

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 10, 2012

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Michael W. Davey, Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline, Chabad of Key Biscayne gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: Ed Stone, 145 Hampton Lane.
6. **AGENDA:** Councilmember Lindsay requested the addition of a status of negotiations for the Village Manager's Contract as Item 10A9; Mayor Caplan requested the addition of a discussion regarding Miami-Dade County's gambling initiative as Item 10A10 and Councilmember Davey requested the addition of a discussion regarding the upcoming Charter Review Commission meetings as Item 10A11. There was no objection to the agenda changes.

*January 10, 2012*

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the August 18, 2011 Special Council Meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Garcia made a motion to approve the minutes of the August 22, 2011 Special Council Meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Gusman made a motion to approve the minutes of the August 30, 2011 Regular Council Meeting. The motion was seconded by Councilmember Garcia.

Councilmember Taintor requested to amend page 6 of 7 by inserting “purchase of” before flood insurance in Mayor Caplan’s motion. There was no objection to the request.

The minutes, as amended, were approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Gusman made a motion to approve the minutes of the December 3, 2011 Special Council Meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Councilmember Lindsay made a motion to approve the minutes of the December 6, 2011 Regular Council Meeting. The motion was seconded by Councilmember Davey.

Mayor Caplan requested to add the word “Address” after State of the Village on page 2 of 6 and Vice Mayor Kelly requested to delete the word “appointed” and insert “nominated” on his motion to nominate Councilmember Lindsay to negotiate a contract with the new Village Manager on page 6 of 6. There was no objection to the requests.

The minutes, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

January 10, 2012

8. **ORDINANCES:** There were no ordinances considered by Council.

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

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING INTERCOUNTY ENGINEERING INC. FOR THE OCEAN LANE PUMP STATION OL-1 PIPE CONNECTION TO THE NEWLY LINED DRAINAGE WELL; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT RELATED TO THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia.

The Manager addressed the Council recommending to award the construction contract for the New Pipe Connection at Ocean Lane Drive Pump Station to Intercounty Engineering Inc.

Ramon Castella, with C3TS addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO PUBLISH A REQUEST FOR QUALIFICATIONS FOR A HEALTH INSURANCE BROKER OF RECORD; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Davey.

The Manager addressed the Council recommending that the Council procure an insurance broker of record by seeking Qualification Statements for Health Insurance Broker of Record Services.

It was the consensus of Council to appoint Councilmember Taintor as Council liaison to review the RFQs and if for any reason Councilmember Taintor cannot be the liaison, Mayor Caplan will be the Council liaison.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

January 10, 2012

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING ALEMAN'S SPRINKLERS & DESIGN, INC. FOR THE VILLAGE GREEN IRRIGATION SYSTEM REHABILITATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT RELATED TO THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Lindsay made a motion to approve the resolution. The motion was seconded by Councilmember Davey.

The Manager addressed the Council recommending the acceptance of the bid of \$42,066.90 from Aleman's Sprinklers and Design, Inc. authorizing the Manager to execute the agreement.

Ramon Castella, with C3TS and Jose Aleman with Aleman's Sprinklers and Design, Inc. addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Councilmember Lindsay addressed the Council regarding the existing Longevity Policies and the existing Employee Policies and the need to review these.

Vice Mayor Kelly addressed the Council regarding pending business/pending litigation and would like this item to be added to the agenda after Other Business/General Discussion. There was no objection to the request.

Vice Mayor Kelly also addressed the Council regarding the hiring process for the Finance Director. The Manager addressed the Council regarding this process reporting that a job description for the Finance Director will be presented to the Council at the next Council Meeting.

Vice Mayor Kelly addressed the Council proposing to hold a Strategic Planning Workshop. It was the consensus of Council to tentatively schedule this workshop on April 24, 2012.

Vice Mayor Kelly also addressed the Council regarding the Pension Consultant. The Manager addressed the Council regarding this issue. The Clerk was directed to canvass the Council to set a date for an Executive Session regarding the Pension Consultant.

January 10, 2012

Vice Mayor Kelly addressed the Council regarding the Whiteflies plague. The Manager addressed the Council regarding this problem reporting that the infested swale areas will be treated in the coming days.

Councilmember Taintor addressed the Council regarding the Port Tunnel Project. The Manager addressed the Council reporting that the hauling of the fill to Virginia Key will take approximately one year and a half.

Councilmember Lindsay addressed the Council reporting on the status of the negotiations with the Manager regarding his contract. Each Councilmember addressed the Council expressing their recommendations on the contract with the Manager.

The Manager addressed the Council accepting the terms as discussed by Council and the Attorney stated that he understood the terms and will draft the agreement for the Manager. A resolution and the agreement will be included in the January 24, 2012 Council Meeting.

Mayor Caplan addressed the Council regarding Miami-Dade County's Gambling Initiative. It was the consensus of Council to direct staff to bring back legislation before the Council opposing the Gambling Initiative.

Councilmember Davey addressed the Council regarding the upcoming Charter Revision Commission Meetings requesting that if any Councilmember has any issues regarding the Charter to please forward them 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 giving an update of the Exclusion Zone Permitting Process. It was the consensus of Council to authorize the Manager to obtain a proposal from Coastal Systems International for the permitting and installation of the buoys.

The Manager also addressed the Council regarding the Miami Cyber Week Event on Key Biscayne which will take place on Tuesday, January 24th, 2012 in the Community Room at Village Hall.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of meetings and future events was presented to the Council.
13. **ADJOURNMENT:** The meeting was adjourned at 9:56 p.m.

January 10, 2012

*Respectfully submitted:*

---

*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 24th day of January, 2012:*

---

*Franklin H. Caplan  
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.***