MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JANUARY 14, 2014

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 Theodore Holloway, Michael E. Kelly, Edward London, James S. Taintor, Vice Mayor Michael W. Davey and Mayor Franklin H. Caplan. Councilmember Mayra Lindsay was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. **INVOCATION:** Monsignor Jose Luis Hernando, Saint Agnes Catholic Church, gave an invocation.

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

4. **SPECIAL INTRODUCTIONS:** Felipe de Varona, Athletics Coordinator for the Village of Key Biscayne, introduced the Key Biscayne Key Rats Team, Division 8U 75 lbs to the Mayor and Council. The team played in the Miami Xtreme Youth Football League and won the MXYFL Super Bowl and the State Orange Bowl Championship. The team and coaches presented the trophies to the Mayor and Council.

5. **BRIEF COMMENTS BY COUNCIL:** The Mayor addressed the Council, hoping that everyone had a nice Holiday and also sent condolences to Councilmember Mayra Lindsay for the loss of her brother-in-law; Councilmember Taintor thanked everyone that attended the clean up at the Mashta Flats and the Manager thanked Parks and Recreation Director Todd Hofferberth for his help during this event.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Luis Lamar, 310 West Enid; Barbara Lamar, 310 West Enid; Claire London, 736 Woodcrest Road; Megan London, 737 Ridgewood Road; Edward London, 737 Woodridge Road; Nicole Pritchett, 259 Buttonwood Drive; Wes Pritchett, 259 Buttonwood Drive; Andrew Lemke, 150 Ocean Lane Drive; Alexa Holloway, 575 Crandon Boulevard; Luis de la Cruz, 640 Allendale Road; Conchita Suarez, 201 Crandon Boulevard; Nancy Doke-Harrison, 889 South Mashta Drive; Jill Stephens, 159 East Enid Drive; Christian Balbonti, 799 Allendale Road; Manny Vidal, 561 S. Mashta Drive; Bill Stephens, 159 East Enid Drive; Alice Miller, 1121 Crandon Boulevard; Valentina Marmol, 375 West Enid Drive and Arturo Ramos, 101 Ocean Lane Drive.

7. **AGENDA:** The Clerk requested the addition a discussion to nominate Councilmember Holloway to the Tourist Development Council Board as Item 11A3; Mayor Caplan requested the addition of a discussion regarding a request for a resolution from a public interest advocacy group, arms with ethics, on the subject of gun trafficking as Item 11A4; Councilmember Davey requested the addition of a discussion regarding the Library gardens as Item 11A5; Councilmember Taintor requested the removal of Item 8D from the Consent Agenda and also requested the addition of a discussion regarding a response to a Miami Herald Editorial of January 10, 2014 regarding "Gimenez absent on Rickenbacker Cyclist Safety" as Item 11A6; Councilmember Kelly requested the addition of an update regarding street signs as Item 11A7; Councilmember London requested the addition of a discussion regarding the Village's Investment Policies as Item 11A8. There was no objections to the agenda changes.

8. **CONSENT AGENDA:** Vice Mayor Davey made a motion to approve the following consent agenda. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The minutes of the December 3, 2013 Regular Council Meeting.

The minutes of the December 10, 2013 State of the Village/Beach Workshop.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ACCEPTING A FISCAL YEAR 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AWARD AVAILABLE THROUGH THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM AS ADMINISTERED BY MIAMI-DADE COUNTY; AUTHORIZING THE VILLAGE MANAGER TO APPLY FOR THE GRANT AND EXECUTE REQUIRED DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS NECESSARY TO IMPLEMENT THE RECORDS IMPROVEMENT PROJECT ASSOCIATED WITH THE GRANT; AND PROVIDING FOR AN EFFECTIVE DATE.

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 MICHELE AIMEE VARGAS AS THE LOCAL HEARING OFFICER AUTHORIZED TO CONDUCT HEARINGS RELATED TO A NOTICE OF VIOLATION ISSUED PURSUANT TO SECTION 316.0083, FLORIDA STATUTES AND SECTION 26-46 OF THE CODE OF ORDINANCES OF THE VILLAGE OF KEY BISCAYNE; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to approve the resolution. The motion was seconded by Mayor Caplan.

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

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Davey and Mayor Caplan 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 30-11 "DEFINITIONS" TO PROVIDE A DEFINITION OF "MANUFACTURED HOME;" CREATING SECTION 30-41 "RECREATIONAL VEHICLES AND MANUFACTURED HOMES" OF THE VILLAGE CODE OF ORDINANCES, TO PROHIBIT MANUFACTURED HOMES WITHIN THE VILLAGE, AND TO PROVIDE FOR REGULATIONS OF RECREATIONAL VEHICLES; DELETING SECTION 30-100(F)(14) "MOTOR HOMES AND TRAILERS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Kelly.

The Manager and Director of Building, Zoning and Planning addressed the Council recommending approval of the Ordinance as it is consistent with the Village's Flood Ordinance 2012-06 that was adopted on May 8, 2012. The adoption of the Ordinance is a requirement of the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) to maintain our compliant status and thus continue to provide savings to our property owners on their flood insurance premiums.

There was extensive discussion from Council regarding this ordinance.

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

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Clerk announced the LPA and second reading of the ordinance on January 28, 2014.

10. **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, AUTHORIZING THE PURCHASE OF 30 SPIN BICYCLES FOR THE VILLAGE COMMUNITY CENTER FROM GYM SOURCE MIAMI, INC. AND THE TRADE-IN OF 30 EXISTING SPIN BICYCLES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to approve the resolution. The motion was seconded by Councilmember Kelly.

The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council recommending the approval of the resolution authorizing the purchase of thirty new Schwinn AC Performance Plus spin bikes and sell the existing bikes for an amount not to exceed $39,701.44.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Davey 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, SELECTING THE PROPOSAL OF W.D. THOMPSON, INC. D/B/A BEACH RAKER TO PROVIDE BEACH CLEANING, MAINTENANCE AND BEAUTIFICATION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution authorizing the Village Manager to execute an Agreement with W.D. Thompson, Inc. d/b/a "Beach Raker" to

provide beach maintenance services in an amount not to exceed $135,387. The agreement is valid for one year with an option to renew by the Village for an additional two year term. Thereafter, the term of the Agreement will be automatically renewed annually for up to three additional one year terms.

Tim Greener with Beach Raker; Clayton Peart with Universal Beach Service; Mike O'Brien, 150 Ocean Lane Drive, Manager of the Beach Club and Ray Thompson, Operations Manager with Beach Raker addressed the Council.

There was extensive discussion from Council regarding this resolution.

Public Works Supervisor Tony Brown addressed the Council regarding the process to clean the beach.

The resolution failed by a 2-4 roll call vote. The vote was as follows: Councilmembers Kelly and London voting Yes. Councilmembers Holloway, Taintor, Vice Mayor Davey and Mayor Caplan voting No.

The Attorney addressed the Council recommending that all bids be rejected and to direct the Manager to negotiate with Universal a modified and extended agreement with the current vendor.

Vice Mayor Davey made a motion to reject all the beach cleaning bids. The motion was seconded by Mayor Caplan and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes. Councilmember London voted No.

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

Mayor and Councilmembers. Councilmember Taintor addressed the Council regarding the need of an overall Village Traffic Study.

It was the consensus of Council to direct the Manager to report back to Council with a study that will evaluate and make recommendations to improve traffic on Key Biscayne.

Councilmember London addressed the Council regarding a permanent dog park. The Attorney addressed the Council regarding the process to make 530 Crandon Boulevard a permanent dog park. A public hearing needs to take place in order to change the use of the park.

Councilmember London made a motion to direct the Manager to schedule a hearing for 530 Crandon Boulevard to become a permanent dog park on Tuesday, February 11, 2014. The motion was seconded by Vice Mayor Davey and approved by a 6-0 voice vote. The vote was as follows:

Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Councilmember Kelly requested that the following item be placed on the January 28th, 2014 agenda: "Future Use of Police Parking Lot". There was no objection to the request.

Vice Mayor Davey made a motion to nominate Councilmember Holloway to the Tourist Development Council Board. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

At this time the Manager's Report was heard.

Village Manager. The Manager addressed the Council recommending that the bids for the Comprehensive Landscape Maintenance Services be rejected. The Manager explained that from April 18 to June 21, 2013, Village staff researched for a new location which would be able to accommodate the Public Works Division current needs, inclusive of a storage facility for debris. A Public Works area large enough to accommodate a roll-off container was not able to be secured. Therefore, the Village would need to hire a contractor to haul the landscaping debris off island once it is cut, instead of storing the debris and periodically hauling it away from the Public Works Yard.

As a result of the termination of the Public Works Yard lease at 24 Crandon Boulevard and the fact that we were unable to secure a temporary storage area for debris, I am recommending that the Village reject all bids and re-issue the RFP with an amended scope of services that would exclude the hauling of debris as requirement.

Vice Mayor Davey made a motion to reject all bids for the Comprehensive Landscape Maintenance Services. The motion was seconded by Councilmember Kelly.

The trimming of palms (Coconut and Alexander palms) located in parks and right-of-ways has been part of the Comprehensive Landscape Maintenance Scope of Services in previous contracts. The contract does not encompass palm trimming. A separate RFP is being prepared for the trimming of palms and hardwood trees (Oaks, Mahoganies and other hardwood species). This will consolidate services Village wide under one (1) tree trimming contract funded by the General Fund, Contractual Services - Public Works Scheduled Tree Trimming budget.

Vice Mayor Davey withdrew his motion to reject the Comprehensive Landscape Maintenance Services.

The Manager submitted to Council, for informational purposes only, the Annual FY2012-2013 Strategic Plan update.

Director of Parks and Recreation addressed the Council regarding the Needs Assessment Survey for the Community Center.

The Manager also addressed the Council proposing to hold a Stormwater Management Workshop on Tuesday, February 18, 2014 at 7:00 p.m. It was the consensus of Council to hold the Stormwater Management Workshop as proposed by the Manager.

Mayor Caplan addressed the Council requesting consideration of Council for a resolution from a public advocacy group, arms with ethics, on the subject of gun trafficking. This resolution will be on the next agenda as an action item.

Councilmember Taintor addressed the Council regarding a response from the Village to an editorial on the Miami Herald on January 10, 2014 regarding the cyclist safety on the Rickenbacker Causeway. It was the consensus of Council to not take any action at this time.

There was extensive discussion from Council regarding the construction at the Bear Cut Bridge and the danger of sharing the road with the cyclists.

Vice Mayor Davey addressed the Council regarding the library garden. The Manager will report back to Council regarding improvements to the library garden.

Councilmember Kelly addressed the Council regarding street signs. The Manager and Mayor Caplan reported that the street signs have been approved and will proceed with the installation.

Mayor Caplan addressed the Council regarding changing the name of Sonesta Drive to Nassau Road which was the name used back in history. It was consensus of Council to place this item on the next agenda for discussion.

Councilmember London addressed the Council regarding the Village's Investment Policies recommending that they should be reviewed.

Village Attorney. The Attorney addressed the Council reporting that an Executive Session may be needed regarding a lawsuit against the Village by the owners of the Entry Block.

Village Clerk. The Clerk submitted to the Council a report highlighting the activities of the Office of the Village Clerk throughout calendar year 2013.

The Clerk addressed the Council and the public reporting that on the Village's website there is now a place on the home page for residents to sign up to receive a link to the Council Agendas when they are ready.

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 10:40 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC
Village Clerk

Approved this 28th day of January 2014:

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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.