

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, FEBRUARY 9, 2016

COUNCIL CHAMBER
560 CRANDON BOULEVARD

NOTE: Prior to the beginning of the meeting the Village Clerk administered the Oath of Office as Village Councilmember to Mr. Gary R. Gross.

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, Gary R. Gross, Michael E. Kelly, Edward London and Mayor Mayra P. Lindsay. Councilmember Theodore Holloway was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay welcomed newly elected Councilmember Gary R. Gross; Councilmember Kelly thanked legal counsel for the two victories this week: the Duran Duran Concert and the Entry Block litigation; Councilmember Caplan addressed the Council regarding the service for Joy Fried, wife of former Councilmember Mortimer Fried stating that many residents attended the service and the Mayor expressed condolences to the Fried family on behalf of the Council.

February 9, 2016

5. **SPECIAL INTRODUCTION:** Chief of Police Charles Press addressed the Council giving an update on the Miami International Boat Show Traffic Plan.

Mr. Paul Abbott, Construction Manager for the Community Center addressed the Council giving a status update on the Community Center Expansion Project.

Mr. Joseph M. Corradino with the Corradino Group gave a presentation to Council regarding Safe Routes to School and the CITT Circulatory Route.

There was extensive discussion from Council regarding Mr. Corradino's presentation.

6. **PUBLIC COMMENTS:** The following resident addressed the Council: Clifford Brody, 180 Harbor Drive.

At this time the Attorney requested, on behalf of Special Counsel for the Village, an Executive Session regarding litigation of VKB vs. NMMA and VKB vs. City of Miami. It was the consensus of Council to hold the Executive Session on Tuesday, February 23, 2016 at 6:00 p.m. prior to the Zoning Meeting scheduled for that evening.

7. **AGENDA:** The Clerk requested the addition of a motion to accept the election of Mr. Servando Parapar as Fifth Trustee to the Police Officers and Firefighters Retirement Plan as Item 11C2 and the Manager requested the addition of an update on the RFQ for professional services. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the January 26, 2016 Zoning 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, Gross, Kelly, London and Mayor Lindsay voting Yes.

9. **ORDINANCES:** The Clerk read the following ordinance on second 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 Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Kelly.

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

The Attorney addressed the Council regarding this ordinance.

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

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, SELECTING THE CARPET BOUTIQUE II, INC. FOR THE REPLACEMENT OF CARPETING IN THE VILLAGE OF KEY BISCAIYNE COMMUNITY CENTER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the Resolution authorizing the Village of Key Biscayne to purchase and install 304 yards of carpet to replace the existing/original carpet.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE VILLAGE TO ISSUE TAX-EXEMPT BONDS IN THE AMOUNT OF \$2,100,000 TO FINANCE THE COSTS OF A VARIOUS CAPITAL IMPROVEMENTS AND LAND ACQUISITION, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

February 9, 2016

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RENAMING THE MASHTA FLATS WITHIN THE VILLAGE, AS SHOWN ON EXHIBIT "A," AS THE TAINTOR FLATS; 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 regarding this resolution. There was discussion from Council regarding this resolution.

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

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

Mayor and Councilmembers. Mayor Lindsay addressed the Council regarding the ranking of the 2016 Council Priorities.

Councilmember Gross proposed to add a thorough study of land acquisition to the 6 month Council Priorities and the Mayor, due to a scrivener's error, moved from the 12 month priority list, Addressing Environmental and Safety Impacts to Village residents i.e. Boat Show to number 5, Parking Garage as 6, Burying utility lines as 7, MAST Academy improvements to auditorium as 8 and the Needs Assessment of K-8 School modernization and sustainability of older buildings as number 9.

Councilmember Caplan made a motion to adopt the 2016 Council Priorities, as amended. The motion was seconded by Councilmember de la Cruz and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Kelly, London and Mayor Lindsay voting Yes.

Councilmember Kelly addressed the Council regarding a possible litigation on Village Green fields.

The Attorney addressed the Council reporting that the point is to try to fix the fields. There was extensive discussion from Council regarding the Village Green fields.

Councilmember Caplan addressed the Council regarding proposed amendments to the Rules and Procedures for Council during Council Meetings.

February 9, 2016

There was extensive discussion from Council regarding the proposed amendments to the Rules and Procedures for Council during Council Meetings. It was the consensus of Council to bring this draft resolution back before Council at the first meeting in March.

Councilmember Kelly addressed the Council recommending to hold a workshop for the neighborhood Park at Heather and Hampton. The Attorney also addressed the Council regarding the process when the Village's acquires land. It was the consensus of Council to hold a Workshop on Thursday, March 10, 2016 at 6:00 p.m.

Village Attorney. The Attorney addressed the Council giving a status update on the proposed Duran Duran Concert at the Tennis Center. Under the Matheson Restrictions of Crandon Park, the concert was in violation of these restrictions. The concert has been moved to Bayfront Park.

Village Clerk. The Clerk reported that the Office of the Mayor had issue a proclamation, proclaiming February 22, 2016 as "Village of Pinecrest Day".

The Clerk addressed the Council indicating that the existing Board Members of the Board of Trustees of the Police Officers and Firefighters Retirement Plan have elected Mr. Servando Parapar to serve as its Fifth Trustee.

Councilmember London made a motion recognizing that the existing Board Members of the Board of Trustees of the Police Officers and Firefighters Retirement Plan have elected Mr. Servando Parapar to serve as its Fifth Trustee. The motion was seconded by Councilmember de la Cruz and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Kelly, London and Mayor Lindsay voting Yes.

Village Manager. The Manager gave an update on the status of the purchase of the police parking lot.

The Manager addressed the Council requesting a motion to authorize the Manager to issue a request for proposal for the underground utilities feasibility study.

Councilmember Caplan made a motion to authorize the Manager to issue a Request for Proposal for Underground Utilities Feasibility Study. The motion was seconded by Councilmember London.

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

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

February 9, 2016

The Manager also gave an update on the RFQ on professional services.

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 9:40 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 23rd day of February, 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.