

MINUTES

REGULAR COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 13, 2015

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 Luis F. de la Cruz, Theodore Holloway, Michael E. Kelly, James S. Taintor, Vice Mayor Franklin H. Caplan and Mayor Mayra Lindsay. Councilmember Edward London was absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Juan Carlos Paguaga with Saint Agnes Catholic Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Mayor Lindsay reported that a check for seven million dollars was received by the Village from Consultatio. Mayor Lindsay also addressed the Council regarding the proposed plans for the City of Miami Marine Stadium. The Mayor presented to the Council and the public a power point presentation that City of Miami made at their last Commission meeting. There was extensive discussion from Council regarding this issue. The Attorney also addressed the Council regarding the legal options that Council could pursue regarding this proposal by the City of Miami and will report back to Council at the Council Meeting scheduled for January 27th.

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Councilmember Kelly addressed the Council regarding the latest tragedies that have occurred against police officers and thanked the Key Biscayne Police Officers and conveyed to them how much this community appreciates them.

Mayor Lindsay also expressed condolences, on behalf of the Council and the residents, to Chief Charles Press on the loss of his father.

5. **SPECIAL INTRODUCTION:** Mr. David Foster, Manager for Bill Baggs Cape Florida State Park gave an End of the Year Report to the Council. The Manager requested the deferral of this item to the January 27th meeting.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Enrique Garcia, 105 East Enid Drive; Sally Brody, 180 Harbor Drive; Clifford Brody, 180 Harbor Drive; Mike Davey, 50 Ocean Lane Drive; David Puyanik, 12-24 Crandon Boulevard and Susan Febrer-Sawyer, 301 West McIntyre Street.

7. **AGENDA:** Councilmember de la Cruz requested to hear Item 11D5 before Item 9A1; Councilmember Taintor requested the addition of employment contracts as Item 11A8 and also requested the addition of golf parking spaces at the Beach Park as Item 11A9; Vice Mayor Caplan requested the addition of a brief report from Tallahassee on the subject of Amendment 1 as Item 11A10 and Councilmember Kelly requested the addition of an update regarding purchasing new workout equipment at the Community Center as Item 11A11. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** There were no minutes considered by Council.

At this time Item 11D5 was heard. The Manager addressed the Council requesting a motion to authorize the Village Manager to issue a Request For Proposals to resurface the Village Green.

Councilmember de la Cruz addressed the Council regarding the state of the fields at the Village Green and Saint Agnes.

There was extensive discussion from Council regarding the state of the playing fields.

Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this issue.

The following persons addressed the Council: Jose Gonzalez, 201 Crandon Boulevard; Jacquie Kellogg, 115 Sunrise Drive; Marcelo Radice, 42 Samana Drive, Miami; Alfredo Zayas, 600 Grapetree Drive and Jorge San Miguel, 127 East Enid Drive.

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Councilmember Taintor made a motion to authorize the Village Manager to issue an RFP to resurface with artificial turf the South portion of the Village Green and resurface with sod the North portion of the Village Green. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Councilmember de la Cruz made a motion to authorize the Manager to negotiate with Saint Agnes to resurface the field with artificial turf. The motion was seconded by Councilmember Taintor and approved by 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay 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 30-100 "SINGLE-FAMILY AND TWO-FAMILY DISTRICTS" OF THE VILLAGE CODE OF ORDINANCES RELATING TO POOL FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council recommending approval of the ordinance, on first reading, amending the Village Code relating to pool fencing.

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. The Attorney addressed the Council regarding pool fences, requesting clarification if the Council wants to accomplish a perimeter fence around the house that have pools in the front yard or a pool fence around the pool itself. It was the consensus of Council that the intention is to have a perimeter wall around the houses that have a pool in their front yard, in order to protect a child from falling into the pool.

The ordinance was approved, on first reading, by a 6-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk announced the second reading of this ordinance will be on February 10, 2015.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH ETC INSTITUTE, INC. FOR THE PREPARATION OF A NEEDS ASSESSMENT SURVEY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending the approval of the agreement with the ETC Institute, Inc., the parent company of Leisure Vision, for the preparation of a needs assessment survey.

Director Hofferberth addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay 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 STANTEC CONSULTING SERVICES, INC. FOR DESIGN SERVICES IN CONNECTION WITH THE MULTI-PURPOSE CIVIC CENTER AND DOG PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Caplan made a motion to approve the resolution. The motion was seconded by Councilmember de la Cruz.

The Manager and Director Kurlancheek addressed the Council recommending approval of the Resolution authorizing the selection of the proposal of Stantec Consulting Services, Inc., for design services in connection with the multi-purpose Civic Center and Dog Park.

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

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The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING AND PROVIDING FOR THE VILLAGE TO LEASE/PURCHASE FOUR (4) POLICE VEHICLES, EMERGENCY EQUIPMENT AND INSTALLATION, GRAPHIC INSTALLATION AND WINDOW TREATMENTS, IN AN AMOUNT NOT EXCEEDING \$130,000; AUTHORIZING THE VILLAGE MANAGER TO SELL ANY REPLACED VEHICLES; SELECTING PROPOSAL FROM BRANCH BANKING AND TRUST COMPANY TO PROVIDE FINANCING; AUTHORIZING THE VILLAGE MANAGER AND OTHERS TO NEGOTIATE FINAL TERMS AND PREPARE AND EXECUTE DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the Resolution authorizing the purchase of four police vehicles, accompanying emergency equipment and approve financing the purchase through a Municipal Lease Purchase Agreement with BB&T in an amount not to exceed \$130,000 with a Non-Bank Qualified Tax Exempt interest rate of 1.99% for a four year term and an annual payment of \$34,132.80.

Officer Ivan Montero, Union President and Deputy Chief Joe Monteagudo addressed the Council regarding this resolution.

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

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

Mayor and Councilmembers. Mayor Lindsay addressed the Council recommending the removal of the exotics adjacent to the Calusa Park Path.

Jacque Kellogg addressed the Council regarding the removal of these exotics.

Councilmember Kelly addressed the Council recommending the installation of shower stations at the end of beach access walkways.

It was the consensus of Council to direct staff to look into the possibility of installing shower stations at the end of beach access walkways and report back to Council at the February 10, 2015 meeting.

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Councilmember Taintor addressed the Council regarding historical designations by the Village. The Attorney addressed the Council regarding this subject.

Councilmember Taintor addressed the Council regarding the Village Hall Parking Lot project.

Councilmember Taintor made a motion to authorize the Village Manager to acquire the Police Parking Lot from Miami-Dade County via either gift, rental, lease, purchase, trade, swap or whatever methods available in order to construct a two story parking garage on the property. Authorize the Village Manager to obtain construction design plans for the two story parking garage from the original parking garage architects. Authorize payment of the parking garage construction from the funds available in the Building Inspections restricted reserve fund and the Master Plan Initiatives assigned reserve fund. The motion was seconded by Councilmember de la Cruz.

There was extensive discussion from Council regarding this issue. Councilmember Taintor withdrew his motion.

Councilmember Holloway addressed the Council regarding a review of Village Committees. There was some discussion from Council regarding the Committees.

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 recommending the approval of a Request for Proposals for street lighting on Harbor Drive and W. Mashta Drive.

The LED street lighting study by Stantec found that retrofitting the street lights for Phases 1 and 2 to LED luminaries would save approximately \$150 per street light per year. The cost would be fully amortized over 2.3 years. Street lighting for Phases 3 and 4 would result in the same savings and would be fully amortized over 2.7 years.

Sean Compel with Stantec Consulting and Director Kurlancheek addressed the Council regarding the above mentioned report.

It was the consensus of Council to direct the Manager to issue an RFP for new fixtures for street lighting on Harbor Drive and W. Mashta Drive.

The Manager addressed the Council giving an update on the Stormwater RFQ and also gave an update on the Mobility Study RFP.

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There was extensive discussion from Council regarding the process for RFQ's and RFP's. The Attorney also addressed the Council regarding this process.

The Manager presented to the Council a Green Space Study: Identification of Properties. The Manager is recommending that the Council review the list of properties and identify those which the Administration should further investigate. The Green Space Study includes the following properties: 1. KB Presbyterian Church Parking Lot; 2. KB Presbyterian Church Befriend Lot; 3.) Entry Block - 12-24 Crandon Boulevard; 4.) Bell South Property - 89 West Wood Drive; 5.) KB Village Hall Parking Lot - 85 West Enid Drive; 6.) KB Beach Club; 7.) KB Community Church Vacant Lot at 341 Glenridge Road (3 lots); 8.) SunTrust Bank - 520 Crandon Boulevard; 9.) Yacht Club "Weaver Property"; 10.) 325 Fernwood Road and 11.) L'Esplanade - 971 Crandon Boulevard.

It was the consensus of Council to reconvene the Land Acquisition Committee. Staff will contact the members to find out if they are still interested in continuing to serve on the Committee.

The Manager submitted to the Council for informational purposes only, the appraisal for the Village Hall Parking Hall; the status of the Community Center expansion and the proposal from the Corradino Group - Safe Routes to School Study and applications.

Councilmember Taintor made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Holloway and failed by a 3-3 voice vote. The vote was as follows: Councilmembers Taintor, Holloway and Mayor Lindsay voting Yes. Councilmembers de la Cruz, Kelly and Vice Mayor Caplan voting No.

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 11:00 p.m.

*Respectfully submitted:*

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**Conchita H. Alvarez, MMC**  
**Village Clerk**

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Approved this 10th day of February 2015:

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*Mayra Peña 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.***