

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, JUNE 28, 2016

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:25 p.m. Present were Councilmembers Franklin H. Caplan, Luis de la Cruz, Gary R. Gross, Theodore Holloway, Michael E. Kelly, Vice Mayor Edward London and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen H. Helfman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay wished Happy Anniversary to the Village of Key Biscayne and Councilmember Kelly congratulated Mayor elect Mayor Mayra Lindsay.
4. **SPECIAL INTRODUCTION:** The Manager introduced Mr. Paul Abbott and Parks and Recreation Director Todd Hofferberth who addressed the Council regarding the addition of some enhancements to the expansion of the Community Center.
5. **PUBLIC COMMENTS:** There were no speakers present.
6. **AGENDA:** The Manager requested the addition of a resolution regarding the Beach Renourishment Project as Item 9G and also requested a short discussion on the millage rate as Item 10D3; Councilmember Kelly requested the removal of Item 7D from the Consent Agenda and Vice Mayor London requested the removal of Items 7C, 7E, 7F and 7G from the Consent Agenda and also requested the addition of a discussion regarding legal opinions before discussing legal action as Item 10A6. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** Councilmember Kelly made a motion to approve the following consent agenda. The motion was seconded by Councilmember de la Cruz and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

The Minutes of the June 21, 2016 Special Council Meeting.

The Minutes of the June 21, 2016 Budget Workshop.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, SELECTING V ENGINEERING & CONSULTING CORP. FOR THE STORMWATER MASTER PLAN TIER 1 IMPROVEMENTS – HIGH TIDE MITIGATION PROJECT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, CONFIRMING THE VILLAGE’S ABILITY TO FUND AND SUPPORT THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE VILLAGE’S BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER, CONSISTENT WITH THE PROPOSAL ATTACHED AS EXHIBIT “A,” TO THE CORRADINO GROUP, INC. FOR ENGINEERING SERVICES RELATING TO THE VILLAGE’S TRAFFIC CALMING REPAIR & RESTORATION PROJECT; 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 regarding this resolution. Councilmember Kelly withdrew his motion.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER, CONSISTENT WITH THE PROPOSAL ATTACHED AS EXHIBIT “A,” TO EAC CONSULTING, INC. FOR ENGINEERING SERVICES RELATING TO PHASE V OF THE VILLAGE LIGHTING IMPROVEMENTS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Oscar Rubio with EAC Consulting, Inc. addressed the Council.

Councilmember Kelly withdrew his motion.

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 AND SUSTAINMENT OF EQUIPMENT AND TRAINING FROM THE 2015 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 FY2015 URBAN AREAS SECURITY INITIATIVE PROGRAM OBJECTIVES; AUTHORIZING VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief of Fire Rescue Eric Lang addressed the Council regarding this resolution.

There was 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, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

8. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, SECTION 19-9, ENTITLED "DOMESTIC ANIMALS," ALLOWING DOGS AND OTHER DOMESTIC ANIMALS WITHIN DESIGNATED VILLAGE PARKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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Councilmember de la Cruz made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Holloway.

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

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

The Clerk announced the second reading will be on August 30, 2016.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING A CONTRACTOR FOR THE INSTALLATION OF ARTIFICIAL TURF ON THE ATHLETIC FIELDS AT THE VILLAGE GREEN; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; 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 regarding this ordinance.

Chris Wedge with Field Turf and Raul Martinez, Manny Medrono and William Pujals with Astro Turf addressed the Council.

There was extensive discussion from Council regarding the turf.

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

Parks and Recreation Director Todd Hofferberth addressed the Council recommending Astro Turf.

The Attorney also addressed the Council regarding the Contractor. At this time the Council took a 5 minute break. The meeting reconvened at 9:50 p.m.

The Village Attorney addressed the Council stating that Field Turf's proposal is for \$1,358,680 and the Easy Grass' proposal is for \$1,210,000.

Councilmember Gross made a motion to select Easy Grass, subject to the Administration's satisfaction with the guarantees, warranties and other satisfactory company structures. The motion was seconded by Councilmember de la Cruz and approved by a 6-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes. Councilmember Caplan voting No.

Councilmember London made a motion for the project to have a commencement date of Wednesday, July 6th and termination 100 days from the commencement date, subject to the date of approval from DERM. The motion was seconded by Councilmember Kelly and approved by a 6-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes. Councilmember Caplan voting No.

The ordinance, as amended, was adopted on second reading by a 6-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes. Councilmember Caplan voting No.

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF SEWER IMPROVEMENT REVENUE BONDS, SERIES 2016, OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$3,490,000 FOR THE PURPOSE OF PREPAYING AND REFINANCING A STATE REVOLVING FUND LOAN, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDDING THE SALE OF THE BONDS TO FLORIDA COMMUNITY BANK, N.A.; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this ordinance.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London 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, APPROVING THE SETTLEMENT AGREEMENT IN THE ACTION STYLED JOSE MARTI V. VILLAGE OF KEY BISCAYNE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND 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 this resolution. The Attorney also addressed the Council regarding this settlement.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING CONTRACTS FOR THE PURCHASE OF PROPERTIES LOCATED AT 570 FERNWOOD ROAD AND 571 GLENRIDGE ROAD, KEY BISCAYNE, FLORIDA 33149; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACTS, PROVIDING FOR 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 and the Attorney addressed the Council regarding this resolution.

There was extensive discussion from Council regarding this resolution.

Steve Simon, 355 Harbor Lane addressed the Council.

Vice Mayor London made a motion to make a counter offer of \$1.7 million for each of the lots. The motion died for lack of a second.

Councilmember de la Cruz made a motion to make a counter offer of \$1.9 million for each of the lots. The motion died for lack of a second.

Mayor Lindsay made a motion to make a counter offer of \$2.1 million for each of the lots. The motion was seconded by Councilmember Caplan and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly and Mayor Lindsay voting Yes. Vice Mayor London voting No.

Vice Mayor London made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A Public Hearing on the following resolution: **A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DESIGNATING 401 HAMPTON LANE FOR PARK USE PURSUANT TO SECTION 30-102 OF THE VILLAGE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Mayor opened the public hearing. Steve Simon, Brett Simon, Ariel Simon, 355 Harbor Lane and members of the Calvin Giordano Group also addressed the Council. The Mayor closed the public hearing.

Councilmember Caplan made a motion to extend the meeting to 11:20 p.m. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

The Village Attorney addressed the Council regarding this resolution.

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

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the design of 530 Crandon Boulevard Park.

Village Attorney. The Attorney did not submit a report.

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Village Clerk. The Clerk reported that the Office of the Mayor had issue the following proclamations: Gun Violence Awareness Day, recognizing Anne Owens for her contributions to the Village of Key Biscayne and commending and declaring sincere appreciation to the School Board of Miami Dade County and Miami-Dade Schools Superintendent for the completion of classroom renovations at the Key Biscayne Community School.

Village Manager. The Manager requested a motion to get authorization to proceed with the proposed enhancements presented for the Community Center.

Councilmember Kelly made a motion to authorize the design for the proposed enhancements presented for the Community Center. The motion was seconded by Councilmember Caplan and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

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/events was presented to the Council.
14. **ADJOURNMENT:** The meeting was adjourned at 11:25 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 30th day of August, 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.