MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JULY 7, 2015

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Luis de la Cruz, Theodore Holloway (arrived at 7:10 p.m.), Michael E. Kelly, James S. Taintor (arrived at 7:35 P.m.), Vice Mayor Franklin H. Caplan and Mayor Mayra Lindsay. Councilmember Edward London was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Brett Schneider.

2. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.

3. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay thanked everyone involved in the 4th of July Celebration, stating it was an amazing event; Vice Mayor Caplan also addressed the Council regarding the 4th of July Celebration thanking MC Tim Stickney for his longevity, Mike Rice as Uncle Sam, Louis Archambault for returning to MC the Fireworks and Betty Sime Conroy as Grand Marshall and also addressed the public regarding a meeting he attended regarding climate change and sea level rise; Councilmember Kelly addressed the Council regarding the mangrove massacre at the City of Miami Marine Stadium and the Mayor also reported on the Marine Stadium issue stating that a lawsuit was filed appealing the Preservation Board Certificate of Appropriateness that was issued to alter part of the historic site and also reported that she will be attending a Mediation Meeting representing the Village of Key Biscayne with City of Miami Commissioner Sarnoff, representing the City of Miami.

4. **SPECIAL INTRODUCTION:** Mr. Edward Ng and Mr. Salman Rathore, with the Corradino Group, gave a status update on the Mobility Study Presentation.

Mr. Ramon Castella, Ms. Ovaira Santamaria and Mr. Ryce Stallings, with Stantec, addressed the Council giving a presentation on the design for 530 Crandon Boulevard.

There was extensive discussion from Council regarding the different options for the design of 530 Crandon Boulevard.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Mike Davey, 50 Ocean Lane Drive; Michael Kahn, 881 Ocean Drive; Pat Woodson, 940 Mariner Drive; Nick Johnson, representing the KB Professional Firefighters; Ivan Ramirez, 575 Crandon Boulevard; Ricki Broswell, 101 Crandon Boulevard representing the Key Biscayne Chamber of Commerce and Gloria Kahn, 881 Ocean Drive.

6. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding UBER Service for Key Biscayne as Item 10A4 and also requested the addition of a discussion regarding programing for 530 Crandon Boulevard as Item 10A5; Mayor Lindsay requested to change Item 10A3 to reflect a discussion on sunseting the Dog Park Committee; Vice Mayor Caplan requested the addition of a discussion regarding plastic bags as Item 10A6; the Manager requested the addition of a resolution regarding a maintenance agreement for the Village Green, St. Agnes and Key Biscayne Elementary Athletic Fields as Item 9A2, requested the addition of an update on milling and resurfacing of Crandon Boulevard as Item 10D1 and also requested the addition of a Miami Dade Water and Sewer visit for deep well injection as Item 10D2. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the June 16, 2015 Budget Workshop. The motion was seconded by Vice Mayor Caplan 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.

Councilmember Kelly made a motion to approve the minutes of the June 23, 2015 Zoning Meeting, as amended. The motion was seconded by Vice Mayor Caplan 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.

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

The Clerk read the following ordinance on second reading, by title:

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ABC CONSTRUCTION INC. FOR THE CONSTRUCTION OF THE COMMUNITY CENTER EXPANSION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the Capital Project Authorizing Ordinance selecting ABC Construction Inc. for the Community Center Expansion Project.

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

Paul Abbott, Construction Manager for the Project, addressed the Council.

The ordinance was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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 CONCERNING SURFACE RENOVATION OF AN ATHLETIC FIELD UTILIZED BY THE VILLAGE AT THE ST. AGNES CATHOLIC CHURCH AND SURFACE RENOVATION OF AN ATHLETIC FIELD UTILIZED BY THE VILLAGE AT THE KEY BISCAYNE K-8 CENTER; WAIVING COMPETITIVE BIDDING FOR THE SURFACE RENOVATIONS PURSUANT TO SECTION 2-85 OF THE VILLAGE CODE; APPROVING A CONTRACT BETWEEN THE VILLAGE AND GREENSOURCE LANDSCAPE & SPORTS TURF, INC. FOR SURFACE RENOVATION OF THE TWO ATHLETIC FIELDS; PROVIDING FOR 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 recommending that the Council authorize the Village Manager to enter into an agreement with GreenSource Landscape and Sports Turf, Inc. for field maintenance and renovations.

Sean Compell with Stantec addressed the Council regarding this resolution.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 4-2 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers Kelly and Taintor voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, FOR MAINTENANCE OF TWO ATHLETIC FIELDS AT VILLAGE GREEN, AN ATHLETIC FIELD UTILIZED BY THE VILLAGE AT THE ST. AGNES CATHOLIC CHURCH AND AN ATHLETIC FIELD UTILIZED BY THE VILLAGE AT THE KEY BISCAYNE K-8 CENTER; WAIVING COMPETITIVE BIDDING FOR THE MAINTENANCE SERVICES PURSUANT TO SECTION 2-85 OF THE VILLAGE CODE; AUTHORIZING A CONDITIONAL CONTRACT BETWEEN THE VILLAGE AND GREENSOURCE LANDSCAPE & SPORTS TURF, INC. FOR MAINTENANCE OF THE SUBJECT ATHLETIC FIELDS; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution approving a conditional contract between the Village and GreenSource Landscape & Sports Turf, Inc. for maintenance of the subject athletic fields.

There was discussion from Council regarding this resolution.

The resolution was approved by a 4-2 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers Kelly and Taintor voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, FOR MAINTENANCE OF TWO ATHLETIC FIELDS AT VILLAGE GREEN, AN ATHLETIC FIELD UTILIZED BY THE VILLAGE AT THE ST. AGNES CATHOLIC CHURCH AND AN ATHLETIC FIELD UTILIZED BY THE VILLAGE AT THE KEY BISCAYNE K-8 CENTER; WAIVING COMPETITIVE BIDDING FOR THE MAINTENANCE SERVICES PURSUANT TO SECTION 2-85 OF THE VILLAGE CODE;

AUTHORIZING A CONDITIONAL CONTRACT BETWEEN THE VILLAGE AND GREENSOURCE LANDSCAPE & SPORTS TURF, INC. FOR MAINTENANCE OF THE SUBJECT ATHLETIC FIELDS; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution approving a conditional contract between the Village and GreenSource Landscape & Sports Turf, Inc. for maintenance of the subject athletic fields.

> Sean Compell with Stantec and Parks and Recreation Director Todd Hofferberth addressed the Council regarding this resolution.

There was discussion from Council regarding this resolution.

The resolution was approved by a 4-2 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers Kelly 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, SELECTING THE BID OF AUM CONSTRUCTION, INC. FOR THE W. MASHTA DRIVE AND 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 Kelly made a motion to approve the resolution. The motion was seconded by Vice Mayor Caplan.

The Manager addressed the Council recommending that the Council authorize the Village Manager to enter into an agreement with AUM Construction Inc. for the West Mashta Drive and Harbor Drive Lighting Improvements in an amount not to exceed $318,250. Funding for this project is in the FY2015 Capital Improvements Plan.

There was discussion from Council regarding this resolution.

> Sean Compel with Stantec and Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK AND MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion from Council regarding the proposed millage rate.

The resolution, as presented, was approved by a 5-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Kelly voting No.

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

Mayor and Councilmembers. Councilmember Holloway addressed the Council recommending the adoption of the draft ordinance establishing regulations for vehicular parking on commercial property.

There was extensive discussion from Council regarding the proposed ordinance.

Chief of Police Charles Press addressed the Council regarding vehicular parking on commercial property.

There was no action taken by Council on the proposed ordinance.

Mayor Lindsay, with consensus of Council, appointed former Councilmember Michael Davey to the Education Advisory Board.

Mayor Lindsay addressed the Council regarding sunsetting the Dog Park Committee. It was the consensus of Council to allow the Dog Park Committee to continue until the Dog Park is finished.

Councilmember Kelly addressed the Council regarding providing UBER Service on Key Biscayne. There was discussion from Council regarding the UBER Service. The Manager addressed the Council regarding the UBER service and will report back to Council in August with a proposed plan.

Councilmember Taintor excused himself from the meeting at 9:50 p.m.

Councilmember Kelly also addressed the Council regarding programing for 530 Crandon Boulevard. There was extensive discussion from Council regarding programming for 530 Crandon Boulevard. Councilmembers ultimately settled on several priorities: emphasis on performance space for small concerts and shows, passive space and walkways and keep exploring the possibility of partially closing West McIntyre Street to expand the park and tie it in with the Monaco Reflecting Pools in the McIntyre meridian.

Councilmember de la Cruz excused himself from the meeting at 9:55 p.m.

Vice Mayor Caplan addressed the Council regarding eliminating plastic bags on Key Biscayne. It was the consensus of Council to contact management at the Winn Dixie to see if they would be interested in establishing a pilot program.

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 giving an update on the milling and resurfacing of Crandon Boulevard.

The Manager also addressed the Council inviting them to visit the site for deep well injection that Miami Dade Water and Sewer is currently doing on Bear Cut Bridge.

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

12. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was provided 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 10:20 p.m.

July 7, 2015

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 25th day of August, 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.