

MINUTES

REGULAR COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, DECEMBER 2, 2014

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:06 p.m. Present were Councilmembers Luis F. de la Cruz, Theodore Holloway, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Deputy Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline, Chabad of Key Biscayne, gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
4. **CONTINUATION OF THE CAPITAL IMPROVEMENT PLAN WORKSHOP:** Mayor Lindsay addressed the Council regarding identifying the top five Capital Improvement Projects for the current fiscal year along with identifying an additional five priorities for the upcoming fiscal year.

The Manager addressed the Council regarding an ongoing quarterly Capital Improvement Plan progress report to Council.

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Councilmember Kelly addressed the Council regarding his top five Capital Improvement Projects, not in any particular order; the purchase of the police parking lot area and/or any subsequent structure that is constructed over that parking lot; the build-out of 530 Crandon Blvd and the Dog Park on the Village Green; the Library renovations into possibly a Cultural Center and lastly, a potential land purchase.

Vice Mayor Caplan addressed the Council regarding the possibility of the landfill project at Virginia Key.

Councilmember De la Cruz addressed the Council regarding the necessary improvements to the playing fields.

Councilmember Taintor addressed the Council regarding his top five priorities; the Community Center expansion project, the Mashta Flats project, the golf cart parking at the Oceana site, the construction of the Calusa Park pathway and the construction of the Dog Park at the north-end of the Village Green. Additionally, the need for the development of a parking garage on the police parking lot and requested to allow the architects to present to Council the plans for the development of the police parking lot.

Councilmember London addressed the Council regarding the acquisition of the Beach Club.

Mayor Lindsay addressed the Council regarding the importance of the necessary ongoing Stormwater improvements and repairs.

There was extensive discussion from Council regarding the ongoing Stormwater improvements and repairs.

Vice Mayor Caplan also addressed the Council regarding the possibility of a gym at the MAST Academy as a priority.

There was extensive discussion from Council regarding the identified priorities by Council.

It was the consensus of Council to identify the following projects as priorities within the next twelve months; the Community Center expansion, the Stormwater improvements and repairs, the construction of the Calusa Park pathway, the preliminary negotiations with the Beach Club and lastly, the build-out of the 530 Crandon Boulevard property and the Dog Park on the north-end of the Village Green. Also, it was the consensus of Council to identify the following projects as priorities within the next twenty-four months; Virginia Key landfill, the renovations to the Library, the purchase and development of the police parking lot, the Mashta Flats project, ongoing Beach restoration, burying of the power lines and lastly, the purchase of land.

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5. **BRIEF COMMENTS BY COUNCIL:** Councilmember Taintor addressed the Council requesting the addition of a presentation regarding the development of the police parking lot; Mayor Lindsay addressed the Council and the public hoping everyone had a nice Thanksgiving and acknowledged the Fire Chief, Eric Lang, for being chosen as a speaker at a Tedx Coconut Grove event in early February.

6. **SPECIAL INTRODUCTIONS:** The Manager introduced Mr. Rafael A. Costa and Ms. Carmen A. Centeno from the Miami-Dade County Library System, which gave a presentation to Council regarding the existing and planned enhancements to the Miami-Dade County Library System.

Ms. Suzet Alvarez-Cleary and Ms. Sylvia Mora-Oña from the Miami-Dade County Library System also addressed the Council regarding the improvements to the Miami-Dade County Library System.

There was extensive discussion from Council regarding the future of the Key Biscayne Library.

The Manager introduced Mr. Paul Abbott Principal of HPF Associates, Inc., who gave a presentation to Council regarding the logistics of the Community Center expansion project.

There was extensive discussion from Council regarding the staging area for the Community Center expansion construction.

The Manager introduced Mr. Evan Siegel from AECOM, who gave a presentation to Council regarding the pre-existing parking garage plans for the police parking lot.

There was extensive discussion from Council regarding the purchase of the police parking lot area.

7. **PUBLIC COMMENTS:** The following residents addressed the Council: Michael Davey, 50 Ocean Lane Drive, Michael Rice, 325 Redwood Lane, Kristen Guess, 425 Grapetree Drive and Brett Moss, 731 Crandon Boulevard.

8. **AGENDA:** The Manager requested the addition of a discussion item regarding an update on the needs assessment survey as Item 13D4 and also requested the addition of a discussion item regarding the Villagewide Mobility Plan Request for Proposals as Item 13D5; Councilmember De la Cruz requested the addition of a discussion item regarding the Marine Stadium as Item 13A1; Mayor Lindsay requested the addition of a discussion item regarding the removal of exotics adjacent to the Calusa Park Pathway as Item 13A2 and also requested the addition of discussion item regarding safe routes to school as Item 13A3; Councilmember Kelly requested the addition of a discussion item regarding showers on beach access walkways as Item 13A4; Councilmember Taintor requested the addition of a discussion item regarding historical designations by the Village as Item

13A5 and also requested the addition of a discussion item regarding a motion to proceed with the police parking lot project as Item 13A6. There were no objections to the agenda changes.

9. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the November 18, 2014 Regular Council Meeting. The motion was seconded by Vice Mayor Caplan and 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.

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

11. **RESOLUTIONS:** 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, AUTHORIZING AND PROVIDING FOR THE VILLAGE TO LEASE/PURCHASE FOUR (4) POLICE VEHICLES, EMERGENCY EQUIPMENT AND INSTALLATION, GRAPHIC INSTALLATION AND WINDOW TREATMENTS, IN AN AMOUNT NOT EXCEEDING \$130,000; AUTHORIZING THE VILLAGE MANAGER TO SELL ANY REPLACED VEHICLES; SELECTING PROPOSAL FROM BRANCH BANKING AND TRUST COMPANY TO PROVIDE FINANCING; AUTHORIZING THE VILLAGE MANAGER AND OTHERS TO NEGOTIATE FINAL TERMS AND PREPARE AND EXECUTE DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and the Chief of Police Charles R. Press addressed the Council regarding this resolution.

There was discussion from Council regarding this resolution. It was the consensus of Council to direct the Chief of Police to conduct a Village Police department poll regarding obtaining a monthly car allowance in place of a take home vehicle.

Councilmember Kelly withdrew his motion.

As required by Council Rule, the Village Manager's Report and Recommendations were heard at 10:00 p.m.:

Village Manager. The Manager and Director of Building, Zoning, Planning and Public Works Jud Kurlancheek addressed the Council regarding golf cart parking on E. Heather Street end and Ocean Drive.

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There was extensive discussion from Council regarding golf cart parking on E. Heather end and Ocean Drive.

Councilmember Kelly made a motion to add golf cart parking adjacent to the Silver Sands. The motion was seconded by Councilmember London and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers De la Cruz, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Holloway voting No.

Councilmember Taintor made a motion to add additional golf cart parking on E. Heather end and Ocean Drive. The motion was seconded by Councilmember London and failed by a 2-5 roll call vote. The vote was as follows: Councilmembers Taintor and London voting Yes. Councilmembers De la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting No.

The Manager addressed the Council regarding a status update on the Village Green pavilion.

The Manager also addressed the Council regarding the process for the Community Center renovations.

The Manager addressed the Council regarding a status update on the needs assessment survey.

The Manager and Attorney addressed the Council regarding obtaining Council comments, suggestions and/or concerns prior to December 15, 2014 in reference to the issuance of the Villagewide Mobility Plan Request for Proposals.

The Deputy Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AND ACCEPTING A MODIFICATION OF DEED RESTRICTION WITH THE MOST REVEREND THOMAS G. WENSKI, ARCHBISHOP OF THE ARCHDIOCESE OF MIAMI, FOR THE CALUSA PARK PATH; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding this resolution.

The resolution 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.

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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 R.P. UTILITY & EXCAVATION CORP. FOR THE CONSTRUCTION OF THE CALUSA PARK GOLF CART PATH 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 the Director of Building, Zoning, Planning and Public Works addressed the Council regarding this resolution.

There was extensive discussion from Council regarding this resolution.

The resolution 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.

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

Mayor and Councilmembers. Councilmember De la Cruz addressed the Council regarding the Marine Stadium.

The Attorney addressed the Council regarding the Miami International Boat Show at the Marine Stadium.

There was extensive discussion from Council regarding the Miami International Boat Show at the Marine Stadium.

At this time Vice Mayor Caplan made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Holloway and 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.

It was the consensus of Council to direct the Manager to contact the City of Miami officials regarding notifying the Village of future meetings regarding the Miami International Boat Show at the Marine Stadium.

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At this time Councilmember London made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember Taintor and 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.

At this time Item 13A3 was heard.

Mayor Lindsay addressed the Council regarding the Safe Routes to School application.

Councilmember Taintor made a motion to direct the Manager to hire an engineer to conduct the necessary study to apply for the Florida Department of Transportation-Safe Routes to School grant application. The motion was seconded by Vice Mayor Caplan and 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.

The remaining reports were deferred to the next Council Meeting

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a 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 11:08 p.m.

*Respectfully submitted:*

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*Jennifer Duque*  
*Chief of Staff/Deputy Village Clerk*

*Approved this \_\_\_ day of \_\_\_\_\_ 2015:*

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*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.***