPO Director or his designee and shall be paid therefore on a percentage of completion basis for each Task described in the Notice-to-Proceed executed in accordance with Article 2.00. **CUTLER BAY** shall invoice 100% of the MPO's share of the Project Cost upon completion of all Task Orders, as indicated under Exhibit "A". The total compensation to be paid by the MPO to **CUTLER BAY** hereunder shall not exceed **\$40,000**.

SUB-ARTICLE 16.10: By executing this agreement **CUTLER BAY** commits to fund the **\$10,000** local share minimum of this agreement as specified in Exhibit C.

SUB-ARTICLE 16.20: It is agreed that said compensation provided in Article 16.00 hereof shall be adjusted to exclude any significant sums where the MPO Director shall determine that reported costs by **CUTLER BAY** reflect inaccurate, incomplete or non-current costs. All such adjustments shall be made within 60 days following the end of the Agreement. For purpose of this Agreement, the end of the Agreement shall be deemed to

be the date of final billing or acceptance of the work by the MPO Director or his designee, whichever is later.

ARTICLE 17.00: Standards of Conduct - Conflict of Interest - **CUTLER BAY** covenants and agrees that it and its employees shall be bound by the standards of conduct provided in Florida Statutes 112.313 as it relates to work performed under this Agreement, which standards will be referred and made a part of this Agreement as though set forth in full. **CUTLER BAY** agrees to incorporate the provisions of this article in any subcontract into which it might enter with reference to the work performed.

ARTICLE 18.00: The MPO Director reserves the right to cancel and terminate this Agreement in the event **CUTLER BAY** or any employee, servant, or agent of **CUTLER BAY** is indicted or has direct information issued against him for any crime arising out of or in conjunction with any work being performed by **CUTLER BAY** for or on behalf of the MPO, without penalty. It is understood and agreed that in the event of such termination, all tracings, plans, specifications, maps, and data prepared or obtained under this Agreement shall immediately be turned over to the MPO Director in conformity with the provisions of Article 8.00 hereof. **CUTLER BAY** shall be compensated for its services rendered up to the time of any such termination in accordance with Article 11.00 hereof.

ARTICLE 19.00: To the extent permitted by law, and subject to the limitations included within Florida Statutes Section 768.28, **CUTLER BAY** shall indemnify and save harmless the MPO from any and all claims, liability, losses and causes of action arising out of **CUTLER BAY'S** negligence or other wrongful acts in the performance of this agreement. However, nothing herein shall be deemed to indemnify the MPO for any liability or claims arising out of the negligence, performance, or lack of performance of the MPO.

To the extent permitted by law, and subject to the limitations included within Florida Statutes Section 768.28, the MPO shall indemnify and save harmless **CUTLER BAY** from any and all claims, liability, losses and causes of action arising out of the MPO's negligence or other

wrongful acts in the performance of this agreement. However, nothing herein shall be deemed to indemnify *CUTLER BAY* for any liability or claims arising out to the negligence, performance, or lack of performance of *CUTLER BAY*.

ARTICLE 20.00: This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

ARTICLE 21.00:

Attachments:

Exhibit "A", Scope of Services

Exhibit "B", Project Schedule

Exhibit "C", Project Budget

No alteration, change or modification of the terms of this Agreement shall be valid unless made in writing, signed by both parties hereto, and approved by the Governing Board of the Metropolitan Planning Organization.

This Agreement, regardless of where executed, shall be governed by and construed according to the laws of the State of Florida and venue shall be in Miami-Dade County, Florida.

IN WITNESS WHEREOF, the parties hereto have executed these presents this _____ day of _____, 2010.

ATTEST: MIAMI-DADE COUNTY FLORIDA

**By The Governing Board of
Metropolitan Planning Organization(MPO)**

By: _____ Print Name _____

Director, MPO Secretariat

ATTEST: TOWN OF CUTLER BAY

By: _____ Print Name Steven J. Alexander
Town Manager
CUTLER BAY Authorized Representative

By: _____ Print Name Rafael G. Casals
Public Works Director
CUTLER BAY Project Manager

Exhibit "A"

Scope of Services

Town of Cutler Bay Bicycle and Pedestrian Master Plan

APPROACH

The Town of Cutler Bay desires that this study create a vision for non-motorized transportation in within the Town Boundaries; to develop projects or policies that can accomplish that vision, and to develop performance measures that will enable the progress toward the vision to be measured. Additionally, the report developed as a result of this effort will serve as the Non-Motorized component of the Town s Transportation Element to the Growth Management Plan (comprehensive Plan). The financially feasible project list will become a component of the Town s 5-Year Capital Improvement Element of the Comprehensive Plan, a State requirement.

To achieve these objectives, a multi-tasked approach and scope of services has been developed. Cutler Bay's methodology is one that is based on frequent and consistent public involvement at various levels in the community and various times in the project. The vision, goals, objectives and needs, will be developed from this phase of the project.

From an administrative standpoint, the internal Cutler Bay Project Management Team will meet regularly to review the status of previous assignments, make new assignments for the next working period and discuss technical and administrative issues. From a technical perspective, each task will be interrelated, progressing from a public involvement plan that will be carried through the entire project on to the collection of data, development of needs, examination of financing, and coordination with other projects of other agencies.

Cutler Bay is made up of a diverse array of parks, schools, and residential and commercial areas that are not connected to one another from a bicycle and pedestrian stand point. To develop a successful plan that has consensus from the community, it will be crucial to clearly identify what citizens are looking for in the future to service their non-motorized transportation needs. The Town of Cutler Bay plans to take its knowledge of the individual aspects of our community to develop a needs plan from which to evaluate and refine through the process.

To do this, a detailed and creative Pubic Involvement Plan will be developed, which will use traditional and non-traditional methods of soliciting public input. Aside from public workshops, it will specify very local meetings and opportunities to meet with individual elected officials so that they may be briefed and updated. Additionally, highly graphic, easily read project material will be developed to explain the project and the process with clarity that all citizens can easily understand.

Task 1 Background Information / Existing Conditions / Currently planned Projects

The Town of Cutler Bay will review existing relevant technical background material. Funded and unfunded projects from these documents for the Town will be mapped on a GIS database. Research on the future planned bicycle pedestrian network in the Town will be based on a variety of sources including:

- Metropolitan Dade County Comprehensive Bicycle Plan
- South Dade Greenways Network Master Plan
- Metro-Dade Bicycle Facilities Plan
- Adjacent Municipalities Comprehensive Plan, Transportation Elements
- Bicycle Facilities Plan
- Pedestrian Facilities Plan
- Safe Routes to School Plan
- Bicycle Parking Plan for MDT
- Bicycle Project Feasibility Evaluation
- Bicycle Safety Program Plan
- Miami Dade County Comprehensive Plan, Transportation Element
- Black Creek Trail Master Plan

Additionally A review of all the existing bicycle and pedestrian facilities will be undertaken. Cutler Bay will detail this information in tabular and map form. All maps will be developed in the latest GIS format.

Task 2: Public Involvement Plan

Cutler Bay will develop a Public Involvement Plan that will be used to solicit input on the vision, goals, objectives and needs for the bicycle and pedestrian plan.

Just as SAFETEA-LU dictates that the MPO is to develop a public participation process in consultation with interested parties that provides reasonable opportunities for all parties to comment so to will this master plan be designed to the same standards. To carry out the participation plan, public meetings are to be conducted at convenient and accessible locations at convenient times, where the public can enter commentary.

The Town of Cutler Bay firmly believes it is important to understand what the community wants and what it needs. The Town will work hand in hand with the community to figure out what is wanted. Then through the collected data and analysis the Town will determine what is needed. Consensus is built when the wants and the needs coincide, and truly effective solutions are developed. Many solid technical projects have completely collapsed due to lack of consensus, but not in Cutler Bay, who has employed a diligent approach to public involvement since its inception. The results are the myriad of capital projects that have been completed to date. All stemming from similar master planning efforts.

The public participation plan for this effort will be extensive and will include a detailed menu of activities and meetings. It will involve several levels of involvement including meetings with industry professionals in a steering committee, individual meetings in the community, and meetings in large groups.

Other concerned agencies will be notified of the project and updated as necessary in its development several times during the process. These agencies include:

- Metropolitan Planning Organization
- Florida Department of Transportation
- Miami-Dade County Public Works Department (DCPW)
- Miami-Dade County Transit Agency (MDT)
- Miami-Dade County Department of Planning and Zoning (DPZ)
- Bicycle Pedestrian Advisory Committee (BPAC)

Task 3: Vision, Goals, Objective and Needs

This task will stem from the public involvement, which will act as the vehicle to discuss the vision, goals, objectives and needs. A goal is defined as the result or achievement toward which an effort is directed, and is generally stated quite broadly. An objective – or target – is a more measurable result on the path towards achieving a goal. A need is an actual project or policy. All should focus toward the overall vision from which they are developed. The task of establishing goals and objectives for transportation in the long term future is vital to guide the planning study. By communicating the values and desires of the community so they may be incorporated in the plan by way of the analysis, alternatives can be developed, and prioritized easily.

Working within the public involvement plan outlined earlier, The workshop format will engage people on the following:

- preferred future modes of non-motorized transportation they expect to be using then;
- areas of connection;
- willingness to costs;
- characteristics that will define the future non-motorized systems in the Town ;
- review of prioritization criteria

Task 4: Data Collection and Analysis

The Town of Cutler Bay will develop and execute a data collection plan that will include the review of the existing information and the collection of new data for the calculation of the bicycle and pedestrian levels of service.

Major and minor corridors, will be inventoried and evaluated for their quality and level for service. The determination of the bicycle level of service for each segment of the Bicycle and Pedestrian Network will be based on the operational level of service methodology adopted by the Florida Department of Transportation (FDOT). The Bicycle and Pedestrian Level of Service (BLOS) (PLOS) Models identify the level of service for a segment of the network on a scale of A to F based on a numerical model score. An LOS of "A" indicates good cycling or walking conditions and "F" indicates the least favorable conditions, and are a measure of the quality of the environment based on measured physical attributes including the vehicle volume and speed on the adjacent roadway, the presence or absence of a striped bike lanes, sidewalks, and the presence or absence of occupied on-street parking. For each segment a LOS Score will be assigned.

Task 5: Recommendations

Once the individual segments and groups of segments have been rated candidate projects will be developed and evaluated. These projects will be focused on their ability to improve usage, facilities, safety, non motorized policy, and incentives. A variety of evaluation criteria will be developed by the project team in the public involvement process. These criteria will be weighted and each project will be scored and ranked.

These criteria may include:

- Connecting Existing Generators
- Ability to Reduce Congestion
- Intermodal Network Enhancement
- Support of Comprehensive Plan Goals and Objectives
- Safety
- School/Park Access

Through the interactive public process these criteria will be reexamined, modified if necessary and confirmed. Each candidate project will be run through the criteria screen and be given a score based on how well they adhere to the criteria. The higher the score, the higher the project will be ranked. The results will be listed in tabular form and mapped on the GIS database. Candidate projects will be categorized by type, such as on road bicycle projects, off road bicycle projects, pedestrian projects. All projects will be analyzed for the cost to plan, design, acquire right-of-way and construct, as well as their ability to enhance mobility and level service.

All projects will be portrayed in a one page format, which describes the projects type, location, on a map, its purpose, need, cost, and rank. The project sheets will be assembled into a “project bank”. This document can be used as a playbook by which to easily reference projects and guide implementation.

Task 6: List of Prioritized Improvements

A review of available funds will be undertaken. This will include a look at local, state and federal sources, as well as funds from private sources or impact fees. An ultimate funding level will be identified based on traditional funding levels and percentages, and this will be allocated over the project types. The highest ranked projects that fit within the available funding limit will represent the financially feasible list of projects. This will be portrayed in textual, tabular and GIS map form. These will be able to be easily included in the Town s Capital Improvement Element which requires financial feasibility. All other projects will be listed in the master plan for future development.

Task 7: Reports: Draft, Final, Executive Summary

Once all the technical work has been completed and the projects have been developed, evaluated and ranked relative to funding, the final reporting shall be undertaken. The first aspect of this will be an implementation plan, which will utilize the projects listed in the Project Bank with a description of the next steps that need to be undertaken to implement each by category.

Through a detailed understanding of what is wanted, and a review of what is planned, the vision as well as a set of goals, objectives and needs will be developed. This combined with a review of the Bicycle and Pedestrian Levels of Service for all facilities will point to the need, which will directly lead to the development of the recommendations for improvement.

In the near term, it is important to understand the community desires, the travel patterns, and build an adequate bicycle and pedestrian transportation system that effectively integrates and responds to the larger roadway and transit system. Once actual needs are discovered and diverse projects are suggested, a review of funding and finances now and in the future will be performed, so that a financially feasible list of prioritized improvements can be prepared. This will be done by utilizing a methodology focused on six criteria:

- Connecting Existing Generators
- Ability to Reduce Congestion
- Intermodal Network Enhancement
- Support of Comprehensive Plan Goals and Objectives
- Safety
- School Access

Finally the report will be presented to the Town Council and the various MPO committees for approval, and the requisite copies of the report will be delivered.

[SPACE INTENTIONALLY LEFT BLANK]

Exhibit "B"

Tentative Project Schedule

- Task 1 Background Information / Existing Conditions / Currently planned Projects**
To be completed within One (1) month(s) from the MPO Notice to Proceed

- Task 2: Public Involvement Plan**
To be completed within Six (6) month(s) from the MPO Notice to Proceed

- Task 3: Vision, Goals, Objective and Needs**
To be completed within Three (3) month(s) from the MPO Notice to Proceed

- Task 4: Data Collection and Analysis**
To be completed within Three (3) month(s) from the MPO Notice to Proceed

- Task 5: Recommendations**
To be completed within Five (5) month(s) from the MPO Notice to Proceed

- Task 6: List of Prioritized Improvements**
To be completed within Six (6) month(s) from the MPO Notice to Proceed

- Task 7: Reports: Draft, Final, Executive Summary**
To be completed within Six (6) month(s) from the MPO Notice to Proceed

Tentative Project Schedule
Town of Cutler Bay Bicycle / Pedestrian Master Plan
Proposed Schedule

Task	Months					
	1	2	3	4	5	6
Task 1 -Background						
Task 2 - Public Involvement						
Task 3 - Vision, Goals, Objectives						
Task 4 - Data Collection						
Task 5 - Recommendations						
Task 6 - List of Prioritized Improvements						
Task 7 - Reports						

Exhibit "C"

Project Cost

MPO-Municipal Grant Award	\$40,000
Town of Cutler Bay (20% grant match)	<u>\$10,000</u>
Total Project Costs	\$50,000

TAB 4



Steven J. Alexander
Town Manager

MEMORANDUM

To: Honorable Mayor and Councilmembers

From: Steven J. Alexander, Town Manager

Date: August 25, 2010

Re: A Resolution approving a Project Agreement between The Corradino Group Inc. and the Town for the development of a Bicycle and Pedestrian Master Plan.

REQUEST

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN THE CORRADINO GROUP, INC. AND THE TOWN CUTLER BAY FOR PREPARATION OF THE BICYCLE AND PEDESTRIAN MASTER PLAN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

The Town was recently awarded a grant from the Metropolitan Planning Organization (MPO) in the amount of \$40,000 to prepare a "Bicycle and Pedestrian Master Plan" to accommodate local mobility needs while enhancing the character of the community and improving the quality of life for our residents. The Master Plan will create a vision for non-motorized transportation within the Town boundaries; develop projects and policies that can accomplish the vision. Additionally, the Master Plan will develop performance measures that will track the progress towards the non-motorized transportation vision. The financially feasible project list will become a component of the Town's 5-Year Capital Improvement(s) Element of the Comprehensive Plan, which is a State requirement.

The full cost of this study will cost \$ 50,000. The MPO's grant award will fund \$40,000 and the remaining funds (required grant match) of \$10,000 will be funded from the Town's General Fund.





The Town is made up of a diverse array of parks, schools, and residential and commercial areas that are not connected to one another from a bicycle and pedestrian standpoint. To develop a successful plan that has consensus from the community, it will be crucial to clearly identify what citizens are looking for in the future to service their non-motorized transportation needs.

The Town's Transportation Consultant plans to take its knowledge of the individual aspects of our community to develop a needs plan from which to evaluate and refine through the process. To accomplish this detailed and creative Public Involvement Plan will be developed, which will use traditional and non-traditional methods of soliciting public input. Aside from public workshops, it will specify very local meetings and opportunities to meet with individual elected officials so that they may be briefed and updated. Additionally, highly graphic, easily read project material will be developed to explain the project and the process with clarity that all citizens can easily understand.

The following Tasks will be completed by the Town's consultant:

- **Task #1:Background Info/Existing Conditions/Currently planned Projects**
- **Task #2:Public Involvement Plan**
- **Task #3:Vision, Goals, Objective and Needs**
- **Task #4:Data Collection and Analysis**
- **Task #5:Recommendations**
- **Task #6:List of Prioritized Improvements**
- **Task #7:Reports: Draft, Final, Executive Summary**

The Final Draft of the proposed Bicycle and Pedestrian Master Plan is scheduled to be completed within six (6) months, from the issuance of the Notice to Proceed.

RECOMMENDATION

It is recommended that the Town Council approve the attached Resolution Authorizing the Town Manager to execute the Agreement with the Corradino Group, Inc. for the development.



RESOLUTION NO. 10-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN THE CORRADINO GROUP, INC. AND THE TOWN CUTLER BAY FOR PREPARATION OF THE BICYCLE AND PEDESTRIAN MASTER PLAN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (“Town”) desires that a Master Plan create a vision for non-motorized transportation with the Town’s boundaries; and

WHEREAS, the Town is comprised of a diverse array of parks, schools, and residential/commercial areas that are not connected to one another from a bicycle and pedestrian standpoint; and

WHEREAS, the objective of the Master Plan is to develop projects and/or policies that can accomplish a non-motorized transportation vision, develop performance measures and identify financially feasible projects to be included in the Town’s five (5) Year Capital Improvement Element of the Comprehensive Plan; and

WHEREAS, the Town has retained the services of The Corradino Group, Inc. to develop the Master Plan as detailed in Exhibit “A” attached; and

WHEREAS, the Town Council finds that approval of the project agreement between the Town and The Corradino Group, Inc. for preparation of the Bicycle and Pedestrian Master Plan is in the best interest 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 into this resolution by this reference.

Section 2. Approval of Agreement. The Project Agreement between The Corradino Group, Inc. and the Town of Cutler Bay for preparation of the Town’s Bicycle and Pedestrian Master Plan (the “Agreement”), a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

Section 3. Execution of Agreement. The Town Manager is authorized to execute the Agreement on behalf of the Town.

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

PASSED AND ADOPTED this ____ day of _____, 2010.

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 S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

August 9, 2010

Ralph Casals
Director of Public Works
Town of Cutler Bay
10720 Caribbean Boulevard, Suite 120
Cutler Bay, FL 33189

Dear Mr. Casals:

This is a proposal from Corradino to perform the MPO's Municipal Grant Program the Town won for the Bicycle and Pedestrian Master Plan.

Corradino can complete this project for \$50,000 in a time period of 6 months from the notice to proceed

Sincerely,
THE CORRADINO GROUP

Joseph M. Corradino, AICP
President

APPROACH

The Town of Cutler Bay desires that this study create a vision for non-motorized transportation in within the Town Boundaries; to develop projects or policies that can accomplish that vision, and to develop performance measures that will enable the progress toward the vision to be measured. Additionally, the report developed as a result of this effort will serve as the Non-Motorized component of the Towns Transportation Element to the Comprehensive Plan. The financially feasible project list will become a component of the Towns 5-Year Capital Improvement Element of the Comprehensive Plan, a State requirement.

To achieve these objectives, a multi-tasked approach and scope of services has been developed. Cutler Bay's methodology is one that is based on frequent and consistent public involvement at various levels in the community and various times in the project. The vision, goals, objectives and needs, will be developed from this phase of the project.

From an administrative standpoint, the internal Cutler Bay Project Management Team will meet regularly to review the status of previous assignments, make new assignments for the next working period and discuss technical and administrative issues. From a technical perspective, each task will be interrelated, progressing from a public involvement plan that will be carried through the entire project on to the collection of data, development of needs, examination of financing, and coordination with other projects of other agencies.

Cutler Bay is made up of a diverse array of parks, schools, and residential and commercial areas that are not connected to one another from a bicycle and pedestrian stand point. To develop a successful plan that has consensus from the community, it will be crucial to clearly identify what citizens are looking for in the future to service their non-motorized transportation needs. The Town of Cutler Bay plans to take its knowledge of the individual aspects of our community to develop a needs plan from which to evaluate and refine through the process.

To do this, a detailed and creative Pubic Involvement Plan will be developed, which will use traditional and non-traditional methods of soliciting public input. Aside from public workshops, it will specify very local meetings and opportunities to meet with individual elected officials so that they may be briefed and updated. Additionally, highly graphic, easily read project material will be developed to explain the project and the process with clarity that all citizens can easily understand.

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- Intermodal Network Enhancement
- Support of Comprehensive Plan Goals and Objectives
- Safety
- School Access

Finally the report will be presented to the Town Council and the various MPO committees for approval, and the requisite copies of the report will be delivered.

Task 1: Background Information / Existing Conditions / Currently planned Projects
Time Frame: Completed in month 1

The Town of Cutler Bay will review existing relevant technical background material. Funded and unfunded projects from these documents for the Town will be mapped on a GIS database. Research on the future planned bicycle pedestrian network in the Town will be based on a variety of sources including:

- Metropolitan Dade County Comprehensive Bicycle Plan
- South Dade Greenways Network Master Plan
- Metro-Dade Bicycle Facilities Plan
- Adjacent Municipalities Comprehensive Plan, Transportation Elements
- Bicycle Facilities Plan
- Pedestrian Facilities Plan
- Safe Routes to School Plan
- Bicycle Parking Plan for MDT
- Bicycle Project Feasibility Evaluation
- Bicycle Safety Program Plan
- Miami Dade County Comprehensive Plan, Transportation Element
- Black Creek Trail Master Plan

Additionally A review of all the existing bicycle and pedestrian facilities will be undertaken. Cutler Bay will detail this information in tabular and map form. All maps will be developed in the latest GIS format.

Task 2: Public Involvement Plan
Time Frame: Completed in month 6

Cutler Bay will develop a Public Involvement Plan that will be used to solicit input on the vision, goals, objectives and needs for the bicycle and pedestrian plan.

Just as SAFETEA-LU dictates that the MPO is to develop a public participation process in consultation with interested parties that provides reasonable opportunities for all parties to

comment so to will this master plan be designed to the same standards. To carry out the participation plan, public meetings are to be conducted at convenient and accessible locations at convenient times, where the public can enter commentary.

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The public participation plan for this effort will be extensive and will include a detailed menu of activities and meetings. It will involve several levels of involvement including meetings with industry professionals in a steering committee, individual meetings in the community, and meetings in large groups.

Other concerned agencies will be notified of the project and updated as necessary in its development several times during the process. These agencies include:

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- Miami-Dade County Public Works Department (DCPW)
- Miami-Dade County Transit Agency (MDT)
- Miami-Dade County Department of Planning and Zoning (DPZ)
- Bicycle Pedestrian Advisory Committee (BPAC)

Task 3: Vision, Goals, Objective and Needs

Time Frame: Completed in month 3

This task will stem from the public involvement, which will act as the vehicle to discuss the vision, goals, objectives and needs. A goal is defined as the result or achievement toward which an effort is directed, and is generally stated quite broadly. An objective – or target – is a more measurable result on the path towards achieving a goal. A need is an actual project or policy. All should focus toward the overall vision from which they are developed. The task of establishing goals and objectives for transportation in the long term future is vital to guide the planning study. By communicating the values and desires of the community so they may be incorporated in the plan by way of the analysis, alternatives can be developed, and prioritized easily.

Working within the public involvement plan outlined earlier, the workshop format will engage people on the following:

- preferred future modes of non-motorized transportation they expect to be using then;
- areas of connection;
- willingness to costs;

- characteristics that will define the future non-motorized systems in the Town;
- review of prioritization criteria

Task 4: Data Collection and Analysis
Time Frame: Completed in month 3

The Town of Cutler Bay will develop and execute a data collection plan that will include the review of the existing information and the collection of new data for the calculation of the bicycle and pedestrian levels of service.

Major and minor corridors, will be inventoried and evaluated for their quality and level for service. The determination of the bicycle level of service for each segment of the Bicycle and Pedestrian Network will be based on the operational level of service methodology adopted by the Florida Department of Transportation (FDOT). The Bicycle and Pedestrian Level of Service (BLOS) (PLOS) Models identify the level of service for a segment of the network on a scale of A to F based on a numerical model score. An LOS of “A” indicates good cycling or walking conditions and “F” indicates the least favorable conditions, and are a measure of the quality of the environment based on measured physical attributes including the vehicle volume and speed on the adjacent roadway, the presence or absence of a striped bike lanes, sidewalks, and the presence or absence of occupied on-street parking. For each segment a LOS Score will be assigned.

ANALYSIS

Each segment in the network will be evaluated using the accepted methodology of the Latent Demand Score (LDS). Once assigned a score, the segments will be rated and ranked. Much of input as to the appropriateness of the criteria can be obtained through the public involvement portion of the project. From this foundation, recommendations can be made.

Essentially the LDS quantifies the potential demand for bicycle travel on public facilities using an approach similar to that used for predicting vehicle trips. Cutler Bay will identify and geocode the trip attractors and generators along each corridor segment.

Types of bicycle and pedestrian trips will include:

- Work Trips
- School Trips
- Shopping Trips
- Recreation/Social Trips

Task 5: Recommendations
Time Frame: Completed in month 5

Once the individual segments and groups of segments have been rated candidate projects will be developed and evaluated. These projects will be focused on their ability to improve usage, facilities, safety, non motorized policy, and incentives. A variety of evaluation criteria will be developed by the project team in the public involvement process. These criteria will be weighted and each project will be scored and ranked.

These criteria may include:

- Connecting Existing Generators
- Ability to Reduce Congestion
- Intermodal Network Enhancement
- Support of Comprehensive Plan Goals and Objectives
- Safety
- School/Park Access

Through the interactive public process these criteria will be reexamined, modified if necessary and confirmed. Each candidate project will be run through the criteria screen and be given a score based on how well they adhere to the criteria. The higher the score, the higher the project will be ranked. The results will be listed in tabular form and mapped on the GIS database. Candidate projects will be categorized by type, such as on road bicycle projects, off road bicycle projects, pedestrian projects. All projects will be analyzed for the cost to plan, design, and acquire right-of-way and construct, as well as their ability to enhance mobility and level service

Task 6: List of Prioritized Improvements
Time Frame: Completed in month 6

A review of available funds will be undertaken. This will include a look at local, state and federal sources, as well as funds from private sources or impact fees. An ultimate funding level will be identified based on traditional funding levels and percentages, and this will be allocated over the project types. The highest ranked projects that fit within the available funding limit will represent the financially feasible list of projects. This will be portrayed in textual, tabular and GIS map form. These will be able to be easily included in the Towns Capital Improvement Element which requires financial feasibility. All other projects will be listed in the master plan for future development.

Task 7: Reports: Draft, Final, Executive Summary
Time Frame: Completed in month 6

Once all the technical work has been completed and the projects have been developed, evaluated and ranked relative to funding, the final reporting shall be undertaken. The first aspect of this will be an implementation plan, which will utilize the projects listed in the Project Bank with a description of the next steps that need to be undertaken to implement each by category.

Cutler Bay Bicycle and Pedestrian Master Plan Proposal

This project can be completed for \$50,000 in a time period of 6 months from the notice to proceed.

PROJECT SCHEDULE						
Cutler Bay Bicycle / Pedestrian Master Plan						
Proposed Schedule						
Task	Months					
	1	2	3	4	5	6
Task 1 -Background						
Task 2 - Public Involvement						
Task 3 - Vision, Goals, Objectives						
Task 4 - Data Collection						
Task 5 - Recommendations						
Task 6 - List of Prioritized Improvements						
Task 7 - Reports						

TAB 5



Office of the Town Manager

Steven J. Alexander
Town Manager

MEMORANDUM

To: Honorable Mayor, Vice Mayor and Town Council

From: Steven J. Alexander, Town Manager

Date: August 25, 2010

Re: Issuance of Request for Qualification (RFQ) #10-03 Professional Services:
Stormwater Assets Inventory

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR PROFESSIONAL SERVICES: STORMWATER ASSETS INVENTORY; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

The Public Works Department is responsible for overseeing various Capital Improvement Projects and conducting various studies. The Department desires and it is in the best interest of the Town to contract with the most qualified and experienced Consultants to provide Professional Services to the Town's Public Works Department.

A Request For Qualifications has been prepared to identify the best available consultants to provide Professional Services: Stormwater Assets Inventory. The selected consultant will be assisting the Town in coordinating and developing a database with the entire stormwater infrastructure within the Town's limits.

Town Ordinance #06-22 requires the Town Manager to obtain authorization from the Town Council in order to advertise solicitations for bids and proposals, prior to advertising the public notice. Additionally, pursuant to Chapter 287.055, Florida Statutes, the Town intends to retain consultants to provide professional services. In order to fulfill the needs of quick response and professional expertise, the Town intends to retain two (2) Consultants in each Service Area.

RECOMMENDATION

We recommend that the attached resolution authorizing the Town Manager to issue a Request for Qualifications (RFQ #10-03) be adopted.



RESOLUTION NO. 10-_____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR PROFESSIONAL SERVICES: STORMM WATER ASSETS INVENTORY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 403.0893, Florida Statutes, authorizes the establishment of stormwater utilities to plan, construct, operate and maintain stormwater management systems; and

WHEREAS, the Board of County Commissioners of Miami-Dade County, did, by adoption of Miami-Dade County Ordinances No. 91-66 and Ordinance No. 91-120, as amended by Ordinance Nos. 92-44 and 92-86, create a stormwater utility (hereinafter referred to as the “Utility”), and which Utility may operate within a municipality or municipalities; and

WHEREAS, the Town of Cutler Bay, (the “Town”) the Public Works Department (“Department”) will be responsible for overseeing various Capital Improvement Projects and conducting various studies; and

WHEREAS, the Department desires and it is in the best interest of the Town to contract with the most qualified and experienced Consultants to provide Professional Services to the Town’s Public Works Department Stormwater Utility; and

WHEREAS, the asset inventory records of all the drainage structure transferred by Miami-Dade County Stormwater Utility is incomplete; and

WHEREAS, the Governmental Accounting Standards Board (GASB) guidelines require that all Town assets be inventoried, valued, and depreciated on the annual financial reports; and

WHEREAS, a Request For Qualifications has been prepared to identify the best available consultants to provide Professional Services: Stormwater Assets Inventory services for the entire Stormwater Utility System as detailed in Exhibit “A”; and

WHEREAS, Town Ordinance Number 06-22 requires the Town Manager to obtain authorization from the Town Council to advertise solicitations for bids and proposals prior to advertising the solicitation.

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

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

Section 2. Request For Proposals Advertising Approved. The Town Manager is hereby authorized to advertise and issue a Request For Qualification for Professional Services: Stormwater Assets Inventory, substantially the form attached hereto as Exhibit "A."

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2010.

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 S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____



**REQUEST FOR QUALIFICATIONS
PROFESSIONAL SERVICES: RFQ#: 10-03
INFORMATION FOR THE PROPOSERS**

**SECTION # 1
INTRODUCTION**

The Town of Cutler Bay (the Town), a municipality located in Miami-Dade County, Florida, desires to receive qualifications for the selection of a firm (the Consultant) to provide Professional Services (the Services) to the Town on in the Development of a Stormwater Assets Inventory.

The Town intends to execute an agreement with selected Consultant to providing such services. The Town guarantees that all of the services identified in this Request for Qualifications (RFQ) will be assigned to the Consultant during the term of the Agreement.

1.1 SCHEDULE OF EVENTS

No	Event	Date*	Time* (EST)
1	Advertisement/ Distribution of RFQ & Cone of silence begins	8/26/2010	9:00 AM
2	Mandatory Pre-RFQ-Response Meeting	9/16/2010	1:00 PM
3	Deadline to Submit Questions	9/17/2010	4:00 PM
4	Deadline to Town Responses to Questions	9/21/2010	5:00 PM
5	Deadline to Submit RFQ-Response	9/27/2010	11:00 AM
6	Announcement of selected Consultants/Cone of Silence ends	TBA	TBA

*The Town reserves the right to change the scheduled dates and time.



1.2 ELIGIBILITY

In addition to other requirements stated in this document, to be eligible to respond to this RFQ, the Consultant must have successfully provided within the past ten (10) years services similar to those in Section 2.2 of this RFQ. Each Consultant shall meet all legal, technical and professional requirements for providing the requested Services.

The respondents shall furnish such additional information as the Town may reasonably require. This includes information that indicates financial resources as well as ability to provide and maintain the system and/or services. The Town reserves the right to make investigations of the respondents' qualifications or any of its agents, as it deems appropriate.

1.3 ADDENDA

If the Town finds it necessary to add to, or amend this document prior to the Response submittal deadline, the Town will issue written addenda/addendum. Each Consultant must acknowledge receipt of each addendum by signing the acknowledgement (Appendix A) and providing it with its Response.

1.4 CERTIFICATION

The signer of the Response (to this RFQ) must declare by signing Appendices A and B that the person(s), firm (s) and parties identified in the Response are interested in and available for providing the services; that the Response is made without collusion with any other person(s), firm(s) and parties; that the Response is fair in all respects and is made in good faith without fraud; and that the signer of the cover letter of the Response has full authority to bind the person(s), firm(s) and parties identified in the Response.

1.5 PUBLIC RECORDS

Florida law provides that municipal records should be open for inspection by any person under Section 119, F.S. Public Records law. All information and materials received by the Town in connection with responses shall become property of the Town and shall be deemed to be public records subject to public inspection.

1.6 RETENTION OF RESPONSES

The Town reserves the right to retain all Responses submitted and to use any ideas contained in any Response, regardless of whether that Consultant is selected.



1.7 QUESTIONS AND CLARIFICATIONS:

All requests for information and/or clarification should be submitted in writing to:

Town Clerk
Attn: Stormwater Assets Inventory RFQ #10-03
Public Works Department
Town of Cutler Bay
10720 Caribbean Blvd., Suite 105
Cutler Bay, FL 33189
Phone: (305) 234-4262 / Fax: (305) 234-4251
Email: townclerk@cutlerbay-fl.gov

1.8 TOWN AUTHORITY

Proposals will be selected at the sole discretion of the Town. The Town reserves the right to waive any irregularities in the request process, to reject any or all proposals, or to reject a proposal which is in any way incomplete or irregular. Proposals received after the deadline will not be considered.

1.9 CAMPAIGN FINANCE RESTRICTIONS ON VENDORS

Ordinance 06-11; Town Code Chapter 8A. Pursuant to Ordinance 06-11; Town Code Chapter 8A; Section 7.6 of the Town Charter, vendors of the Town are required to disclose any campaign contributions to the Town Clerk, and each vendor must do so prior to and as a condition of the award of any Town contract to the vendor.

Vendors' Campaign Contribution Disclosure:

1. General requirements:

- (A) Any vendor required to disclose campaign contributions pursuant to the Charter of the Town of Cutler Bay, as may be amended, shall file a written disclosure with the Town Clerk, stating all contributions made that were accepted by an elected official of the Town, the official to whom they were made and the date they were made. The Town Clerk may develop a form to be used by vendors for such disclosure.
- (B) The disclosure shall be filed prior to and as a condition of the award of any Town contract to the Vendor.
- (C) The Town Clerk shall inform the Council of any disclosures which were made in relation to any items before the Council prior to the hearing on the item or prior to the award of the contract.
- (D) If an existing vendor makes a contribution the vendor must report the same to the clerk within ten days of its acceptance or prior to being awarded any additional contract or renewal, whichever occurs first.
- (E) The Town Clerk shall file a quarterly report with the Council, which lists all the vendor disclosures in the quarter.



2. Disqualification

(A) As per Section 7.6 of the Town Charter, if a Vendor of products or services who directly or through a member of the person's immediate family or through a political action committee or through any other person makes a campaign contribution to a Town candidate and fails to disclose it then he/she/it shall be barred from selling any product or service to the town for a period of two years following the swearing in of the subject elected official.

1.10 CONE OF SILENCE

Notwithstanding any other provision of these specifications, the provisions of Town "Cone of Silence" are applicable to this transaction. The entirety of these provisions can be found in the Town's Purchasing Ordinance, Town Ordinance 06-22. The "Cone of Silence," as used herein, means a prohibition on any communication regarding a particular Request for Proposal ("RFP"), Request for Qualification ("RFQ") or bid, between:

A potential vendor, service provider, proposer, bidder, lobbyist, or consultant; and the Town Council, Town's professional staff including, but not limited to, the Town Manager and his or her staff, any member of the Town's selection or evaluation committee.

The Cone of Silence shall be imposed upon each RFQ, RFP and bid after the advertisement of said RFQ, RFP, or bid. The Cone of Silence shall terminate at the beginning of the Town Council meeting at which time the Town Manager makes his or her written recommendation to the Town Council. However, if the Town Council refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be re-imposed until such time as the Manager makes a subsequent written recommendation.

The Cone of Silence shall not apply to:

- (1) oral communications at pre-bid conferences;
- (2) oral presentations before selection or evaluation committees;
- (3) public presentations made to the Town Council during any duly noticed public meeting;
- (4) communication in writing at any time with any Town employee, unless specifically prohibited by the applicable RFQ, RFP or bid documents. The bidder or proposer shall file a copy of any written communication with the Town Clerk. The Town Clerk shall make copies available to any person upon request;
- (5) communications regarding a particular RFQ, RFP or bid between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the Town's Purchasing Agent or Town employee designated responsible for administering the procurement process for such RFQ, RFP or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;



- (6) communications with the Town Attorney and his or her staff;
- (7) duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the Town Manager makes his or her written recommendation;
- (8) any emergency procurement of goods or services pursuant to Town Code;
- (9) responses to the Town's request for clarification or additional information;
- (10) contract negotiations during any duly noticed public meeting;
- (11) communications to enable Town staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the Town's professional staff including, but not limited to, the Town Manager and his or her staff are in writing or are made at a duly noticed public meeting.

Please contact the Town Attorney for any questions concerning Cone of Silence compliance. Violation of the Cone of Silence by a particular bidder or proposer shall render any RFQ award, RFP award or bid award to said bidder or proposer voidable by the Town Council and/or Town Manager.

1.11 LOBBYIST REGISTRATION

Proposers must also comply with all Town Charter sections and Code provisions that pertain to lobbyists, including Section 7.6 of the Town Charter and implementing ordinance(s), including Sec. 2-11(s) of the Town Code and Ordinance 07-02. Please contact the Town Clerk at (305) 234-4262 for additional information.

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SECTION # 2

SERVICES NEEDED BY THE TOWN

2.1 GENERAL BACKGROUND

The Town is committed to efficient government administration. A small core of the Town staff has been serving its residents, businesses and visitors exceptionally well through their dedication and with the help of consultants, contractors, and service providers who also have been committed to providing quality products at competitive prices. We expect to continue this tradition.

Pursuant to Chapter 287.055, Florida Statutes, the Town intends to retain consultants to provide professional services in the Service Areas identified in Section 1.0 and described further in the Section 2.2. In order to fulfill the needs of quick response and professional expertise, the Town intends to retain one (1) Consultant.

While pursuing this RFQ process, the Town reserves the right to award contracts to Consultants who will best serve the interests of the Town and whose Responses are considered by the Town to be the most responsive and most responsible.

The Town reserves the right to accept or reject any or all Responses, based upon its deliberations and opinions. In making such determination, the Town reserves the right to investigate the financial capability, integrity, experience and quality of performance of each Consultant, including officers, principals, senior management and supervisors as well as the staff identified in the Response.

The Town also reserves the right to waive minor variations or irregularities in the Responses.

2.2 SCOPE OF SERVICES

The Consultants can expect to provide services including, but not limited to the tasks identified below:

- Task 1 – Project Coordination
- Task 2 – Drainage System Data Collection Assessment
- Task 3 – Drainage System Data Collection and Surveying
- Task 4 – GIS Shapefile and Geospatial Database Development



Below is a description of the level of effort associated with each of these tasks.

Task 1 – Project Coordination

CONSULTANT become familiar with the following: but not limited to: Stormwater Master Plan Stormwater Improvement Projects and County Stormwater Projects within the Town’s boundary. CONSULTANT will attend three (3) coordination meetings with the TOWN Public Works staff to coordinate data assessment and collection tasks, identify data collection requirements and provide status of the project during critical milestones. CONSULTANT will also attend three (3) meetings with the TOWN’s to coordinate geospatial database structure, format of GIS shapefile development and implementation of GIS data with gbaMS Stormwater Module.

Task 2 – Drainage System Data Collection Assessment

As part of the TOWN’s Stormwater Management Master Plan (SMMP) development, TOWN procured some preliminary catch basin and outfall GIS shapefiles based on drainage map schematics provided by the COUNTY. These shapefiles do not identify whether the catch basins and outfalls are located within public right of ways or private properties. These shapefiles also do not include drainage pipe data and elevations. CONSULTANT will use the County property appraisers GIS database to identify catch basins and outfalls that are located within public right of ways as well as field verified.

CONSULTANT will develop an overall map of the current catch basins and outfalls locations within the TOWN and provide this map to the TOWN’s Public Work staff. CONSULTANT will revise the GIS shapefiles to include the location of additional catch basins and outfalls identified in the field by TOWN staff.

Using the information collected and GIS shapefile refinements performed as part of this task, CONSULTANT will develop drainage infrastructure maps to determine which catch basins and outfalls will need to be surveyed in the field as part of Task 3 and which information need to be collected. These maps will guide the surveyor for this project in the field and will include unique structure identifiers to properly catalog data collection in the field.



Task 3 – Drainage System Data Collection and Surveying

CONSULTANT will survey catch basins and outfalls located within public right of ways throughout the TOWN. CONSULTANT will use the drainage infrastructure maps to be developed as part of Task 2 to identify the catch basins and outfalls to be surveyed. Based on preliminary information available to date, it is anticipated that the following number of catch basins and outfalls will be required to be surveyed by sub-basin and other public right of ways: an estimated total of 500 catch basins and 69 outfalls will be surveyed.

For each catch basin, the following survey information will be collected:

- Horizontal location
- Top of grate or inlet elevation
- Bottom elevation
- Catch basin/inlet type
- Basic catch basin dimensions
- Pipe size, material and invert elevations of all pipes connected to the catch basin
- Identification of baffles if installed within the catch basin
- Minimum of 2 Digital photograph of catch basin for informational purposes

For each outfall, the following survey information will be collected:

- Horizontal location
- Pipe size and material
- Invert elevation
- Headwall type (if any)
- Minimum of 1 Digital photograph of outfall for informational purposes

The survey horizontal control will be based on the North American Datum (NAD) 83/99, and the vertical control will be based on the National Geodetic Vertical Datum (NGVD) of 1929, which was established previously during the initial survey completed by CONSULTANT for the TOWN. CONSULTANT will also provide converted elevations relative to North American Vertical Datum (NAVD) of 1988 using a constant conversion factor for the entire TOWN. Survey equipment proposed for the survey activities will include Real Time Kinematic (RTK) GPS equipment to expedite data collection, and the anticipated horizontal and vertical accuracy will be +/- 0.2 feet and +/- 0.3 feet, respectively.



Task 4 – GIS Shapefile and Geospatial Database Development

CONSULTANT will use the information collected as part of Task 1 through 3 to develop GIS shapefiles or geospatial databases for all known catch basins and outfalls within the TOWN. This information will also be used to identify the secondary drainage network connectivity within public right of ways. CONSULTANT will also use the primary culvert survey information and canal cross section data collected as part of the SMMP to develop additional drainage infrastructure shapefiles and geospatial databases.

At a minimum, the geospatial databases will include the following information:

- Structure type: catch basin, curb inlet, ditch bottom inlet, outfall, culvert, etc.
- Available structure dimensions
- Associated Sub-Basin
- Whether structure is within public right of way of private property, this will be utilized when a structure interconnects to a Public ROW drainage.
- Pipe network connectivity
- Pipe sizes, materials, and inverts
- Location of baffles and fish grates
- Location and data of available canal cross sections

As part of this task CONSULTANT will link all available photographs to each applicable GIS structure object so the conditions of the structure can be viewed within GIS. CONSULTANT will also develop Metadata for all shapefiles and geospatial databases developed as part of this project. The Metadata will provide documentation of the spatial data, describing content, quality, conditions and other characteristics of the data sets.

CONSULTANT will provide all shapefiles or geospatial databases developed as part of this task to the TOWN's. CONSULTANT will be responsible for coordination of incorporation of GIS information into the TOWN's Stormwater Module. CONSULTANT will develop applicable drainage infrastructure atlas maps consistent with other infrastructure atlas maps, (1) one square mile maps.



II. SCHEDULE

CONSULTANT will complete the work items outlined in the Scope of Work within six (6) months of receiving “Notice to Proceed” from the TOWN.

III. EXCLUSIONS

The services outlined below are not included as part of the Scope of Work, although additional service orders can be executed to assist the TOWN with these services if necessary:

- Topographic surveys
- Boundary or property surveys
- Catch basin, inlet or outfall cleaning

IV. COMPENSATION

CONSULTANT will be compensated for the work outlined in the Scope of Work.

Anticipated Quantities	
Structure Type:	Quantity
Catch Basin (Any Inlet Type also includes Man Holes)	500
Outfalls Above Water	0
Outfall Below Water	0



SECTION # 3
RESPONSE SUBMISSION REQUIREMENTS AND EVALUATION

Six (6) signed (one original and five (5) photo copies) Responses shall be submitted in one sealed package, clearly marked on the outside "RFQ #10-03, PROFESSIONAL SERVICES". The outside of the sealed envelope shall also show the name of the Prime Consultant.

All sealed Qualification packages must be received at the receptionist's desk in the Town Hall located at 10720 Caribbean Blvd., Suite 105, Cutler Bay, FL 33189, by **11:00 AM, September 27, 2010**, at which time their receipt will be publicly documented by the Town Clerk or her designee(s).

All Responses must be received by the Town clerk by the due date and time. All Responses received after the due date and time will not be considered.

3.1 RESPONSE //(QUALIFICATION PACKAGE) PREPARATION

Each consultant shall submit one (1) original and five (5) bound photocopies of each Response. Each Response shall be limited to eighteen (18) pages (paper size 8.5"x11,"printed on only one side of the paper, single or the larger spacing, font size not less than 11) excluding the Certificates and Appendices A, B and C. The sections shall follow the order given on the next page. The twenty-(20)-page limit is for items 1 to 9 on the next page. No material other than that listed in this Section shall be included in the Response.

1. A **one-page** cover letter indicating the Consultants' interest in providing the services to the Town and a statement on why the consultant should be selected for the award. The letter shall include the name of the Prime Consultant and those of the subconsultants, explanation of the type of contractual agreement between them, if different from that of Prime and subconsultant. A representative who is authorized to contractually bind the Consultant shall sign this letter.
2. A **one-page** table of contents identifying the sections and page numbers.
3. A **one-page**, proposed organization chart identifying key professionals, their area(s) of responsibility and extent of their availability.
4. A **two-page** history of all the consultant(s).
5. **Up to four (4), one-page** resumes of the persons, including the Project Manager that will be assigned to the Town projects, if the Town selects the Consultant.
6. **Up to two (2), one-page**, a table showing all current and recently completed private and public (local municipal, county, regional and state) sector clients of all the consultants. The table shall include for each client: (a) the length of the contract; (b) the scope of services provided; (c) the type of contract (pro bono, retainer, project based fee, other); (d) specific accomplishments, if any; and (e) a contact name, phone number and e-mail address for each client. If the Consultant team includes subconsultant, there must be at least one project for each subconsultant. The Consultant may select suitable clients/projects, if the list exceeds two-page limit.



7. **Up to a two (2), one-page**, a narrative on projects completed on time and in budget after 1/1/2005.
8. **Up to four (4), one-page**, a description of projects providing services similar to those identified in the scope of services over the last ten (10) years. The emphasis shall be given to the projects in Florida AND the tasks performed by the four persons identified in the Response
9. **Up to three (3), one-page**, copies of any press articles, profiles, commendations, awards etc. The emphasis shall be given to the projects completed in Florida AND the projects of the four persons identified in the Response
10. **Six (6) pages**, completed any Appendices A, B and C.
11. Proofs of authorization to transact business in the State from the Florida Secretary of State, from prime as well as supporting firms

3.2 RESPONSE EVALUATION CRITERIA

The selection committee will evaluate the Responses based on the criteria listed below. The points assigned to each criterion are also given:

1. Credentials and accomplishments of the other (up to 3) members **(25 Points)**
2. Quality of the projects and accomplishments of the Consultant(s) in providing similar services to entities comparable to the Town **(25 Points)**
3. Consultant's track record of on time and within budget project performance **(20 Points)**
4. Credentials and accomplishments of the Consultant Project Manager **(15 Points)**
5. Credentials and accomplishments of the Consultant in general **(10 Points)**
6. Compliance with the Response preparation and submission requirements **(5 Points)**.



SECTION # 4 **OTHER CONDITIONS**

4.1 TERM OF ENGAGEMENT

One (1) Year, with the option to extend the contract for an additional two-one (1) year term. The Town may terminate the agreement with a sixty (60-days) notice without giving any reason.

4.2 PERMITS, TAXES, LICENSES

The Consultant shall, at its own expense, obtain all necessary permits, pay all licenses, fees and taxes required to comply with all local ordinances, state and federal laws, rules, regulations and professional standards that would apply to this contract.

4.3 LAWS, ORDINANCES

The Consultant shall observe and comply with all federal, state and local laws, ordinances, rules, regulations and professional standards that would apply to this contract.

4.4 INSURANCE

Prior to execution of an agreement with the Town, the successful Consultant shall provide certificates evidencing insurance coverage as required hereunder. Companies authorized to do business under the laws of the State of Florida shall issue all insurance policies. The Certificates shall clearly indicate that the successful Consultant has obtained insurance of the type, amount, and classification as required and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the Town's representative. Compliance with the foregoing requirements shall not relieve the successful Consultant of its liability and obligations under the agreement.

The successful Consultant shall maintain during the term of the agreement, standard Professional Liability insurance in the minimum amount of one-million-dollars (\$1,000,000) per occurrence.

The successful Consultant shall maintain during the life of the agreement, commercial general liability, including contractual liability insurance in the amount of one-million-dollars (\$1,000,000) per occurrence to protect it and the Town from claims for damages for bodily and personal injury, including wrongful death, as well as from claims of property damages which may arise from any operations under the agreement, whether such operations be by the successful Consultant or by anyone directly employed by or contracting with the successful Consultant.



The successful Consultant shall maintain, during the life of the agreement, comprehensive automobile liability insurance in the minimum amount of five-hundred-thousand-dollars (\$500,000) combined single limit for bodily injury and property damage liability to protect it from claims for damages for bodily and personal injury, including death, as well as from claims for property damage, which may arise from the ownership, use, or maintenance of owned and non owned automobiles, including rented automobiles whether such operations be by the successful Consultant or by anyone directly or indirectly employed by the successful Consultant.

The successful Consultant shall maintain, during the life of the agreement, as law requires adequate Worker's Compensation Insurance and Employer's Liability insurance in at least such amounts as for all of its employees per Florida Statute 440.02.

The Consultant shall also maintain other required insurance coverage specific to the services to be provided.

4.5 NEGOTIATIONS

Fees negotiated will be for the underlying contracts and will be negotiated in accordance with Florida Statutes.

[SPACE LEFT BLANK INTENTIONALLY]



APPENDIX A

ACKNOWLEDGEMENT, WARRANTY AND ACCEPTANCE

- A. Consultant warrants that it is willing and able to comply with all applicable State of Florida laws, rules and regulations.
- B. Consultant warrants that they have read, understand and are willing to comply with all of the requirements of the RFQ and the addendum/ addenda nos.
- C. Consultant warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the Council.
- D. Consultant warrants that all information provided by it in connection with this proposal is true and accurate.
- E. CONTINGENCY FEE AND CODE OF ETHICS WARRANTY:

Consultant warrants that neither it, nor any principal, employee, agent, representative or family member has promised to pay, and Consultant has not, and will not; pay a fee the amount of which is contingent upon the Town of Cutler Bay awarding this contract. Consultant warrants that neither it, nor any principal, employee, agent, representative has procured, or attempted to procure, this contract in violation of any of the provisions of the Miami-Dade County conflict of interest and code of ethics ordinances. Further, Consultant acknowledges that a violation of this warranty will result in the termination of the contract and forfeiture of funds paid, or to be paid, to the Consultant, if the Consultant is chosen for performance of the contract.

Signature of Official: _____

Name (typed): _____

Title: _____

Consultant: _____

Date: _____



APPENDIX B

NON-COLLUSIVE AFFIDAVIT

State of _____

SS:

County of _____

_____ being first duly sworn, deposes and says

that:

(1) He/she is the, (Owner, Partner, Officer, Representative or Agent) of:

_____ the Consultant that has submitted the attached Proposal;

(2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

(3) Such Proposal is genuine and is not a collusive or a sham Proposal;

(4) Neither the said Consultant nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Consultant or person to submit a collusive or sham response in connection with the work for which the attached Proposal has been submitted, or to refrain from responding in connection with such work, or have in any manner, directly or indirectly, sought by agreement or collusion, communication, or conference with any Consultant or person to fix this Proposal or to secure through any collusion, conspiracy, connivance, or unlawful agreement, any advantage against the Town of Cutler Bay, or any person interested in the proposed Work;

Signed, sealed and delivered

In the presence of

_____ By: _____

(Printed Name)

(Title)



ACKNOWLEDGMENT

State of Florida

County of _____

On this _____ day of _____, 20__, before me, the undersigned

Notary Public of the State of Florida personally appeared

and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand
and official seal

NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or
Type as commissioned.)
o Personally known to me, or
o Produced identification:

(Type of Identification Produced)
o Did take an oath. or
o Did not take an oath.



APPENDIX C

**SWORN STATEMENT PURSUANT TO
SECTION 287.133 (3)(a) FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the TOWN OF CUTLER BAY, FLORIDA

By _____

For _____

Whose business address is: _____

And (if applicable) its Federal Employer Identification Number (FEIN) is: _____

(if the entity has no FEIN, include the Social Security Number of the individual signing this

Sworn statement - S.S. # _____)

2. I understand that a "public entity crime" as defined In Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with any agency or political subdivision of any other State or of the United States, including, but not limited to, any Proposal or contract for goods or services to be provided to any public entity or an agency or any political subdivision of any other state or of the United Sates and involving antitrust fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result or a jury verdict, non jury trial, or entry of a plea or guilty or nab contenders.



4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, and means:

- A. A predecessor or successor of a person convicted of a public entity crime; or
- B. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling Interest in another person, ore pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws or any state or of the United States with the legal power to enter into a binding contract and which Proposals or applies to Proposal on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of any entity.

Signed, sealed and delivered

In the presence:

By:

(Printed Name)

(Title)



ACKNOWLEDGMENT

State of Florida

County of _____

On this _____ day of, 20____, before me, the undersigned Notary Public of the State of Florida personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or Type as commissioned.)
O Personally known to me, or
o Produced identification:

(Type of Identification Produced)
o Did take an oath. or
o Did not take an oath.

TAB 6

RESOLUTION 10-_____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA REQUESTING THE TOWN MANAGER TO POST A MONTHLY REPORT OF THE TOWN'S CHECK REGISTRY; REQUESTING THAT THIS INFORMATION BE PROVIDED IN THE FUTURE ON A MONTHLY BASIS; PROVIDING FOR A SUNSET PERIOD; AUTHORIZING THE TOWN MANAGER TO BRING FORWARD AN ORDINANCE PROVIDING FOR THE ELECTRONIC POSTING OF THE CONTENTS OF THE TOWN'S CHECK REGISTRY ON THE TOWN'S OFFICIAL WEBSITE AT THE CONCLUSION OF THE SUNSET PERIOD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.11 of the Town Charter provides that the Town shall, subject to budgetary limitations, use technology to make the administration of the Town's government, including financial reporting, more accessible and transparent; and

WHEREAS, it is the desire of the Town Council to increase transparency with regard to the Town's expenditures and financial documents while at the same time not compromising the security and integrity of such documents; and

WHEREAS, the Town Council recognizes the need to embrace and fully utilize technological improvements to keep the Town on the cutting edge of government innovation; and

WHEREAS, the Town has already taken substantial steps to increase transparency by making financial documents and budgets available to the public through the Town's website; and

WHEREAS, the Town's existing website has the capability to allow the public to access and download information on the Town's check registry, quarterly reports, proposed and final budgets, at no cost to the taxpayer; 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 and Authorization. The Town Council hereby approves the electronic posting of the contents of the Town's check registry on the Town's official website.

The posting shall be limited to Town issued checks that are available for public disclosure. The Town Council further authorizes the Town Manager to begin posting this information as soon as it is feasible to do so.

Section 3. Sunset Period and Authorization. The requirement for the electronic posting of the contents of the Town’s check registry on the Town’s official website shall sunset six (6) months after the effective date of this Resolution. Upon the sunset of this Resolution, the Town Manager shall bring forward an ordinance providing for the electronic posting of the contents of the Town’s check registry on the Town’s official website for the Town Council’s review and consideration.

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

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIN O’DONNELL
Interim 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 _____

TAB 7

RESOLUTION 10-_____

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF CUTLER BAY, FLORIDA, FILLING
THE VACANCY OF COUNCIL SEAT NUMBER ONE; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in 2005 Councilman Timothy J. Meerbott was elected to represent Seat Number One, which has a northern boundary of S.W. 184 Street, extends to the east to 97th Avenue and Franjo Road, to the centerline of Old Cutler Road to S.W. 216 Street and Black Creek Canal to the south, and west to the Busway; and

WHEREAS, on August 18, 2010, Councilman Meerbott resigned from Town Council Seat Number One in an abundance of caution in order to run for Mayor; and

WHEREAS, Councilman Meerbott's term is scheduled to end in November of 2010; and

WHEREAS, pursuant to Section 2.5(C)(1) of the Town Charter, if less than six months remain in an unexpired term, the Council member's vacancy shall be filled by resolution of the Town Council at its next regularly scheduled meeting; 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. Filling the Vacancy of Council Seat Number One. Pursuant to the Town Charter, the Town Council hereby appoints _____ to fill the vacancy of Council Seat Number One until the next scheduled countywide election.

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

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIN O'DONNELL
Interim 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 Ernest N. Sochin _____

TAB 8

RESOLUTION NO. 10-

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ENCUMBERING BUDGETED FUNDS FROM THE 2009/2010 FISCAL YEAR BUDGET FOR ONE UPCOMING EVENT WITHIN THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) is interested in facilitating the creation of interesting and fulfilling cultural and recreational events for the benefit of the Town’s residents; and

WHEREAS, in furtherance of this effort, the Town would like to assist in the preparation of an upcoming event within the Town (the “Town Event”); and

WHEREAS, this Town Event consists of Police services and cleanup by the Town for Halloween in October; and

WHEREAS, the Town Council wishes to utilize \$ _____ of the unencumbered budget appropriation within the Town Council’s travel budget for the 2009/2010 fiscal year, under the “Travel and Per Diem” line item, to assist this Town Event; 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. Encumbered Funds for Halloween. The Town Council hereby encumbers \$ _____ of the unencumbered budget appropriation within the Town Council’s travel budget for the 2009/2010 fiscal year, under the “Travel and Per Diem” line item, to assist this Town Event; and to be used for police security and other governmental related costs for Halloween in October.

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this ____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIN O'DONNELL
Interim 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 9

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCES 07-30 AND 08-13 RELATING TO DANGEROUS INTERSECTION SAFETY; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION WITHIN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed CS/CS/HB325 during the 2010 Legislative Session authorizing the use of traffic infraction detectors to enforce certain provisions of Chapter 316 of the Florida Statutes; and

WHEREAS, the Governor of the State of Florida signed CS/CS/HB325 into law on May 13, 2010, resulting in the creation of Chapter 2010-80, Laws of Florida (2010) (the “Mark Wandall Traffic Safety Act” or the “Act”) taking effect on July 1, 2010; and

WHEREAS, the running of red lights continues to be a safety hazard affecting every citizen and traveler in the Town of Cutler Bay; and

WHEREAS, the Town wishes to further reduce the running of red lights by amending its Code of Ordinances to implement the Act; and

WHEREAS, the Town Council finds that this Ordinance is in the best interest 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. Amendment to Ordinances 07-30 and 08-13. The Town Council of the Town of Cutler Bay hereby amends Ordinances 07-30 and 08-13 as follows:¹

Dangerous Intersection Safety

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.

Sec. 1. Intent.

The purpose of this article is to authorize the use of ~~an unmanned cameras/monitoring system~~ traffic infraction detectors to promote compliance with red light signal directives as proscribed by this article, and to adopt a civil enforcement system for red light signal violations, all in accord with general law, including Chapter 2010-80, Laws of Florida (2010) (the “Mark Wandall Traffic Safety Act” or the “Act”). This article will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with other routine statutory traffic enforcement techniques.

Sec. 2. Use of Image Capture Technologies.

The Town shall utilize ~~image capture technologies~~ traffic infraction detectors ~~as a supplemental~~ pursuant to general law as a means of monitoring compliance with laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall not supersede, infringe, curtail or impinge upon state or county laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to install and maintain traffic signal devices. This article shall serve to enable the Town to provide enhanced enforcement and respect for authorized traffic signal devices pursuant to Florida Statutes, Sections 316.008 and 316.0083 (2010). The Town may utilize ~~image capture technologies~~ traffic infraction detectors as an ancillary deterrent to traffic control signal violations and to thereby reduce accidents and injuries associated with such violations. ~~Notices of infractions issued pursuant to this article shall be addressed using the Town’s own Special Magistrates pursuant to Ordinance 07-09 of the Town Code and not through uniform traffic citations or county courts. This shall not bar the use of uniform traffic citations and the county courts when Town police personnel decide not to rely on this article as the enforcement mechanism for a specific violation.~~

Sec. 3. Definitions.

The following definitions shall apply to this article:

OWNER/VEHICLE OWNER. The person or entity identified by the Florida Department of Motor Vehicles, or other state vehicle registration office, as the registered owner of a vehicle. ~~Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six months or more.~~

RECORDED IMAGES. Images recorded by a traffic infraction detector which is operated in accordance with the Act. ~~traffic control signal monitoring system/device:~~

(1) ~~On:~~

(a) ~~Two or more photographs;~~

- ~~(b) — Two or more electronic images;~~
- ~~(c) — Two or more digital images;~~
- ~~(d) — Digital or video movies; or~~
- ~~(e) — Any other medium that can display a violation; and~~

~~(2) — Showing the rear of a motor vehicle and on at least one image, clearly identifying the license plate number of the vehicle.~~

RED ZONE INFRACTION. A traffic offense whereby a traffic infraction detector indicates a violation of Section 4. ~~traffic control signal monitoring system established that a vehicle entered an intersection controlled by a duly erected traffic control device at a time when the traffic control signal for such vehicle's direction of travel was emitting a steady red signal.~~

SPECIAL MAGISTRATE. ~~The Town's Code Enforcement Special Magistrate, as described in the Town Code.~~

TRAFFIC CONTROL INFRACTION ENFORCEMENT REVIEW OFFICER. The Town police department employee designated, pursuant to Sec. 7 herein, to review recorded images and issue red zone infractions based upon those images.

TRAFFIC CONTROL SIGNAL. A device exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in F.S. § 316.075.

~~***TRAFFIC CONTROL SIGNAL MONITORING SYSTEM/DEVICE.*** An electronic system consisting of one or more vehicle sensors, working in conjunction with a traffic control signal, still camera and video recording device, to capture and produce recorded images of motor vehicles entering an intersection against a steady red light signal indication.~~

TRAFFIC INFRACTION DETECTOR. A vehicle sensor(s) installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.

Sec. 4. Adherence to Red Light Traffic Control Signals.

(a) Pursuant to general law, ~~M~~motor vehicle traffic facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown on the traffic control signal; however, the driver of a vehicle which is approaching ~~stopped at~~ a clearly marked stop line, but if none, is approaching ~~before entering~~ the crosswalk on the near side of the intersection or, if none, then is approaching ~~at~~ the point nearest the

intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience of a steady red traffic control signal, may make a right turn in a careful and prudent manner (unless such turn is otherwise prohibited by posted sign or other traffic control device) but shall yield right-of-way to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.

(b) Pursuant to general law, motor vehicle traffic facing a traffic control signal that is malfunctioning, inoperable or is emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest to the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In the event that only some of the traffic control signals within an intersection are malfunctioning, inoperative or emitting a flashing red light the driver of the vehicle approaching the malfunctioning, inoperative or flashing red traffic control signal shall stop in the above prescribed manner.

Sec. 5. Violation.

A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with the requirements of Sec. 4. Violations shall be enforced pursuant to F.S. § 316.0083~~Sec. 7.~~

Sec. 6. Forty-five (45) day notice; introductory period.

The Police Chief shall notify the Town Manager when the red light camera system is operating correctly at the initial location established. The Town shall conduct a public announcement and a public awareness campaign of the proposed use of traffic infraction detectors at least 45 days before commencing the enforcement program. For the forty-five days following the public announcement and public awareness campaigns~~aid notification~~, unless the driver of a vehicle received a citation from a police officer at the time of a red zone infraction in accordance with routine traffic enforcement techniques, the vehicle owner shall receive a warning in the form of a courtesy notice of the violation. Commencing on the forty-sixth (46) days after the above referenced notification, the vehicle owners ~~are~~ is subject to the enforcement provisions as provided for in this Ordinance and applicable law ~~herein and no warning shall be given pursuant to this article.~~

Sec. 7. Review of Recorded Images.

(A) The owner of the vehicle which is observed by recorded images committing a red zone infraction, shall be issued a notice of violation (hereinafter also known as a “notice”) no later than thirty (30) days after the red zone infraction occurs. The recorded image shall be sufficient grounds to issue a notice.

(B) The Town’s Chief of Police shall designate one or more a Traffic Control ~~Control~~ Infraction Enforcement ~~Review~~ Officers, who shall be a police officers of the Town and ~~or~~ who

shall meet the qualifications set forth in F.S. § 316.640(5)(A), or any other relevant statute. The Traffic ~~Control~~ Infraction Enforcement Review Officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the Traffic ~~Control~~ Infraction Enforcement Review Officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.

(C) If a vehicle owner receiving a notice fails to pay the penalty imposed by F.S. § 316.0083 or to provide an affidavit that complies with the provisions of F.S. § 316.0083 within thirty (30) days of the date the notice is issued, then a Uniform Traffic Citation shall be issued to the vehicle owner as provided by general law. The Uniform Traffic Citation shall be issued no later than sixty (60) days after the red zone infraction occurs.

Sec. 8. Notice of Violation.

The notice of a red zone infraction shall be served via first class mail and shall include: in the form as provided for in Ordinance Number 07-09 of the Town Code but shall also include:

- (A) The name and address of the vehicle owner;
- (B) The license plate number and registration number of the vehicle;
- (C) The make, model, and year of the vehicle;
- (D) Notice that the infraction charged is pursuant to this article;
- (E) The location of the intersection where the infraction occurred;

(F) ~~Notice that there are recorded images relating to the vehicle and a statement that the recorded images are evidence of a red zone infraction~~ A statement that the owner has the right to review the recorded images that constitute a rebuttable presumption against the owner, together with a statement of the time and place or Internet location where the evidence may be observed;

- (G) Images depicting the infraction;

(H) A signed statement by the Traffic ~~Control~~ Infraction Enforcement Review Officer that, based on inspection of recorded images, the vehicle was involved in and was utilized to commit a red zone infraction;:-

- (I) The date and time of the infraction;

- (J) Instructions on all methods of payment of penalty;

(K) A statement specifying the remedies available under F.S. § 318.14; and

(L) A statement that the owner must pay a penalty of \$158 to the Town or provide an affidavit that complies with F.S. § 316.0083 within thirty (30) days of the date the notice is issued in order to avoid court fees, costs, and the issuance of a Uniform Traffic Citation.

Sec. 9. Vehicle Owner Responsibilities

~~(A) A vehicle owner receiving a notice may:~~

~~(1) Pay the assessed civil penalty pursuant to instructions on the notice; or~~

~~(2) Appear before the Special Magistrate to contest the notice.~~

~~(B) The failure to pay the assessed civil penalty and failure to appear before the Special Magistrate to contest the notice will be considered an admission of liability and in such case an order may be entered against the violator for an amount up to the maximum civil penalty, plus any administrative costs.~~

Sec. 10. Hearing before the Special Magistrate.

~~(A) The Town's Code Enforcement Special Magistrates are authorized to hold hearings related to the enforcement of this article. A hearing shall be scheduled for all notices for which the vehicle owner timely requests an administrative hearing.~~

~~(B) Upon receipt of the named violator's timely request for an administrative hearing, the Town shall schedule a hearing before the Special Magistrate pursuant to Ordinance 07-09 of the Town Code. Notice of hearing shall be provided to the vehicle owner pursuant to the notice provisions contained in Ordinance 07-09 of the Town Code.~~

~~(C) The hearing shall be held pursuant to the procedures set forth in Ordinance 07-09 of the Town Code. The Traffic Control Infraction Review Officer may testify at the hearing. The vehicle owner may present testimony and evidence.~~

~~(D) Recorded images indicating a red zone infraction, verified by the Traffic Control Infraction Review Officer, are admissible in any proceeding before the Town's Special Magistrate to enforce the provisions of this article, and shall constitute prima facie evidence of the violation.~~

~~(E) Unless an affidavit is provided pursuant to Section 11, it is presumed that the person registered as the vehicle owner with the Florida Department of Motor Vehicles or any other state vehicle registration office, or an individual having the owner's consent, was operating the vehicle at the time of a red zone infraction.~~

Sec. 11. Vehicle Owner Affidavit of Non-Responsibility.

~~(A) — In order for the vehicle owner to establish that the motor vehicle was, at the time of the red zone infraction, either: (1) in the care, custody, or control of another person without the consent of the registered owner or (2) was subject to a short term (less than six months) car rental agreement entered into between a car rental agency, which is licensed as required by applicable law and is authorized to conduct business in the State of Florida, and the operator of the vehicle, the vehicle owner is required, within 20 days from the date listed on the notice, to furnish to the Town, an affidavit setting forth the circumstances demonstrating, either: (1) that the motor vehicle was not in the vehicle owner's care, custody, or control, and was not in the care, custody or control of another person with the vehicle owner's consent or (2) that the motor vehicle was subject to a short term (less than six months) rental agreement between the car rental agency receiving the notice and the vehicle operator and provide a true and correct copy of the short term car rental agreement, as applicable. The affidavit must be executed in the presence of a notary, and include:~~

- ~~(1) If known to the vehicle owner, the name, address, and the driver's license number of the person who had care, custody, or control of the motor vehicle, without the vehicle owner's consent, at the time of the alleged red zone infraction; or~~
- ~~(2) The name, address and drivers license number of the person who rented the motor vehicle from the car rental agency which has received the notice, at the time of the alleged red zone infraction; or~~
- ~~(3) If the vehicle was stolen, the police report indicating the vehicle was stolen at the time of the alleged red zone infraction; and~~
- ~~(4) The following language immediately above the signature line: "Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true."~~
- ~~(5) Upon timely receipt of a sufficient affidavit pursuant to this section, any prosecution of the notice issued to the vehicle owner shall be terminated. Proceedings may be commenced by the Town against the responsible person identified in the affidavit, and in such event, the responsible person shall be subject to the same process and procedures which are applicable to vehicle owners.~~

~~Sec. 12. Administrative Charges.~~

~~In addition to the penalty pursuant to Sec. 15 herein, administrative charges may be assessed pursuant to Ordinance 07-09 of the Town Code in the event of a hearing and/or the necessity to institute collection procedures arises.~~

~~Sec. 13. Collection of fines.~~

~~Collection of fines shall be accomplished pursuant to Ordinance 07-09 of the Town Code.~~

~~Sec. 14. Exceptions.~~

~~This article shall not apply to red zone infractions involving vehicle collisions or to any authorized emergency vehicle responding to a bona fide emergency; nor shall a notice be issued in any case where the operator of the vehicle was issued a citation for violating the state statute regarding the failure to stop at a red light indication for the same event or incident.~~

Sec. 15. Penalty.

~~A violation of this article shall be deemed a non criminal, non moving violation for which a civil penalty, as proscribed in this Ordinance, shall be assessed. As the violation relates to this article and not to the Florida Statutes, no points as otherwise provided in F.S. § 322.27, shall be recorded on the driving record of the vehicle owner or responsible party.~~

Sec. 16. Enforcement.

~~—————This article may be enforced by any other means available to the Town.~~

Sec. 17. Signage.

~~The Town shall, to the extent practicable, at the primary motor vehicle entry points to the Town, cause to be erected and maintained signs, which substantially meet the design specifications indicated in Exhibit “A”, providing notice of this article. Failure to erect, maintain or create these signs shall not invalidate or impair any enforcement of this article.~~

When the Town installs a traffic infraction detector at an intersection, it shall erect signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use at the intersection and shall include specific notification of intersection safety camera enforcement of violations concerning right turns. Such signage shall meet the specifications for uniform signals and devices adopted by the Department of Transportation pursuant to F.S. § 316.0745.

Sec. 10. Implementation of General Law

Within the Town, the Town Manager is authorized to implement the provisions and requirements of Chapter 2010- 80, Laws of Florida (2010), as may be amended from time to time, and may take any action which is necessary for such purpose.

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 21st day of July, 2010.

PASSED AND ADOPTED on second reading this _____ day of _____, 2010.

PAUL S. VROOMAN
Mayor

Attest:

ERIN O'DONNELL
Interim 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 10

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 06-22 RELATING TO PURCHASING GUIDELINES FOR TOWN HALL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town recently purchased the office building where Town Hall is currently located; and

WHEREAS, the Town will need to hire a leasing agent and construction management company to lease vacant space and make tenant improvements; and

WHEREAS, in order to select such companies within a efficient and timely manner, the Town Council desires to modify the Town’s purchasing guidelines to permit the Town Manager to purchase leasing, maintenance, janitorial, and construction management services not to exceed \$100,000 without formal competitive bidding or Town Council approval; and

WHEREAS, the Town Council finds that this Ordinance is in the best interest 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. Creation of Town Advisory Board Ordinance. The Town Council of the Town of Cutler Bay hereby amends Ordinance 06-22 as follows:¹

II. Purchasing guidelines

(A) Purchases not greater than \$5,000. Purchases of or contracts for materials, supplies, equipment, improvements or services where the total amount expended is not greater than \$5,000 may be made or entered into by the Town Manager without competitive bidding and without Town Council approval.

(B) Purchases of more than \$5,000 but less than \$25,000. Purchases of or contracts for materials, supplies, equipment, improvements or services where the total amount expended is in excess of \$5,000, but which is less than \$25,000, may be made or entered into by the Town

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.

Manager without Town Council approval provided that three competitive quotations are obtained from individual vendors. In all such cases the Town Manager shall retain records of the price quotations received. Single purchases and contracts of greater than \$25,000 shall not be broken down into smaller purchase or contract amounts in order to avoid the competitive bidding requirements of this ordinance.

(C) Purchases of \$25,000 or more. Purchases of or contracts for materials, supplies, equipment, improvements or services where the total amount expended is \$25,000 or more shall be awarded by the Town Council after formal competitive bidding.

(D) Formal competitive bidding shall be deemed to include Invitations to Bid (ITB), Requests for Proposals (RFP), Requests for Qualifications (RFQ), or Requests for Letters of Interest (RLI) in which respondents are evaluated based on a combination of qualitative factors and a dollars and cents bid. The type of competitive solicitation to be used shall be determined by the Town Manager. For purchases or contracts involving the expenditure of \$25,000 or more the Town Manager shall obtain authorization by affirmative vote of the Council to advertise the solicitation prior to advertising the solicitation.

(E) Purchases for Town Hall. Notwithstanding the provisions of (A)-(D) above, single purchases directly related to leasing, maintenance, janitorial, and construction management services for Town Hall where the total amount expended is not greater than \$100,000 may be made or entered into by the Town Manager without competitive bidding and without Town Council approval. Single purchases of greater than \$100,000 shall not be broken down into smaller purchase or contract amounts in order to avoid the competitive bidding requirements of this ordinance. Any expenditure over \$25,000 shall require the Town Manager to immediately notify the Town Council via email.

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 21st day of July, 2010.

PASSED AND ADOPTED on second reading this _____ day of _____, 2010.

PAUL S. VROOMAN
Mayor

Attest:

ERIN O'DONNELL, CMC
Interim Town Clerk

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

WEISS SEROTA HELFMAN
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Town Attorney

Moved By:
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FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

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Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____