MINUTES

REGULAR COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, FEBRUARY 10, 2015

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:05 p.m. Present were Councilmembers Luis de la Cruz, Michael E. Kelly, Theodore Holloway, James S. Taintor, Edward London, Vice Mayor Franklin H. Caplan 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 congratulating Chief of Fire Rescue Eric Lang for being chosen as a speaker at a Tedx Coconut Grove Event and reaching out to the people outside of our community and also addressed the Council regarding the Island Shorts that took place this weekend, reporting that it was extremely successful and thanked everyone that participated.

3. **SPECIAL INTRODUCTION:** Mr. Joe Corradino, with the Corradino Group presented to the Council a report on Safe Route to School.

There was discussion from Council regarding the report on Safe Route to School.

Mr. Brett Moss and Kristen Guess with the Education Advisory Board addressed the Council regarding the above presentation.

4. **PUBLIC COMMENTS:** There were no speakers present.

5. **AGENDA:** Councilmember London requested the addition of a discussion regarding the purchase of the Key Biscayne Beach Club as Item 11A4; Councilmember Taintor requested the addition of a discussion regarding golf cart parking at the Beach Park and at the Community Center/Fernwood as Item 11A5; the Attorney requested the deferral of Item 7B2 to the March 10, 2015 Zoning Meeting and the Manager requested to hear Item 11D1 no later than 9:00 p.m. There was no objection to the agenda changes.

6. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the December 2, 2014 Regular Council Meeting. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Kelly made a motion to approve the minutes of the January 13, 2015 Regular Council Meeting . The motion was seconded by Councilmember Holloway and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Holloway made a motion to approve the minutes of the January 27, 2015 Zoning Meeting. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember Holloway made a motion to approve the minutes of the February 2, 2015 Special Council Meeting. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

7. **ORDINANCES:** There were no ordinances considered on first reading.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 4-32 "PROHIBITED WATER ACTIVITY" CREATING A VESSEL EXCLUSION ZONE WITHIN THE MASHTA FLATS AREA, AS FURTHER DESCRIBED ON EXHIBIT "A;" REPEALING ORDINANCE 2014-5; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

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

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; SUPPORTING THE FOLLOWING LEGISLATIVE PRIORITIES FOR THE YEAR 2015; PROVIDING FOR AN EFFECTIVE DATE.**

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

Mayor Lindsay proposed the following changes to the resolution: **Section 1.** The Village supports legislation that creates a Rickenbacker Causeway Authority. **Section 2.** The Village supports legislation that assures that Florida private and public property owners are able to obtain comprehensive insurance coverage at a fair and reasonable rate. **Section 3.** The Village supports legislation that provides financial incentives including financing and funding for relocating power lines and other utilities underground on barrier islands. **Section 4.** The Village supports legislation that designates the portion of the Mashta flats within Key Biscayne as a "no vessel" zone. **Section 5.** The Village supports legislation to enforce bicycles into bike separated lanes. **Section 6.** The Village supports legislation prohibiting texting while driving. **Section 7.** The Village of Key Biscayne will monitor legislative issues: the Village will direct their legislative consultant to monitor the following issues and provide timely data should these issues be taken up at the legislative session: 1.) Modification of the road designation and use of Rickenbacker Causeway; 2.) Resources, policy changes and permitting support for sea-level arise initiatives such as coastline protection and beach renourishment programs. There was no objection to the proposed changes.

The resolution, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, 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 COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A DONATION OF $17,000 TO THE KEY BISCAYNE**

**COMMUNITY FOUNDATION, INC. TO BE USED FOR A CAT TRAP-NEUTER-RETURN (TNR) PROGRAM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding this program.

Jill Stephens, 195 East Enid Drive addressed the Council.

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

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

Mayor and Councilmembers. Councilmember Kelly requested an update on the installation of shower stations at the end of beach access walkways.

Building, Zoning and Planning Director Jud Kurlancheek addressed the Council regarding the installation of shower stations at the end of beach access walkways. Director Kurlancheek reported that the cost for the two shower stations will be around $9,000. It was the consensus of Council to direct the Manager to go ahead with this project.

Councilmember Kelly also gave an update on the Land Acquisition Committee. It was the consensus of Council to modify the number of members to 7 members. It was the consensus of Council to direct staff to prepare legislation to change the number of members to 7 members.

Councilmember Kelly also addressed the Council regarding a PR campaign to protect Virginia Key. There was extensive discussion from Council on this issue. It was the consensus of Council to direct the Manager to get in touch with several PR companies and report back to Council.

Councilmember London addressed the Council regarding the purchase of the Key Biscayne Beach Club.

There was extensive discussion from Council regarding the above matter. The Attorney also addressed the Council regarding the purchase of the KB Beach Club.

Councilmember Taintor addressed the Council regarding golf cart parking at the Beach Park and at the Community Center/Fernwood Road.

Director Kurlancheek addressed the Council regarding the golf cart parking at the above locations. It was the consensus of Council to direct staff to look into the cost of golf cart parking at the Beach Park.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a report highlighting the activities of the Office of the Village Clerk throughout calendar year 2014.

Village Manager. The Manager addressed the Council regarding the selection of the Stormwater Improvement Implementation Plan.

The Manager also addressed the Council regarding the responses received to the Village Wide Mobility Plan Request For Proposals.

The following firms presented their proposals to Council: Calvin, Giordano & Associates, Inc., Craig A. Smith & Associates, Inc. and EAC Consulting, Inc.

> Jose Lopez, Owner Representative Services for the Village and Ramon Castella with Stantec address the Council.

The Attorney addressed the Council regarding the selection process. There was extensive discussion from Council regarding the three proposals.

Vice Mayor Caplan made a motion to rank EAC as #1, Craig & Smith as #2 and Calvin Giordano as #3. The motion was seconded by Councilmember Kelly and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers London and Taintor voting No.

The Manager addressed the Council regarding the Village Wide Mobility Plan RFQ's. There was extensive discussion from Council regarding this subject.

Vice Mayor Caplan made a motion to hire the Corradino Group. The motion was seconded by Councilmember Kelly and approved by a 6-1 roll call vote. The vote was as follows: The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember London voting No.

The Manager and Deputy Police Chief Yason Younes addressed the Council regarding the Smart Traffic Lights. Deputy Younes reported that the cost per intersection would be approximately $100,000.

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

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

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

13. **ADJOURNMENT:** The meeting was adjourned at 10:37 p.m.

***Respectfully submitted:***

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***Conchita H. Alvarez, MMC***
***Village Clerk***

***Approved this _24th_ day of _February_ 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.***