

MINUTES

REGULAR COUNCIL MEETING  
KEY BISCAIYNE, FLORIDA

TUESDAY, JANUARY 12, 2016

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:00 p.m. Present were Councilmembers Franklin H. Caplan, Luis de la Cruz, Theodore Holloway, Michael E. Kelly, Edward London and Mayor Mayra Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Reverend Juan Carlos Paguaga with Saint Agnes Catholic Church, gave an invocation.

At this time the Mayor asked for a moment of silence in honor of Vice Mayor James Taintor.

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

4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay read a statement from the Taintor family thanking everyone for their support and kind words; Councilmember Kelly addressed the Council and the public regarding the Key Ride reporting that it is up and running, it is a free service within the Village and their phone number is 786-361-8657 and Mayor Lindsay expressed, on behalf of the Council, sincere condolences to the family of Daniela Benavides San Miguel.

5. **SPECIAL PRESENTATIONS:** Dr. Phil Busey, CCA CPAg addressed the Council and gave a Village Green Playing Field Renovation Agronomy Report on playing field condition and maintenance.

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There was extensive discussion from Council regarding the condition of the playing fields at the Village Green.

Mr. Ken Ballard addressed the Council regarding the onsite review and assessment of the Parks & Recreation Department's Operational Budget as well as staffing plans and job functions. Mayor Lindsay requested that the hybrid sports program be looked at and also to look into having more low impact recreational programs for teenagers.

Mr. Joe Corradino with The Corradino Group presented to the Council the Key Biscayne Transit Mobility Study. Mr. Corradino reported that this project was developed with a number of distinct tasks: public involvement, significant data collection and analysis; and, multimodal project recommendations.

There was extensive discussion from Council regarding the Transit Mobility Study.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Alejandro Zizold, 798 Crandon Boulevard; Cristina Zizold, 798 Crandon Boulevard; Brett Moss, 731 Crandon Boulevard and Alfonso Garcia, 530 N. Mashta.

7. **AGENDA:** Councilmember Kelly requested the addition of an update on the Police parking garage as Item 11D3; Councilmember Caplan requested the addition of a discussion regarding Rules and Procedures for Council as Item 11A7; Mayor Lindsay requested to hear Item 11A2 together with Item 10D; Councilmember Holloway requested the deferral of Item 11A6; the Attorney requested the addition of a discussion regarding the Tennis Center Concert as Item 11B1 and the Manager requested the addition of an update on the live streaming and Chamber renovations as Item 11D4. There were no objections to the agenda changes.

8. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the September 9, 2014 First Budget Hearing. The motion was seconded by Councilmember Caplan.

Councilmember Caplan made some amendments to page 3 of 6.

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

Councilmember Kelly made a motion to approve the minutes of the December 1, 2015 Workshop on Council Priority Projects. The motion was seconded by Councilmember Holloway and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London and Mayor Lindsay voting Yes.

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Councilmember Kelly made a motion to approve the minutes of the December 1, 2015 Regular Council Meeting. The motion was seconded by Councilmember Caplan and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London and Mayor Lindsay voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE WATER AND BOAT SAFETY COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Holloway.

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

It was the consensus of Council to reduce the number of member of this Committee to five members. There were some other suggestions made to the Village Attorney regarding this ordinance.

There was discussion from Council regarding this ordinance.

The ordinance, as amended, was approved on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London and Mayor Lindsay voting Yes.

The Clerk announced the second reading will be on February 9, 2016.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF THE REAL PROPERTY LOCATED AT 401 HAMPTON LANE, KEY BISCAYNE, FLORIDA 33149; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the ordinance on first reading. The motion was seconded by Caplan.

The Attorney addressed the Council regarding this ordinance.

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

There was discussion from Council regarding this ordinance.

The ordinance was approved on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London and Mayor Lindsay voting Yes.

The Clerk announced the second reading will be on February 23, 2016.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING FHP TECTONICS CORP. FOR THE CONSTRUCTION OF THE DOG PARK AT THE VILLAGE GREEN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Kelly made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Caplan.

The Mayor opened public hearing. Alejandro Zizold, 798 Crandon Boulevard and Cristina Figueredo Zizold, 798 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The Mayor proposed to amend the specs, to the extent it is necessary regarding the artificial turf.

The ordinance was approved on first reading by a 4-2 roll call vote. The vote was as follows: Councilmembers Caplan, Holloway, Kelly and Mayor Lindsay voting Yes. Councilmembers de la Cruz and London voting No.

The Clerk announced the second reading will be on February 23, 2016.

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2016, TO FILL A VACANCY ON THE VILLAGE COUNCIL IN ACCORDANCE WITH VILLAGE CHARTER SECTION 2.05(c)(ii); PROVIDING FOR THE CONDUCT OF ELECTION; ESTABLISHING QUALIFYING PERIOD TO FILE FOR COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Attorney and the Clerk addressed the Council regarding this resolution.

The resolution was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London 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, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM AND THE ISSUANCE OF A PURCHASE ORDER FOR VERIZON (NETWORKFLEET, INC.) FOR THE PURCHASE OF A POLICE DEPARTMENT-WIDE GLOBAL POSITIONING SYSTEM FLEET TRACKING PRODUCT AND MAINTENANCE, INCLUDING THE INSTALLATION AND MONTHLY FEES FOR THE REMAINDER OF THE FISCAL YEAR; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; 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 the purchase of a Police departmental wide GPS Fleet Tracking and Maintenance Project Program from Verizon Wireless, Inc. The purpose of the request is to help improve this high-quality public service expected of our police officers and manage the department's fleet more effectively and efficiently. The funding source shall be the Federal Asset Sharing Fund not to exceed \$13,839 to cover the cost of the equipment, installation and monthly data charge through the end of the fiscal year.

Chief of Police Charles Press addressed the Council regarding this resolution.

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

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The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, SELECTING THE BID OF WILLIAMS PAVING CO., INC. FOR TRAFFIC CALMING AT FERNWOOD/HEATHER INTERSECTION, NORTH/SOUTH MASHTA & WOODCREST SPEED TABLES IMPROVEMENTS PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR CONSTRUCTION FOR SUCH PROJECT; PROVIDING FOR IMPLEMENTATION; 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 authorizing the Village Manager to execute an Agreement with Williams Paving Co., Inc. for Traffic Calming at Fernwood/Heather Intersection and Speed Tables for North/South Mashta and Woodcrest Road in an amount not to exceed \$221,089.42. Funding for this project is in the FY 2015 Capital Improvement Plan.

Building, Zoning and Planning Director Jud Kurlancheek and Sean Compell with Stantec addressed the Council regarding the traffic calming devices for North/South Mashta Drives.

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

It was the consensus of Council to proceed with Traffic Calming only at Fernwood/Heather Intersection and Woodcrest Road until further action from Council.

The resolution, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, 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 BISCAWAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO PREPARE A REQUEST FOR PROPOSALS/QUALIFICATIONS TO RETAIN A FIRM TO PREPARE A FEASIBILITY STUDY FOR THE BURYING OF OVERHEAD UTILITY LINES WITHIN THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Item 11A2 was heard at the same time as the above resolution.

Councilmember de la Cruz made a motion to approve the resolution. The motion was seconded by Councilmember Kelly.

Councilmember de la Cruz addressed the Council regarding this resolution. There was extensive discussion from Council regarding the burying of overhead utility lines.

The Attorney also addressed the Council regarding this resolution.

Councilmember Caplan proposed to amend the first whereas clause by inserting interruption of service and amend the third whereas clause by inserting pros and cons of burying overhead utility lines. There was no objection to the proposal.

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

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

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council requesting that the Council authorize the Village Manager to negotiate the feasibility of installing athletic and court lighting at the Key Biscayne K-8 School with Miami-Dade County Public Schools.

There was extensive discussion from Council regarding the above issue. It was the consensus of Council not to take any action at this time until staff contacts the neighbors to see if they agree to the above project.

The Manager also addressed the Council requesting a motion to accept the Transit Mobility Study.

Mayor Lindsay made a motion to accept the Transit Mobility Study prepared by the Corradino Group. The motion was seconded by Councilmember London and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Caplan, Holloway, Kelly, London and Mayor Lindsay voting Yes. Councilmember de la Cruz was out of the room at the time the vote was taken.

At this time the Manager and Councilmember Caplan gave an update on the purchase of the Police parking lot. The Attorney also addressed the Council regarding the purchase of the Police parking lot.

There was extensive discussion from Council regarding the purchase of the Police Parking Lot.

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The Manager addressed the Council giving an update on the live streaming and Council Chamber renovations.

Mayor and Councilmembers. The Mayor addressed the Council regarding FPL interruption of power caused by trees near power lines. The Mayor requested that staff inform residents and take appropriate action as soon as possible.

Supervisor of Public Works Tony Brown addressed the Council regarding the trimming of trees.

The Mayor addressed the Council requesting a discussion of priority Capital Improvement items and timeline for next 12/24 months based on the list compiled at the December 1, 2015 Meeting. It was the consensus of Council to move the K thru 8 School Overcrowding from the 12 month Council Priorities to the 24 month Council Priorities. The following projects were added to the 12 month Council Priority list: 530 Crandon, Dog Park, Police Parking Lot, installation of Sidewalks and Street Lights on all streets within the Village and Parking Garage.

The Council at the next meeting will rank the above mentioned Capital Improvement Projects

The Mayor gave an update on the Marine Stadium Park litigation and Boat Show status. Councilmember Kelly also addressed the Boat Show issue and how much the Village had accomplished. Councilmember Caplan also addressed the issue about the Flex Park at the Marine Stadium..

At this time the Village Attorney's report was heard.

Village Attorney. The Attorney addressed the Council reporting that the Tennis Tournament is planning to hold a concert on April 1 after the end of the tournament. The Attorney reported that the Village has a 1995 agreement with Miami-Dade County that the Tennis Center was going to be used solely for tennis.

Mayor Lindsay made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London and Mayor Lindsay voting Yes.

There was extensive discussion from Council regarding the Concert at the Tennis Center.

Councilmember Kelly made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember London and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Holloway, Kelly, London and Mayor Lindsay voting Yes.



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It was the consensus of Council to direct the Attorney to write a letter to Miami Dade County Mayor Carlos Gimenez reminding them of the 1995 Agreement.

Mayor Lindsay addressed the Council regarding a program the Police Department has started on enhanced parking enforcement.

Village Clerk. The Clerk did not submit a report.

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

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

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 11:15 p.m.

*Respectfully submitted:*

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

*Approved this 26th day of January, 2016:*

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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.***