MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, DECEMBER 1, 2015

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:06 p.m. Present were Councilmembers Franklin H. Caplan, Luis de la Cruz, Theodore Holloway, Michael E. Kelly, Edward London, Vice Mayor James S. Taintor and Mayor Mayra Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay addressed the Council and the public inviting everyone to attend the USACE Public Meeting tomorrow at 6:00 p.m.

3. **SPECIAL PRESENTATION:** Mayor Lindsay recognized the following Mayor and Councilmembers present: Mayor Robert Vernon, Councilmembers Michele Estevez, Betty Sime Conroy, Mortimer Fried, Raul Llorente, Jorge Mendia, Alan Fein and Michael Davey. Mayor Lindsay, pursuant to the Charter, addressed the Council and the public giving the State of the Village Address. The Mayor reported that the State of the Village is excellent.

4. **PUBLIC COMMENTS:** The following residents addressed the Council: Alan Fein, 525 Allendale Road; Michele Estevez, 798 Crandon Boulevard; Betty Sime Conroy, 795 Crandon Boulevard; Michael Davey, 50 Ocean Lane Drive and Mary Jo Pinedo, 365 Atlantic Road.

5. **AGENDA:** The Clerk, on behalf of Councilmember Kelly, requested the addition of an update on the process to purchase the police parking lot as Item 10D2; Councilmember de la Cruz requested the addition of a status of the Village Green fields as Item 10A1; the Attorney requested the addition of a request for an Executive Session as Item 10B1 and the Manager requested the addition of an update on the Dog Park as Item 10D3. There was no objection to the agenda changes.

6. **APPROVAL OF MINUTES:** Councilmember Caplan made a motion to approve the minutes of the November 10, 2015 Regular Council Meeting. The motion was seconded by Councilmember de la Cruz and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, London, Vice Mayor Taintor and Mayor Lindsay voting Yes.

Councilmember Caplan made a motion to approve the minutes of the November 17, 2015 Zoning Meeting. The motion was seconded by Councilmember de la Cruz.

Councilmember Caplan pointed out that on page 2 of 3 on the paragraph before last and the previous paragraph should reflect Mayor Lindsay and not Mayor Caplan.

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

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

8. **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, SELECTING DOCK AND MARINE CONSTRUCTION CORPORATION FOR THE INSTALLATION OF TEN UNIFORM WATERWAY MARKERS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caplan 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 Dock and Marine Construction for the installation of ten (10) uniform waterway markers.

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

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE AGREEMENT WITH EAC CONSULTING, INC. FOR ENGINEERING SERVICES TO INCLUDE TASK 2 OF THE STORMWATER IMPROVEMENT IMPLEMENTATION PLAN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution amending the agreement with EAC Consulting, Inc. for Engineering services to include Task 2 of the Stormwater Improvement Plan in an amount not to exceed $91,114.58.

Mark Kuntz with EAC Consulting, Inc. addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London, Vice Mayor 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, FLORIDA, SELECTING BIS DIGITAL, INC. FOR THE PURCHASE AND INSTALLATION OF THE AUDIO VISUAL EQUIPMENT UPGRADE FOR THE CHANNEL 77 STUDIO AND VILLAGE COUNCIL CHAMBER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending to select BIS Digital for the purchase and installation of audio visual equipment for the Council Chamber and Channel 77 studio in an amount not to exceed $141,272.60.

Mike Fleming, IT Administrator for the Village addressed the Council.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, Vice Mayor Taintor and Mayor Lindsay voting Yes. Councilmember London voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AND CONSENTING TO THE ASSIGNMENT OF THE EXISTING SOLID WASTE AGREEMENT WITH SOUTHERN WASTE SYSTEMS, LLC TO WASTE MANAGEMENT INC. OF FLORIDA; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution approving and consenting to the Assignment of the existing Solid Waste Agreement with Southern Waste Systems, LC to Waste Management Inc. of Florida.

> Mr. John Casagrande with Southern Waste Systems and Mr. Henry Sori with Waste Management addressed the Council.

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 Caplan, de la Cruz, Holloway, Kelly, London, Vice Mayor Taintor and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember de la Cruz addressed the Council regarding the status of the Village Green.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding the above issue.

The Village Attorney also addressed the Council regarding the status of the Village Green.

Village Attorney. The Attorney, on behalf of Special Counsel for the Village, requested an Executive Session regarding pending litigation with City of Miami and NMMA. The Clerk will canvass the Council to agree on a date for this Executive Session.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding a unanimous recommendation by the Land Acquisition Committee to purchase 401 Hampton Lane as a passive neighborhood park. The Manager reported to Council that he had reviewed the Assignment and Assumption Agreement and agrees with the Committee's recommendation for the purchase of this property as a passive neighborhood park.

There was extensive discussion from Council regarding the purchase of this property.

Scott Hardie, 155 Sunrise Drive; Dr. Steve Simon, 355 Harbor Lane and Patricia Romano, 361 Beechwood on behalf of the Land Acquisition Committee addressed the Council.

The Attorney addressed the Council regarding the use of this property.

Councilmember Kelly made a motion to approve the Assignment and Assumption Agreement for the purchase of 401 Hampton Lane. 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, Vice Mayor Taintor and Mayor Lindsay voting Yes.

The Manager addressed the Council giving an update on the acquisition of the Police parking lot.

There was extensive discussion from Council regarding this property.

The Manager also addressed the Council giving an update on the Dog Park. The Attorney addressed the Council regarding the bidding process for the Dog Park.

There was extensive discussion from Council regarding the bidding process for the Dog Park. The Attorney also addressed the Council regarding the bidding process.

Tony Brown, Public Works Supervisor and Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council.

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

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

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

13. **ADJOURNMENT:** The meeting was adjourned at 9:05 p.m.

Respectfully submitted:

_____

Conchita H. Alvarez, MMC
Village Clerk

Approved this 12th day of January, 2016:

_____

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.