

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, NOVEMBER 8, 2011

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 (via telephone). Also present were Interim Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Jose Luis Hernando, Saint Agnes Catholic Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Vice Mayor Kelly led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Vice Mayor Kelly, on behalf of the Mayor and Council, recognized the 20th Anniversary Committee. The Vice Mayor also recognized, on behalf of the Village, the 20th Anniversary Committee Chairperson Marilyn Borroto.

Ms. Alicia Bravo, Assistant City Manager for the City of Miami and staff, the Interim Director of DERM, and representatives of the Port of Miami Tunnel Project made a presentation to the Council on the Port of Miami Tunnel Project.

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The Clerk, on behalf of Mayor Caplan, requested to hear Item 10C1 at this time. There was no objection to the request.

At this time Item 10C1 was heard. Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Vice Mayor opened the floor for nominations. Councilmember Garcia nominated Councilmember Gusman. The nomination was seconded by Councilmember Davey.

Councilmember Lindsay nominated Vice Mayor Kelly. The motion was seconded by Councilmember Taintor. The Vice Mayor closed the floor for nominations.

A vote was taken on the nomination of Councilmember Gusman. The vote was as follows: Councilmembers Davey, Garcia and Gusman voting Yes. Councilmembers Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting No.

A vote was taken on the nomination of Vice Mayor Kelly. The vote was as follows: Councilmembers Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Davey, Garcia and Gusman voting No.

Vice Mayor Kelly was re-elected by a majority of the votes.

5. **PUBLIC COMMENTS:** Gary Carter, President of the Firefighters Union; Ed Meyer, 798 Crandon Boulevard and Bob de la Fuente, Attorney with Tew Cardenas and Joyce Olivera, 203 E. Enid Drive addressed the Council.

6. **AGENDA:** Councilmember Davey requested the addition of a discussion regarding HR Ordinance comments as Item 10A8; Councilmember Lindsay requested the addition of a follow up on the Village Manager search as Item 10A9; Councilmember Taintor requested the addition of a discussion regarding the Port Tunnel motion as Item 10A10 and Vice Mayor Kelly requested the addition of proposal for a date to hold the second reading of the Dock Ordinance as Item 10A11. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Taintor made a motion to approve the minutes of the October 25, 2011 Zoning Meeting. The motion was seconded by Councilmember Davey 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.

Councilmember Garcia brought to the Council's attention that the Clerk had not been able to work on the minutes of previous meetings due to her recent illness. It was the consensus of Council to allow the Clerk to hire a court reporter to help with the past due minutes.

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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, AUTHORIZING THE PURCHASE OF THREE (3) SERVICE VEHICLES FOR THE VILLAGE FIRE DEPARTMENT IN AN AMOUNT NOT EXCEEDING \$82,000; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PURCHASE 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 the approval of the resolution authorizing the purchase of three (3) new staff support vehicles, 2012 Ford Explorers, for the Fire Rescue Department at a cost not to exceed \$82,000.

The Manager circulated to the Council a complete list of vehicles in the Village that indicated which vehicles were taken home by Village Employees as previously requested by Councilmember Lindsay.

Chief of Police Charles Press addressed the Council regarding the police vehicles on the list.

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 Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH THE MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA PROGRAM FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A IMPROVING THE RECORD IMPROVEMENT PROJECT.

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

The Manager addressed the Council recommending the approval of the resolution which will award

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the Police Department monies by the Florida Department of Law Enforcement (FDLE) FY2012 Edward Byrne Grant in the amount of \$3,348.00.

Chief Press also addressed the Council regarding this resolution.

The resolution was approved by a 4-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Taintor and Vice Mayor Kelly voting Yes. Councilmembers Davey and Lindsay were out of the room at the time the vote was taken.

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

Mayor and Councilmembers. Vice Mayor Kelly addressed the Council regarding the recent incident of Key Biscayne Firefighters playing tennis at the Tennis Center.

Interim Chief of Fire Rescue Eric Lang addressed the Council regarding this issue.

Vice Mayor Kelly also addressed the Council regarding pedestrian safety. The Manager addressed the Council regarding this issue.

Ramon Castella with C3TS and Michele Estevez, 798 Crandon Boulevard also addressed the Council regarding pedestrian safety.

Councilmember Gusman addressed the Council regarding the entry block. The Attorney addressed the Council reporting that meetings were held with the owners of the entry block specifically with Mr. Max Puyanik. Mr. Puyanik indicated that they are not interested in selling the property at this time.

Councilmember Davey addressed the Council regarding improving the landscaping and parking around the East and South sides of the Key Biscayne Community School. The Manager addressed the Council regarding this issue and will report back to Council on November 22, 2011.

Councilmember Taintor addressed the Council regarding Village Subcontractor agreements/Insurance requirements requesting that the Village update the insurance requirements for these agreements. There was no objection to the request.

Vice Mayor Kelly addressed the Council requesting that the Village Attorney develop a comprehensive ordinance on banning cell phone use/texting while driving within the Village limits. It was consensus of Council to direct the Attorney to draft this legislature.

Councilmember Davey addressed the Council regarding regulating mobile food vendors. Jud Kurlancheek, Director of Building, Zoning and Planning and the Attorney addressed the Council regarding this issue.

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Councilmember Davey also addressed the Council regarding HR Ordinance comments. The Attorney addressed the Council regarding this issue.

Councilmember Lindsay addressed the Council regarding the search for a Village Manager. The Attorney also addressed the Council regarding this issue.

Councilmember Taintor made a motion to add Mr. Mark Taxis to the list of candidates to Village Manager and that additions to the list be closed. The motion was seconded by Vice Mayor Kelly and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Lindsay, Taintor and Vice Mayor Kelly voting Yes. Councilmember Gusman voting No.

Councilmember Taintor addressed the Council regarding the Port Tunnel. Councilmember Davey and the Attorney addressed the Council regarding this issue.

Vice Mayor Kelly addressed the Council requesting to set a date for the second reading of the Dock Ordinance proposing December 6, 2011. There was no objection to this request.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk also submitted the following information to the Council: Pursuant to Section 7.06 of the Charter, the Council needs to appoint a Charter Revision Commission at the December 6, 2011 Council Meeting.

The Clerk presented to the Council a proposed 2012 Village Council Meeting schedule for their consideration.

Village Manager. The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council requesting a motion authorizing the Village Manager to issue the Village of Key Biscayne Fourth of July Fireworks Request For Proposals (RFP).

Councilmember Garcia made a motion to authorize the Village Manager to issue the Village of Key Biscayne Fourth of July Fireworks Request For Proposals (RFP). 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.

It was the consensus of Council to add a penalty provision in the RFP for non-performance.

The Manager also addressed the Council requesting a date for a Workshop regarding the Evaluation Appraisal Report (EAR) and Department of Community Affairs (DCA) objections, recommendations, and comments (ORC) regarding the EAR based amendments.

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Director Kurlancheek addressed the Council regarding this item.

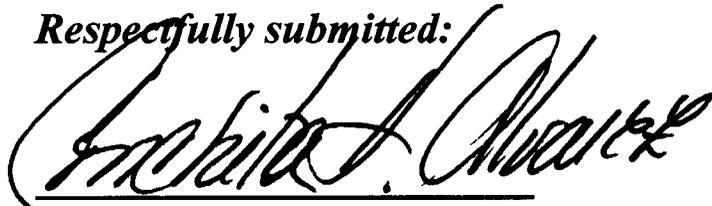
Councilmember Davey made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Vice Mayor Kelly voting Yes.

Councilmember Davey made a motion to hold the EAR Workshop on Tuesday, January 17, 2011. 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 also addressed the Council regarding the Village's Certificate of Achievement for Excellence in Financial Reporting.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
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 11:05 p.m.

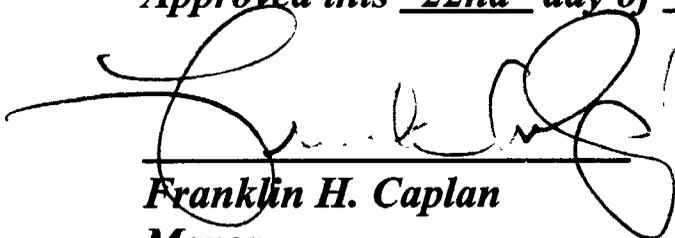
Respectfully submitted:



Conchita H. Alvarez, MMC
Village Clerk



Approved this 22nd day of November, 2011:



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.