

MINUTES

ZONING MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, MAY 24, 2016

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 Franklin H. Caplan, Luis de la Cruz, Gary R. Gross, Theodore Holloway, Vice Mayor Edward London (arrived at 7:09 p.m.) and Mayor Mayra P. Lindsay. Councilmember Michael E. Kelly was absent. Also present were Village Manager John C. Gilbert, Deputy Village Clerk Jennifer Duque and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay invited Mia Davey to lead the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay addressed the public regarding the upcoming Memorial Day Service at the Village Green and also reported the success of the newly implemented wellness school program focused on healthy eating; Mayor Lindsay also acknowledged the residents, Dr. Bob Molinari and the Key Biscayne Community Foundation for their efforts towards the Citizen Scientist Project series of lectures.
4. **SPECIAL INTRODUCTIONS:** Mayor Lindsay requested to add a presentation regarding Gun Violence as Item 4B. There was no objection to the request.

Dr. Jeffery Horstmyer and Deputy Fire Chief Marcos Osorio addressed the Council regarding the Miami-Dade Stroke Consortium.

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At this time Item 4B was heard. Jane Torrens addressed the Council regarding National Gun Violence Awareness Day on June 2<sup>nd</sup>.

5. **AGENDA:** The Manager requested the addition of a discussion item regarding police vehicle allocations as Item 9D1; Vice Mayor London requested the addition of a discussion item regarding Schwartz Media as Item 9A8 and also requested the addition of a discussion item regarding the City of Miami/National Marine Manufacturers litigation as Item 9A9. There were no objections to the agenda changes.

6. **APPROVAL OF MINUTES:** Councilmember Caplan made a motion to approve the minutes of the May 10, 2016 Regular Council Meeting. The motion was seconded by Councilmember Holloway and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Vice Mayor London and Mayor Lindsay voting Yes.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING FIELDTURF USA, INC. FOR THE INSTALLATION OF ARTIFICIAL TURF ON THE ATHLETIC FIELDS AT THE VILLAGE GREEN; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding the installation of artificial turf on the athletic fields at the Village Green.

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

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to further investigate the alternate artificial turf option and allow the Parks and Recreation Director Todd Hofferberth to visit the off-site location containing the installed alternate turf option.

It was the consensus of Council to adopt the following alternate ordinance on first reading which does not identify the selected contractor.

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The Deputy Clerk read the following alternate ordinance on first reading, by title:

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING A CONTRACTOR FOR THE INSTALLATION OF ARTIFICIAL TURF ON THE ATHLETIC FIELDS AT THE VILLAGE GREEN; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember de la Cruz made a motion to adopt the alternate ordinance on first reading. The motion was seconded by Mayor Lindsay.

The ordinance, as amended, was adopted on first reading by a 5-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, Gross, Holloway, Vice Mayor London and Mayor Lindsay voting Yes. Councilmember Caplan voting No.

The Deputy Clerk announced the second reading will be on June 28, 2016.

The Deputy Clerk read the following ordinance on second reading, by title

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,625,000 OF CAPITAL IMPROVEMENT REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA FOR THE PURPOSE OF PREPAYING AND REFINANCING A STATE REVOLVING FUND LOAN AND REIMBURSING THE VILLAGE FOR EXPENDITURES MADE IN CONNECTION WITH LAND ACQUISITION FOR A VILLAGE PARK; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH FINANCIAL INSTITUTIONS FOR PURCHASE OF THE BONDS AND TO ENTER INTO A RATE LOCK AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

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

The Manager and Lourdes Abadin with Estrada Hinojosa, Financial Advisor for the Village addressed the Council.

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

There was extensive discussion from Council regarding this ordinance.

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Mayor Caplan made a motion to amend the ordinance to only include the refinancing of the State Revolving Fund Loan. The motion was seconded by Vice Mayor London and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Vice Mayor London and Mayor Lindsay voting Yes.

The ordinance, as amended, was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Vice Mayor London and Mayor Lindsay voting Yes.

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

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING THE BID OF LEED CONSTRUCTION GROUP, LLC. FOR THE CONSTRUCTION OF THE CALUSA PARK TRAIL PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS FOR SUCH PROJECT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Building, Zoning, Planning and Public Works Director Jud Kurlancheek addressed the Council regarding the approval of this resolution.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Vice Mayor London and Mayor Lindsay voting Yes.

The Deputy Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING CALVIN, GIORDANO & ASSOCIATES, INC., THE CORRADINO GROUP, AND EAC CONSULTING, INC. FOR CONTINUING PROFESSIONAL SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding the approval of this resolution.

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The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Vice Mayor London and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember Caplan addressed the Council regarding the resolution adopting revised special rules of order for meetings of the Village Council and repealing resolution 99-21 and prior resolutions on the same subject matter.

There was extensive discussion from Council regarding the special rules of order for meetings.

It was the consensus of Council to add this resolution to the next agenda.

Councilmember Gross addressed the Council regarding the proposed changes to the 2016 Council meeting schedule.

Councilmember Caplan made a motion to cancel the June 14, 2016 Regular Council Meeting and the July 5, 2016 Regular Council Meeting. The motion was seconded by Vice Mayor London and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, de la Cruz, Gross, Holloway, Vice Mayor London and Mayor Lindsay voting Yes.

Mayor Lindsay addressed the Council regarding the status of the Gun Violence Proclamation.

Mayor Lindsay also addressed the Council regarding an update on the Virginia Key Litigation.

Mayor Lindsay addressed the Council regarding the safety of pedestrians crossing on Crandon Boulevard.

The Chief of Police Charles Press addressed the Council regarding the above matter.

There was extensive discussion from Council regarding texting while driving.

Councilmember Holloway addressed the Council regarding the current status of the Key Biscayne Police Department traffic squad.

Chief Press addressed the Council regarding the type of data collected by the police department.

There was extensive discussion from Council regarding educating pedestrians about crossing Crandon Boulevard.

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Mayor Lindsay addressed the Council seeking consensus to support Miami-Dade County's proposal to ban styrofoam from parks, recreation areas, beaches and marinas.

It was the consensus of Council to support Miami-Dade County's proposal to ban styrofoam from parks, recreation areas, beaches and marinas.

Councilmember London addressed the Council regarding the services provided by Schwartz Media.

It was the consensus of Council to add to the next agenda a discussion item regarding the services provided by Schwartz Media.

Councilmember London addressed the Council regarding the City of Miami/National Marine Manufacturers Association litigation.

There was extensive discussion from Council regarding the above matter.

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 police vehicle allocations.

Chief Press addressed the Council regarding the police departments' shift schedules.

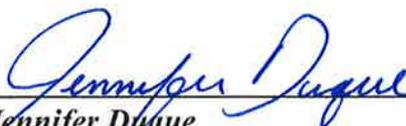
10. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

11. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

13. **ADJOURNMENT:** The meeting was adjourned at 9:14 p.m.

*Respectfully submitted:*

  
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*Jennifer Duque*  
Chief of Staff/Deputy Village Clerk

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Approved this 30th day of August 2016:

  
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Mayra P. 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.**