

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, JUNE 13, 2017

COUNCIL CHAMBER
KEY BISCAZYNE, FLORIDA

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The Mayor called the meeting to order at 7:00 p.m. Present were Councilmembers Luis de la Cruz, Gary R. Gross, Allison McCormick, Brett G. Moss, Kathleen Petros, Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorneys Stephen J. Helfman and Chad Friedman.
2. **INVOCATION:** Reverend Juan Carlos Paguaga with Saint Agnes Catholic Church was not able to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** The KB Girl Scouts led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** The Mayor thanked the organizers of the Memorial Day Ceremony and encouraged all residents to attend the Memorial Day and Veterans Day Ceremonies and also thanked the Clerk for her 24 years of service to the Village of Key Biscayne; Councilmember McCormick wished a Happy Birthday to Councilmember Gross and Todd Hofferberth.
5. **PUBLIC COMMENTS:** The following residents addressed the Council: Pedro Espanol, 881 Ocean Drive; Chief Eric Lang and Lieutenant Connors also addressed the Council; Michael Kelly, 395 Gulf Road; Michelle, 545 Hampton Lane; Bibiana Domit, 791 Crandon Boulevard; Donald Ellisburg, 177 Ocean Lane Drive and York Flik, 338 West Heather.

June 13, 2017

At this time Representative Nicolas X. Duran addressed the Council giving a Legislative update.

Senator Rene Garcia addressed the Council regarding his proposed Condominium Legislation.

At this time Public Comments was continued. The following persons also addressed the Council: Yuki Lin, on behalf of LimeBike; Maria Ponce de Leon, 455 Woodcrest Road; Michael Davey, 50 Ocean Lane Drive; Sally Brody, 180 Harbor Drive; Ivette Fernandez-Chaustre, 575 Crandon Boulevard; Cecile Sanchez, 260 Cypress Drive; Joyce Olivera, 203 East Enid Drive and Lois Greenberg, 1121 Crandon Boulevard.

6. **SPECIAL INTRODUCTION:** The Key Biscayne Girl Scout Troop 385 made a presentation to Council promoting Backpack Awareness Month in Florida.

Mr. Moises D. Ariza, CPA, CGMA, Manager with Marcum LLP presented to the Council the 2016 Comprehensive Annual Financial Report.

Ms. Colleen Castille made a presentation to Council on a proposed Beach Management Assistance Plan. Ms. Castille addressed the time line reporting that if the feasibility study is submitted by August 1, 2017, the Village will still be considered for this year's budget.

There was extensive discussion from Council regarding the feasibility study that will be presented to the DEP and other agencies regarding Beach Renourishment.

The presentation from Calvin Giordano & Associates regarding the Calusa Park Expansion Study was deferred to a later Council Meeting.

Chief of Police Charles Press addressed the Council and introduced Mr. Jhen Frias and Bill Homer with Rave Mobility Safety who addressed the Council regarding a proposed 911 system.

Chief of Fire Rescue Eric Lang made a presentation to Council regarding Zika-Mosquito Control.

7. **AGENDA:** The Manager requested the addition of two resolutions as Items 9D and 9E; Councilmember Gross requested the addition of a discussion regarding contracting Ms. Colleen Castille as Item 11D2 under the Village Manager's report; Vice Mayor Caplan requested the deferral of Item 11A10 to the August 29th Council Meeting; Councilmember de la Cruz requested the deferral of Item 11A7 to the August 29th Council Meeting and discuss smart lights in its place and Councilmember Gross requested the addition of a discussion on the Village Green as Item 11A10. There was no objection to the agenda changes.

8. **CONSENT AGENDA:** Vice Mayor Caplan made a motion to approve the following consent agenda. 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 minutes of the May 4, 2017 Floodplain Management Workshop.

The minutes of the May 9, 2017 Regular Council Meeting.

The minutes of the May 15, 2017 Special Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AWARDED AND APPROVING A CONTRACT FOR EMERGENCY DISASTER DEBRIS REMOVAL AND RESPONSE SERVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AWARDED AND APPROVING A CONTRACT FOR EMERGENCY DISASTER DEBRIS MONITORING SERVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM FOR THE PURCHASE OF A DEPARTMENT-WIDE ACTIVE KILLER RESPONSE TRAINING PROGRAM AND RELATED AMMUNITION; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING GREAT TIMES ENTERTAINMENT, LLC (D/B/A PLAYSMART) FOR INSTALLATION OF PLAYGROUND EQUIPMENT AT THE VILLAGE'S COMMUNITY CENTER; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING CENTURY TECHNOLOGIES PARTNERS, CORP. FOR INSTALLATION OF SECURITY EQUIPMENT AT THE VILLAGE'S COMMUNITY CENTER; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

June 13, 2017

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF A PARKS AND RECREATION MANAGEMENT SOFTWARE SYSTEM, HARDWARE AND RELATED SERVICES FROM VERMONT SYSTEMS INC.; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17, "NOISE" OF THE VILLAGE CODE OF ORDINANCES BY ADDING THE DEFINITION OF "FUEL" AND REVISING THE DEFINITION OF "LEAF BLOWER" IN SECTION 17-1, "DEFINITIONS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Petros addressed the Council regarding this ordinance.

Village Attorney Friedman also addressed the Council regarding this ordinance stating that the effective date of this ordinance will be 180 days after adoption of the ordinance on second reading.

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on first reading 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 announced the second reading of the ordinance on August 29, 2017.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REPEALING AND REPLACING 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.

The Clerk announced that the second reading of this ordinance is continued from the May 9th, 2017 Council Meeting.

June 13, 2017

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

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.

The ordinance was adopted on second reading 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 ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ORDINANCE NO. 2014-03 TO REDUCE THE MEMBERS OF THE EDUCATION ADVISORY BOARD FROM NINE TO SEVEN; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Mayor Lindsay made an amendment to Section 5a1 to remove "the establishment modification" and insert "implementation." There was no objection to the amendment.

The ordinance, as amended, was adopted on second reading 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 ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING AN UNDERGROUND UTILITY TASK FORCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

June 13, 2017

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

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

The ordinance was adopted on second reading 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.

There was extensive discussion from Council regarding the Task Force. Village Attorney Helfman also addressed the Council regarding the Task Force.

Councilmember Moss made a motion to table the discussion regarding the appointment of the Task Force after the Manager's Report. The motion was seconded by Councilmember Moss 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.

At this time Item 11A1 was heard.

Councilmember McCormick made a motion to appoint Jennifer Duque as next Village Clerk due to the retirement of current Village Clerk Conchita H. Alvarez. Vice Mayor Caplan seconded the motion and it 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.

Appointed Village Clerk Jennifer Duque addressed the Council and presented Village Clerk Conchita H. Alvarez with an award for her 24 years of service to the Village. Also Village Manager addressed the Council congratulating Conchita on her 24 years of service.

At this time the Manager's report was heard.

Village Manager. The Manager addressed the Council requesting a motion to authorize the Manager to enter into an agreement with Calvin Giordano & Associates to prepare 530 Crandon Park construction plans.

Vice Mayor Caplan made a motion to authorize the Manager to enter into an agreement with Calvin Giordano & Associates, Inc. to prepare 530 Crandon Park construction plans. The motion was seconded by Councilmember Moss and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros and Vice Mayor Caplan voting Yes. Mayor Lindsay was out of the room at the time the vote was taken.

June 13, 2017

Vice Mayor Caplan made a motion to hire Colleen Castille to prepare a Beach Management Plan for the Village of Key Biscayne directing the Manager to negotiate an agreement for an amount not to exceed \$60,000. The motion was seconded by Councilmember de la Cruz.

The Mayor open the public comments. There were no speakers present. The Mayor closed the public comments.

The motion was 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 Attorney also addressed the Council regarding the agreement with Tim Blankenship.

Vice Mayor Caplan made s motion to negotiate an agreement with Tim Blankenship, under the EAC Agreement, for an amount not to exceed \$50,000 to do the feasibility study by August 1, 2017. The motion was seconded by Councilmember Petros 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.

At this time the discussion on the Underground Utility Task Force was removed from the table. Vice Mayor Caplan made a motion to remove this item from the table. The motion was seconded by Councilmember 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.

There was extensive discussion from Council and the Attorney regarding the duties of the Underground Utility Task Force.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE VILLAGE, ALL CO-PERMITTEES NAMED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT NO. FLS000003-003 AND MIAMI-DADE COUNTY RELATING TO COSTS AND ACTIVITIES AS A RESULT OF SAID PERMIT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING BRIGHTVIEW LANDSCAPE SERVICES, INC. FOR INSTALLATION OF THE VILLAGE GREEN IRRIGATION SYSTEM; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

June 13, 2017

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

The Manager addressed the Council recommending approval of the resolution approving the agreement for the National Pollutant Discharge Elimination System permit with Miami-Dade County.

Ms. Alicia Vereza-Feria, EL, CFM with Tetra Tech, addressed the Council regarding this resolution.

The resolution was 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 CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING BRIGHTVIEW LANDSCAPE SERVICES, INC. FOR INSTALLATION OF THE VILLAGE GREEN IRRIGATION SYSTEM; 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 addressed the Council recommending approval of the resolution authorizing the Manager to expend funds to complete the installation of a new irrigation system on the Village Green.

Director of Parks and Recreation Todd Hofferberth addressed the Council regarding this resolution.

There was extensive discussion from Council regarding the irrigation system.

The resolution was 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.

Vice Mayor Caplan made a motion to extend the meeting until 11:05 p.m. 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.

June 13, 2017

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ENCOURAGING BUSINESS AND SPECIAL EVENT PERMITTEES TO REPLACE STYROFOAM FOOD SERVICE ARTICLES AND SINGLE-USE CARRY-OUT PLASTIC BAGS WITH ENVIRONMENTALLY-FRIENDLY ALTERNATIVES; PROMOTING OTHER MEASURES TO REDUCE MARINE AND ENVIRONMENTAL DEBRIS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was discussion from Council regarding this resolution. Village Attorney Friedman also addressed the Council regarding this resolution.

The resolution was 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, SUPPLEMENTING THE PROCEDURES AND CIVILITY RESOLUTION (RESOLUTION 2016-27); REAFFIRMING OPERATIONAL PROTOCOLS FOR VILLAGE COUNCIL INITIATIVES AND COORDINATION WITH THE MANAGER; REAFFIRMING STANDARDS FOR TRANSPARENCY AND REPORTING; PROVIDING FOR AN EFFECTIVE DATE AND POSSIBLE “SUNSET” REPEAL.

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

Vice Mayor Caplan addressed the Council regarding this resolution. There was extensive discussion from Council regarding this resolution.

Councilmember de la Cruz made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember Gross and approved by a 6-1 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros and Vice Mayor Caplan voting Yes. Mayor Lindsay voting No.

Councilmember McCormick and Mayor Lindsay offered some amendments to the resolution. There was no objection to these amendments.

June 13, 2017

The Attorney addressed the Council regarding this resolution.

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

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

Mayor and Councilmembers. Vice Mayor Caplan discussed the artificial grass on the Village Green. The Manager also addressed the Council regarding the artificial grass on the Village Green.

There was extensive discussion from Council regarding the artificial grass on the Village Green.

Director Hofferberth also addressed the Council regarding the use of the Village Green and the impact of using natural grass. Three things need to be addressed: irrigation, maintenance and use.

The Manager also addressed the Council regarding the artificial Grass vs. natural Grass on the Village Green.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

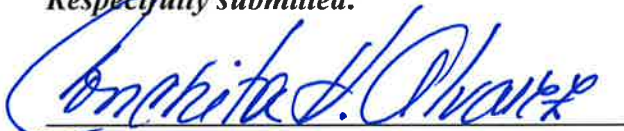
12. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

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/events was presented to the Council.

15. **ADJOURNMENT:** The meeting was adjourned at 11:40 p.m.

Respectfully submitted:




Conchita H. Alvarez, MMC
Village Clerk



June 13, 2017

Approved this 29th day of August, 2017:



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.