



TOWN OF CUTLER BAY

Mayor Edward P. MacDougall
Vice Mayor Ernest N. Sochin
Councilmember Peggy R. Bell
Councilmember Mary Ann L. Mixon
Councilmember Sue Ellen Loyzelle

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Manager Steven Alexander
Town Clerk Esther B. Coulson

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations 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 (Revised)

Wednesday, February 16, 2011, 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

ADDITIONS, DELETIONS AND DEFERRALS

2. PUBLIC COMMENTS

3. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

- A. Tomasina Erickson
- B. Ronald Clyde Linfors

4. APPROVAL OF MINUTES

- A. Committee of the Whole Workshop – January 18, 2011
- B. Regular Council Meeting – January 19, 2011
- C. Note for the Record Special Council Meeting Minutes - December 6, 2010
(Previously approved at the January 19, 2011 regular council meeting with the direction to the town clerk to provide corrections.)

TAB 1

5. REPORTS

- A. TOWN MANAGER'S REPORT
- B. TOWN ATTORNEY'S REPORT

C. BOARD/COMMITTEE REPORTS AND COUNCIL ANNOUNCEMENTS

- i. Report** from Rosa Alvarez, Chair, Charter High School Advisory Committee
- ii. Request to Advertise** an existing vacancy on the Charter High School Advisory Committee to give residents the opportunity to serve. (Seat 1)
- iii. Motion to Approve** 2011 Council Meeting Dates
- iv. Motion to Approve** the following council travel:
 - 1) Mayor Edward P. MacDougall, Vice Mayor Ernest N. Sochin, Councilmembers Peggy Bell and Mary Ann Mixon to the Orlando, Florida area (location to be announced) on October 28 and 29, 2011 for the Florida League of Cities (FLC) and John Scott Dailey Florida Institute of Government (FIOG) Advanced Institute for Elected Municipal Officials (IEMO).
 - 2) Councilmember Mary Ann Mixon to the June 12, 2011 IEMO in Fort Lauderdale to complete the final session of "How to Comply with Open Records and Open Meetings Laws".
 - 3) Councilmember Sue Ellen Loyzelle to the IEMO ON June 10 through 12, 2011 for newly elected officials and those with less than one-year term in office.
 - 4) Councilmember Peggy Bell to the April 8, 2011 FLC's Culture Builds Florida Communities 2011 Regional Workshop Series in Fort Lauderdale.
 - 5) Vice Mayor Ernest N. Sochin and Councilmember Sue Ellen Loyzelle to the April 6 and 7, 2011 FLC's Miami-Dade County Days in Tallahassee.
 - 6) Vice Mayor Ernest N. Sochin to the FLC's Legislative Action Days on March 21 and 22, 2011 in Tallahassee.

6. 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 TO APPOINT ADVISORY COMMITTEE MEMBERS TO THE CHARTER HIGH SCHOOL ADVISORY COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 2

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA TO REAPPOINT AN AT-LARGE COMMITTEE MEMBER TO THE CHARTER HIGH SCHOOL ADVISORY COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 3

C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA TO APPOINT ADVISORY COMMITTEE MEMBERS TO THE PARKS AND RECREATION ADVISORY COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE. (Loyzelle)
(The resumès of Messrs. Kevin Christian and Roberto Torres are attached.)

TAB 4

D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA DESIGNATING ONE (1) MEMBER OF THE TOWN COUNCIL TO BE THE TOWN'S REPRESENTATIVE TO THE ECONOMIC DEVELOPMENT COUNCIL AND THE COUNCIL LIAISON TO CHAMBER SOUTH; PROVIDING FOR A TERM OF APPOINTMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Sochin/Bell)

TAB 5

E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO EFFECTIVE PUBLIC NOTICE; URGING THE FLORIDA LEGISLATURE TO MODIFY THE FLORIDA STATUTES TO ALLOW FOR EFFECTIVE PUBLIC NOTICE BY ADVERTISING BY MEANS OTHER THAN NEWSPAPERS; PROVIDING FOR AN EFFECTIVE DATE.

TAB 6

F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN REGARDING THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FOR LAKES BY THE BAY PARK; AUTHORIZING THE TOWN MANAGER TO TAKE ANY AND ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 7

7. 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.

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE LAKES-BY-THE BAY SOUTH COMMONS DEVELOPMENT GENERALLY LOCATED NORTH OF SOUTHWEST 232 STREET, SOUTH OF SOUTHWEST 216 STREET, EAST OF OLD CUTLER ROAD, AND WEST OF SOUTHWEST 87 AVENUE; DELETING A DEVELOPMENT ORDER ROADWAY CONDITION, AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 8

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

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.

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

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 06-06 RELATING TO THE URBAN CENTER DISTRICT; PERMITTING ENTERTAINMENT CENTER USES WITHIN THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (MacDougall)

TAB 9

10. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE ADOPTION OF THE ANNUAL UPDATE TO THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FACILITIES WORK PROGRAM; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 10

END OF PUBLIC HEARING

11. 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.

12. MAYOR AND COUNCIL COMMENTS

13. OTHER BUSINESS

14. ADJOURNMENT

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TAB 1

**TOWN OF CUTLER BAY
COMMITTEE OF THE WHOLE WORKSHOP MINUTES**

Tuesday, January 18, 2011, 4:00 p.m.

Town Hall

10720 Caribbean Boulevard, Suite 105

Cutler Bay, Florida 33189

COUNCIL MEMBERS PRESENT:

Mayor Edward P. MacDougall
Councilmember Peggy Bell
Councilmember Mary Ann L. Mixon
Councilmember Ernest N. Sochin
Councilmember Sue Ellen Loyzelle

ALSO PRESENT:

Town Attorney Chad Friedman
Town Manager Steven Alexander
Town Clerk Esther B. Coulson

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The mayor called the Committee of the Whole Workshop meeting to order at 4:02 p.m.; requested that Ms. Coulson call the roll and with a quorum present, he led in the Pledge of Allegiance to the flag.

Special Recognition

On behalf of the council, the mayor recognized Vice Mayor Sochin's birthday and the council extended well wishes to him.

2. "BUSINESS INCUBATOR" DISCUSSION

The mayor referred to his conversations with Messrs. Alexander; Joe Corradino, Corradino Group and the Economic Development Council (EDC) Chair, present at this day's meeting, and the Village of Palmetto Bay Mayor.

The mayor referred to the email regarding Nonprofit Service Corps of Retired Executives (SCORE) Expands Biz Workshops to South Dade to Mr. Alexander; a copy of which is filed with the supplemental papers to the minutes of this meeting.

The mayor described the incentive program offered by the EDC in partnership with SCORE to offer a series of business workshops at EDC; noted the potential of business owners utilizing vacant spaces in shopping centers and the possible annual cost savings involved, and addressed the surrounding municipalities' willingness to offer assistance by reducing the amount of permits and fees or eliminate same in their budgets whereby the town could approach the town manager to determine whatever means appropriate in cost reductions.

The mayor mentioned the desire to appoint an individual from the town council to serve on the EDC and to help with the program. The mayor noted the plan for him and Mr. Corradino to take the leadership role in speaking to the issues before the municipalities

Discussion was held on the assistance offered by SCORE's volunteers and their levels of expertise and it was suggested that staff could create information on the town's website outlining the town's permitting procedures for individuals wishing to conduct business with the town.

Suggestion was made for the town council to consider, at a future meeting, a representative from the town council to serve on the EDC and that Mr. Alexander meet with the mayor and EDC Chair to address the business program concept.

3. TRANSPARENCY UPDATE – TOWN MANAGER

Mr. Alexander explained that the town council will be considering on its January 19, 2011 regular agenda approval of a Request for Proposals (RFP) for the development of a web-based information portal to post checks on line. He addressed the plan to establish a committee, if it is the desire of the council, to review a vendor and identify an item.

4. ADVISORY COMMITTEES UPDATE

After the mayor referred to the town clerk's memorandum dated January 18, 2011 with attachment outlining the current status of the town's advisory committees, Mr. Friedman suggested that the councilmembers' appointments, if it is to their satisfaction, would be considered by resolution on the council's next agenda.

After discussion, Councilmember Bell suggested that she could reduce her appointments whereby the total membership on the Parks and Recreation Advisory Committee could be reduced through attrition to which Mr. Alexander recommended ought to be carried out by resolution.

The mayor believed that committees ought to be chaired by leadership skills; recognized that chairpersons on newly established boards are appointed for a period of time, and indicated that when advisory committee liaisons gives report at council meetings that the respective chair be made aware, encouraged to attend, or provide a progress report.

Upon request, Ms. Coulson elaborated on the ways volunteer members are shown appreciation by their respective local governments and that the Miami-Dade Commission on Ethics and the State Attorney's Office offer free Advisory Board Training and Presentations to municipalities.

Ms. Bell indicated that she will work with Ms. Coulson in this regard.

5. MAYOR AND COUNCIL COMMENTS

- **Purchase - Police Package Vehicles**

After Mr. Alexander discussed the police vehicles purchase on the January 19, 2011 regular agenda for consideration, the mayor requested a copy of the police contract.

- **Bus Shelters**

The council discussed the bus shelters and benches and their locations which will be considered on the regular council agenda.

- **Town Hall Signage**

Mr. Alexander reported on the council's consideration of an (additional item) to consider the adoption of a resolution for new town hall signage with KVC Constructors Inc. at the January 19, 2011 regular meeting and described the location in this regard.

- **Mayor's Presentation**

Reference was made to the mayor's previous presentation at a previous meeting and it was recognized that the Town of Cutler Bay is the leading edge on environmental issues.

- **Vice Mayor Filling Vacancy Policy**

After a concern was raised on the proposed resolution to adopt a policy on the filling of a vacancy for consideration at the January 19, 2011 regular council meeting, Mr. Friedman opined that the council has the discretion to adopt its rules.

Discussion was held on the opportunity to address the subject issue before the Charter Revision Commission when it convenes.

- **Contingency Funds Balance Sheets**

In response to the mayor, Mr. Alexander explained that the current balance sheet on contingency funds have been provided every quarter to the councilmembers.

- **Going Green – Never Tasted So Good**

The mayor pointed out a comprehensive report on urban chickens compiled by a citizen that was previously distributed to the councilmembers; a copy of which is filed with the supplemental papers to the minutes of this meeting. He encouraged them to review the report before he requests that the individual give a presentation before the council.

· **LPA**

Mr. Friedman requested the opportunity to provide, especially for the new councilmembers, an overview of the Local Planning Agency (LPA) process before the council prior to its regularly scheduled meeting and recognized that an annual update to the capital improvements element would be considered at the January 19, 2011 regular meeting.

In response, the mayor stated that he will convey the request to Town Attorney Mitch Bierman who will be present at the meeting.

· **Moment of Silence Request**

Councilmember requested a moment of silence to be held at the January 19, 2011 meeting remembering the shooting victims on January 9, 2011 in Tucson, Arizona.

· **Officials' Identification Badges**

Reference was made to the January 10, 2011 South Florida Congressional Delegation's Local Swearing-in ceremony for the new 112th Congress at the United States Courthouse in downtown Miami and concerns were raised on the required photo identification to enter into the federal building. Concerns were raised on the inadequate photo identification that some of the councilmembers possess to enter into the federal building and the ability for other municipal officials and staff to gain access based on their badges issued.

After much discussion and **by unanimous consent, the council directed staff to provide councilmembers with official badges bearing the inscription of *mayor, vice mayor and councilmember* when carrying out their duties on behalf of the town with a caveat that the town attorney inform the council on the legalities and potential consequences of its misuse.**

· **Commercial Vehicles**

The mayor requested a petition drive to resolve the problems of trucks in the residential area on Southwest 224 Street.

· **UCD - Southland Mall Shopping Center/Jumparoo**

The mayor addressed his plan to discuss with Mr. Alexander the need to address the creation of an Urban Center District (UCD), a potential entertainment center such as Chucky Cheese at Southland Mall Shopping Center/Jumparoo.

Workshops

The council discussed formulating a written policy on determining council workshops and establishing dates and for the town attorney to work with the town clerk in providing a memorandum to the councilmembers.

6. OTHER BUSINESS

There was no other business to come before the council at this time.

7. ADJOURNMENT

At this time, workshop concluded at 6:40 p.m.

The workshop minutes were approved at the February 18, 2011 regular council meeting.

Signed _____

Esther B. Coulson, Town Clerk

Signed _____

Edward P. MacDougall, 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 COUNCIL MEETING MINUTES

Wednesday, January 19, 2011, 7:00 p.m.
South Dade Regional Library
10750 Southwest 211 Street
Cutler Bay, Florida 33189

Mayor Edward P. MacDougall
Vice Mayor Ernest N. Sochin
Councilmember Peggy R. Bell
Councilmember Mary Ann L. Mixon
Councilmember Sue Ellen Loyzelle

Town Attorney Mitchell Bierman
Town Manager Steven Alexander
Town Clerk Esther B. Coulson

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The mayor called the meeting to order at 7:13 p.m., requested that Ms. Coulson call the roll and with a quorum present, he led in the Pledge of Allegiance to the flag.

On behalf of the council and upon Councilmember Bell's request, **the council by unanimous consent, held a moment of silence for the remembering the shooting victims on January 9, 2011 in Tucson, Arizona.**

ADDITIONS, DELETIONS AND DEFERRALS

The additions, deletions and deferrals were addressed under Consent Agenda Item 6.

By unanimous consent, the mayor took the Consent Agenda out of order on this evening's agenda.

6. CONSENT AGENDA

Item 6.B. was removed at the request of Councilmember Bell and Item 6.A. at the request of Councilmember Loyzelle for consideration.

On motion of Councilmember Bell, seconded by Vice Mayor Sochin, the council approved the consent agenda with the exception of items 6.A. and 6.B.

ADDITIONS, DELETIONS AND DEFERRALS

After the mayor announced the additions to this evening's agenda as supplemental consent agenda Items 5.J. and 5.I., **the council, by unanimous consent removed Item 6.I. at Vice Mayor Sochin's request.**

On motion of Vice Mayor Sochin, seconded by Councilmember Bell and unanimously carried, the council approved the following consent agenda items with the exception of Items 6.A., 6.B. and 6.I.

C. Police Motor Vehicles and Related Equipment

Adopted Resolution 11-02 of the Mayor and Town Council of the Town of Cutler Bay, Florida, authorizing the town manager to issue a purchase order to Maroone

Dodge of Pembroke Pines for the purchase of six police motor vehicles and related equipment in the amount of \$ 134,604; authorizing the town manager to expend budgeted funds, and providing for an effective date.

D. Web-Based Information Portal RFP

Adopted Resolution 11-03 the Mayor and Town Council of the Town of Cutler Bay, Florida, authorizing the issuance of a request for proposals (RFP) for the development of a web-based information portal, and providing for an effective date. (MacDougall)

E. General Contractor(s) Services RFQ

Adopted Resolution 11-04 of the Mayor and Town Council of the Town of Cutler Bay, Florida authorizing the issuance of a request for qualifications (RFQ) for general contractor(s) services – town center building, and providing for an effective date.

F. HVAC Services – Town Center Building RFQ

Adopted Resolution 11-05 of the Mayor and Town Council of the Town of Cutler Bay, Florida authorizing the issuance of a request for qualifications (RFQ) for heating, ventilation, and air conditioning (HVAC) services for the town center building, and providing for an effective date.

G. Janitorial Maintenance Services RFQ

Adopted Resolution 11-06 of the Mayor and Town Council of the Town of Cutler Bay, Florida authorizing the issuance of a request for qualifications (RFQ) for janitorial maintenance services for the town center building, and providing for an effective date.

H. Elevator Maintenance Services RFQ

Adopted Resolution 11-07 of the Mayor and Town Council of the Town of Cutler Bay, Florida authorizing the issuance of a request for qualifications (RFQ) for elevator maintenance services for the town center building; and providing for an effective date.

SUPPLEMENTAL CONSENT AGENDA ITEM

J. Town Hall Improvements

Adopted Resolution 11-09 of the Mayor and Town Council of the Town of Cutler Bay, Florida approving a change order for the KVC Constructors inc. design build agreement for the town hall improvements in order to provide signage for the building, and providing for an effective date.

CONSENT AGENDA

B. Vice Mayor or Town Council Vacancies Policy

Upon the mayor's request, Ms. Coulson read the title into the record, the substance of which is as follows:

A resolution of the Mayor and Town Council of the Town of Cutler Bay, Florida adopting a policy relating to the filling of vice mayor or town council vacancies, and providing for an effective date. (Sochin)

After much discussion, Mr. Bierman explained that the subject resolution was a policy and not a charter amendment.

A motion was made by Vice Mayor Sochin that the council adopt the resolution as previously cited.

The motion died for a lack of a second; therefore, no action was taken on the item.

A. Bus Benches and Shelters Transfer

The council considered its action to adopt a resolution of the Mayor and Town Council of the Town of Cutler Bay, Florida, approving an interlocal agreement between Miami-Dade County and the town regarding the transfer of bus benches and shelters; authorizing the town manager to take any and all steps necessary to effectuate the intent of this resolution, and providing for an effective date.

Mr. Alexander described the background and outlined the procedures involved relating to the transfer of bus benches and shelters and the option to maintain same.

After extensive deliberations, and **on motion was made by Vice Mayor Sochin, seconded by Councilmember Loyzelle and unanimously carried, the council adopted Resolution 11-01 as previously cited.**

SUPPLEMENTAL AGENDA

I. Parks and Recreation Advisory Committee

After discussion and **on motion of Vice Mayor Sochin, seconded by Councilmember Bell and unanimously carried, the council adopted Resolution 11-08 the Mayor and Town Council of the Town of Cutler Bay, Florida to appoint advisory committee members to the Parks and Recreation Advisory Committee, and providing for an effective date.**

2. PUBLIC COMMENTS

Mr. David Feinberg, Town of Cutler Bay resident, thanked Vice Mayor Sochin for working with him on the moving of the EOC Communications system forward. Mr. Feinberg distributed the invitation from the Coral Gables EOC to a meeting at the Coral Gables Police Station on February 19, 2011 at 10:00 a.m.; recognized the volunteers from the town involved in this regard, and provided information on the 2011 National Hurricane Conference. (Copies of respective documents are filed with the supplemental papers to the minutes of this meeting.)

Mr. Feinberg confirmed in agreement to coordinate with the Vice Mayor on hurricane and emergency related issues.

3. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

A. Proclamation - Town of Cutler Bay Police Department

On behalf of the town council, the mayor read into the record a proclamation recognizing the law enforcement officers for their professionalism, team work and expertise in their handling of the bank robbery at the Bank of America.

Major Julie Miller, Town of Cutler Bay Miami-Dade Officer John McLaughlin, Detective Jon Robert, and Detective Danny Hurtado, accepted the proclamation with thanks.

B. Recognition - Craig Woodall

Mr. Craig Woodall, a citizen, was acknowledged for his involvement in assisting law enforcement which help led to the capture and arrest of a suspect involved with the Bank of America robbery.

Major Miller announced the plans to honor Mr. Woodall with a "Citizen of the Year" award on the town's behalf.

4. APPROVAL OF MINUTES

After discussion and **by unanimous consent, the council tabled its consideration to approve the following minutes until later in the meeting to allow the opportunity for Councilmember Bell to review same:**

- A. Committee of the Whole Workshop – November 15, 2010**
- B. Regular Council Meeting – November 17, 2010**
- C. Regular Council Meeting – December 1, 2010**
- D. Special Council Meeting – December 1, 2010**
- E. Special Council Meeting – December 6, 2010**
- F. Special Council Meeting – December 14, 2010**

5. REPORTS

A. TOWN MANAGER'S REPORT

· Elections

Mr. Alexander reported that the Miami-Dade County Board of County Commissioners will set a date for the recall election for the county mayor on March 15 and indicated that they will need to decide to appoint or hold an election by the end of January 2011 which would determine the date of the town's next election.

· ***A Chilly Day in Cutler Bay Second Annual Event and the Fifth Annual Founder's Day***

Mr. Alexander referred to the large turnout at the Second Annual *A Chilly Day in Cutler Bay* event on Saturday, January 8 and later in the meeting announced that the *Fifth Annual Founder's Day* will be held on February 19, 011.

· Vacant Land Purchase

Mr. Alexander reported that the acquisition for the vacant land purchase at Southland Mall is final and staff is currently reviewing plans for property development and parking lot improvements.

· CRS Rating Program – Floodplain

Mr. Rafael Casals, Public Works Department Director, reviewed the Community Rating System (CRS) Application Summary report and verbal notice from the Federal Emergency Management Agency (FEMA) of a reduction in flood insurance rates for the town's property owners effective October 2011; copies of the documents are filed with the supplemental papers to the minutes of this meeting.

Mr. Alexander commended the town council for its leadership in the program.

After Representative Dwight M. Bullard's presence in this evening's meeting was recognized, **by unanimous consent, the mayor took the following item out of order.**

3. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

C. Special Presentation

On behalf of the town council, the mayor presented Representative Bullard with a map of the town as a token of appreciation which he accepted with thanks.

Representative Bullard described the location of his newly located district office in town hall; indicated that the Florida Legislature will be going into session in February 2011 and invited the council and welcomed the citizens to visit his office with any concerns to convey to the legislature.

Representative Bullard announced the filing of House Bill 55, Postsecondary Student Fees which provides exemption from payment of nonresident tuition at state university or Florida College System institution for undocumented students; a copy of which is filed with the supplemental papers to the minutes of this meeting.

5. REPORTS

B. TOWN ATTORNEY'S REPORT

The town attorney reported that the county commissioners in its resolution is required to call for a special election for the recall of County Mayor Carlos Alvarez and District 13 Commissioner Natacha Seijas on March 15, 2011 prohibiting the inclusion of any municipal election on the ballot. He explained that such action prevented the town from having an election with the recall election and there has been no action taken on any potential or subsequent elections.

A. TOWN MANAGER'S REPORT

· **Caribbean Boulevard Project RFP**

Mr. Alexander reported on the issuance of the Caribbean Boulevard Request for Proposals (RFP) process.

· **Old Cutler Road JPA**

Mr. Alexander referred to the meeting held with the town attorney, himself and county staff regarding the Old Cutler Road Joint Participation Agreement (JPA); reported on the progress and the county's verbal commitment towards the project's landscaping supporting changes to the JPA to allow for the inclusion and funding of certain project elements termed "enhancements" by Miami-Dade County staff and MDC staff's agreement to present the current project design to the county commission.

Later in the meeting, reference was made to a survey that was conducted on Old Cutler Road, the potential plan for traffic circles and traffic signal improvements.

In response, Mr. Alexander reported that former District 8 County Commissioner Katy Sorenson allocated district funds for engineering; the county's public works department designed the circles and noted that the design lanes are complete; town staff previously revisited the issue with county staff as the county would need to be approached for any change to signalization and lane improvements; town staff plans to submit the bid as one project, and the additional ROW would derive from the county's public works funds and not the town's JPA.

· **HB 360 Security Cameras**

Mr. Alexander indicated that House Bill 360 bill negated the town's Security Camera System Installation Ordinance 09-03 and is subject to pending litigation; however, Senate Bill 172 relating to Security Cameras unanimously passed its first committee and he recognized previous council position on supporting its ordinance.

· **Bird Sanctuary Acquisition, Southwest 97 Avenue**

Mr. Alexander pointed out the permit modification by the letter of agreement the South Florida Water Management District (SFWMD) and the town's plans in the acquisition and operation of the Bird Sanctuary; a copy of the document is filed with the supplemental papers to the minutes of this meeting

· **Street Lights - Southwest 216 Street, Lakes by-the-Bay**

Mr. Alexander noted that the expected date of completion street lights on Southwest 216 Street, Lakes by-the-Bay will be mid-March 2011 due to the resubmission of permits by the Florida Power and Light Company (FP&L) after the original submission by FP&L was insufficient.

With respect to the acquisition of the vacant land, reference was made to a previous meeting held with FP&L on the possible installation of solar power to the town's building at no cost to the town. Mr. Alexander agreed with the suggestion to hold a meeting again with FP&L on making the building energy efficient.

· **CITT/PTP Funding**

Mr. Alexander referred to the meeting held with the newly elected Representative Michael Blicca earlier this day who expressed interest in the town's issue on the Citizens' Independent Transportation Trust (CITT) People's Transportation Plan (PTP) Municipal Revenue Sharing and the town's seniors and addressed the possibility for legislation to instruct MDC to proceed and abide by its ordinance on the 80/20 funding share.

· **Impact Fees**

A concern was raised regarding three elementary schools in the town which do not have school flashing signals and the problem of speeding during school zones and whether there is a element in impact fees (similar to law enforcement) which could be utilized in this regard.

Mr. Bierman stated that he would provide a response to the mayor on the issue.

Communities for a Lifetime

Reference was made to the status of Communities for Lifetime Resolution 10-21 previously adopted by the council and sponsored by former Councilmember Timothy Meerbott and in response, Mr. Alexander indicated that it was not initiated.

C. BOARD/COMMITTEE REPORTS AND COUNCIL ANNOUNCEMENTS

There were no board/committee reports and council announcements at this time.

7. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

After much discussion, Mr. Bierman recalled the council's action at its previous meeting adopting the town council agenda format, clarified that the mayor has the discretion to amend the agenda format not the ability to make exceptions to amend the agenda to allow public speakers.

Following further deliberations, the council agreed to review the public comments issue as it relates to the item on the agenda.

8. ORDINANCES FOR FIRST READING – Code Enforcement Procedures

The council considered the proposed ordinance on this evening's agenda; the mayor requested that Ms. Coulson read into the record the title, the substance of which is as follows, and called for the public to be heard:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CODE ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no comments from the public at this time.

Subsequent to further discussion and **a motion was made by Councilmember Bell and seconded by Vice Mayor Sochin that the town council approve the proposed ordinance as previously cited.** (The second reading will be held on February 16, 2011.)

Mr. Bierman explained the purpose of the proposed ordinance and reviewed the procedures in seeking a fine reduction after the violation has been corrected.

After discussion, **the mayor called for a roll call vote on the motion and declared it carried unanimously.**

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

There was no action taken on this item.

4. APPROVAL OF MINUTES

By unanimous consent, the council removed from the table its consideration to approve the following minutes:

After discussion and on motion of Vice Mayor Sochin, seconded by Councilmember Loyzelle and unanimously carried, the council took the following action:

- A. **Committee of the Whole Workshop – November 15, 2010**
Approved as corrected.
- B. **Regular Council Meeting – November 17, 2010**
Approved as submitted.
- C. **Regular Council Meeting – December 1, 2010**
Approved as submitted.
- D. **Special Council Meeting – December 1, 2010**
Approved as submitted.
- E. **Special Council Meeting – December 6, 2010**
Approved as corrected with the direction that the town clerk provide corrections to the council at its next meeting.
- F. **Special Council Meeting – December 14, 2010**
Approved as submitted.

10. PUBLIC COMMENTS

Mr. William “Bill” Meiklejohn, Town of Cutler Bay resident, announced on behalf of the CBBA, that Mayor Alvarez would be the guest speaker at the Cutler Bay Business Association (CBBA) on February 10, 2011;

Ms. Louise Lockwood, Town of Cutler Bay resident, raised concerns on the status of the Old Cutler Charrette to which Mr. Alexander indicated that the Old Cutler Roadway issue was addressed under his reports earlier in this evening’s meeting and it is moving forward, and

Mr. “Steve” Stephen Zarzecki, Town of Cutler Bay resident, stated that he anticipates that the town would proceed with its accomplishments on the developments of Old Cutler Road project improvements. He questioned the completion of the roundabout at the same time as the roadway improvements; the JPA for Caribbean Boulevard being separate from Old Cutler Road; whether the JPA for Carribean would have the same limitations for eligible expenses, and if Caribbean JPA would be amended that the incidentals would be placed on Caribbean Blvd as well as Old Cutler Road.

In answering, Mr. Alexander suggested that Messrs. Zarzecki and Casals meet to address the issues in question.

11. MAYOR AND COUNCIL COMMENTS

- **January 15, 2011 Annual MLK Commemorative Parade**
It was announced that the town's elected officials attended the annual Martin Luther King Jr., Commemorative Parade was held on January 15, 2011 and there was an opportunity to meet with other elected officials in the area.
- **Andre Dawson Field Dedication, Village of Pinecrest**
It was reported that the Village of Pinecrest held a recent event on the dedication of Andre Dawson Field.
- **Parks and Recreation Advisory Subcommittee – Town of Cutler Bay Farmers Market Concept**
After discussion and if the concept is endorsed, it was confirmed that information from the Parks and Recreation Advisory Subcommittee regarding the possibility of the Town of Cutler Bay Farmers Market to be located on the corner of Southwest 87 Avenue and Old Cutler Road, would be placed on the town's website.
- **Second Annual Chilly Day in Cutler Bay – January 8, 2011**
It was announced that the Second Annual *Chilly Day in Cutler Bay* held on January 8, 2011 was successful and that the proceeds would be donated to a local charity.
- **March 2011, Regular Council Meeting**
Councilmember Bell requested that the regularly scheduled meeting in March 2011 be changed to a different week due to her inability to attend.
- **South Florida Congressional Delegation Swearing-In Ceremony**
Reference was made to the recently held South Florida/Senate Congressional Delegation Swearing-In Ceremony.
- **Relay for Life America Cancer Society- Village of Palmetto Bay/Town of Cutler Bay**
The town council was encouraged to support the Relay for Life Cancer Society's event on April 2, 2011 and brochures were distributed to the town council; copies of which were filed with the supplemental papers to the minutes of this meeting.

Seat 2 Appointment

On motion of Councilmember Bell, seconded by Councilmember Mixon and unanimously carried, the town council unanimously ratified the nomination to appoint Ms. Sue Ellen Loyzelle to Residential Area Council Seat 2 to the Town of Cutler Bay. (December 14, 2010 Special Council Meeting)

12. OTHER BUSINESS

There was no other business to come before the town council.

13. ADJOURNMENT

There being no further business to come before the council, and on motion made, seconded and unanimously carried, the meeting adjourned at 9:20 p.m.

The minutes were approved at the February 16, 2011 Regular Council Meeting.

Signed _____
Esther B. Coulson, Town Clerk

Signed _____
Edward P. MacDougall, 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.

Mayor MacDougall stepped down as Chair, passed the gavel, and made a motion to appoint Mr. Ernesto Martinez, Jr. as Vice Mayor for the Town of Cutler Bay. The motion was seconded by Councilmember Sochin.

Following further discussion, Councilmember Sochin called for a roll vote with the council members voting as follows:

Councilmember Mixon	No
Councilmember Bell	No
Mayor MacDougall	Yes
Councilmember Sochin	Yes

The motion was failed to carry due to a tie vote.

At this time Mayor MacDougall resumed the chair.

The mayor placed the name of Mr. "Ed" Eduardo Wolmers to be appointed as Vice Mayor for the Town of Cutler Bay. The nomination was seconded by Councilmember Sochin.

The mayor called for a roll call vote on the nomination to appoint Mr. "Ed" Eduardo Wolmers as Vice Mayor for the Town of Cutler Bay with the councilmembers voting as follows:

Councilmember Sochin	Yes
Councilmember Bell	No
Councilmember Mixon	No
Mayor MacDougall	Yes

The motion failed to carry due to a tie vote.

~~After discussion, and at Councilmember Bell's request, and by unanimous consent, the recessed its meeting at 8:12 p.m. and reconvened at 8:15 p.m.~~

Councilmember Sochin placed the name of Mr. William "Bill" Mieklejohn to be appointed as Vice Mayor for the Town of Cutler Bay.

~~Mayor MacDougall placed the name of "Bill" William H. Meiklejohn to be appointed to the vacancy of Residential Area Council Seat Number Two of the Town of Cutler Bay. The nomination was seconded by Vice Mayor Sochin.~~

After discussion, and at Councilmember Bell's request, and by unanimous consent, the recessed its meeting at 8:12 p.m. and reconvened at 8:15 p.m.

Subsequent to further discussion, **Vice Mayor Sochin placed the name of Robert “Rob” Rosa to be appointed to the vacancy of Residential Area Council Seat Number Two of the Town of Cutler Bay.**

Mayor MacDougall placed the name of Ernesto Martinez, Jr. to be appointed to Residential Area Council Seat Number Two of the Town of Cutler Bay. The nomination was seconded by Vice Mayor Sochin.

The mayor called for a roll call vote on the nomination to appoint Ernesto Martinez, Jr. to the vacancy of Residential Area Council Seat Number Two of the Town of Cutler Bay with the councilmembers voting as follows:

Councilmember Bell	No
Councilmember Mixon	No
Vice Mayor Sochin	Yes
Mayor MacDougall	Yes

The nomination failed due to a tie vote.

This nomination to appoint Mr. Robert “Rob” Rosa to the vacancy of Residential Area Council Seat Number Two of the Town of Cutler Bay was seconded by Mayor MacDougall.

The mayor called for a roll call vote with councilmembers voting as follows:

Vice Mayor Sochin	Yes
Councilmember Bell	No
Councilmember Mixon	No
Mayor MacDougall	Yes

The nomination failed due to a tie vote.

This nomination to appoint Mr. Marshall Steingold to the vacancy of Residential Area Council Seat Number Two of the Town of Cutler Bay was seconded by Councilmember Mixon.

The mayor called for a roll call vote with councilmembers voting as follows:

Councilmember Bell	No	<u>Yes</u>
Councilmember Mixon	No	<u>Yes</u>
Vice Mayor Sochin	<u>Yes</u>	No
Mayor MacDougall	<u>Yes</u>	No

The nomination failed due to a tie vote.

TAB 2

RESOLUTION 11

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA TO APPOINT ADVISORY COMMITTEE MEMBERS TO THE CHARTER HIGH SCHOOL ADVISORY COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 15, 2007, the Town of Cutler Bay (the "Town") Town Council adopted Resolution 07-41 creating a the Charter High School Citizen Advisory Committee (the "Committee") to study, advise and make recommendations to the Town Council regarding the possible creation of a charter high school in the town; and

WHEREAS, on April 28, 2010, the Town Council adopted Resolution 10-22 amending Resolution 07-41 to add an at-large committee member.

WHEREAS, on July 21, 2010, the Town Council enacted Ordinance 10-08 establishing general regulations and procedures governing the operation and selection of all existing and future boards; and

WHEREAS, the terms of the committee members expired due to the previous councilmembers' expired terms; and

WHEREAS, newly elected, reelected or appointed councilmembers who took office since the November 2, 2010 General Election or Special Meetings held on December 6 and December 14, 2010 have the right to appoint committee members to all seats vacated by the expiration of the previous councilmembers' terms as shown in Exhibit "A"; 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. **Appointment of Advisory Committee Members.** The Town Council shall appoint the advisory committee members as shown in Exhibit "A".

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

PASSED and ADOPTED this day of, 2011.

Edward P. MacDougall, Mayor

Attest:

Esther B. Coulson
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 Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

Councilmember Mary Ann Mixon _____

Councilmember Sue Ellen Loyzelle _____

EXHIBIT “A”

Charter High School Advisory Committee

1. John Sykes – reappointed by the council
2. Rosi Alvarez - reappointed by Mayor Edward P. MacDougall
4. Patricia “Pat” Fulton* – reappointed by Vice Mayor Ernest Sochin
5. Sandra Nanni – reappointed by Councilmember Sue Ellen Loyzelle
6. Louise Lockwood – reappointed by Councilmember Peggy Bell

*Previously submitted resumes already on file.

TAB 3

RESOLUTION NO. 11

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA TO REAPPOINT AN AT-LARGE COMMITTEE MEMBER TO THE CHARTER HIGH SCHOOL CITIZEN ADVISORY COMMITTEE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 15, 2007, the Town of Cutler Bay (the "Town") Town Council adopted Resolution 07-41 creating the Charter High School Advisory Committee (the "Committee") in order to assist the Town Council with evaluating the feasibility of having a Charter High School for the benefit of the residents within the town; and

WHEREAS, on April 28, 2010, the Town Council adopted Resolution 10-22 amending Resolution 07-41 to add an "at-large" committee member to the committee; and

WHEREAS, the Town Council appointed Mr. John Sykes as an at-large member at its May 21, 2010 meeting; and

WHEREAS, on July 21, 2010, the Town Council enacted Ordinance 10-08 establishing general regulations and procedures governing the operation and selection of all existing, established and future boards; and

WHEREAS, the Town Council wishes to reappoint Mr. John Sykes as an at-large member to the committee; 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. **Reappointment of an At-Large Committee Member.** The Town Council hereby reappoints Mr. John Sykes to the Committee.

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

PASSED and ADOPTED this _____ day of _____, 2011.

EDWARD P. MacDOUGALL, Mayor

Attest:

ESTHER B. COULSON
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 Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

Councilmember Mary Ann Mixon _____

Councilmember Sue Ellen Loyzelle _____

TAB 4

RESOLUTION 11-08

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA TO APPOINT ADVISORY COMMITTEE MEMBERS TO THE PARKS AND RECREATION ADVISORY COMMITTEE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 19, 2006, the Town of Cutler Bay (the "Council") Town Council adopted Resolution 06-97 creating the Parks and Recreation Advisory Committee (the "Committee") with regard to the usage of the parks and recreational facilities within the town; and

WHEREAS, on September 23, 2009, the council adopted Resolution 09-74 expanding the duties of the committee to include town community events and cultural programs and appointed members to the committee; and

WHEREAS, on July 21, 2010, the council enacted Ordinance 10-08 establishing general regulations and procedures governing the operation and selection of all existing, established and future boards; and

WHEREAS, the terms of the advisory committee members expired due to the previous councilmembers' expired terms; and

WHEREAS, newly appointed Councilmember Sue Ellen Loyzelle took office on December 14, 2010 and has the right to appoint committee members Messrs. Kevin Christian and Roberto Torres to two vacant seats; 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. **Appointment of Advisory Committee Members.** The council shall appoint the advisory committee members as shown in Exhibit "A".

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

PASSED and ADOPTED this 16th day of February, 2011.

Edward P. MacDougall, Mayor

Attest:

Esther B. Coulson
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: Councilmember Bell
Seconded By: Vice Mayor Sochin

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

Councilmember Mary Ann Mixon _____

Councilmember Sue Ellen Loyzelle _____

Kevin A. Christian

20351 S.W. 87th Place
Miami, FL. 33189

Cellular: (305) 742-5245
Email: kchristi7540@yahoo.com

Education: Nova Southeastern University
Masters in Public Administration 2008

Nova Southeastern University
Bachelors in Business Administration
W/Specialization in Management 2003

Miami Dade Community College
Major: Business Administration

Miami Southridge Senior High School
High School Diploma – June 1994

Objective: To secure a position within an established and successfully growing firm and/or government department, where I may utilize my management and accounting skills to assist in helping the organization meet their objectives.

Operating Systems: Windows NT and Windows 2000 Professional

Software: Word Perfect, Excel, Microsoft Word 2000, Microsoft Project 2000, Microsoft Office Tools, GIFTS
Accounting Systems: EDSI Time & Billing, Elite Enterprise Accounting System 3.3, Great Plains

Business Ventures: G&C Investment Firm, LLC. – Miami, FL 6/00-6/02
Co-Owner
Invested in all aspects of long and short term real estate investments

Affiliations: Member of Dade Real Estate Investors Association (DREIA)

Employment:

07/05 – Present John S. & James L. Knight Foundation Miami, Florida
Accounts Payable Coordinator
Salary \$45,500 Annually

- Assist with month-end closing and year-end closing and budgeting process.
- Review grant check requests for proper support and authorization. Process grant check requests and reimbursements for payment.
- Prepare daily cash report projecting the cash needs for operating the foundation and the available funds for investments.
- Reconcile accounts payable, accounts receivable, grants payable, bank accounts and accounts on a monthly basis.
- Prepare deposits receivables checks on a monthly basis.
- Reconcile petty cash on a quarterly basis.
- Assist with the general ledger maintenance by posting journal entries and conducting related work as necessary.

09/00 – 07/05 Sandler Travis & Rosenberg P.A. / Trade Advisory Miami, Florida
Time and Cost Recovery / Master Files Integration Coordinator
Salary: \$32,000 Annually

- Process and modify complex client information in Elite Enterprise 3.3 accounting software system.
- Process, edit and finalize Immigration department billing
- Proforma generation, invoice generation, split billing
- Conduct internal Audits for various government contracts.
- Review the "Professionals" and Attorneys Engagement Letters and Retainer Agreements.
- Process new Employee Worksheets and update "Timekeeper" user information in Elite.
- Coordinate with Human Resources to process employee setup and terminations in the Elite system.
- Maintain Equitrac cost recovery system for all offices.
- Work with managing partners to ensure all consultants and attorneys enter time daily.
- Process all working timekeeper reports for financial records.
- Enter expenses for all office's and process end of month soft cost closing.
- Train and supervise all administrative assistances on company billing procedures, new client entry process, and time entry.
- Conduct costs research when attorneys question the billable costs.
- Meet with various vendors and attend seminars.

02/96 – 09/00 Services on Site / Kluger Peretz Kaplan & Berlin P.A. Miami, Florida
Production Manager / Account Manager
Salary: \$25,000 Annually

- Managed production department with 4 staff members and multiple offices.
- Responsible for ordering office supplies and maintaining inventory control.
- Responsible for ensuring that all County, State and Federal Bankruptcy and Recording filings are completed daily.
- Responsible for all of the logistic operations of the firms' mail distribution, document reproduction and faxing.

ROBERTO TORRES

8300 SW 184th Terrace

Cutler Bay, FL 33157

305-232-3990 Home

305-338-7392 Cell

Fornax123@bellsouth.net

Education

Master of Arts, Marine Affairs, 1997

University of Miami, Rosenstiel School of Marine and Atmospheric Science, Miami FL

Relevant Courses: Coastal Zone Management, Environmental Law, Coastal Law and Policy, Pollution Prevention, Economics of Fisheries.

Bachelor of Arts, Marine Affairs, 1995

University of Miami, Coral Gables, FL

Minor in Business Administration

Relevant Courses: Natural Resource Economics, Statistics, Ocean Law, Chemical Oceanography, Marine Biology, Chemistry, Biology, Managerial Accounting, Computer Information Systems, Finance.

Work Experience

Field Representative

August 200 – Present

The Nature Conservancy

Currently working under contract with Miami-Dade County's Environmentally Endangered Lands Program to assist with acquisition of lands in the South Dade Wetlands Project. Duties consist of identifying available properties, preparation of Geographic Information System (GIS) maps and tables for appraisal, title research, and conducting negotiations with landowners. Previous tasks with TNC included ecoregional planning and threats assessment for Florida's habitats and species, working on the marine component for Florida's Comprehensive Wildlife Conservation Strategy, and TNC's Marine Ecoregional Assessment for Central and South Florida and Tropical Florida Ecoregion Assessing Threats and Sequencing Conservation Action. Duties included collection of data on Florida's habitats and species of greatest conservation need, data analysis and compilation, selection of target habitats and species, assessment of threats to these targets, and preparation of GIS data and reports. Additionally, developed and implemented outreach programs intended to inform and engage stakeholders in identification and control of invasive plant species in South Florida, and engaged on lobbying activities for funding in support of environmentally sensitive land conservation in Miami-Dade County.

Senior Management Analyst

June 1997 – June 2001

Governor's Commission for the Everglades/Governor's Commission for a Sustainable South Florida

Duties included staffing support at Commission meeting, aiding in development of Commission documents and products, serving as liaison with government/community groups working on issues related to Everglades restoration, and general administrative duties. Served as lead staff on several Commission subcommittees, including Sustainable Agriculture and Economy, and monitored important South Dade issues, including the

Modified Waters Deliveries Project, C-111, Homestead Air Reserve Base redevelopment, and 8.5 Square Mile Area.

Assistant Governmental Analyst December 1996 – June 1997
Internship through Americorps at the Governor's Commission for a Sustainable South Florida
Same as above.

Commercial Fisherman
Self-employed commercial fisherman participating in several fisheries in the South Florida region.

Committee, Board Memberships

Biscayne Bay Regional Restoration Coordination Team	2004-2006
Florida Wildlife Commission Spiny Lobster Advisory Board	2005-2007
UF-IFAS Miami-Dade Sea Grant Advisory Committee	2005-present

Knowledge, Skills and Abilities

Computer skills include ArcMap GIS versions up to 9.3, MS word, Excel, ACCESS, and Powerpoint. Fluent in Spanish.

Affiliations Phi Beta Kappa
Southern Cross Astronomical Society Board Member
Tropical Audubon Society

TAB 5

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA DESIGNATING ONE (1) MEMBER OF THE TOWN COUNCIL TO BE THE TOWN'S REPRESENTATIVE TO THE ECONOMIC DEVELOPMENT COUNCIL AND THE COUNCIL LIAISON TO CHAMBER SOUTH; PROVIDING FOR A TERM OF APPOINTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the "Town") Town Council

WHEREAS, on April 28, 2008, the Town Council appointed former Councilmember Timothy Meerbott as the representative of the town on the Economic Development Council of South Miami-Dade Inc.; and;

WHEREAS, since Councilmember Meerbott is no longer on the Town Council, the Town Council desires to appoint Vice Mayor Ernest N. Sochin to serve as the representative of the town on the Economic Development Council of South Miami-Dade Inc., to advocate on behalf of the town's residents and businesses and work diligently to address their needs; and

WHEREAS, Councilmember Peggy Bell has volunteered to serve as the appointee to Chamber South due to their interest in promoting economic growth and vitality of the town for the benefit of its businesses and residents.

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. **Town Council Members Appointed.** The Town Council hereby appoints the following councilmembers to the Economic Development Council of South Miami-Dade Inc. and Chamber South:

Vice Mayor Ernest N. Sochin is appointed to serve as the representative of the town on the Economic Development Council of South Miami-Dade Inc. and

Councilmember Peggy Bell is appointed to serve as the council liaison to Chamber South.

Section 3. **Term of Appointment.** The appointees shall serve for a term of one (1) year from the date of this resolution.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2011.

EDWARD P. MacDOUGALL, Mayor

Attest:

Esther B. Coulson
Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF CUTLER BAY ONLY:

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

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall	_____
Vice Mayor Ernest N. Sochin	_____
Councilmember Peggy R. Bell	_____
Councilmember Mary Ann Mixon	_____
Councilmember Sue Ellen Loyzelle	_____

TAB 6

RESOLUTION

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO EFFECTIVE PUBLIC NOTICE; URGING THE FLORIDA LEGISLATURE TO MODIFY THE FLORIDA STATUTES TO ALLOW FOR EFFECTIVE PUBLIC NOTICE BY ADVERTISING BY MEANS OTHER THAN NEWSPAPERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, numerous provisions of the Florida Statutes mandate advertising in local newspapers for various municipal activities, such as ordinance adoption, meeting notices, and budget consideration; and

WHEREAS, advertising in local newspapers has become increasingly expensive and the Town of Cutler Bay currently budgets a significant amount of funds to meet the high cost of newspaper advertising; and

WHEREAS, it is estimated that over fifty percent (50%) of the population of the United States has access to the internet in their homes; and

WHEREAS, through the service provided by Miami-Dade County's Library system, every individual residing in Miami-Dade County has the ability to access the internet at any of our local libraries; and

WHEREAS, each year, subscription figures for local newspapers throughout the United States decline due to individuals seeking their information from the Internet and from television; and

WHEREAS, as taxpayers continue to be impacted by rising rates for services and decreases in property taxes, the funds that the municipalities are mandated by the Florida Statutes to expend on newspaper advertising is not appropriate, as public notice can be provided through other methods.

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. Florida Legislature Urged. The Town Council urges the Florida Legislature to revise the Florida Statutes to allow for public notice to be provided through a variety of appropriate means: either through the local newspaper, internet posting, physical posting at Town Hall, direct mailing, or government access television channels. This would allow municipalities to choose the method that is most effective at the lowest possible cost to town residents.

Section 3. **2011 Legislative Priorities Package.** This resolution shall be included in the Town's 2011 Legislative Priorities Package.

Section 4. **Transmittal.** The Town Clerk is directed to transmit a copy of this resolution to the members of the Florida Congressional Delegation, to the Governor of Florida, and to the Florida League of Cities.

Section 5. **Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2011.

EDWARD P. MACDOUGALL, Mayor

Attest:

ESTHER B. COULSON
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 Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

Councilmember Mary Ann Mixon _____

Councilmember Sue Ellen Loyzelle _____

TAB 7



Steven J. Alexander
Town Manager

MEMORANDUM

To: Honorable Mayor, Vice Mayor and Town Council

From: Steven J. Alexander, Town Manager

Date: February 16, 2011

Re: **Building Better Communities Bond Program Interlocal Agreement**

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN REGARDING THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FOR LAKES BY THE BAY PARK; AUTHORIZING THE TOWN MANAGER TO TAKE ANY AND ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

In March 2010 the Town and Miami-Dade County entered into an Interlocal agreement for the conveyance of Lakes by the Bay Park to the Town. The transfer of the park also included the transfer of certain funding to the Town to complete specific improvements to the park. A portion of the funding comes from the County's Building Better Communities General Obligation Bond (BBCGOB) program, which had allocated \$4,500,000.00 for Lakes By the Bay Park. The transfer of these funds from the county to the Town is contingent upon the completion of a separate Interlocal agreement between the Town and the County (see attached).

The County is prepared to include funding for Lakes By the Bay Park in the next series of bond sales for the BBCGOB but funding may be available immediately. This funding will allow the Town to complete the first phase of the planned improvements for the park.

RECOMMENDATION

We recommend that the attached resolution be adopted, approving the Interlocal agreement for the Building Better Communities Bond Program funding.

RESOLUTION 11

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN REGARDING THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FOR LAKES BY THE BAY PARK; AUTHORIZING THE TOWN MANAGER TO TAKE ANY AND ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 2, 2010, Miami-Dade County (the “County”) and the Town of Cutler Bay entered into an interlocal agreement transferring Lakes by-the-Bay Park (the “Park”) to the Town; and

WHEREAS, as a part of the transfer of the park, the county agreed to provide the town with \$4,500,000 (four million five hundred thousand dollars) in Building Better Communities General Obligation Bond (BBCGOB) funds to assist the town in constructing the park; and

WHEREAS, in order to obtain the funds, the county and the town agree to enter into an interlocal agreement, in substantially the form attached hereto as Exhibit “A” (the “Interlocal Agreement”); 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 Interlocal Agreement. The town council hereby approves the interlocal agreement, in substantially the form attached hereto as Exhibit “A.”

Section 3. Authorization. The town manager is hereby authorized to take any and all steps necessary to effectuate the intent of this Resolution, and to execute the interlocal agreement in substantially the form attached hereto as Exhibit “A.”

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

PASSED and ADOPTED this _____ day of _____, 2011.

EDWARD P. MACDOUGALL, Mayor

Attest:

ESTHER B. COULSON
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 Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

Councilmember Mary Ann Mixon _____

Councilmember Sue Ellen Loyzelle _____

**BUILDING BETTER COMMUNITIES
INTERLOCAL AGREEMENT
BETWEEN
THE TOWN OF CUTLER BAY, FLORIDA
AND
MIAMI-DADE COUNTY**

Lakes By the Bay Park
GOB Project Number 32

THIS INTERLOCAL AGREEMENT (the "Agreement") by and between Miami-Dade County, a political subdivision of the State of Florida (the "County"), through its governing body, the Board of County Commissioners of Miami-Dade County, Florida (the "Board") and the Town of Cutler Bay, Florida, a municipal corporation organized under the laws of the State of Florida, through its governing body, the Mayor and Council of the Town of Cutler Bay, Florida (the "Municipality") is entered into this _____ day of _____, 2011.

WITNESSETH:

WHEREAS, on July 20, 2004, the Board enacted Resolution Nos. R-912-04, R-913-04, R-914-04, R-915-04, R-916-04, R-917-04, R-918-04 and R-919-04 authorizing the issuance of \$2.926 billion in general obligation bonds for capital projects and on November 2, 2004, a majority of those voting approved the bond program (the "BBC GOB Program"); and

WHEREAS, the aforementioned Resolutions include specific Countywide projects, neighborhood projects for the Unincorporated Municipal Service Area and municipalities and associated allocations for activities such as but not limited to development, improvement, rehabilitation, restoration or acquisition of real property; and

WHEREAS, GOB Project Number 32 – Lakes By the Bay Park, (the "Project") is eligible for funding from the BBC GOB Program in a total amount not to exceed \$4,500,000.00 (the "Funding Allocation"); and

WHEREAS, the Municipality is undertaking the completion of Lakes By the Bay Park (the "Project") which was specifically approved as part of the BBC GOB Program or is eligible for funding from one of the programs to be funded under the BBC GOB Program and is described more specifically in Exhibit 1 to this Interlocal Agreement; and

WHEREAS, Lakes By the Bay Park is estimated to cost \$8,600,000.00 (the "Total Project Cost") and will be funded from the sources listed in Exhibit 1 fully subject to and contingent upon the availability of BBC GOB Program proceeds and the execution of subsequent agreement(s) between the County and the Municipality; and

WHEREAS, pursuant to the terms of this Agreement the County has agreed to allocate \$4,500,000.00 from the **Series XXXX** Bonds for the Project (the “Funding Cycle Allocation”); and

WHEREAS, the Council and Commissioners of both the County and the Municipality have authorized, by resolution, their respective representatives to enter into this Agreement for each Funding Cycle Allocation describing their respective roles in the funding for the Project costs with respect to such Funding Cycle Allocation,

NOW THEREFORE, pursuant to Resolution No. R-595-05, which specifically authorizes the County Manager to execute such agreements, sub-agreements and other required contracts and documents, to expend Building Better Communities bond funds received for the purpose described in the funding request, and in consideration of the mutual promises and covenants contained herein and the mutual benefits to be derived from this Agreement, the parties hereto agree as follows:

Section 1. **Purpose:** The purpose of this Agreement is to clarify the parties’ roles and obligations regarding the funding being provided with respect to the Project.

Section 2. **Funding Responsibilities:**

- a. **Project Funding Plan:** A Project funding plan identifying the Funding Allocation to be funded by the County solely from BBC GOB Program proceeds and the costs to be funded by the Municipality through a local funding plan or written project funding commitments from third parties is attached as Exhibit 1. Included shall be a projected timetable for each Funding Cycle Allocation and the amount funded to date, if any.
- b. **Representations of the Municipality:** The Municipality covenants and warrants that it has, in combination with the Funding Allocation, the amount of funding necessary for the completion of the Project. The additional sources of funding are listed in Exhibit 1.
- c. **Responsibilities of the County:** The County agrees to provide solely from BBC GOB Program proceeds for the Funding Cycle Allocation in an amount equal to \$4,500,000.00. This amount represents a portion of the amount necessary to complete the Project. This sum shall be provided in accordance with the reimbursement procedures contained in the County’s GOB Administrative Rules attached as Attachment 1. Municipality understands and agrees that reimbursements to the Municipality will be made in accordance with federal laws. Subject to certain exceptions the applicability of which is to be reviewed on a case-by-case basis, the reimbursement allocation will be made no later than eighteen (18) months after the later of (a) the date the original expenditure is paid, or (b) the date the project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid by the Municipality. In the event that the Project Milestones, as defined and set forth in Exhibit 1 of this

Agreement are not within 10% of completion, the dollars to be funded for subsequent Milestones may be delayed for one (1) calendar year in accordance with the Administrative Rules, see Section 18 of this Agreement.

Section 3. Parties, Effective Date and Term: This Agreement shall take effect upon execution and shall terminate upon the completion of the Project, including the completion of all final closeout documentation. The County has delegated the responsibility of administrating this Interlocal Agreement to the County Mayor or designee, who shall be referred to herein as the "County Manager".

Section 4. Compliance with Laws: Each party agrees to abide by and be governed by all Applicable Laws necessary for the development and completion of the Project. "Applicable Law" means any applicable law (including, without limitation, any environmental law), enactment, statute, code, ordinance, administrative order, charter, tariff, resolution, order, rule, regulation, guideline, judgment, decree, writ, injunction, franchise, permit, certificate, license, authorization, or other direction or requirement of any governmental authority, political subdivision, or any division or department thereof, now existing or hereinafter enacted, adopted, promulgated, entered, or issued. Notwithstanding the foregoing, "Applicable Laws" and "applicable laws" shall expressly include, without limitation, all applicable zoning, land use, DRI and Florida Building Code requirements and regulations, all applicable impact fee requirements, all requirements of Florida Statutes, specifically including, but not limited to, Section 255.05 related to payment and performance bonds, Section 255.20 related to contractor selection and Section 287.055 related to competitive selection of architects and engineers, all requirements of Chapters 119 and 286 of the Florida Statutes, Section 2-11.15 of the Code (Art in Public Places), and all other applicable requirements contained in this Agreement and Attachment 1, which is hereby incorporated in this Agreement by this reference.

Section 5. Contractual obligation to comply with certain County requirements:

All records of the Municipality and its contractors pertaining to the Project shall be maintained in Miami-Dade County and, upon reasonable notice shall be made available to representatives of the County. In addition, the Office of Inspector General of Miami-Dade County shall have access thereto for any of the purposes provided in Section 2-1076 of the Code of Miami-Dade County.

The Municipality shall cause each contract to include a provision that contractor shall comply with all requirements of Section 2-1076, and that contractor will maintain all files, records, accounts of expenditures for contractor's portion of the work and that such records shall be maintained within Miami-Dade County's geographical area and the County shall have access thereto as provided in this Agreement.

The Municipality shall comply with the requirements of Florida Statutes related to retainage of funds due a contractor and shall include appropriate language in its

construction contracts and shall require the contractor to include such language in its subcontracts.

All applicable County Rules, Regulations, Ordinances, Resolutions, Administrative Orders, and the County Charter referenced in this Agreement are posted on the County’s website: “miamidade.gov”.

Section 6. Accounting, Financial Review, Access to Records and Audits: The Municipality shall maintain adequate records to justify all charges, expenses, and costs incurred which represent the funded portion of the Project for at least three (3) years after completion of the Project. The County shall have access to all books, records, and documents as required in this section for the purpose of inspection or auditing during normal business hours.

Pursuant to Section 2-1076 of the Miami-Dade County Code, the County shall have the right to engage the services of an Independent Private-Sector Inspector General ("IPSIG") to monitor and investigate compliance with the terms of this Agreement. THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL ("OIG") shall have the authority and power to review past, present and proposed County programs, accounts, records, contracts and transactions, and contracts such as this Agreement for improvements some cost of which is funded with County funds.

As such, the OIG may, on a random basis, perform audits on this Agreement throughout the duration of said Agreement (hereinafter "random audits"). This random audit is separate and distinct from any other audit by the County.

The OIG shall have the power to retain and coordinate the services of an IPSIG who may be engaged to perform said random audits, as well as audit, investigate, monitor, oversee, inspect, and review the operations, activities and performance and procurement process including, but not limited to, project design, establishment of bid specifications, bid submittals, activities of the Municipality and contractor and their respective officers, agents and employees, lobbyists, subcontractors, materialmen, staff and elected officials in order to ensure compliance with contract specifications and detect corruption and fraud. The OIG shall have the power to subpoena witnesses, administer oaths and require the production of records. Upon ten (10) days written notice to the Municipality (and any affected contractor and materialman) from OIG, the Municipality (and any affected contractor and materialman) shall make all requested records and documents available to the OIG for inspection and copying.

The OIG shall have the power to report and/or recommend to the Board whether a particular project, program, contract or transaction is or was necessary and, if deemed necessary, whether the method used for implementing the project or program is or was efficient both financially and operationally. Monitoring of an existing project or program may include reporting whether the project is on time, within budget and in conformity with plans, specifications, and applicable law. The

OIG shall have the power to analyze the need for, and reasonableness of, proposed change orders.

The OIG is authorized to investigate any alleged violation by a contractor of its Code of Business Ethics, pursuant Miami-Dade County Code Section 2-8.1

The provisions in this Section shall apply to the Municipality, its contractors and their respective officers, agents and employees. The Municipality shall incorporate the provisions in this Section in all contracts and all other agreements executed by its contractors in connection with the performance of this Agreement. Any rights that the County has under this Section shall not be the basis for any liability to accrue to the County from the Municipality, its contractors or third parties for such monitoring or investigation or for the failure to have conducted such monitoring or investigation and the County shall have no obligation to exercise any of its rights for the benefit of the Municipality.

Section 7. Relationship of the Parties: The parties agree that the Municipality is an independent entity responsible solely for the Project and not an agent or servant of the County. No party or its officers, elected or appointed officials, employees, agents, independent contractors or consultants shall be considered employees or agents of any other party, nor to have been authorized to incur any expense on behalf of any other party, nor to act for or to bind any other party, nor shall an employee claim any right in or entitlement to any pension, workers' compensation benefit, unemployment compensation, civil service or other employee rights or privileges granted by operation of law or otherwise, except through and against the entity by whom they are employed.

Section 8. Liability: The parties to this Agreement shall not be deemed to assume any liability for the negligent or wrongful acts, or omissions of the other party. Nothing contained herein shall be construed as a waiver, by either party, of the liability limits established in Section 768.28 of the Florida Statutes. The Municipality acknowledges that the County, its employees, Commissioners and agents are solely providing funding assistance for the Project and are not involved in the design, construction, operation or maintenance of the Project.

Section 9. Breach, Opportunity to Cure and Termination:

- (a) Each of the following shall constitute a default by the Municipality:
 - (1) If the Municipality uses the Funding Cycle Allocation for costs not associated with the Project (i.e., ineligible costs), and the Municipality fails to cure its default within thirty (30) days after written notice of the default is given to the Municipality by the County; provided, however, that if not reasonably possible to cure such default within the thirty (30) day period, such cure period shall be extended for up to one hundred eighty (180) days following the date of the original notice if within thirty (30) days after such written notice the Municipality commences diligently and thereafter continues to cure.

- (2) If the Municipality shall breach any of the other covenants or provisions in this Agreement other than as referred to in Section 9(a)(1) and the Municipality fails to cure its default within thirty (30) days after written notice of the default is given to the Municipality by the County; provided, however, that if not reasonably possible to cure such default within the thirty (30) day period, such cure period shall be extended for up to one hundred eighty (180) days following the date of the original notice if within thirty (30) days after such written notice the Municipality commences diligently and thereafter continues to cure.
 - (3) If the Municipality fails to complete the Project within two (2) years of the effective date of the first executed Interlocal Agreement for this Project.
- (b) Each of the following shall constitute a default by the County:
- (1) If the County shall breach any of the covenants or provisions in this Agreement and the County fails to cure its default within thirty (30) days after written notice of the default is given to the County by the Municipality; provided, however, that if not reasonably possible to cure such default within the thirty (30) day period, such cure period shall be extended for up to one hundred eighty (180) days following the date of the original notice if within thirty (30) days after such written notice the County commences diligently and thereafter continues to cure.
- (c) Remedies:
- (1) Upon the occurrence of a default as provided in Section 9(a)(1) and such default is not cured within the applicable grace period, in addition to all other remedies conferred by this Agreement, the Municipality shall reimburse the County, in whole or in part as the County shall determine, all funds provided by the County hereunder.
 - (2) Either party may institute litigation to recover damages for any default or to obtain any other remedy at law or in equity (including specific performance, permanent, preliminary or temporary injunctive relief, and any other kind of equitable remedy).
 - (3) Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by any party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default.
 - (4) Any failure of a party to exercise any right or remedy as provided in this Agreement shall not be deemed a waiver by that party of any claim for damages it may have by reason of the default.

- (d) Termination:
- (1) Notwithstanding anything herein to the contrary, either party shall have the right to terminate this Agreement, by giving written notice of termination to the other party, in the event that the other party is in material breach of this Agreement.
 - (2) Termination of this Agreement by any Party is not effective until five (5) business days following receipt of the written notice of termination.
 - (3) Upon termination of this Agreement pursuant to Section 9(d)(1) above, no party shall have any further liability or obligation to the other party except as expressly set forth in this Agreement; provided that no party shall be relieved of any liability for breach of this Agreement for events or obligations arising prior to such termination.

Section 10. Litigation Costs/Venue: In the event that the Municipality or the County institutes any action or suit to enforce the provisions of this Agreement, the prevailing party in such litigation shall be entitled to reasonable costs and attorney's fees at the trial, appellate and post-judgment levels. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The County and the Municipality agree to submit to service of process and jurisdiction of the State of Florida for any controversy or claim arising out of or relating to this Agreement or a breach of this Agreement. Venue for any court action between the parties for any such controversy arising from or related to this Agreement shall be in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, or in the United States District Court for the Southern District of Florida, in Miami-Dade County, Florida.

Section 11. Naming Rights and Advertisements: It is understood and agreed between the parties hereto that the Grantee is funded by Miami-Dade County. Further, by acceptance of these funds, the Grantee agrees that Project(s) funded by this Agreement shall recognize and adequately reference the County as a funding source. In the event that any naming rights or advertisement space is offered on a facility constructed or improved with BBC GOB Program funds, then Miami-Dade County's name, logo, and slogan shall appear on the facility not less than once and equal to half the number of times the most frequent sponsor or advertiser is named, whichever is greater. Lettering used for Miami-Dade County will be no less than 75% of the size of the largest lettering used for any sponsor or advertiser unless waived by the Board. The Municipality shall ensure that all publicity, public relations, advertisements and signs recognize and reference the County for the support of all Project(s). This is to include, but is not limited to, all posted signs, pamphlets, wall plaques, cornerstones, dedications, notices, flyers, brochures, news releases, media packages, promotions and stationery. In particular, the Municipality must include the following credit line in all promotional marketing materials related to this funding including web sites, news and press releases, public service announcements, broadcast media, programs, and publications: "THIS PROJECT IS SUPPORTED BY THE BUILDING BETTER

COMMUNITIES BOND PROGRAM AND THE MAYOR AND BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY.” The use of the official County logo is permissible for the publicity purposes stated herein. The Municipality shall submit sample of mock up of such publicity or materials to the County for review and approval. The Municipality shall ensure that all media representatives, when inquiring about the Project(s) funded by the Agreement, are informed that the County is its funding source.

Section 12. **Notice:** Any notice, consent or other communication required to be given under this Agreement shall be in writing, and shall be considered given when delivered in person or sent by facsimile or electronic mail (provided that any notice sent by facsimile or electronic mail shall simultaneously be sent personal delivery, overnight courier or certified mail as provided herein), one (1) business day after being sent by reputable overnight carrier or three (3) business days after being mailed by certified mail, return receipt requested, to the parties at the addresses set forth below (or at such other address as a party may specify by notice given pursuant to this Section to the other party):

The County:
George M. Burgess, County Manager
Miami-Dade County, Stephen P. Clark Center
111 NW 1 Street, Suite 2910
Miami, Florida 33128

The Municipality:
Steven J. Alexander, Town Mgr
10720 Caribbean Blvd., Ste 105
Cutler Bay, FL 33189

Section 13. **Modification and Amendment:** Except as expressly permitted herein to the contrary, no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and equal dignity herewith.

Section 14. **Joint Preparation:** The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

Section 15. **Headings:** Captions and headings in this Agreement are for ease of reference only and do not constitute a part of this Agreement and shall not affect the meaning or interpretation of any provisions herein.

Section 16. **Waiver:** There shall be no waiver of any right related to this Agreement unless in writing and signed by the party waiving such right. No delay or failure to exercise a right under this Agreement shall impair such right or shall be construed to be a waiver thereof. Any waiver shall be limited to the particular right so waived and shall not be deemed a waiver of the same right at a later time or of any other right under this Agreement. Waiver by any party of any breach of any provision of this Agreement shall not be considered as or constitute a continuing waiver or a waiver of any other breach of the same or any other provision of this Agreement.

Section 17. **Representation of the Municipality:** The Municipality represents that this Agreement has been duly authorized, executed and delivered by Mayor and Council, as the governing body of the Town of Cutler Bay, Florida and it has granted the Mayor of the Town of Cutler Bay, or designee, the required power and authority to execute this Agreement. The Municipality agrees to: a) maintain the Project for a minimum of 25 years; b) agrees to govern itself, in regards to the subject Project, in accordance with Article 6 of the County Charter; c) keep the Project open safely and properly maintained for all Miami-Dade County residents; and, d) allow all Miami-Dade County residents equal access and use of the Project and not discriminate when charging facility admission fees based on where a resident resides in the County. The Municipality also agrees to accept and comply with the Administrative Rules as stated in Attachment 1 and as may hereafter be amended.

Section 18. **Representation of the County:** The County represents that this Agreement has been duly approved, executed and delivered by the Board, as the governing body of the County, and it has granted the Miami-Dade County Manager the required power and authority to execute this Agreement. The County agrees to provide the Funding Cycle Allocation to the Municipality for the purpose of developing and improving the Project in accordance with each of the attached Exhibit Forms, incorporated herein as Exhibits A-J of Attachment 1 (Administrative Rules). Miami-Dade County shall only be obligated to reimburse the Municipality provided the Municipality is not in breach of this Agreement and the Municipality has demonstrated that it has adequate funds to complete the Project. The County shall administer, in accordance with the appropriate regulations, the funds available from the BBC GOB Program as authorized by Board Resolutions. Any and all reimbursement obligations of the County shall be fully subject to and contingent upon the availability of funding from the County for the specific purpose contained herein. The Municipality shall be solely responsible for submitting all documentation, as required by the specific Administrative Rules incorporated herein as Attachment 1, to the County Manager or his designee for this purpose.

Section 19. **Invalidity of Provisions, Severability:** Wherever possible, each provision of the Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement, provided that the material purposes of this Agreement can be determined and effectuated.

Section 20. **Indemnity:** The Municipality does hereby agree to indemnify and hold harmless the County to the extent and within the limitations of Section 768.28 Florida Statutes, subject to the provisions of that Statute, whereby the Municipality shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of \$100,000, or any claim or judgments or portions thereof, which when totaled with all other occurrences, exceeds the sum of \$200,000 from any and all personal injury or

property damage claims, liabilities, losses or causes of action which may arise solely as a result of the negligence of the Municipality. However, nothing herein shall be deemed to indemnify the County from any liability or claim arising out of the negligent performance or failure of performance of the County or any unrelated third party.

The County does hereby agree to indemnify and hold harmless the Municipality to the extent and within the limitations of Section 768.28 Florida Statutes, subject to the provisions of that Statute, whereby the County shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of \$100,000, or any claim or judgments or portions thereof, which when totaled with all other occurrences, exceeds the sum of \$200,000 from any and all personal injury or property damage claims, liabilities, losses or causes of action which may arise solely as a result of the negligence of the County. However, nothing herein shall be deemed to indemnify the Municipality from any liability or claim arising out of the negligent performance or failure of performance of the Municipality or any unrelated third party.

Section 21. **Assignment:** The Municipality may not assign all or any portion of this Agreement without the prior written consent of the County.

Section 22. **Entirety of Agreement:** This Agreement, and the attachments thereto, incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained in this Agreement. The parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this Agreement, and that this Agreement contains the entire agreement between the parties as to all matters contained herein. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that any oral representations or modifications concerning this Agreement shall be of no force or effect, and that this Agreement may be modified, altered or amended only by a written amendment duly executed by both parties hereto or their authorized representatives.

IN WITNESS THEREOF, the parties through their duly authorized representatives hereby execute this AGREEMENT with an effective date of _____, 2011.

Town of Cutler Bay, Florida

By: _____
Town Mayor Date

For the Town Council,
Town of Cutler Bay, Florida

, CLERK

Attest:

By: _____
Clerk Date

MIAMI-DADE COUNTY, FLORIDA

By: _____
County Mayor

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

Stephen P. Clark Center
111 NW 1 Street
Miami, Florida 33128

HARVEY RUVIN, CLERK

Attest:

By: _____
Deputy Clerk Date

Approved by County Attorney as
to form and legal sufficiency. _____

TAB 8



Office of the Town Manager

Steven J. Alexander
Town Manager

MEMORANDUM

To: Mayor and Town Council

From: Steven Alexander

Date: February 7, 2011

Re: Lakes by the Bay South Commons

In 2003, Miami-Dade County (the "County") adopted Zoning Resolution Z-17-03, which modified the development order governing the Lakes by the Bay South Commons development.

After the Town was established, the Town Council adopted Resolution 06-74, in 2006, supporting the creation of a special taxing district for security guard gates within the South Commons, subject to the condition that a traffic study be conducted in order to determine if a development order condition relating to the connection of S.W. 97th Avenue and S.W. 224 Street (the "Traffic Study") could be removed as a means to further protect the existing linear park along S.W. 97th Avenue. The Town staff has reviewed the Traffic Study prepared by David Plummer and Associates Inc. dated March 2008 and recommends the removal of the above referenced condition.

RECOMMENDATION:

Staff recommends adoption of the amendment to the Lakes by the Bay South Commons Development Order as per the attached resolution.



RESOLUTION 11-

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE LAKES-BY-THE BAY SOUTH COMMONS DEVELOPMENT GENERALLY LOCATED NORTH OF SOUTHWEST 232 STREET, SOUTH OF SOUTHWEST 216 STREET, EAST OF OLD CUTLER ROAD, AND WEST OF SOUTHWEST 87 AVENUE; DELETING A DEVELOPMENT ORDER ROADWAY CONDITION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2003, Miami-Dade County (the “County”) adopted Zoning Resolution Z-17-03, which modified the development order governing the Lakes By-The-Bay South Commons development (the “South Commons”); and

WHEREAS, in 2006, the Town Council adopted Resolution 06-74, supporting the creation of a special taxing district for security guard gates within the South Commons, subject to the condition that a traffic study be conducted in order to determine if a development order condition relating to the connection of Southwest 97 Avenue and Southwest 224 Street (the “Traffic Study”) could be removed as a means to further protect the existing linear park along Southwest 97 Avenue; and

WHEREAS, Town staff has reviewed the Traffic Study prepared by David Plummer and Associates Inc. in March 2008 and recommends the removal of the above referenced condition; 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. Modification of Lakes By-The-Bay South Commons Development Order. The Town Council hereby amends the Lakes By-The-Bay South Commons Development Order as follows:

<u>LOCATION SCHEDULE</u>	<u>DESCRIPTION</u>	<u>PHASING</u>
S.W. 224 Street from S.W. 93 Path to existing southern terminus of S.W. 97 th Avenue at the southern boundary of Lakes by the Bay Section	Two Lane Two Way Roadway	Upon construction of residential dwelling units in Parcel D or Parcel E

five (Plat book 131, page 75)

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

PASSED and ADOPTED this _____ day of _____, 2011.

EDWARD P. MACDOUGALL, Mayor

Attest:

ESTHER B. COULSON
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 Edward P. MacDougall	_____
Vice Mayor Ernest N. Sochin	_____
Councilmember Peggy R. Bell	_____
Councilmember Mary Ann Mixon	_____
Councilmember Sue Ellen Loyzelle	_____



Town of Cutler Bay
10720 Caribbean Drive, Suite 105
Cutler Bay, FL 33189
www.cutlerbay-fl.com

PUBLIC HEARING COURTESY NOTICE

ADDRESSEE

TOWN OF CUTLER BAY PUBLIC HEARING COURTESY NOTICE

Applicant Name: Town of Cutler Bay

Location: Lakes by the Bay South Commons Development, generally located north of SW 232nd Street, south of SW 216th Street, east of Old Cutler Road and west of SW 87th Avenue

Request: Amending the Development Order deleting a roadway condition

Hearing

Location: South Dade Regional Library, 10750 SW 211 Street, Cutler Bay

Hearing Date: February 16, 2011

Hearing Time: 7:00 p.m.

Documents are on file with the Town of Cutler Bay, 10720 Caribbean Drive, Suite 105, 305-234-4262 and may be examined at Town Hall. These documents may be modified at the public hearing.

TAB 9

ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 06-06 RELATING TO THE URBAN CENTER DISTRICT; PERMITTING ENTERTAINMENT CENTER USES WITHIN THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 6, 2006, the Town Council of the Town of Cutler Bay (“the Council”) enacted Ordinance 06-06 creating the Urban Center District (the “District”) within the Town; and

WHEREAS, currently entertainment center uses are not allowed within the District; and

WHEREAS, the Town Council desires to permit such uses within the District; and

WHEREAS, the Town Council, sitting in its capacity as the Local Planning Agency, has reviewed the proposed Ordinance and recommends approval; and

WHEREAS, the Town Council finds these changes to be in the best interest and welfare 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. **Ordinance 06-06.** The Town Council hereby amends Ordinance 06-06 as follows:

Section 2. **Uses.** The following uses are permitted within the UCD:

A. Permitted Uses. Except as provided herein, all permitted, conditionally permitted, and temporary uses within the UCD shall comply with Section 33-284.83 of the County Code. An entertainment center use may be permitted if: (1) the use is no larger than 20,000 square feet; and (2) the use is internal to an enclosed mall and has no external access to and from the parking lot. In addition to all uses permitted in the Industrial District (ID) under Section 33-284.83 of the County Code, all uses permitted in the Mixed-Use Corridor (MC) shall be permitted within the Industrial District (ID).

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. Effective Date. This ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2011.

PASSED AND ADOPTED on second reading this ___ day of _____, 2011.

EDWARD P. MACDOUGALL, Mayor

Attest:

ESTHER B. COULSON
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 Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

Councilmember Mary Ann Mixon _____

TAB 10



Office of the Town Manager

Steven J. Alexander
Town Manager

MEMORANDUM

To: Mayor and Town Council

From: Steven Alexander

Date: November 8, 2010

Re: Growth Management Plan Amendment / Capital Improvement Element

Section 163.3177 of the Florida Statutes requires local governments to update the Capital Improvements Schedule of the Growth Management Plan (GMP) on an annual basis. The attached amendment has been updated (starting on page 11) to reflect planned and programmed project revisions for the five year period beginning 2010 through 2014. The amendment updates project lists from the 2009 schedule in strikethrough and underline formatting to reflect current funding levels, sources, and construction timetables.

The amendment also includes a revision to the Educational Facilities Element Policy EDU-2F to adopt the September, 2010 version of the Miami-Dade County Public Schools District Facilities Work Program. This modification is shown on the bottom of page 15 of the amendment.

The primary purpose of the CIE update is to stay abreast of the facility needs of the community and to ensure that the deficiencies as well as the improvements identified in the other elements of the GMP are programmed and corrected accordingly over time. The Town's Growth Management Plan was determined by the State to be fully in compliance on October 28, 2008.

RECOMMENDATION:

Staff recommends adoption of the amendment to the Capital Improvement Element of the Town of Cutler Bay Growth Management Plan in compliance with State requirements to update the capital improvement schedule on an annual basis.



ORDINANCE NO. 10-

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE ADOPTION OF THE ANNUAL UPDATE TO THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FACILITIES WORK PROGRAM; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, local governments are annually required to update the capital improvements element contained in their comprehensive plans in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes are achieved and maintained over the planning period, and

WHEREAS, the Town of Cutler Bay (the "Town") Town Council, sitting in its capacity as the Local Planning Agency, has recommended approval of the proposed amendments to the Capital Improvements Element and Miami-Dade County Public School Facilities Work Program within the Town's Comprehensive Plan ("Comprehensive Plan"), and

WHEREAS, the Town Council finds that this ordinance is consistent with the Comprehensive Plan; and

WHEREAS, the Town Council hereby finds that adoption of this ordinance is in the best interest and welfare of the residents of the town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA:

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

Section 2. Adoption of the Capital Improvements Element and Miami-Dade County Public Schools Facilities Work Program Update. The Town Council hereby adopts the annual update to the Capital Improvements Element and Miami-Dade County Public School Facilities Work Program, which is attached to this Ordinance as Exhibit "A."

Section 3. Conflicts. All ordinances or code provisions in conflict herewith are hereby repealed.

Section 4. Severability. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any

reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This ordinance shall be effective immediately upon passage by the Town Council on second reading, except that the effective date of these plan amendments approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Council finding the plan amendments in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Community Affairs notice of intent to find the plan amendments in compliance shall be deemed to be a final order if no timely petition challenging the plan amendments is filed.

PASSED on first reading this 14th day of November, 2010.

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

EDWARD P. MACDOUGALL, Mayor

Attest:

ESTHER LEWIN-COULSON
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 Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Councilmember Peggy R. Bell _____

Councilmember Mary Ann Mixon _____

Councilmember Sue Ellen Loyzelle _____

**Town of Cutler Bay
Capital Improvement Element Amendment**

November 9, 2010

Introduction

The following amendment application consists of proposed revisions to the Capital Improvements Element for the Town of Cutler Bay. The Town was incorporated in November 2005 and adopted its first Growth Management Plan in April 2008. The plan was determined by the State to be fully in compliance on October 28, 2008. This is the second update to the Capital Improvements Element since the plan was adopted.

This amendment consists of updates to the data and analysis required by Florida law and revisions to the Capital Improvement Schedule. The data and analysis consists of the public facilities capacity analysis and revenue and expenditure projections. The amendment includes copies of the current Capital Improvement Schedule with strikethrough formatting to indicate the table is being updated with new information.

This amendment also consists of a revision to Educational Facilities Element Policy EDU-2F to adopt the most recent version of the Miami-Dade County Public Schools 5-Year District Facilities Work Program.

Public Facilities Capacity Analysis

Ensuring the availability of services and infrastructure to serve the existing and future population and land uses is an important function of the Growth Management Plan. The Growth Management Plan establishes levels of service for key facilities and infrastructure, including roadways, mass transit, potable water, sanitary sewer, drainage, and parks and recreation. The Capital Improvements Schedule identifies planned and programmed capital improvements that will be implemented by the Town and other agencies in order to meet or exceed the Level of Service standards, or otherwise implement the Growth Management Plan. In order to be financially feasible, revenues adequate to fund the projects identified as “funded” on the Capital Improvements Schedule must be demonstrated.

The following analysis of facility capacity demonstrates that the proposed capital improvements will maintain the LOS standards of the Town.

Potable Water

LOS Standard – The Town’s Level of Service Standard for potable water is as follows:

Regional Treatment – System shall operate with a rated capacity that is no less than 2% above maximum daily flow for the preceding year.

User LOS – Maintain capacity to produce and deliver 155 gallons per capita per day (gpd).

Water Quality – Meet all County, State and federal primary potable water standards.

Countywide storage – Storage capacity for finished water shall equal no less than 15% of Countywide average daily demand.

With the exception of a few enclaves that remain on private wells, the Town is provided with potable water services through the Miami-Dade Water and Sewer Department (WASD). The Town shall coordinate with WASD on an ongoing basis in the delivery of potable services within its boundaries, and with the South Florida Water Management District in the management of the regional water supply.

The Alexander Orr Water Treatment Plant serves the Town of Cutler Bay. This plant has a capacity of 172 million gallons per day, which will increase to 205 million gallons per day by 2020 as a result of programmed improvements. Tables INF-2 and INF-3 in the support component of the Infrastructure Element provides potable water supply and demand analysis through 2020 for demand and 2030 for supply. This analysis indicates that the Town will meet its Level of Service standard for potable water through the planning period. The Town has not programmed any capital improvements related to water facilities.

Sanitary Sewer

LOS Standard – 100 gallons per capita per day (gpd).

With the exception of a few enclaves that remain on septic tanks, the Town is provided with sanitary sewer services through the Miami-Dade Water and Sewer Department (WASD). The Town shall coordinate with WASD on an ongoing basis in the delivery of sewer services within its boundaries.

The Town is located in WASD’s South Sewer Service District. The South Sewer District Plant has a design flow capacity of 112 million gallons per day. By 2010 the plant’s capacity will increase to 131 million gallons per day as a result of programmed improvements. Table INF-5 in the support component of the

Infrastructure Element documents the Town's existing and projected wastewater demand through the planning period. As demonstrated, the Town will meet its Level of Service standard for sanitary sewer service through the planning period. The Town has not programmed any capital improvements related to sanitary sewer facilities.

Drainage

LOS Standard – The Town's Level of Service Standard for stormwater drainage is as follows:

Quality - The drainage and performance standards established in Chapter 62-25, 25.015, F.A.C., as amended with treatment of the first inch of rainfall to meet water quality standards required by Chapter 62-302, 862-302.500, F.A.C., as amended.

Quantity – Post-development runoff should not exceed the pre-development runoff for a 25-year storm event, up to and including an event with 24-hour duration. In addition, the Standard requires onsite treatment of the first inch of rainfall or the first half-inch of runoff, whichever is greater.

Most of the Town is located within Zone AE, the 100-year floodplain. The purchase of flood insurance is mandatory in these areas. The Town also includes areas within Zone X and Zone X-500. Zone X corresponds to areas outside of the 100 year floodplain, areas where 100 year sheetflow flooding at a depth of one foot or less may occur, or areas protected from 100 year floods by levees. Zone X-500 corresponds to the 500 year floodplain.

Stormwater drainage has been an ongoing challenge in the Town, particularly the areas of marl and muck soils east of Old Cutler Road. In 2007, the Town completed a Stormwater Master Plan and in 2008 assumed stormwater drainage responsibilities from the County. The Stormwater Master Plan includes a detailed inventory of the stormwater system and projected deficiencies, and a program to correct these deficiencies.

The Town has recently completed two new stormwater drainage improvement projects financed in fiscal year 2009/10. The Caribbean Boulevard stormwater drainage project received funding through the County PTP Funds as part of an overall upgrade to this roadway. The Saga Bay and Bel Aire neighborhoods received funding from FDEP in addition to being funded by the stormwater utility fee which was transferred from Miami-Dade County to the Town.

Solid Waste

LOS Standard – A collection capacity of 9.9 lbs. per capita per day, and disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements and contracts and non-committed solid waste flows for a period of five years.

The Town of Cutler Bay is provided with collection and disposal service through the Miami-Dade County Department of Solid Waste Management. The Town's solid waste is disposed of at the South Dade Landfill, which is located south of the Town Limits, or is processed through the Resources Recovery facility. As noted in the Infrastructure Element support component, the County's collection and disposal capacity will be sufficient to meet the Town's Level of Service Standard through 2015. The County has programmed \$75.83 million in capital solid waste disposal projects to address existing and projected demand, and to further expand capacity. The Town therefore does not anticipate any problems in meeting its solid waste Level of Service standard through the planning period and beyond. The Town has not programmed any capital improvement projects related to solid waste facilities.

Transportation

Level of Service Standard – The Town’s adopted Level of Service standard for roadways is as follows:

- LOS D for principal arterial, collector, and local roads without available transit;
- LOS E for minor arterials without local transit;
- LOS E for roads within ½ mile of transit service with 20 minute headway;
- 120 % of capacity where extraordinary transit service (commuter rail or bus service) is available;
- LOS D for limited and controlled access Florida Interstate Highway System roads;
- LOS E on limited access facilities where exclusive through lanes exist;
- LOS E on controlled access facilities with exclusive through lanes or that are parallel to exclusive transit.

The Town’s existing and programmed transportation system, including existing and projected Levels of Service and programmed improvements, is described in the adopted and support components of the Transportation Element. Due to the fact that the Town is substantially built out, there is little opportunity for the construction of new roadways or expansion of existing roadways except local roads in developing areas. Transit and non-motorized transportation options need to be maximized in order to reduce congestion of the roadway system, particularly given the challenges presented by continued population growth. The Growth Management Plan’s emphasis on mixed-use and transit-oriented development patterns, as envisioned by the Future Land Use Map and districts, is intended to reflect this focus and promote viable multi-modal transportation options.

The Capital Improvement Schedule includes funding from other agencies for numerous local transportation projects such as improvements to various intersections and new traffic circles on Old Cutler Road. Additionally, there is funding programmed for regional projects such as two new park-and-ride facilities along the busway (at SW 112 Avenue and at SW 200th Street), the South Dade Greenway bike path, pedestrian underpasses, and additional lanes to the Homestead Extension to the Florida Turnpike (HEFT).

While the Town’s capital improvements budget includes projects that are funded by other agencies, including Federal stimulus grants. The Town has recently completed it’s first Transportation Master Plan in order to provide a detailed analysis of the current traffic conditions and specific projects to address the failing roadways. Projects from the Transportation Master Plan are included in this update of the Capital Improvement Element. The projects include upgrades to various roadways, adding lanes and funding to start a Town operated trolley. The following transportation capacity analysis describes other potential improvements that are recommended for the Town to reach and maintain adopted LOS standards.

Transportation Capacity Analysis

Roadway	Limits	Facility Type	LOS Standard			Potential Improvement	Comments
			2007	2015	2030		
SW 184 St	Franjo Rd to SW 92 Ave	2L	D	D	E	Traffic Operations and Safety including traffic signal phasing / timing, intersection improvements and transit improvements.	Widening of roadway is not recommended and will create significant negative impact to the residential community. Improvement will concentrate on Traffic Operations and transit improvements as part of Transportation Master plan. This is a County facility.
	SW 92 Ave to SW 87 Ave	2L	D	D	E		
Caribbean Blvd	SW 117 Ave to SW 110 Ave	2LD	F	F	F	Traffic Operations and Safety including traffic signal phasing / timing, intersection improvements and transit improvements.	Widening of roadway is not recommended and will create significant negative impact to the residential community. Improvement will concentrate on Traffic Operations and transit improvements as part of Transportation Master plan. This is a County Facility.
	SW 110 Ave to US-1	4LD	F	F	F		
	US-1 to Fla TKP	4LD	< C	D	F		
	Fla TKP to SW 97 Ave	2L	F	F	F		
	SW 97 Ave to Marlin Rd	2L	D	D	E	- Further analyses to determine feasibility of intersection operational and safety improvements. - Perform studies to determine feasibility of Enhancement / Beautification project recommendations.	
SW 211 St	SW 112 Ave to SR 821	6LD	D	D	F	Traffic Operations and Safety including traffic signal phasing / timing, intersection improvements and transit improvements.	Widening of roadway is not recommended and will create significant negative impact to the residential community. Improvement will concentrate on Traffic Operations and transit improvements as part of Transportation Master plan. This is a County facility.
SW 216 St	SR 821 to Old Cutler Rd	4LD	D	D	F	Traffic Operations and Safety including traffic signal phasing / timing, intersection improvements and transit improvements.	Widening of roadway is not recommended and will create significant negative impact to the residential community. Improvement will concentrate on Traffic Operations and transit improvements as part of Transportation Master plan. This is a County facility.
	Old Cutler Rd to SW 87 Ave	4LD	D	D	F		
Old Cutler Rd	SW 216 St to SW 97 Ave	2L	F	F	F	Traffic Operations and Safety including traffic signal phasing / timing, intersection improvements and transit improvements.	Designated as a Historical roadway which prohibits roadway widening. This is a County facility.
	SW 97 Ave to Marlin Rd.	2L	F	F	F		
	Marlin Rd to SW 87 Ave	2L	F	F	F	Traffic Operations and Safety including traffic signal phasing / timing, intersection improvements and transit improvements.	

	SW 87 Ave to SW 184 St	2L	F	F	F	- Two-Lane Roundabout at SW 87 Ave. - Replace and install pavement markings and traffic signs as appropriate.	
	SW 184 St to SW 77 Ave	2L	F	F	F	Replace and install pavement markings and traffic signs as appropriate and traffic operations improvements.	
SW 97 Ave	Franjo Rd to SW 184 St	2L	F	F	F	Traffic Operations and Safety including traffic signal phasing / timing and intersection improvements.	Widening of roadway is not recommended and will create significant negative impact to the residential community. Improvement will concentrate on Traffic Operations and transit improvements as part of Transportation Master plan. This is a County facility.
	SW 184 St to SW 174 St	2L	E	F	F		
Marlin Rd	Old Cutler Rd. to Caribbean Blvd	2L	D	E	E	- Traffic Operations and Safety including traffic signal phasing / timing and intersection improvements. - Perform studies to determine feasibility of Enhancement / Beautification project recommendations. - Transit improvements.	Widening of roadway is not recommended and will create significant negative impact to the residential community. Improvement will concentrate on Traffic Operations and transit improvements as part of Transportation Master plan. This is a County facility.
	Caribbean Blvd to SW 97 Ave	2L	F	F	F		
	US-1 to SW 107 Ave	4LD	F	F	F		
Franjo Rd.	Old Cutler Rd. to Caribbean Blvd	2L	E	F	F	- Traffic Operations and Safety including traffic signal phasing / timing and intersection improvements. - Perform studies to determine feasibility of Enhancement / Beautification project recommendations. - Transit improvements.	Widening of roadway is not recommended and will create significant negative impact to the residential community. Improvement will concentrate on Traffic Operations and transit improvements as part of Transportation Master plan. This is a County facility.
	Caribbean Blvd to SW 97 Ave	2L	F	F	F		
SW 87 Ave	SW 216 St to Old Cutler Rd.	2L	D	E	D	Work with the MPO to pursue the following: - Traffic Operations and Safety including traffic signal phasing / timing and intersection improvements. - Perform studies to determine feasibility of Enhancement / Beautification project recommendations.	This is a County facility.
	Old Cutler Rd to Caribbean Blvd	2L	D	F	D		
	Caribbean Blvd to SW 184 St	2L	E	F	D		
	SW 184 St to SW 174 St	2LD	F	F	E		
US-1	Caribbean Blvd to Marlin Rd.	6LD	E	E	E	Work with the MPO and FDOT to develop incentives to increase usage of the Bus-Lane and consideration of other multimodal projects including providing park-n-ride lots, among others. In the interim, request FDOT to conduct the necessary studies to determine potential traffic operations improvements.	This is a State facility.
	Marlin Rd to SW 184 St	6LD	D	E	E		

Recreation and Open Space

LOS Standard – 1.2 acres of active public parks, 0.9 acres of private open space, 0.9 acres of conservation open space per 1,000 residents.

Parks provide numerous social, recreational, educational, environmental, and health benefits, and are an important component of quality of life. The Town of Cutler Bay is committed to providing recreation and open space to current and future residents through the development, operation and maintenance of its park system, and coordination with other agencies.

The Town currently owns and operates a total of 33 acres of parkland in one community park, two neighborhood parks, two single-purpose parks and two mini-parks. The locations and a more detailed description of these parks are included in the support component of the Recreation and Open Space Element and Exhibit ROS-1. Moreover, Lakes-by-the-Bay Park, a 92-acre park that will be located in the Town's boundaries, is programmed to open this year. The Town recently took over 49.3 acres of this park which consist of 24.7 acres of active recreation space and 24.6 of passive recreation space/lake/preservation area.

Based on the 2010 population of approximately 41,000, the Town requires 49 acres of active public parks to meet its Level of Service Standard. Based on the recently acquisition of Lakes by the Bay parkland, the Town will exceed the LOS for active parks. Based on the projected 2020 population of 60,000, the Town will require 72 acres of parks.

As noted in the Recreation and Open Space Element support component, there is currently an inventory of 390 acres of private recreation and open space that is considered in measuring the Level-of-Service Standard for private recreation and open space. Based on its 2010 population, the Town requires 37 acres to meet the Level of Service Standard for private recreation and open space. The Town therefore has a surplus of 353 acres of private recreation and open space. Finally, as noted in the Recreation and Open Space Element support component, there is currently an inventory of 1,663 acres of conservation open space that is considered in measuring the Level of Service Standard for conservation open space. Based on its 2010 population, the Town requires 37 acres to meet the Level of Service Standard for conservation open space. The Town therefore has a surplus of 1,626 acres of conservation open space. The Town will require 54 acres of private recreation and open space and conservation lands to meet its Level of Service Standard in 2020. Therefore, the Town does not anticipate any problem in meeting this Standard during the current planning period.

To further the Town's goal of providing quality active public parks for the residents, the Town has programmed numerous projects in the current fiscal year's budget. These projects include improvements to existing parks such as upgrading ball fields, installing new landscaping, installing ADA compliant facilities and improvements to walkways and various park amenities for Bel Aire, Sage Lake and Saga Bay Parks. The Town is not budgeted money for land acquisition to purchase additional park land this fiscal year due to the recent acquisition of Lakes by the Bay park.

Public Schools

Level of Service Standard – Beginning January 1, 2008, 100 % utilization of Florida Inventory of School Houses (FISH) capacity with relocatable classrooms. Public schools that achieve 100 % of FISH capacity without relocatable classrooms should no longer utilize relocatable classrooms except as an operational solution.

Cutler Bay Growth Management Plan includes an Educational Facilities Element, including a Level of Service Standard, to address school planning requirements. As demonstrated in the support component of the Educational Facilities Element, the Town anticipates that it will meet its Level of Service Standard for public schools through the planning period. The Town has not programmed any capital improvement projects related to public school facilities since none have been programmed in the Miami-Dade County Public Schools Facilities Work Program, dated September 2010.

Sources of Revenue and Forecast of Expenditures

The Capital Improvement Budget represents the expenditures that the Town will incur in the current fiscal year. Projects may be one year or more likely are multi-year projects that are part of the multi-year Capital Improvement Plan. The Town's Capital Improvement Plan serves the dual role of a planning document for future year expenditures and a component of the Growth Management Plan.

The Town receives revenue to fund the Capital Improvement Budget from numerous sources. In addition to funding from other agencies, the Town receives funding for Capital Projects through grants, impact fees, the Town's general fund and utility fees.

The FY 10/11 proposed budget includes a transfer from the Special Revenue Fund of \$989,000, Federal and State grants and County Carryover funds, and \$120,000 of local option gas taxes to the Capital Projects Fund to fund park and transportation capital projects.

The Capital Improvement projects funded through the Town's Capital Improvement Budget include three categories, 1) Park Improvements; 2) Transportation/Roadway Improvements; and 3) Contingency Reserves

Park Improvements

Sources of funding for park improvements include Quality Neighborhood Improvement Program, Safe Neighborhood Parks Program, State Grants, Town General Fund and Park Impact Fees.

Transportation/Roadway Improvements

Various projects are accounted for using Special Revenue Funds. These projects are funded from revenues that require specific uses. The Town has budgeted several revenue sources under this category in FY 2010/11 and has been awarded several grants that are accounted for in these type funds. Special Revenue Funds are established in this fiscal year budget for transportation/roadway improvements and transit services, both are funded in substantial part by grants. The FY 2010/11 budget reflects \$418,000 of transportation and transit projects being funded by the Federal Stimulus legislation with a contribution by the Town just under \$400,000. The budget also reflects approximately \$7 million being funded by Miami-Dade County primarily for improvements to Caribbean Blvd and Old Cutler Road, including the traffic circles.

Contingency Reserves

The Town has set aside reserves from the general fund to finance future projects in the event that State grants or other funds are not sufficient for the various projects. The FY 2010/11 budget provides \$3,800,000 in Contingency Reserves.

The following table illustrates the forecasted revenues through FY 13/14. The forecast is based on the expectation that tax revenue and impact fees will remain relatively flat for the near term due to the general downturn in the economy which has affected local property values and is slowing the pace of new development. The projections have stayed relatively consistent with the exception of the revenue related to park improvements. While the Town intends to apply for State grant funds to supplement impact fee revenues, the future projections do not include grant funding sources. The Town anticipates revenue from the County to fund improvements at Lakes by the Bay Park in FY 11/12. Table CI-3 of the Capital

Improvement Element is updated as part of this analysis and illustrates the Town's forecasted expenditures through FY 13/14.

**Summary of Revenues
FY 10/11 through FY 14/15**

	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15
Park Improvements	\$7,583,000	\$1,060,000	\$450,000	\$0	\$0
Transportation/Roadway Improvements	\$7,595,000	\$10,410,000	\$0	\$0	\$0

Detailed Revenue Source

Park Improvements	
Interest earned	\$9,000
State 1839A	\$200,000
Safe Neighborhood Parks Bond Program	\$742,500
County Park Impact Fees	\$3,357,500
Park Impact Fees	\$250,000
County GOB Funds	\$4,500,000
Total	\$9,059,000

Detailed Revenue Source

Transportation/Roadway Projects	
Transfer from Special Revenue Fund	\$379,000
Federal Stimulus (Transit)	\$418,028
County Funding	\$17,658,000
Total	\$18,455,028

Capital Improvement Schedule

The following tables include the current Capital Improvement Schedule (Tables CI-3, and CI-4) with strikethrough formatting and the updated tables with underline to indicate that these tables are being replaced with updated information.

Table CI-3 Cutler Bay Departments Capital Improvement Plan (Committed and Planned Sources) FY 09/10 <u>10/11</u> through 13/14 <u>14/15</u>										
Dept.	Project Name	Description	Funding Source	Previous Years Funding	Fiscal Year					Total
					09/10 <u>10/11</u>	10/11 <u>11/12</u>	11/12 <u>12/13</u>	12/13 <u>13/14</u>	13/14 <u>14/15</u>	
Parks and Recreation Department	Cutler Ridge Park and Pool ²	Parking lot Improvements, new athletic field, pool improvements	SN, QNIP	\$330 <u>\$172</u>	\$172					\$172
	Park Property Acquisition ^{1(R)}	Appraisals, legal fees, land acquisition	State 1839A,	\$424 <u>\$0</u>	\$200					\$200 <u>\$0</u>
	Bel Aire Park ²	Re-sod & relighting or sports field, irrigation, bleachers, fencing	SN, Park Impact Fees	\$269 <u>\$220</u>	\$359 <u>\$138</u>					\$359 <u>\$358</u>
	Saga Lake Park ²	New baseball & soccer fields, walkways, shade trees & landscape, pavilion, vita course	Park Impact Fees, SN	\$148 <u>\$35</u>	\$226 <u>\$191</u>					\$226
	Saga Bay Park ²	New lighted tennis courts, new playground equipment, ADA improvements, Parking lot, restrooms & vita course	FRDAP State 1839A, General Fund	\$470 <u>\$139</u>	\$387 <u>\$331</u>					\$387 <u>\$470</u>
	Lakes by the Bay Park ^{1(R)}	Park Master Plan Improvements	Park Impact Fees, County, SN	\$826	\$6,914	\$860	\$1,000 <u>\$250</u>			\$1,000 <u>\$8,850</u>
	Other Park Projects ²	Various	Special Reserve		<u>\$9</u>					<u>\$9</u>
	Cutler Bay Wetlands ^{1(R)}	Observation platforms, walkways, parking	Park Impact Fees, FCT			<u>\$200</u>	<u>\$200</u>			<u>\$400</u>

Note: Amount in Thousands

SN: Safe Neighborhood Parks Bond Program

QNIP: Quality Neighborhood Improvements Program

FRDAP: Florida Recreation Development Assistance Program

FCT: Florida Communities Trust Grant Program

^{1(R)}: Project will contribute to achieving the LOS standard for Recreation and Open Space

²: Project will otherwise further the achievement of the Growth Management Plan and its goals, objectives and policies

**Table CI-3 (Cont.)
Cutler Bay Departments
Capital Improvement Plan (Committed and Planned Sources)
FY 09/10 10/11 through 13/14 14/15**

Dept.	Project Name	Description	Funding Source	Previous Years Funding	Fiscal Years					Total
					09/10 10/11	10/11 11/12	11/12 12/13	12/13 13/14	13/14 14/15	
Public Works Department	208 th Street Improvements	Median improvements & traffic calming	Local option gas tax	\$392	\$683					\$683\$392
	FHWA Road Resurfacing Project	Transportation Improvement	Federal Stimulus (ARRA)	\$941	\$941					\$941
	Purchase of Circulator Bus/Trolley ^{1(T)}	Transit Improvements	Federal Stimulus (ARRA)		\$418					\$418
	Old Cutler Roadway Improvement Project (JPA) ^{1(T)}	Traffic Circles (SW 87 Ave & SW 97 Ave), drainage Improvements, bike path improvements, lighting installation, sidewalk installation, and roadway resurfacing.	Miami-Dade County PTP funds	\$450	\$450 \$4,481	\$4,200 \$2,874	\$2,874			\$7,524 \$7,805
	Caribbean Blvd Roadway Improvement Project (JPA) ^{1(D)}	Drainage Improvements, lighting installation, and roadway resurfacing	Miami-Dade County PTP funds		\$2,696	\$7,536				\$10,232
	Cutler Ridge Elementary ^{1(D)}	Improvements to Storm Drainage System	FDEP & Town Stormwater Utility Fund	\$140 \$400						\$400
	Saga Bay Neighborhood ^{1(D)}	Improvements to Storm Drainage System	FDEP & Town Stormwater Utility Fund	\$500	\$500					\$500
	Bel-Aire Neighborhood ^{1(D)}	Improvements to Storm Drainage System	SFWMD & Town Stormwater Utility Fund	\$386	\$386					\$386
	Town-wide Sidewalk Improvements ²	Sidewalk Replacement and Install ADA Ramps	Second local option gas tax	\$400						\$400

Note: Amount in Thousands

FDEP: Florida Department of Environmental Protection

SFWMD: South Florida Water Management District

^{1(D)}: Project will contribute to achieving the LOS standard for Stormwater Drainage

^{1(T)}: Project will contribute to achieving the LOS standard for Transportation

²: Project will otherwise further the achievement of the Growth Management Plan and its goals, objectives and policies

**Table CI-4
Other Agencies
Capital Improvement Plan (Committed and Planned Sources)
FY 09/10 10/11 through 13/14 14/15**

Agency	Proj. No.	Project Name	Description	Funding Source	Activity/Phase	Previous Years Fund-ing	Fiscal Year					Total
							09/10 10/11	10/11 11/12	11/12 12/13	12/13 13/14	13/14 14/15	
PTP	000442	Caribbean from Coral Sea to SW 87 Ave ^{1(T)}	Widen Roadway, 2 to 3 lanes	PTP	PE, CST	\$1,000	\$4,000 \$5,000	\$5,000 \$5,190	\$5,190			\$11,186 \$11,190
		Old Cutler Road ^{4(T)}	Bike Path Construction								\$30	\$30
		Caribbean Blvd @ C-1N Canal ^{1(D)}	Drainage Improvements	SU			\$200	\$180	\$1,030			
FDOT	4060961	HEFT ^{1(T)}	Add lanes & reconstruct between SW 216 St to Eureka Dr	PE	PE, Const	\$268,500						\$268,500
	4251401	US-1 at Caribbean Blvd ^{1(T)}	Intersection Improvements	DS	PE	\$18	\$18					\$18
MPO	2512651	South Dade Greenway Bike Path ^{1(T)}	Black Creek Canal	SE	PE, Const	\$510 \$120	\$420 \$780					\$900
	4183331	Black Creek & Biscayne Trail Bridges ^{1(T)}	Pedestrian Underpass	SE		\$450 \$550	\$450					\$1,000 \$450
Miami-Dade County Parks & Recreation Dept.	63	Lakes by the Bay Park ^{1(R)}	New Park (92 acres of active park)	BBCBP	Planning	\$160		\$1,250	\$2,250		\$10	\$3,510
MD County WASD		Alexander Orr Water Treatment Plant ^{1(W)}	Expansion			\$4,430 \$10,250	\$10,250 \$22,290	\$22,290 \$33,160	\$33,160 \$5,610	\$5,610 \$1,200	\$1,200	\$72,510
MD County Waste Management		South Dade Landfill ^{1(SW)}	Cell 5 Construction			\$1,110 \$570	\$570 \$3,750	\$3,750 \$7,490	\$7,490			\$11,810
		South Dade Landfill ^{1(SW)}	Cell 3 Closure			\$11,680 \$1,860	\$1,860 \$190	\$190				\$2,050
		South Dade Landfill ²	Ground Water Remediation			\$490 \$150	\$150 \$50	\$50 \$30	\$30 \$20	\$20 \$10	\$10	\$260

Note: Amount in Thousands
 CM: Congestion Management
 DS: State Primary Highways
 LF: Local Funds
 PE: Preliminary Engineering
 CST: Construction
 DIH: State In-House Project Support
 SE: Surface Transportation Enhancements
 PTPBP: People's Transportation Plan Bond Program
 SN: Safe Neighborhood Parks Bond Program
 QNIP: Quality Neighborhood Improvements Program
 BBCBP: Building Better Communities Bond Program
 SU: Stormwater Utility
^{1(T)}: Project will contribute to achieving the LOS standard for Transportation
^{1(R)}: Project will contribute to achieving the LOS standard for Recreation and Open Space
^{1(W)}: Project will contribute to achieving the LOS standard for Potable Water
^{1(D)}: Project will contribute to achieving the LOS standard for Stormwater Drainage
^{1(SW)}: Project will contribute to achieving the LOS standard for Solid Waste Management
 2: Project will otherwise further the achievement of the Growth Management Plan and its goals, objectives and policies

Text Amendment

The following Educational Facilities policy EDU-2F is amended as follows:

EDU-2F: The Miami-Dade County Public School Facilities Work Program dated September ~~2009~~ 2010, will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.