

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, APRIL 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 Luis de la Cruz, Gary R. Gross, Theodore Holloway, Michael E. Kelly, Vice Mayor Edward London and Mayor Mayra P. Lindsay. Councilmember Franklin H. Caplan was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen H. Helfman.
2. **INVOCATION:** Pastor Dennis Eastling with the Key Biscayne Community Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Councilmember Kelly led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay addressed the Council regarding the hearing with the City of Miami and the Marine Stadium matter and also expressed condolences, on behalf of the Council, to the family of Councilmember Caplan.
5. **SPECIAL INTRODUCTION:** The Manager requested that Item 5A be heard later on the agenda. There was no objection to the request.

Mr. Enrique Llerena and Mr. Moises Ariza with Marcum LLP presented to the Council the 2015 Comprehensive Annual Financial Report.

The Manager requested the deferral of the Schwartz Media Strategies presentation.

6. **PUBLIC COMMENTS:** The following people addressed the Council: Andy Elfmont, 550 N. Mashta Drive; Carol "Jodie" Breece, Candidate for Circuit Judge; Don Singer, 201 Galen Drive; Monica Alzaga, 200 Ocean Lane Drive; Glen Waldman, 240 Woodcrest Road, Chair of the Youth Athletics Advisory Board; Christian Balbestra, 799 Allendale Road; Paige Latterner, 799 Allendale Road; Luis E. Gonzalez, 765 Crandon Boulevard; Nancy Levitt Davis, 250 Cypress Drive; Cecile Sanchez, 260 Cypress Drive; Gloria Johnson, 269 West Mashta Drive; Susan Joch, 100 Island Drive; Victoria Ryan Lobo, 200 Ocean Lane Drive; Reverend Dennis Eastling, 355 Glenridge Road; Katie Petros, 275 Redwood Lane; Claire Amerena London, 736 Woodcrest Road; Conchita Suarez, 201 Crandon Boulevard; Bill Stephens, 159 East Enid Drive; Jill Stephens, 159 East Enid Drive; Elizabeth Bello, 155 Ocean Lane Drive and Steve Simon, 335 Harbor Lane.

7. **AGENDA:** Councilmember Gross requested the addition of a discussion regarding the multipurpose land project as Item 11A; Mayor Lindsay requested the addition of a report regarding a vacant seat on the Youth Athletics Advisory Board as Item 11A5; the Village Attorney requested the addition of an update regarding the Village Green playing fields as Item 11B1 and Councilmember de la Cruz requested the addition of a discussion regarding FPL and Mashta as Item 11A6. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Councilmember Holloway made a motion to approve the minutes of the March 10, 2016, 401 Hampton Lane Workshop. The motion was seconded by Mayor Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

Councilmember Holloway made a motion to approve the minutes of the March 15, 2016 Zoning Meeting. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor 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, AMENDING SECTION 31-1 "PARKS AND RECREATIONAL OPEN SPACE LANDS TRUST FUND" OF THE VILLAGE CODE OF ORDINANCES; OBLIGATING THE VILLAGE COUNCIL TO ANNUALLY ALLOCATE AT LEAST ONE PERCENT OF AD VALOREM TAX REVENUES TO THE PARKS AND RECREATIONAL OPEN SPACE LANDS TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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Councilmember Kelly made a motion to adopt 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 discussion from Council regarding this ordinance.

Mayor Lindsay made an amending motion to add the following language: "Except during a financial emergency, as determined by an affirmative vote of five (5) Members of the Village Council, at least one percent (1%) of ad valorem taxes which shall be annually allocated by the Village Council for the PROS Lands Trust Fund. Greater than one percent (1%) may be allocated upon an affirmative vote of five (5) Members of the Village Council." The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

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

The Clerk announced the second reading of this ordinance for April 26, 2016.

The Clerk read the following ordinance on second 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© OF 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 London made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Kelly.

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

There was discussion from Council regarding this ordinance.

The motion to adopt the ordinance on second reading was approved by 6-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

At this time Item 5A was heard. Mr. Fausto Gomez with Gomez Barker Associates, Inc. addressed the Council giving a legislative update.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RECOGNIZING MY BROTHER'S KEEPER COMMUNITY INITIATIVE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to approve the resolution. The motion was seconded by Councilmember London and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, 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, RATIFYING THE VILLAGE MANAGER'S APPOINTMENT OF FRANK ALEXANDER HERNANDEZ AS THE LOCAL HEARING OFFICER AUTHORIZED TO CONDUCT HEARINGS RELATED TO NOTICES OF VIOLATIONS ISSUED PURSUANT TO SECTION 316.0083, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

There was discussion from Council regarding this resolution.

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

11. **REPORTS AND RE COMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. The following items were discussed:

Councilmember Kelly requested an update on 530 Crandon Boulevard. The Manager and Elvira Freire-Santamaria, AIA, LEED AP with Stantec, addressed the Council giving an update on 530 Crandon Boulevard. It was the consensus of Council to direct staff to send them the drawings prior to the next meeting, so that they can be ready to take a vote on the preferred option.

Mayor Lindsay addressed the Council regarding the referendum on the Dog Park. There was extensive discussion from Council regarding the Dog Park referendum. The Council also discussed the potential of the Village using the PR firm to put together the correct facts on the Dog Park to disseminate among our residents. It was also the consensus of Council to not stop the work being done on the creation of the Dog Park, as approved by Council.

Councilmember Holloway addressed the Council regarding the status of the 2014 Green Committee's recommendations. The Manager addressed the Council regarding the status of the 2014 Green Committee recommendations.

Councilmember Gross addressed the Council regarding the multipurpose land project. It was the consensus of Council to place this item on the next agenda. There was discussion from Council regarding this proposed project.

Mayor Lindsay addressed the Council regarding a vacancy in the Youth Athletic Advisory Board requesting that Councilmembers submit names to the Clerk of residents that would be interested in serving in this Committee.

Councilmember de la Cruz addressed the Council regarding the problems with FPL on Mashta and Village wide. There was extensive discussion from Council regarding this issue. The Manager was directed to obtain the list of underground utility contractors.

Village Attorney. At this time the Attorney requested, on behalf of Special Counsel, to schedule an Executive Session for Tuesday, April 26, 2016 at 6:00 p.m.

At this time the Mayor announced that the City of Miami advised today that Mr. Michael Davey cannot serve on the Virginia Key Advisory Board because he is running for office, requesting that the Council make recommendations for a replacement.

The Attorney addressed the Council regarding the state of the playing fields and the pending lawsuit. There was extensive discussion from Council regarding this issue.

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Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council giving a six month update on the approved Capital Improvement Plan. The Council addressed the CIP Plan and requested that time lines be included. The Manager reported that the reviewed CIP will be brought back before Council at the April 26th Council Meeting.

The Manager also addressed the Council regarding the Village Hall Parking lot RFP. It is recommended that the Village Council review the draft Request for Proposals (RFP) for Design Build Services to construct a parking garage behind Village Hall. There was extensive discussion from Council regarding this project.

At this time Item 11D4 was heard. The Manager introduced former Councilmember Cliff Brody, 180 Harbor Drive, who gave an update on the Key Ride service and proposed other methods to make the service available to all residents and also to expand the fleet. There was extensive discussion from Council regarding this service.

At this time Item 11D3 was heard. The Manager gave a status update on the RFQ for Underground Utilities. It is recommended that the Village Council authorize the Village Manager to negotiate and draft a professional services agreement with The Wantman Group, Inc. to conduct a Feasibility Study that assesses the viability of relocating the overhead utilities to underground services for a total amount not to exceed \$75,000.

Paul Abbott addressed the Council regarding the above subject.

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

Councilmember London made a motion to instruct the Manager to enter into an agreement with the Wantman Group, Inc. to conduct a Feasibility Study that assesses the viability of relocating the overhead utilities to underground services for a total amount not to exceed \$75,000 and to waive competitive bidding. The motion was seconded by Councilmember de la Cruz and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor London and Mayor Lindsay voting Yes.

The Manager also updated the Council on the RFQ for Professional Engineering Services.

Paul Abbott also addressed the Council regarding the construction around the Community Center.

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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/events was presented to the Council.
15. **ADJOURNMENT:** The meeting was adjourned at 11:05 p.m.

Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 26th day of April, 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.