

MINUTES

ZONING MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, MAY 26, 2015

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 de la Cruz, Theodore Holloway, Edward London, James S. Taintor and Mayor Mayra P. Lindsay. Councilmember Michael E. Kelly and Vice Mayor Franklin H. Caplan were absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay expressed deep sympathy to the Sullivan family, on behalf of the Council, for the loss of founder and former Councilmember Ray Sullivan who passed this afternoon; the Mayor also reported on the Memorial Day Ceremony held on the Village Green and thanked the Cromartie Post 374 and also thank Colonel Chuck Somaris with the Southern Command.
4. **SPECIAL PRESENTATION:** Mr. Antonio Cotarelo with Miami-Dade County Public Works Department and Mike Bauman, Causeway Division Chief addressed the Council giving an update on the new bicycle lanes on the Rickenbacker Causeway.

5. **AGENDA:** The Mayor requested the addition of a discussion regarding the 25th Anniversary of the Village as Item 10A2; Councilmember London requested the addition of a discussion regarding the Departmental Monthly Reports as Item 10A3; Councilmember de la Cruz requested the addition of a discussion regarding a proposed zoning change by the City of Miami on South Miami Avenue and the Manager requested the addition of an update on traffic signalization as Item 10D2. There was no objection to the agenda changes.

6. **APPROVAL OF MINUTES:** Councilmember Holloway made a motion to approve the minutes of the May 12, 2015 Regular Council Meeting. The motion was seconded by Mayor Lindsay and approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor and Mayor Lindsay voting Yes.

7. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearing were sworn in by the Clerk.

Public Hearing Number RV-35. The Applicant, Timothy Bryan, 820 Mashta Place is requesting to exceed the maximum 40 ft. dock projection by 44 ft. 4 in. for a total dock projection of 84 ft. 4 in.

Councilmember Taintor made a motion to approve the variance. The motion was seconded by Councilmember Holloway.

Jud Kurlancheek, Director of Building Zoning and Planning addressed the Council recommending approval of a Regulatory Variance associated with the construction of a dock that exceeds the maximum 40 ft. projection from a seawall by 44 ft. 4 in. for a total length of 84 ft. 4 in. The recommendation is based on the BZP Director's determination that the project is consistent with the variance review criteria that are listed in the Zoning and Land Development Regulations.

Tim Bryan, 820 Mashta Place and David Edmond, President of Biscayne Environmental addressed the Council.

The variance was approved by a 5-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor and Mayor Lindsay voting Yes.

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

9. **RESOLUTIONS:** 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 PURCHASE OF A VIRTUAL DRIVER INTERACTIVE DISTRACTED AND IMPAIRED DRIVING SIMULATOR FROM VIRTUAL DRIVER INTERACTIVE; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief of Police Charles Press addressed the Council recommending that the Council authorize the Manager to purchase a virtual simulation-based driver training program specifically designed to prevent distracted and impaired driver behaviors from Virtual Driver Interactive. The purpose of this request is to have an impact on the number of deaths and/or injuries that occur as a result of motor vehicle crashes involving distracted and impaired drivers. The funding source shall be the Federal Asset Sharing Fund. The purchase amount is not to exceed \$11,444.00.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AMENDMENT TO THE CONTRACT WITH STANTEC ASSOCIATES, INC., AWARDED PURSUANT TO RFP 2014-01, TO COMPLETE THE DESIGN OF A DOG PARK AT THE VILLAGE GREEN; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO ADVERTISE FOR THE CONSTRUCTION OF THE DOG PARK UPON COMPLETION OF THE DESIGN; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution approving an amendment to the Contract with Stantec to complete the design of the dog park at the Village Green,

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authorizing the Village Manager to execute the contract amendment for Bid and Construction Services and to advertise for the construction. Funding for the project is in the Capital Improvements Plan.

Mr. Javier Salman with Stantec addressed the Council.

There was extensive discussion from Council regarding this resolution.

Director of Building, Zoning and Planning addressed the Council regarding this resolution.

The resolution failed by a 3-2 voice vote. The vote was as follows: Councilmembers de la Cruz, London and Mayor Lindsay voting Yes. Councilmembers Holloway and Taintor voting No.

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 PURCHASE OF EXERCISE EQUIPMENT FROM GYM SOURCE USA LLC FOR THE VILLAGE COMMUNITY CENTER; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution approving the purchase of exercise equipment from Gym Source USA LLC for the Village Community Center.

Councilmember de la Cruz made an amending motion to not exceed \$230,000. The motion was seconded by Councilmember London.

Tony Hernandez, 325 Harbor Drive and Bob Lawrence with Gym Source addressed the Council.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding this resolution.

It was the consensus of Council to give the opportunity to the residents to purchase the old equipment and the equipment that is not sold, then that equipment will be sold back to Gym Source.

The Attorney also addressed the Council regarding this resolution.

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The resolution, as amended, was approved by a 4-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London and Taintor voting Yes. Mayor Lindsay voting no.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING STANTEC CONSULTING SERVICES INC. FOR CONSTRUCTION PHASE SERVICES FOR THE RESURFACING OF THE VILLAGE GREEN ATHLETIC FIELDS; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the approval of the resolution authorizing the Manager to enter into an agreement for \$49,176 with Stantec for construction phase services for the Village Green Resurfacing project.

Sean Compel with Stantec addressed the Council.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor 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, AUTHORIZING THE PURCHASE AND SUSTAINMENT OF EQUIPMENT AND TRAINING FROM THE 2014 URBAN AREAS SECURITY INITIATIVE PROGRAM; APPROVING THE INTERLOCAL AGREEMENT FOR JOINT COMPLETION OF AN URBAN AREAS SECURITY INITIATIVE PROGRAM BETWEEN THE CITY OF MIAMI AND THE VILLAGE OF KEY BISCAYNE FOR THE PURPOSE OF CARRYING OUT FY2014 URBAN AREAS SECURITY INITIATIVE PROGRAM OBJECTIVES; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

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The Manager and Chief of Fire Rescue Eric Lang addressed the Council recommending approval of the resolution providing for a Sub Award Agreement between the City of Miami and the Village of Key Biscayne allowing for the purchase of equipment and training not to exceed \$16,380.54 provided by the Urban Areas Security Initiative (UASI) as part of a Homeland Security Initiative.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, London, Taintor and Mayor Lindsay voting Yes.

10. **REPORTS AND RECOMMENDATIONS:** the following items were discussed:

At this time Item 10D1 was heard. The Manager addressed the Council recommending that the Council authorize the Administration to spend up to \$22,600 to perform a traffic study regarding the closure of McIntyre Street from Crandon Boulevard to Village Green Way.

It was the consensus of Council to not take any action of the above issue at this time.

Mayor and Councilmembers. Councilmember de la Cruz addressed the Council regarding the current issues of the Youth Athletics Advisory Board and its continuing relationship with the Village Council.

Mayor Lindsay addressed the Council regarding the 25th Anniversary of the Village so that we can start brainstorming how big an event the Village wants this to be. The Manager also addressed the Council regarding this celebration.

Councilmember London addressed the Council regarding the monthly departmental reports. The Manager addressed the Council regarding the monthly departmental reports.

Councilmember de la Cruz addressed the Council regarding a proposed zoning change by the City of Miami to South Miami Avenue.

Liz Calvo, 772 Glenridge Road addressed the Council regarding the above issue.

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 traffic signalization project reporting that this program will be starting tomorrow.

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11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
13. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
14. **ADJOURNMENT:** The meeting was adjourned at 9:30 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 9th day of June 2015:

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.