MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 28, 2015

COUNCIL CHAMBER
KEY BISCAYNE, FLORIDA

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 Luis de la Cruz, Theodore Holloway, Michael E. Kelly, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Councilmember Edward London was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **PLEDGE OF ALLEGIANCE:** The children that took part in the Key Challenge thru the Citizens Scientist Project led the Pledge of Allegiance.

At this time the Mayor entertained Public Comments. The following residents addressed the Council: Raul Llorente, 345 Cypress Drive; Yvonne Alvarez, 452 Harbor Drive; Claire London, 736 Woodcrest Road; Jill Stephens, 159 East Enid Drive; Ginny Valls, 325 Fernwood Road; Cristina Figueredo Ziezold, 798 Crandon Boulevard; Alejandro Ziezold, 798 Crandon Boulevard and Katie Petros, 375 Redwood Lane.

3. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor Caplan addressed the Council regarding the topping Bond Project Topping out Event at MAST; Mayor Lindsay recognized Officer Cristina Andrew for volunteering her time at Camilus House teaching a self defense training; Councilmember Kelly addressed the Council regarding the litigation against the Boat Show and the City of Miami Marine Stadium Park.

4. **AGENDA:** The Manager requested the addition of a discussion regarding the 2015 government initiative as Item 8D3 and also requested the addition of an update on the library as Item 8D4. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the April 14, 2015 Regular Council Meeting. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

6. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE XIX CHAPTER 2 OF THE VILLAGE CODE OF ORDINANCES AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO PURCHASE AGREEMENTS FOR THE ACQUISITION OF REAL PROPERTY SUBJECT TO VILLAGE COUNCIL APPROVAL; AUTHORIZING THE LAND ACQUISITION COMMITTEE TO DIRECT THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO PURCHASE AGREEMENTS FOR THE ACQUISITION OF INTERESTS IN REAL PROPERTY CONDITIONED ON VILLAGE COUNCIL APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Holloway.

There was extensive discussion from Council regarding this ordinance.

> The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Vice Mayor Caplan and Mayor Lindsay proposed some amendments to the ordinance. There was no objection to the proposed amendments.

Councilmember de la Cruz made a motion to table this ordinance. The motion was seconded by Councilmember Taintor and failed by a 2-4 roll call vote. The vote was as follows: Councilmembers de la Cruz and Councilmember Taintor voting Yes. Councilmembers Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting No.

The ordinance, as amended, was adopted on first reading by a 4-2 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers de la Cruz and Taintor voting No.

The Clerk announced the second reading of the ordinance for May 26, 2015.

There were no ordinances considered by Council on second reading.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING AN INVESTMENT POLICY FOR VILLAGE FUNDS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution and also introduced the members of the Investment Policy Committee.

> Gonzalo Valdes-Fauli, Chairman of the Investment Policy Committee, Peter Lowden and Ken Anderson addressed the Council.

There was extensive discussion from Council regarding this resolution. The Attorney also addressed the Council regarding this resolution.

The resolution, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND KEIF CARPENTRY, INC., CONCERNING THE REPAIR OF THE VILLAGE GREEN BATHROOMS; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Councilmember de la Cruz.

The Manager addressed the Council regarding this resolution requesting that the Council approve the resolution.

There was discussion from Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND JWM BUILDERS GROUP, INC., CONCERNING THE REPAIR OF THE VILLAGE GREEN BATHROOMS; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Councilmember de la Cruz.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The 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 SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR K8 DRAINAGE IMPROVEMENTS ("PROJECT"); AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SUCH PROJECT; 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 and the Attorney addressed the Council regarding this resolution.

There was discussion from Council regarding this resolution.

> Sean Campbell with Stantec and Jose Lopez, Owner Representative Services for the Village addressed the Council regarding this project.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council with an update on the removal of the Key Biscayne Kiwanis Club as host of July 4th Picnic. Councilmember Kelly reported that the Key Biscayne Rotary Club has withdrawn their offer to host this Year's Fourth of July BBQ on the Village Green.

Councilmember de la Cruz requested an update on Village traffic issues, including but not limited to Crandon signaling; also requested an update on mobility study. The Manager and Chief of Police Charles Press addressed the Council regarding the Crandon signaling.

Councilmember de la Cruz also addressed the Council requesting an update on the Community Center expansion/improvements, including Gym renovation and new exercise equipment.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding the new exercise equipment.

The Manager addressed the Council regarding the exercise equipment and reported that a recommendation for the gym equipment will be made at the next meeting.

Councilmember Kelly also addressed the Council expressing his frustration on why it takes so long to purchase the exercise equipment, when the purchase was approved by Council at the budget hearing in September 2014.

Councilmember Kelly addressed the Council regarding the Dog Park boundaries. It was the consensus of Council to create a hedge as a buffer along the wall of the Galleria Shopping Center and the condominium at 325 Fernwood Road.

Javier Salman with Stantec addressed the Council regarding the above subject.

Mayor Lindsay addressed the Council regarding the next step on the litigation with the City of Miami. The Mayor reported that the Village filed suit against the National Marine Manufacturers Association, the Boat Show operator. The Mayor also reported that the last mediation meeting with the City of Miami will probably take place at the end of May with the Village Council meeting with the City of Miami Commission.

At this time the Attorney requested an Executive Session to discuss the most recent filed litigation.

Councilmember Taintor addressed the Council regarding the Sunrise/Galen Hotel issues.

Building, Zoning and Planning Director Jud Kurlancheek and the Attorney addressed the Council regarding the vacation rentals.

Councilmember Kelly addressed the Council regarding a discussion to instruct the Manager to expand the scope of 530 design options to include closing McIntyre Street between Village Green Way and Crandon Boulevard and using that land as additional park space.

Mayor Lindsay addressed the Council requesting to review the former plans for 530 Crandon Boulevard.

It was the consensus of Council to instruct the Manager to expand the scope of 530 design options to include closing McIntyre Street between Village Green Way and Crandon Boulevard and use that land as additional park space.

Mayor Lindsay also addressed the Council regarding the current issues with our public transportation bus route.

The Manager and Chief Press addressed the Council regarding the Miami-Dade County transit system. Chief Press will have a report on this issue at the next Council meeting.

Mayor Lindsay also addressed the Council regarding an open bidding process for Youth Athletic programs.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding the maintenance of the playing fields.

The Manager submitted to the Council, for informational purposes only, the Departmental Quarterly Reports. The Manager also addressed the Council regarding the CIP Projects.

The Manager addressed the Council regarding the 2015 government initiative. Councilmember de la Cruz will participate in the 2015 government initiative.

The Manager, Vice Mayor Caplan and Mayor Lindsay also gave an update on the library. There was extensive discussion from Council regarding the library and the Police parking lot.

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

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

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

12. **ADJOURNMENT:** The meeting was adjourned at 10:20 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 12th day of May 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.