

MINUTES  
VILLAGE COUNCIL MEETING

TUESDAY, SEPTEMBER 4, 2012

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 Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Councilmember Michael W. Davey was absent. Also present were Village Manager John C. Gilbert, Interim Village Clerk Jennifer Duque and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan reported that he will make the appointment to the Pension Board due to the vacancy left by former Councilmember Steve Liedman at a later date.
4. **SPECIAL PRESENTATIONS:** At this time Item 4B was heard. Gene Stearns, Attorney for IMG and Tournament Director Adam Barrett addressed the Council regarding the proposed changes to the Tennis Center at Crandon Park.

The Manager addressed the Council regarding the Miami-Dade School Bond issue that will come before the voters on November 6, 2012.

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Mr. Jaime G. Torrens, Chief Facilities Officer for the Miami-Dade Schools regarding the needs throughout the County to improve Facilities and technological capabilities; Silvia R. Rojas, Treasurer, for the Office of Treasury Management, addressed the Council regarding the financial aspect of the GO Bond Referendum Program; Ms. Jane Garraux, MAST Academy Principal also addressed the Council.

Vice Mayor Kelly made a motion to approve a resolution supporting the MDC Bond Issue. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

5. **PUBLIC COMMENTS:** Ed Meyer, 789 Crandon Boulevard addressed the Council.

6. **AGENDA:** Councilmember Gusman requested the addition of a discussion regarding feeding feral cats as Item 10A2 and the Manager requested the addition of approval from Council to go out with an RFP for the first Key Biscayne High School loan as Item 10D1 and also requested the addition of an update on Tropical Storm Isaac debris removal as Item 10D2. There was no objection to the agenda changes.

At this time the Mayor addressed the Council giving an update on the Silver Sands and the proposed enhancements to the Crandon Park Tennis Center.

7. **APPROVAL OF MINUTES:** There were no minutes considered by Council.

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

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

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FROM BENNETT FIRE PRODUCTS COMPANY, INC. AT A COST NOT TO EXCEED \$17,406; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Gusman.

The Manager and Chief of Fire Rescue Eric Lang addressed the Council recommending approval of the resolution approving the purchase of Personal Protective Equipment for Structural Firefighting Turnout Gear.

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

The Interim Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, SELECTING ALL FLORIDA TREE AND LANDSCAPE, INC. TO TRIM AND PRUNE TREES WITHIN THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER AND OTHERS TO NEGOTIATE FINAL TERMS FOR SUCH SERVICES AND ENTER INTO AGREEMENTS; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution selecting the proposal of All Florida Tree and Landscape, Inc. for hardwood tree trimming and pruning services and also authorizes the Village Manager and/or his designee to negotiate final terms based on the firm's proposal and enter into an agreement in form and substance approved by the Village Attorney and execute a contractual services agreement with All Florida Tree and Landscape, Inc.

Mayor Caplan made a motion to allow Councilmember Davey to vote by phone. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Mr. John Sutton, Arborist for the Village of Key Biscayne and the Landscape Committee addressed the Council regarding the treatment to the trees infected with whiteflies.

Vice Mayor Kelly made a presentation to Council regarding the whitefly infestation throughout the Village, proposing to remove the infected trees and replacing them with other species that might be more resistant to the whitely infestation.

There was extensive discussion from Council regarding this issue.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Vice Mayor Kelly addressed the Council regarding the replacement of infected Gumbo Limbo Trees.

Vice Mayor Kelly made a presentation to Council regarding the whitefly infestation throughout the Village, proposing to remove the infected trees and replacing them with other species that might be more resistant to the whitefly infestation.

Mr. John Sutton, Arborist for the Village of Key Biscayne, the Landscape Committee, Fred Hein with True Green Village pesticide contractor and Dr. Stephanie Bledsoe, D.P.M., Doctor of Plant Medicine with PHC Professionals, Inc. (Dr. Bledsoe works together with Mr. Sutton), addressed the Council regarding the treatment to the trees infected with whiteflies.

Sandra Pinto, 773 Ridgewood Road; Marcelo Radice, 412 Warren Lane and Catalina, 724 Ridgewood Road addressed the Council.

There was extensive discussion from Council regarding this issue.

Councilmember Gusman addressed the Council regarding the feeding of feral cats within the Village.

Village Attorney. The attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Councilmember Gusman made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Village Manager. The Manager addressed the Council requesting direction to go out to bid for the first Key Biscayne High School loan.

The Manager also addressed the Council giving an update on Tropical Storm Isaac debris removal.

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

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

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14. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
15. **ADJOURNMENT:** The meeting was adjourned at 11:05 p.m.

*Respectfully submitted:*

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*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 20th day of November 2012:*

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*Franklin H. Caplan  
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.***