

MINUTES

REGULAR COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, MAY 12, 2015

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:14 p.m. Present were Councilmembers Luis de la Cruz, Michael E. Kelly, Edward London, Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Councilmembers Theodore Holloway and James S. Taintor (due to being in the hospital) were absent. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline, Chabad of Key Biscayne gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Lindsay led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** At this time Mayor Lindsay introduced State Representative Jose Javier Rodriguez who addressed the Council giving a legislative update; Councilmember Kelly addressed the Council regarding the improved condition of the beach and the showers at the end of the walkways and Mayor Lindsay addressed the Council and the public inviting all residents to attend the City of Miami Commission Meeting on Thursday, May 14, 2015 at 4:00 p.m. at this meeting they will consider the appeal on the Certificate of Appropriateness.
5. **SPECIAL INTRODUCTION:** There were no special introductions.
6. **PUBLIC COMMENTS:** Alejandro Zizold, 798 Crandon Boulevard and Cristina Figueredo Zizold, 798 Crandon Boulevard addressed the Council.

7. **AGENDA:** Mayor Lindsay requested to hear Item 10C before Item 10A; Councilmember Kelly requested the addition of an update regarding the purchase of the new exercise equipment for the gym as Item 11A3 and Mayor Lindsay also requested an update on the purchase of art work that was being considered by the Art in Public Places as Item 11A4. There was no objection to the agenda changes.

8. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the April 28, 2015 Zoning Meeting. The motion was seconded by Councilmember Kelly and approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Vice Mayor Caplan and Mayor Lindsay voting Yes.

9. **ORDINANCES:** There were no ordinances considered by Council.

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 PREPARE CONSTRUCTION DOCUMENTS AND ISSUE A REQUEST FOR PROPOSAL FOR THE CONSTRUCTION OF THE SOUTH AND NORTH MASHTA DRIVE TRAFFIC CALMING IMPROVEMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Building, Zoning and Planning Jud Kurlancheek addressed the Council recommending that the Council approve the resolution authorizing the Village Manager to prepare construction documents and issue a request for proposal for the construction of permanent traffic calming improvements at South and North Mashta Drive.

There was discussion from Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, 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 AN AGREEMENT WITH STANARD & ASSOCIATES, INC. FOR SERGEANT PROMOTIONAL TESTING SERVICES WITHIN THE VILLAGE; FOR AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND SIX HUNDRED DOLLARS**

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**(\$17,600.00), FROM THE FEDERAL ASSET SHARING ACCOUNT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Chief of Police Charles Press addressed the Council recommending that the Council consider entering into an agreement with Stanard and Associates to establish a formal promotional examination for the rank of Police Sergeant. The funding source shall be the Federal Asset Sharing Fund not to exceed \$17,600.00.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 4-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember London voting No.

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 GREEN SOURCE LANDSCAPE AND SPORT TURF, INC. FOR THE RESURFACING OF THE VILLAGE GREEN ATHLETIC FIELDS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT RELATED TO THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending that the Council approve the resolution which authorizes the Village Manager to select a firm for the resurfacing of the Village Green athletics fields and also authorizes the Village Manager to negotiate and execute the agreement.

There was discussion from Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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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 EAC CONSULTING, INC. FOR ENGINEERING SERVICES FOR TASK 1 OF THE STORMWATER IMPROVEMENT IMPLEMENTATION PLAN; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution selecting EAC Consulting, Inc. for Engineering Services of Task 1 of the Stormwater Implementation Plan in an amount not to exceed \$172,118.40.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, 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, APPROVING THE PURCHASE OF EMERGENCY ALERTING SYSTEM EQUIPMENT FROM WESTNET, INC. FOR THE VILLAGE FIRE DEPARTMENT; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Chief of Fire Rescue Eric Lang addressed the Council recommending approval of the resolution providing for the purchase of emergency alerting equipment. The recommendation is to spend up to one hundred and fifteen thousand dollars for the equipment and installation in the Key Biscayne Fire Station. The funding source would be drawn from the CIP, Fire Rescue Emergency Communication System and Fire Rescue Equipment CIP line items.

There was extensive discussion from Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Vice Mayor Caplan and Mayor Lindsay voting Yes.

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

Mayor and Councilmembers. Councilmember de la Cruz addressed the Council requesting an update on Village traffic issues, including but not limited to Crandon signaling and also an update on the Mobility Study.

Mr. Edward Ng with the Corradino Group and Chief Press addressed the Council.

Mayor Lindsay addressed the Council regarding a proposed bike trail resolution and strategy for Rickenbacker Causeway Bike access; discussion on best policy for Key Biscayne to take on Rickenbacker Bike Trail and discussion on the benefits of design competition.

Mr. Edward Ng with the Corradino Group addressed the Council.

There was extensive discussion from Council regarding the above mentioned issues.

It was the consensus of Council to direct staff to draft legislation that addresses all of the above concerns.

Councilmember Kelly addressed the Council requesting an update on the purchase of exercise equipment for the gym

Parks and Recreation Director Todd Hofferberth addressed the Council stating that staff will make a recommendation at the next Council meeting on May 26, 2015.

Mayor Lindsay requested an update on the purchase of the art work from Prudence Gil that was being considered by the Art in Public Places Board.

Director Kurlancheek addressed the Council reporting that the art work will be on display in the Manager's office for the public to view.

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 the Dog Park at the North Village Green. The Manager recommended that the Village Council review the budget and determine which, if any of the "optional improvements" should be eliminated from the scope of work. The cost of constructing the park with all of the "Optional Improvements" with artificial turf is \$829,930. The cost with natural turf is \$587,976. The difference in cost between the artificial turf and natural turf is \$241,954. These costs do not include design fees for the preparation of construction documents,

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bidding, award, and construction management which are estimated at \$154,000.

Katie Petros, Dog Park Committee Chairman, and Alejandro Zizold, 798 Crandon Boulevard addressed the Council.

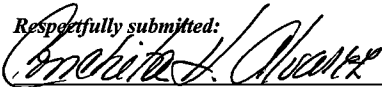
Javier Salman with Stantec also addressed the Council regarding artificial turf.

There was extensive discussion from Council regarding the construction of the dog park with artificial turf.

Councilmember London made a motion to construct the dog park with artificial turf. The motion was seconded by Councilmember Kelly and approved by a 4-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London and Mayor Lindsay voting Yes. Vice Mayor Caplan voting No.

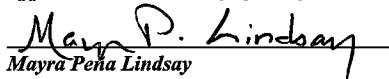
12. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
13. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.
14. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
15. **ADJOURNMENT:** The meeting was adjourned at 9:25 p.m.

*Respectfully submitted:*



Conchita H. Alvarez, MMC  
Village Clerk

Approved this 26th day of May 2015:



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.**