

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, NOVEMBER 18, 2014

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Franklin H. Caplan, Luis F. de la Cruz, Theodore Holloway (arrived at 7:10 p.m.), Michael E. Kelly, Edward London, James S. Taintor and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Deputy Village Clerk Jennifer Duque and Village Attorney Chad Friedman.
2. **INVOCATION:** There was no invocation provided.
3. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay expressed her gratitude to everyone involved in the Installation Ceremony and it was a wonderful event; Mayor Lindsay also welcomed the newly elected Councilmember De la Cruz and congratulated the reelected Councilmembers Caplan and Taintor; Councilmember Taintor thanked the residents of Key Biscayne for voting in the recent election; Councilmember Taintor also addressed Council regarding his attendance at the Winter Concert Series and encourages residents to attend; Mayor Lindsay thanked the Parks Director and Village Staff for hosting such a successful Winter Concert Series.

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5. **SPECIAL INTRODUCTION:** The Manager and Todd Hofferberth introduced Phillip Downs, Ph.D. from Kerr & Downs Research, who gave a presentation to Council regarding their public opinion/needs assessment surveying service proposal. There was extensive discussion from Council regarding the Kerr & Downs Research surveying services proposal.

The Manager introduced Chris Tathem from ETC Institute, who gave a presentation, via telephonic conference, to Council regarding their public opinion/needs assessment surveying service proposal. There was extensive discussion from Council regarding the ETC Institute surveying services proposal.

At this time, the Manager moved Item 5B as Item 12D2.

The Manager and the Chief of Police Charles R. Press addressed the Council by introducing Frank Aira, Chief, Traffic Signals and Signs Division at Miami-Dade County Public Works, who provided a status update on traffic signalization issues. There was extensive discussion from Council regarding this status update.

6. **AGENDA:** The Manager requested to move Item 12D1 after Item 6; Councilmember Kelly requested the addition of a discussion item regarding the status of the Consultatio final Certificate of Occupancy as Item 12A4, also requested the addition of a discussion item regarding parks and open space deficiency as Item 12A5 and also requested the addition of a discussion regarding new signage as Item 12A6; Councilmember Holloway requested the addition of a discussion item regarding traffic light options. There were no objections to the agenda changes.

At this time Item 12D1 was heard.

The Manager addressed the Council regarding the selection of a needs assessment surveying service proposal.

Councilmember Kelly made a motion to select ETC Institute. The motion was seconded by Councilmember London.

There was extensive discussion from Council regarding the selection of the needs assessment surveying services proposals.

The motion was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, De la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes

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7. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the September 2, 2014 Regular Council Meeting. The motion was seconded by Councilmember Holloway and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, De la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes.

Councilmember Kelly made a motion to approve the minutes of the September 23, 2014 Special Council Meeting. The motion was seconded by Councilmember London and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, De la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes.

8. **PUBLIC COMMENTS:** The following residents addressed the Council: Antonio Camejo, 151 Crandon Boulevard and Jorge Cavelier, 151 Crandon Boulevard.

9. **CONSENT AGENDA:** There were no items considered by Council.

10. **ORDINANCES:** There were no ordinances considered by Council.

11. **RESOLUTIONS:** The Deputy Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO AMEND SECTION 403.7033, FLORIDA STATUTES TO ALLOW FOR THE REGULATION OF PLASTIC BAGS USED BY RETAIL ESTABLISHMENTS, OR IN THE ALTERNATIVE TO REPEAL THE BAN ON LOCAL AND STATE REGULATION OF THE USE OF PLASTIC BAGS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan made a motion to approve the resolution. The motion was seconded by Councilmember Kelly.

Mr. Fausto Gomez from Gomez Barker Associates, Inc. addressed the Council regarding this resolution.

There was discussion from Council regarding this resolution.

Councilmember Holloway addressed the Council regarding this resolution.

Councilmember Caplan requested to amend Section 3 of this resolution by replacing the word "authorized" with "directed".

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The resolution, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, De la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes.

The Deputy Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING THE BID OF HORSEPOWER ELECTRIC INC. FOR THE HARBOR DRIVE LIGHTING IMPROVEMENTS PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SUCH PROJECT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember London made a motion to approve the resolution. The motion was seconded by Councilmember Holloway.

The Manager and Director of Building, Zoning, Planning and Public Works Jud Kurlancheek addressed the Council recommending approval of the resolution authorizing the Village Manager to execute a contract with Horsepower Electric, Inc. for the Harbor Drive lighting improvements project.

There was extensive discussion from Council regarding this resolution.

The Manager addressed the Council recommending deferring this resolution.

It was the consensus of Council to direct staff to bring back for Council consideration, pricing and the expected lamp life-cycle for an LED lighting component to phases 3 and 4 of the project. Additionally, to provide pricing for retrofitting phases 1 and 2 of the project.

12. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding the Village Clerk's status.

Councilmember Taintor addressed the Council regarding swimming pools in front yards. There was extensive discussion from Council regarding swimming pools in front yards. Director Kurlancheek addressed the Council regarding amending the zoning and land development regulations to require standard fencing around swimming pools in front yards.

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Councilmember Kelly made a motion to direct staff to draft legislation for Council consideration amending the zoning and land development code to require fencing around swimming pools in front yards. The motion was seconded by Councilmember London and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, De la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes.

Councilmember Holloway addressed the Council regarding an article published in the Miami Herald relating to the Miami International Boat Show moving to the Marine Stadium. There was extensive discussion from Council regarding the article.

Mr. Fausto Gomez from Gomez Barker Associates, Inc. addressed the Council regarding the Miami International Boat Show moving to the Marine Stadium.

Councilmember Kelly addressed the Council regarding the status of the Consultatio final Certificate of Occupancy. There was discussion from Council regarding the status of the issuance of the final Certificate of Occupancy for the Oceana project. Director Kurlancheek addressed the Council regarding the status of the final Certificate of Occupancy.

Councilmember Kelly addressed the Council regarding the deficiency of parks and open space. There was extensive discussion from Council regarding available parks and open space. It was the consensus of Council to direct staff to bring back a listing/inventory of available land.

Councilmember Kelly addressed the Council regarding replacing traffic signs. The Manager addressed the Council regarding the new traffic signs.

Councilmember Holloway addressed the Council regarding traffic light options. The Manager addressed the Council regarding traffic light options.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Deputy Clerk presented to the Council the Certification of the November 4, 2014 Municipal Election results. The Clerk is requesting a motion to approve the Certification of the November 4, 2014 Municipal Election results.

Councilmember Kelly made a motion to accept the Clerk's Certification of the November 4, 2014 Municipal Election results. The motion was seconded by Councilmember London and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, De la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes.

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Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Councilmember Caplan nominated Councilmember Taintor. The nomination was seconded by Councilmember London.

Councilmember Taintor declined the nomination to become Vice Mayor.

Councilmember Taintor nominated Councilmember Caplan. The nomination was seconded by Councilmember Holloway. The vote was as follows: Councilmembers Caplan, De la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes.

The Clerk presented to the Council the proposed 2015 Council Meeting Schedule. Councilmember London made a motion to adopt the proposed 2015 Council Meeting Schedule, as presented. The motion was seconded by Councilmember Kelly. The Mayor addressed the Deputy Clerk regarding the pending Budget Hearing schedule for the Miami-Dade County Commission and the Miami-Dade County School Board. The Deputy Clerk will ensure the dates due not coincide with the Miami-Dade County Commission and Miami-Dade County School Board scheduled Budget Hearing dates. The motion was approved by a 7-0 voice vote. The vote was as follows: Councilmembers De la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Village Manager. The Manager addressed the Council regarding the Ballard & King Assessment Report. There was extensive discussion from Council regarding the report.

13. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

14. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

15. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

16. **ADJOURNMENT:** The meeting was adjourned at 10:21 p.m.

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Respectfully submitted:

Jennifer Duque
Chief of Staff/Deputy Village Clerk

Approved this 2nd day of December 2014:

Mayra Peña Lindsay
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.