

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, APRIL 8, 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, Mayra Lindsay, Edward London, James S. Taintor, Vice Mayor Michael W. Davey (arrived at 9:30 p.m.) 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:** Reverend David Moran, with the Key Biscayne Presbyterian Church, was unable to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Councilmember Kelly addressed the Council reporting that this morning going to work, he saw two cars going in excess of 80 miles per hour in the bicycle lane; Mayor Caplan addressed the Council reporting that he attended, with the Manager, a meeting of the Rickenbacker multi agency task force last Wednesday; the Mayor also reported on the trip to Dade Days with Vice Mayor Davey and Councilmember Lindsay and also reported that the State Lieutenant Governor was in Key Biscayne and the Mayor was invited to join him at a special event. The Mayor also reported that Roxy in the Community Center does a wonderful job for our residents regarding the drivers license.

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5. **SPECIAL INTRODUCTION:** Mr. Enrique Llerena, Audit Manager with Marcum LLP, presented to the Council the 2013 Comprehensive Annual Financial Report.

The Manager introduced Mr. Santiago Quintana, who gave a presentation on Unconventional Telecom Infrastructure Neutral Host.

There was extensive discussion from Council regarding this presentation. The Attorney also addressed the Council regarding the above mentioned presentation.

6. **AGENDA:** Councilmember Taintor requested to remove Items 7B and 7C from the Consent Agenda and also requested the addition of a discussion regarding golf cart parking at the Community Center as Item 10A3; Mayor Caplan requested the addition of a discussion regarding Calusa Park and design possibilities as Item 10A4; Councilmember London requested the addition of a discussion regarding appointing a committee that would make the investment decisions for the Village as Item 10A5 and also requested the addition of a discussion to hire an outside consultant to review our government operations to see if we can be more efficient as Item 10A6; Councilmember Holloway requested the addition of a discussion regarding pending business/pending litigation on the agenda as Item 10A7 and the Manager requested the addition of a discussion regarding the needs assessment survey for the Village as Item 10D4. There was no objection to the agenda changes.

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

The minutes of the March 11, 2014 Zoning Meeting.

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 EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$8,609.00 FROM THE FEDERAL ASSET SHARING ACCOUNT FOR THE PURCHASE OF FORTY (40) .40cal GLOCK SEMI AUTOMATIC PISTOLS MODEL 22GEN4 WITH NIGHT SIGHTS, THREE MAGAZINES EACH AND APPROPRIATE RETENTION DUTY HOLSTERS FROM LOU'S POLICE DISTRIBUTORS, INC.; AND PROVIDING FOR EFFECTIVE DATE.

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

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

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The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmember London voting No.

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 EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$25,500.00 FROM THE FEDERAL ASSET SHARING ACCOUNT FOR THE PURCHASE OF THIRTY (30) LEVEL II HI-LITE BALLISTICS PROTECTIVE VEST AND SPEED PLATE FROM FEDERAL EASTERN INTERNATIONAL, INC.; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR EFFECTIVE DATE.

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

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

The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, Taintor and Mayor Caplan voting Yes. Councilmember London voting No.

8. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY RELATING TO THE TERMS OF PREPAYMENT AND THE BOND TAKEOUT FINANCING FOR THE MAST CAMPUS AND KEY BISCAYNE K-8 CENTER IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this ordinance.

Lourdes Abadin, with Estrada Hinojosa, Financial Consultant for the Village, addressed the Council regarding this ordinance.

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Todd Hofferberth, Parks and Recreation Director also addressed the 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 by a 6-0 roll call vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor and Mayor Caplan voting Yes.

The Clerk announced the second reading of the ordinance will be on April 22, 2014.

9. **RESOLUTIONS:** 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 GORGEOUS LANDSCAPES & LAWNS, INC. TO PROVIDE COMPREHENSIVE LANDSCAPE MAINTENANCE 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 Lindsay.

The Manager addressed the Council recommending approval of the Resolution authorizing the Manager to execute an Agreement with Gorgeous Landscapes & Lawns, Inc. to provide comprehensive landscape maintenance services in an amount not to exceed \$334,075 annually.

Tony Brown, Public Works Supervisor addressed the Council regarding the landscape maintenance services.

The Attorney also addressed the Council regarding this resolution.

Todd Hofferberth, Parks and Recreation Director addressed the Council regarding the maintenance of the Village Green.

Councilmember London made a motion to defer the resolution to the April 22nd Council Meeting. The motion was seconded by Councilmember Lindsay and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Holloway, Lindsay, London and Taintor voting Yes. Councilmember Kelly and Mayor Caplan voting No.

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The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH THE CORRADINO GROUP, INC. FOR THE PREPARATION OF A MOBILITY STUDY WITHIN THE VILLAGE; PROVIDING FOR AN EXEMPTION OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the Resolution authorizing the Manager to execute an Agreement with The Corradino Group to provide a proposed Planning Study that would evaluate and make recommendations to improve traffic on Key Biscayne. The proposed Scope of Services is in an amount not to exceed \$80,000. Funding for this work will be obtained from the 20% transit portion of the Citizens Independent Transportation Trust (CITT) surtax funds.

Mr. Joe Corradino, with the Corradino Group addressed the Council regarding this resolution.

There was extensive discussion from Council regarding this resolution.

Councilmember London made a motion to defer this resolution until the Village obtains three bids. The motion was seconded by Councilmember Holloway and failed by a 2-4 roll call vote. The vote was as follows: Councilmembers Holloway and London voting Yes. Councilmembers Kelly, Lindsay, Taintor and Mayor Caplan voting No.

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

At this time Deputy Clerk Jennifer Duque took over the meeting for the Village Clerk.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding options for the Community Center Expansion.

The Manager and Director Hofferberth addressed the Council regarding the options for the expansion of the Community Center.

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It was the consensus of Council to start the process for the expansion of the Community Center.

The Mayor, with consensus of Council, appointed the following resident to the Education Advisory Board: Jacquie Campo Keenan.

Councilmember Taintor addressed the Council regarding golf cart parking on Fernwood Road.

Mayor Caplan addressed the Council regarding improvements to Calusa Park pending on the outcome of the IMG negotiations for the Tennis Center at Crandon Park.

Councilmember London addressed the Council regarding appointment a Financial Investment Committee. It was the consensus of Council to create a Financial Investment Committee. Staff will bring back for Council consideration, legislation to create this Committee. The Committee shall consist of three and not more than five members.

Councilmember London also addressed the Council regarding hiring an outside consultant that will help the Village review the operations to determine if we can do a better job.

The Manager addressed the Council regarding the above proposal. There was extensive discussion from Council regarding the proposal. It was the consensus of Council to direct staff to prepare a draft RFP for a consultant that will examine the operations of the Village.

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council giving an update on the Bear Cut Bridge construction.

There was extensive discussion from Council regarding the Bear Cut Bridge construction.

The Manager addressed the Council reporting that on January 14, 2014, the Council requested the Administration to research different maintenance levels of service that would include higher standards for our beach.

The Village's beach engineer, Coastal Systems International, Inc. conducted a comprehensive assessment and provided the attached Beach Level Maintenance Template Specifications (attached for the record) of the three (3) different levels of service (Exhibit "A"). The current level of service provided by Universal Beach Services is level three (3) with the beach being cleaned five (5) times a week. If the Council desires to have the beach cleaned every day, the price would have to be increased accordingly. Additional equipment, days of service and extended hours of operation would also be required in order to upgrade to a higher level of service.

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In order to upgrade to levels two (2) or one (1), an on-site staging spoil area behind the dunes would have to be identified. The staging site would accommodate the wrack until the material dries off and disintegrates. This usually takes from seven (7) to ten (10) days depending on the quantity and weather.

Should the Council elect not to have an on-site staging spoil area, the material would be hauled and disposed by contractor at a substantial cost. The cost estimate for hauling and disposing the wrack is based on an average of six (6) truck loads per week. To the best of our knowledge, there are no Municipalities in Florida that haul the material from the beach to an upland disposal site because of the nature of the wrack being wet, sandy and the substantial cost.

Clayton Pierce with Universal Beach Service Corporation and Tim Blankenship with Coastal Systems addressed the Council.

It was the consensus of Council to direct the Manager to upgrade to level two for the beach maintenance and negotiate with our current vendor.

The Manager also addressed the Council regarding staff assistance for the Council Workshop on park uses for 530 Crandon Boulevard.

Vice Mayor Davey made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

The Manager addressed the Council regarding the Needs Assessment for the Village. It was the consensus of Council to do a Comprehensive Needs Assessment for the Village.

Councilmember Holloway addressed the Council regarding the pending business/pending litigation line item on the agenda. It was the consensus of Council to keep the pending business/pending litigation list on the agenda.

Councilmember Kelly made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Holloway, Kelly, Lindsay, London, Taintor, Vice Mayor Davey and Mayor Caplan voting Yes.

Village Attorney. The Attorney requested an Executive Session regarding a lawsuit and appeal from Gateway Partners vs. Village Council and an appeal by Luis Lauredo vs. Village of Key Biscayne and Morgan Group, LLC.

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Village Clerk. The Clerk did not submit a report.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed,
12. **PENDING COUNCIL BUSINESS:** A list of pending Council business was presented to the Council.
13. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
14. **ADJOURNMENT:** The meeting was adjourned at 11:09 pm.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 22nd day of April 2014:

Franklin H. Caplan
Chairman

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.

Beach Level Maintenance Template Specifications

	Level 1 - Resort Quality Seven (7) days a week	Level 2 - Crandon Park Quality Seven (7) days a week	Level 3 - Key Biscayne Quality Five (5) days a week	Level 4 - Bill Baggs Quality
1	Contractor shall on a daily basis determine the appropriate equipment to optimize organic and non-organic debris removal.	Contractor shall on a daily basis determine the appropriate equipment to optimize organic and non-organic debris removal.	Contractor shall determine the appropriate equipment to optimize organic and non-organic debris removal	No daily beach cleaning efforts. Natural conditions and debris deposition created by prevailing coastal processes shall be acceptable.
2	Contractor shall remove large debris (e.g. trash, rocks, wood, etc.), either manually or mechanically, for disposal at an approved upland disposal site.	Contractor shall on a daily basis remove large debris (e.g. trash, rocks, wood, etc.), either manually or mechanically for disposal at an approved upland disposal site.	Contractor shall on a daily basis (minimum, five days per week) remove large debris (e.g. trash, rocks, wood, etc.), either manually or mechanically for disposal at an approved upland disposal site.	
3	Contractor shall use mechanical equipment (i.e. Kubota 7040-SUD or similar tractor) with trailing rake to remove deposited seaweed and debris by raking the top layer of beach sand (less than 2 inches), for disposal at an approved upland disposal site. Maximum depth of cleaning below existing grade shall be coordinated with environmental permit conditions. Alternative equipment and methods can be utilized by the Contractor to achieve similar results; however the removal of beach sand shall be minimized.	Contractor shall use large mechanical equipment (i.e. Caterpillar 615c or similar elevating scraper/motor grader) to remove deposited seaweed and debris by scraping the top layer of beach sand (less than 2 inches), and temporarily store it in on board hopper for disposal at an approved upland disposal site. Maximum depth of cleaning below existing grade shall be coordinated with environmental permit conditions. Alternative equipment and methods can be utilized by the Contractor to achieve similar results; however the removal of beach sand shall be minimized.	Contractor shall use mechanical equipment (i.e. Kubota 7040-SUD or similar tractor) with front end loader to excavate top layer of seaweed and temporarily place it at an approved storage site for drying.	
4	After seaweed removal, Contractor shall utilize sand sifters (i.e., Cherrington Sand Sifters, or similar) to further clean and separate debris from the cleaned beach upland of the Mean High Water Line. Maximum depth of cleaning below existing grade shall be coordinated with environmental permit conditions.	After completion of seaweed removal with large mechanical equipment, Contractor shall further clean beach with Barber surf rake, or similar equipment to remove remnant seaweed and smaller pieces of debris. Contractor shall make multiple passes using scraper blade to leave a graded, well groomed surface	Contractor shall re-integrate dried seaweed by excavating below Mean High Water Line and burying dried seaweed. Beach grade above excavation shall be consistent with adjacent beach grade. No wet seaweed shall be buried.	
5	Contractor shall rake the cleaned beach to leave a graded, well groomed surface. Equipment shall include a metal pipe to further groom and remove major tire tracks from equipment.	Not applicable	Contractor shall rake the cleaned beach to leave a graded, well groomed surface.	
6	Contractor shall utilize manual methods to remove remaining debris and use hand rakes as necessary to enhance cleaned beach surface.	Not applicable	Not applicable	
7	No non-organic material may remain after beach cleaning effort.	No non-organic material may remain after daily beach cleaning effort.	No non-organic material shall remain after daily beach cleaning effort.	
8	No seaweed shall remain exposed on the cleaned beach surface after beach cleaning effort.	Minimal seaweed may remain exposed after daily beach cleaning effort.	Minimal seaweed may remain exposed on the cleaned beach surface after daily beach cleaning effort.	

Beach Level Maintenance Template Specifications

	Level 1 - Resort Quality Seven (7) days a week	Level 2 - Crandon Park Quality Seven (7) days a week	Level 3 - Key Biscayne Quality Five (5) days a week	Level 4 - Bill Baggs Quality
9	Color of cleaned beach sand shall be generally consistent with upland dry beach.	Color of cleaned beach sand shall be consistent with upland dry beach	Color of cleaned beach sand may be darker due to re-integration, but shall be generally consistent with upland dry beach.	No daily beach cleaning efforts. Natural conditions and debris deposition created by prevailing coastal processes shall be acceptable.
10	Level of compaction of cleaned beach sand shall be generally consistent with upland dry beach.	Level of compaction of cleaned beach sand shall be consistent with upland dry beach.	Level of compaction of cleaned beach sand shall be generally consistent with upland dry beach.	
11	All daily cleaning efforts shall be coordinated with the turtle monitoring permit holder (Miami-Dade DERM) during turtle nesting season.	All daily cleaning efforts shall be coordinated with the turtle monitoring permit holder (Miami-Dade DERM) during turtle nesting season.	All daily cleaning efforts shall be coordinated with the turtle monitoring permit holder (Miami-Dade DERM) during turtle nesting season.	
12	All operations shall comply with environmental permit conditions for mechanical beach cleaning and the FWC criteria.	All operations shall comply with environmental permit conditions for mechanical beach cleaning and the FWC criteria.	All operations shall comply with environmental permit conditions for mechanical beach cleaning and the FWC criteria.	