MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, MARCH 5, 2013

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

2. **INVOCATION:** Pastor Dennis Eastling, Key Biscayne Community Church, was not able to attend the meeting.

3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.

4. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** Mayor Caplan addressed the Council regarding the Bear Cut Bridge.

Miami-Dade County Mayor Carlos Gimenez addressed the Council regarding the issues with Bear Cut Bridge. Marcos Redondo, P.E., Public Works Department, Antonio Cotarelo, Miami-Dade County Engineer also addressed the Council regarding the Bear Cut Bridge.

Mr. Gene Stearns, also addressed the Council regarding the Bear Cut Bridge proposed repairs.

5. **BRIEF COMMENTS BY COUNCIL:** There were no comments by Council at this time.

6. **SPECIAL INTRODUCTIONS:** There were no Special Introductions.

7. **PUBLIC COMMENTS:** The following residents addressed the Council: Carlos de la Cruz, 5 Harbor Point; Vera Chatz, 201 Crandon Boulevard; Hank Sanchez-Resnik, 170 Ocean Lane Drive; Cristina Ramirez, 611 Ocean Drive; Donald Elisburg, 177 Ocean Lane Drive and Michele Estevez, 798 Crandon Boulevard.

8. **AGENDA:** The Manager requested the withdrawal of Item 12D1 and the Attorney requested the addition of a resolution engaging two appraiser firms as Item 11D. There was no objection to the agenda changes.

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

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

11. **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, AUTHORIZING THE PURCHASE OF MICROSOFT SOFTWARE LICENSES OF EXCHANGE SERVER, SQL SERVER, SERVER 2008, AND OTHER SERVERS, DESKTOPS, AND LAPTOPS SOFTWARE LICENSES; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR IMPLEMENTATION AND AUTHORIZING THE VILLAGE MANAGER TO COMPLETE THE PURCHASE OF THE SOFTWARE LICENSES AND EXECUTE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution to purchase Microsoft software licenses of Exchange Server, SQL Server, Server 2008, and other servers, desktops, and laptops software licenses. The funding source shall be the Capital Improvement projects fund under Information Technology - CIP Software not to exceed $23,527.

Deputy Police Chief Joe Monteagudo and Information Systems Administrator Jose Calvo for the Police Department addressed the Council regarding this resolution.

The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Taintor, Mayor Lindsay and Mayor Caplan voting Yes. Councilmember London voting No.

At this time, Item 11C was heard.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA SUPPORTING AN EXPEDITED FULL ASSESSMENT OF ALTERNATIVE METHOD FOR RICKENBACKER CAUSEWAY BRIDGE REPAIR AND RESTORATION OF POST-EMERGENCY MAINTENANCE OF TRAFFIC.

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

The Attorney addressed the Council regarding this resolution. Miami-Dade County Mayor Gimenez and Mr. Stearns also addressed the Council regarding this resolution.

The resolution failed by a 0-6 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting No.

At this time a resolution proposed by Vice Mayor Lindsay on the same above subject was discussed.

Councilmember Taintor made a motion to approve the proposed resolution, as amended. The motion was seconded by Councilmember London and approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ASSIST PRIVATE ENTITIES AS WELL AS REGULATORY AGENCIES IN THE DESIGNATION, RESTORATION AND PROTECTION OF THE MASHTA FLAT SEAGRASS BEDS WITHIN THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Taintor addressed the Council regarding this resolution.

The resolution failed by a 3-1 roll call vote. The vote was as follows: Councilmembers Holloway, Taintor, and Mayor Caplan voting Yes. Councilmember London voting No. Councilmember Davey and Vice Mayor Lindsay were out of the room at the time the vote was taken.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF KEY BISCAYNE, FLORIDA APPROVING THE ENGAGEMENT OF INVESTORS RESEARCH AND ASSOCIATES, INC. AND WARONKER & ROSEN, INC. TO PERFORM SEPARATE REAL ESTATE APPRAISALS FOR THE PROPERTY KNOWN AS THE "ENTRY BLOCK"; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this resolution.

It was the consensus of Council to defer this resolution to the Council Meeting of March 12, 2013.

Councilmember London made a motion to reconsider Item 11B. The motion was seconded by Vice Mayor Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.

Mayor Caplan made a motion to approve Item 11B. The motion was seconded by Vice Mayor Lindsay and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes. Councilmember London voting No.

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

Mayor and Councilmembers. Councilmember Holloway addressed the Council regarding the installation of signage to enhance pedestrian safety in crosswalks. It was the consensus of Council to direct the Manager to bring this item to a future Council Meeting.

Councilmember Holloway also addressed the Council regarding scheduling a strategic planning session prior to initiating the budget process. It was the consensus of Council to direct the Manager to come back at a later meeting with three proposals for a strategic planning session.

Councilmember Holloway also addressed the Council regarding long term savings associated with installing permanent lights on the Northern portion of the Village Green.

The Manager and Director of Parks and Recreation Todd Hofferberth addressed the Council regarding the installation of permanent lights on the Northern portion of the Village Green.

Councilmember Holloway discussed the possibility of directing the Village Manager to create a position to monitor the Village's interests at Miami-Dade County, City of Miami and Miami-Dade Public School Board.

The Attorney addressed the Council regarding Councilmember Holloway's proposal.

Village Attorney. The Attorney reported on the progress of recruiting two firms to do the appraisals for the "Entry Block" property earlier in the meeting proposing a resolution.

Village Clerk. The Clerk reported that the Office of the Mayor had issued the following proclamation during the month of March: proclaiming the month of March 2013 as "Bike305 Month".

Village Manager. The Manager did not submit a report.

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

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

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

16. **ADJOURNMENT:** The meeting was adjourned at 10:15 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 9th day of April 2013:

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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.