

MINUTES
VILLAGE COUNCIL MEETING

TUESDAY, APRIL 10, 2012

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Vice Mayor at 7:00 p.m. Present were Councilmembers Michael W. Davey, Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor and Vice Mayor Michael E. Kelly. Mayor Franklin H. Caplan was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Pastor Dennis Eastling, Key Biscayne Community Church was unable to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** Vice Mayor Kelly led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor Kelly, on behalf of the Council, expressed condolences to Mayor Caplan and his family on their recent loss.

Councilmember Garcia addressed the Council presenting the new Special Edition of the Key Biscayne Directory published by the Lions Club.

5. **SPECIAL PRESENTATIONS:** The Key Biscayne Fire Department made a presentation to Council regarding PUSH CPR. Chief of Fire Rescue Eric Lang and Dr. Kathy Schrank, Medical Director for the Key Biscayne Fire Rescue Department, addressed the Council

regarding PUSH CPR.

Councilmember Davey, Chairman of the Charter Revision Commission, presented to the Council six (6) proposed amendments to the Charter requesting that an election on the proposed amendments be held the earlier of: (a) the next regularly scheduled Mayoral or Councilmember position election, which is not a primary election; or (b) the next regularly scheduled county wide election, which is not a primary election.

It was the consensus of Council to accept the report and to hold the election on the proposed amendments on November 6, 2012.

The Manager addressed the Council recognizing Chief of Police Charles Press and Acting Deputy Chief of Fire Rescue Marcos Osorio for their actions during an accident that occurred on the Florida Turnpike coming back from a trip to Orlando, Florida.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Michele Estevez, 798 Crandon Boulevard; Luis Lauredo, 201 Crandon Boulevard and Alexander Hernandez, 540 West Mashta Drive.

7. **AGENDA:** Councilmember Gusman requested the addition of a discussion regarding fishing on the Mashta Bridge as Item 11A4; Councilmember Lindsay requested the addition of an update regarding Virginia Key as Item 11A5 and the Manager requested the addition of an announcement regarding Electronic recycling as Item 11D6. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the March 13, 2012 Regular Council Meeting. The motion was seconded by Councilmember Davey.

Councilmember Taintor made an amendment to page 1 of the minutes under Special Presentations stating that the name of the new RSMAS building should be “Wind and Saltwater Building Project”. There was no objection to the amendment.

The minutes, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting Yes.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING EASTMAN AGGREGATE ENTERPRISES, LLC FOR THE VILLAGE’S BEACH RENOURISHMENT PROJECT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

April 10, 2012

Councilmember Davey made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Garcia.

The Manager addressed the Council recommending the approval of the proposal submitted by Eastman Aggregate, LLC to renourish the beaches along the Atlantic Ocean within the Village by supplying and placing approximately 46,500 tons of beach compatible sand utilizing truck-haul methods.

Tim Blankenship with Coastal Systems International and Bernie Eastman with Eastman Aggregate Enterprises, LLC addressed the Council.

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

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

The ordinance was approved on first reading by a 5-1 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay and Taintor voting Yes. Vice Mayor Kelly voting No.

The Clerk announced the second reading on April 24, 2012.

The Manager and the Clerk reported that pursuant to Section 4.03(9) of the Village Charter, notice by postcard, has to be given to the electorate on a Capital Project that has a cost over 500,000. The postcards will be mailed by the end of the week.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING NATIONAL MARKETING GROUP SERVICES, INC. FOR THE VILLAGE'S HEALTH INSURANCE BROKER RECORD OF SERVICES; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AN AGREEMENT RELATED TO THE SAME, AND PROVIDING FOR AN EFFECTIVE DATE.

The Clerk announced that this resolution was deferred from March 13, 2012 Council Meeting.

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

April 10, 2012

Discussion followed among Council with Councilmember Taintor reading his objection into the record.

The Manager addressed the Council recommending approval of this resolution selecting National Marketing Group Services, Inc. to serve as the Village's Health Insurance Broker of Record Services.

The resolution was approved by a 5-1 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay and Vice Mayor Kelly voting Yes. Councilmember Taintor voting No.

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 GRUCCI, INC FOR THE ORGANIZING, PRODUCING, MANAGING, STAGING AND PROVIDING OF THE VILLAGE'S JULY 4TH FIREWORKS DISPLAY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Parks and Recreation Director Todd Hofferberth addressed the Council recommending approval of the resolution approving the agreement with Grucci, Inc. to perform the services required to produce the Village's Fourth of July fireworks display.

Discussion followed by Council.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DESIGNATING THE MASHTA FLAT, AS SHOWN ON EXHIBIT "A," AS A SEAGRASS RESTORATION AREA; AUTHORIZING THE VILLAGE MANAGER TO TAKE ANY AND ALL STEPS NECESSARY TO SECURE PERMITS FOR THE PLACEMENT OF INFORMATIONAL REGULATORY MARKERS AND BIRD STAKES WITHIN THE MASHTA FLAT; AND PROVIDING FOR AN EFFECTIVE DATE.

April 10, 2012

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

The Manager addressed the Council regarding this resolution.

Mr. Blankenship with Coastal Systems addressed the Council regarding this project, advising his estimate of the Project cost including Permitting was \$70,000 to \$80,000..

The resolution failed by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND B&B CONSULTING AND CONSTRUCTION MANAGEMENT, INC., TO PROVIDE FIRE INSPECTION SERVICES FOR THE VILLAGE; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Chief of Fire Rescue Eric Lang addressed the Council recommending approval of the resolution approving the Professional Services Agreement with B and B Consulting and Construction Management, Inc. for the new construction inspection services for Consultatio, 350 Ocean Drive Development.

There was extensive discussion from Council. The Manager stated that we would put the cap as outlined in the budgeted number for this fiscal year 2012 and during the budget process for Fiscal Year 2013 he will present numbers based on the status of the project.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting Yes.

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

Mayor and Councilmembers. Vice Mayor Kelly, on behalf of Mayor Caplan appointed the following residents, with consensus of Council, to the Youth Athletic Board: Cesar Elizondo, Victor Balestra, and Derek Weaver.

April 10, 2012

Councilmember Davey addressed the Council regarding the proposed Strategic Planning Workshop. There was extensive discussion from Council regarding this issue. The Manager also addressed the Council reporting that FIU has been contacted to possibly help with the Strategic Planning Session.

Councilmember Davey addressed the Council requesting an alternative date for the second reading of the HR District Ordinance scheduled for June 12, 2012. One Councilmember will not be present due to a previous commitment. It was the consensus of Council to re-schedule the second reading of the HR District Ordinance for June 26, 2012.

Councilmember Gusman addressed the Council regarding fishing on the Mashta Bridge. It was the consensus of Council to direct staff to draft legislation to address the problems related to the fishing on the Mashta Bridge.

Councilmember Lindsay addressed the Council requesting an update on Virginia Key. The Manager addressed the Council regarding this issue.

Michele Estevez addressed the Council regarding the Steering Committee for the Marine Stadium.

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 installing temporary traffic calming devices at the following streets: Glenridge Road from W. Mashta Drive to Hampton Lane; Ridgewood Road from W. Mashta Drive to Woodcrest Lane and W. Enid Drive from Harbor Drive to Ridgewood Road.

Ramon Castella with C3TS addressed the Council regarding this issue.

Councilmember Davey made a motion to include installing temporary speed bumps on the following streets: Glenridge Road from W. Mashta Drive to Hampton Lane; Ridgewood Road from W. Mashta Drive to Woodcrest Lane and W. Enid Drive from Harbor Drive to Ridgewood Road. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote.

The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting Yes.

The Manager and Parks and Recreation Director Todd Hofferberth addressed the Council to review the Tot Lot Project and provide authorization to the Village Manager to proceed with the permitting, bidding and construction management for the proposed tot lot barrier.

April 10, 2012

Mr. Castella also addressed the Council regarding the Tot Lot on the Village Green.

It was the consensus of Council to authorize the Village Manager to proceed with the permitting, bidding and construction management for the proposed tot lot barrier

The Manager also addressed the Council regarding private business being conducted in public parks. The Manager proposed that a meeting take place with the individuals conducting private business in public parks and inform them that they would have to meet the same requirements as the employees that work at the Community Center and also to make sure that they have the proper certification, conduct background checks, certified Training certificates, CPR training, require liability insurance, pay the same fees as the trainers in the Community Center.

It was the consensus of Council to direct staff to draft legislation in order to control this type of activity and present it to Council at a future Council Meeting.

The Manager addressed the Council giving an update on the Nixon Beach Exclusion Zone. The Manager reported that DEP has requested that the Village send a letter to the affected property owners to see if there is any objection to the project.

The Manager also addressed the Council regarding the process to hire a Finance Director. The Village has received 73 resumes, of those, none fit the criteria that was established. The CPA and the Certified Public Finance Officer designation are very difficult to find within Municipal Governments. It was the consensus of Council to authorize the Manager to hire the best possible Finance Director according to the Manager's criteria.

The Manager announced that the Village will hold an Electronics Recycling Drive on Saturday, April 21, 2012.

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 10:30 p.m.

April 10, 2012

Respectfully submitted:

Conchita H. Alvarez, MMC

Village Clerk

Approved this 24th day of April, 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.