

MINUTES

COUNCIL MEETING KEY BISCAZYNE, FLORIDA

TUESDAY, NOVEMBER 14, 2017

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 de la Cruz, Gary R. Gross, Brett G. Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Councilmember Allison McCormick participated by phone. Also present were Village Manager John C. Gilbert, Village Clerk Jennifer Duque and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Pastor Felipe Assis from the Key Biscayne Presbyterian Church was unable to provide an invocation.
3. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor Caplan addressed the public and the Council acknowledging the 40th year of the Lighthouse Run and congratulated Councilmember Petros and her dog for completing the course.
5. **SPECIAL PRESENTATIONS:** There were no presentations provided.
6. **PUBLIC COMMENTS:** The following residents addressed the Council: David Rucker, 795 Crandon Boulevard; Patrick A. Lynch, 240 Galen Drive; Mario Garcia-Serra, 600 Brickell Avenue (Owner Representatives of 571 Glenridge Road & 570 Fernwood Road); Michelle Estevez, 798 Crandon Boulevard and Carlos Rivero, 251 Crandon Boulevard.
7. **AGENDA:** Councilmember Gross requested the addition of a discussion item regarding beach renourishment as Item 10A4. The Manager requested to defer Items 9E and 9F to the next Regular Council meeting. Councilmember Moss requested the addition of a discussion item regarding negotiations with the underground utility engineer as Item 10A5 and requested the

addition of a status update for the Village Manager search as Item 10A6. The Mayor requested the addition of a discussion item regarding inadequate number of trash, recycling and battery recycling as Item 10A7. Lastly, Councilmember Petros requested the addition of a discussion item regarding the library initiative as Item 10A8. There were no objections to the agenda changes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 10-63, "DEFINITIONS" AND SECTION 10-73, "SPECIFIC METHODS OF CONSTRUCTION AND REQUIREMENTS" OF CHAPTER 10, "FLOODS" RELATING TO THE VILLAGE'S FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Petros.

The Manager and Director of Building, Zoning and Planning Sergio Ascunce addressed the Council recommending the adoption of the ordinance on second reading regarding incorporating higher regulatory standards to the Village's Floodplain Management Regulations.

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.

Vice Mayor Caplan made a motion to table Item 8A1. The motion was seconded by Mayor Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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, SELECTING TAPIA LUIS M SERVICE, CORP. FOR THE VILLAGE GREEN TODDLER PARK LIGHTING IMPROVEMENTS PROJECT; PROVIDING FOR AUTHORIZATION; 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 Moss.

The Manager addressed the Council recommending approval of the resolution.

There was extensive discussion by Council regarding a donation of the Village Green toddler park lights.

It was the consensus of Council to direct the Manager to report back to the Council regarding the status of the donation of the park lighting at the next regularly scheduled Council meeting.

Vice Mayor Caplan made a motion to defer this resolution to the next Regular Council meeting. The motion was seconded by Councilmember de la Cruz and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, 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, APPROVING D SQUARED ENGINEERING, CORP. FOR CONSULTING SERVICES RELATING TO SUSTAINABILITY OF THE VILLAGE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

There was extensive discussion from Council regarding the sustainability plan.

It was the consensus of Council to direct the Clerk to circulate the Sustainability Report developed by the Green Sustainability Committee.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING CINTEL, LLC FOR THE INSTALLATION OF A LICENSE PLATE READER SYSTEM ON THE MASHTA BRIDGE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager, Information Technology Police Administrator Jose Calvo and the Chief of Police Charles R. Press addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding the license plate reader system.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, 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, ACCEPTING FUNDS FROM THE MASHTA ISLAND HOMEOWNER'S ASSOCIATION FOR A LICENSE PLATE READER SYSTEM TO BE INSTALLED ON THE MASHTA BRIDGE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion by Council regarding the installation of the license plate reader system on Crandon Boulevard. It was the consensus of Council to discuss installing this system Village wide at a later date.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember de la Cruz addressed the Council regarding the proposed initiative for Crandon Park introducing Tom Weber, 101 Ocean Lane Drive, who made a presentation to the Council of the proposed Crandon Park plan.

There was extensive discussion by Council regarding the Crandon Park proposed plan.

Councilmember Petros addressed the Council regarding establishing kiteboarding regulations within Key Biscayne beaches.

It was the consensus of Council to direct the Attorney to draft an ordinance for first reading at the next Regular Council meeting.

The Mayor allowed for public comments. The following resident addressed the Council:
Donald Elisburg, 177 Ocean Lane Drive.

There was extensive discussion regarding current kiteboarding activities on Key Biscayne beaches.

Councilmember Petros addressed the Council regarding scheduling a monument sign workshop. It was the consensus of Council to schedule the monument sign workshop on Thursday, January 25th, 2018.

Councilmember Gross addressed the Council regarding the necessary efforts to obtain available federal funding for beach renourishment by retaining the professional services of Mr. Spencer Crowley, previously a Florida Seagrant for Florida Inland Navigation District and Mr. Jim Davenport, a federal lobbyist.

It was the consensus of Council to have both Mr. Crowley and Mr. Davenport present at the next Regular Council meeting.

Councilmember Moss addressed the Attorney requesting the status of the negotiations with the undergrounding engineer.

The Attorney addressed the Council regarding the negotiation process with the undergrounding engineer.

At this time the Attorney announced the first Undergrounding Task Force meeting taking place Wednesday, November 15, 2017 at 6:00 p.m. in the Council Chambers located at 560 Crandon Boulevard.

Councilmember Moss addressed the Attorney requesting the status of the Village Manager search.

The Attorney addressed the Council regarding the necessary criteria for a Village Manager executive search firm.

There was extensive discussion by Council regarding the Request for Proposals for an executive search firm for a Village Manager.

It was the consensus of Council to allow thirty days to respond to the Request for Proposals for the Village Manager executive search firm and the Council will be prepared to select the search firm no later than January of 2018.

Mayor Lindsay addressed the Council regarding inadequate number of trash, recycling and battery recycling bins. Also, Mayor Lindsay addressed the Council regarding the lack of trash bins within the Village Dog Park.

At this time the Manager addressed the Council regarding the current locations of the trash and recycling bins, the lack of trash and recycling bins within the Village Dog Park and lastly, the need for battery recycling locations.

Vice Mayor Caplan and Councilmember Petros addressed the Council regarding opportunities to improve the Key Biscayne library. There was extensive discussion by Council regarding necessary library improvements. Vice Mayor Caplan addressed the Council regarding preparing a draft Interlocal Agreement with Miami-Dade County for the proposed improvements to the Key Biscayne library for Council review and consideration at a later date.

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

The Mayor opened the floor for nominations. Councilmember Moss nominated Councilmember de la Cruz. The nomination was seconded by Mayor Lindsay.

Councilmember Gross nominated Vice Mayor Caplan. The nomination was seconded by Councilmember Petros.

The Mayor closed the floor for nominations.

The motion to elect Councilmember de la Cruz as the new Vice Mayor failed by a 3-4 voice vote. The vote was as follows: Councilmembers de la Cruz, Moss and Mayor Lindsay voting Yes. Councilmembers Gross, McCormick, Petros and Vice Mayor Caplan voting No.

The motion to reelect Vice Mayor Caplan as the new Vice Mayor was approved by a 4-3 voice vote. The vote was as follows: Councilmembers Gross, McCormick, Petros and Vice Mayor Caplan voting Yes. Councilmembers de la Cruz, Moss and Mayor Lindsay voting No.

At this time Vice Mayor Caplan thanked the Council for the reelection as Vice Mayor.

At this time the Clerk presented to the Council the proposed 2018 Village Council Meeting schedule. There was discussion from Council regarding the proposed meeting schedule.

Vice Mayor Caplan made a motion to approve the proposed 2018 Council Meeting schedule. The motion was seconded by Councilmember Moss and approved by 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

At this time Vice Mayor Caplan made a motion to remove Item 8A1 from the table. The motion was seconded by Mayor Lindsay and approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

It was the consensus of Council to continue the second reading of this ordinance on December 12, 2017.

Village Manager. The Manager and Mario Garcia Serra, 600 Brickell Avenue (Owner Representatives of 571 Glenridge Road & 570 Fernwood Road), addressed the Council regarding the acquisition of 571 Glenridge Road and 570 Fernwood Road.

There was extensive discussion by Council regarding the purchase price of 571 Glenridge Road and 570 Fernwood Road.

At this time Councilmember Gross made a motion to purchase 571 Glenridge Road for \$1.45 million and 570 Fernwood Road for \$1.45 million. The motion was seconded by Mayor Lindsay and approved by 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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

12. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation 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 11:00 p.m.

Respectfully submitted:

*Jennifer Duque
Village Clerk*

Approved this 5th day of June 2018:

*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.