

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, MARCH 8, 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, Gary R. Gross, Theodore Holloway, Michael E. Kelly, Edward London and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Susan Bruttell with St. Christopher's By The Sea was not able to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** Councilmember Holloway led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay welcomed everyone present and thanked them for being part of the democratic process.
5. **SPECIAL INTRODUCTION:** The Manager introduced Ms. Donna Dickey as the new Publisher of the Islander News. Ms. Dickey addressed the Council.
6. **PUBLIC COMMENTS:** The following people addressed the Council: Carol "Jodie" Breece, Candidate for Circuit Judge, 1408 Brickell Bay Drive, Miami; Trisha Conroy, 5401 Pine Tree Drive, Miami Beach; Cristina Figueredo Zizold, 798 Crandon Boulevard and Alejandro Zizold, 798 Crandon Boulevard.

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7. **AGENDA:** Councilmember Caplan requested to hear Item 9B1 prior to Item 9A1. There was no objection to the agenda change.

8. **APPROVAL OF MINUTES:** Councilmember Kelly made a motion to approve the minutes of the February 23, 2016 Zoning Meeting. The motion was seconded by Councilmember Caplan 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.

9. **ORDINANCES:** The Clerk read the following ordinance on second 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.

The Clerk announced that this ordinance is continued from the February 23, 2016 Zoning Meeting.

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

The Manager addressed the Council recommending the selection of FHP Tectonics Corp. for the Dog Park at the Village Green Capital project.

The Mayor opened the public hearing. Fred Joch, 100 Island Drive; Katie Petros, 375 Redwood Lane; Claire Amena London, 736 Woodcrest Road; Jill Stephens, 159 East Enid Drive; Conchita Suarez, 201 Crandon Boulevard; Servando Parapar, 240 Cypress Drive; Cristina Bracken, 224 West Mashta Drive; Victoria Ryan, 200 Ocean Lane Drive; Elizabeth Bello, 155 Ocean Lane Drive; Bill Stephens, 159 East Enid Drive; Manny Rionda, 155 Sunrise Drive; Susan Joch, 100 Island Drive; Leslie Armendariz, 110 Woodcrest Lane; Mary Jo Pinedo, 365 Atlantic Road and Jacob Slosbergas, 695 Glenridge Road addressed the Council. The Mayor closed the public hearing.

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

Mayor Lindsay made an amending motion to remove the following items from the Deductive Alternate Bid Items: DA-5, DA-10 and DA-11 for a total amount of \$58,000. The motion was seconded by Councilmember Caplan and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Vice Mayor London and Mayor Lindsay voting Yes. Councilmembers Holloway and Kelly voting No.

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

At this time the Council took a two minute break.

Councilmember Caplan excused himself from the meeting at 8:50 p.m.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF KEY BISCAYNE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS FOR APPROVAL OR DISAPPROVAL, IN ACCORDANCE WITH SECTION 6.02(A)(I) OF THE VILLAGE CHARTER, A PROPOSED AMENDMENT TO SECTION 2.05 (C) THE VILLAGE CHARTER, ENTITLED "FILLING OF VACANCIES," TO PROVIDE FOR AN APPOINTMENT PROCESS TO FILL A VACANCY ON THE VILLAGE COUNCIL; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION OF THE CHARTER AMENDMENT TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENT TO BE HELD ON TUESDAY, THE 8TH DAY OF NOVEMBER, 2016, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER; 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 the public hearing. There were no speakers present. The Mayor closed the public hearing.

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

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

The Clerk announced the second reading of this ordinance on April 12, 2016.

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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, APPROVING A CHANGE TO THE CONTRACT FOR CONSTRUCTION BETWEEN THE VILLAGE AND WILLIAMS PAVING CO., INC. FOR FOUR ADDITIONAL SPEED TABLES ON NORTH/SOUTH MASHTA DRIVE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AMENDMENT TO CONTRACT OR CHANGE ORDER FOR SUCH WORK; 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 addressed the Council recommending approval of the Resolution authorizing a change to the Contract with Williams Paving Co., Inc., authorizing the Manager to execute the change order for the construction of two speed tables on North Mashta Drive and two on South Mashta Drive in an amount not to exceed \$81,525.12.

Sean Compel with Stantec and Public Works Supervisor Tony Brown addressed the Council.

The resolution was approved by a 6-0 voice vote. The vote was as follows: The vote was as follows: Councilmembers 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 BISCAIYNE, FLORIDA INITIATING F.S. CHAPTER 164 CONFLICT RESOLUTION PROCEEDINGS; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE SPECIAL COUNSEL TO IMPLEMENT SAID PROCESS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was discussion from Council regarding this resolution.

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

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council requesting consideration of an ordinance that would dedicate 1% of Ad Valorem Taxes to the Land Trust.

There was discussion from Council on this item.

It was the consensus of Council to bring this ordinance before Council for first reading on April 12, 2016 with a requirement that five (5) votes are needed to approve it.

The Mayor addressed the Council proposing to start the process to request to Miami Dade County to start the planning and public process to rebuild a new Bear Cut Bridge. It was the consensus of Council to send a letter to the Miami-Dade County Mayor and Commission regarding this issue.

The Mayor also addressed the Council regarding an appointment of a representative from Key Biscayne to the City of Miami/Virginia Key Advisory Board. The Attorney also addressed the Council regarding this appointment. It was the consensus of Council that this appointment should be made immediately and to submit nominations to the Clerk.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding a 4th of July Picnic letter of interest response. The Manager reported that the only response was from the Rotary Club.

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 event was presented to the Council.

15. **ADJOURNMENT:** The meeting was adjourned at 9:40 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 15th day of March, 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.