

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAAYNE, FLORIDA

TUESDAY, SEPTEMBER 3, 2013

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, Theodore Holloway, Michael E. Kelly (arrived at 7:15 p.m.), Edward London, James S. Taintor, Vice Mayor Mayra Lindsay and Mayor Franklin H. Caplan. Also present were Village Manager John C. Gilbert, Village Clerk Conchita H. Alvarez and Village Attorney Raquel Elejabarrieta.
2. **INVOCATION:** Pastor Dennis Eastling, Key Biscayne Community Church was unable to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **RICKENBACKER/BEAR CUT BRIDGE UPDATE:** The Manager requested to hear this item later on the agenda. There was no objection to the request.
5. **BRIEF COMMENTS BY COUNCIL:** Mayor Caplan addressed the Council and the public thanking Representative Rodriguez for holding the Town Hall Meeting prior to this Council Meeting and also congratulated Key Biscayne Andrew Talansky for placing 10th in the Tour de France bicycle race and Diana Nyad, from Ft. Lauderdale, who swam from Cuba to Key West.
6. **SPECIAL PRESENTATION:** The Clerk, on behalf of Chief of Fire Rescue Eric Lang, requested deferral of the Fire Department presentation to the October 8, 2013 Council Meeting.

7. **PUBLIC COMMENTS:** There were no speakers present.
8. **AGENDA:** The Clerk, on behalf of Councilmember Kelly, requested the addition of an update on the street sign project as Item 12A1; Councilmember Taintor requested a brief update on Mashta Flat as Item 12A2 and also requested a brief discussion regarding Zoning Ordinance Changes as Item 12A3. There was no objection to the agenda changes.
9. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the August 27, 2013 Regular Council Meeting. The motion was seconded by Vice Mayor Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Holloway, London, Taintor, Vice Mayor Lindsay and Mayor Caplan voting Yes.
10. **ORDINANCES:** There were no ordinances considered by Council.
11. **RESOLUTIONS:** The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING ENGINEERING SERVICES FOR HARBOR DRIVE TRAFFIC CALMING IMPROVEMENTS (THE "PROJECT") FROM THE FIRM OF TETRA TECH, INC.; PROVIDING FOR APPROVAL OF THE PROJECT WORK AUTHORIZATION AND AGREEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution and Agreement with Tetra Tech., Inc. For the Harbor Drive Traffic Calming Maintenance Improvement project.

Alicia M. Vereas-Ferea with Tetra-Tech addressed the Council regarding the Harbor Traffic Calming Improvements.

There was extensive discussion from Council regarding this project. Councilmember Davey withdrew his motion.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A JOINT USE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED AS EXHIBIT "A," WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR THE MARITIME SCIENCE AND TECHNOLOGY ACADEMY (MAST)**

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**PROPERTY LOCATED AT 3979 RICKENBACKER CAUSEWAY; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution authorizing the Village Manager to execute the Joint Use Agreement in substantially the form attached subject to the approval as to form, content, and legal sufficiency by the Village Attorney.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Davey, Holloway, Kelly, London, Taintor and Mayor Caplan voting Yes. Vice Mayor Lindsay voting No.

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

Mayor and Councilmembers. Councilmember Kelly requested an update on the street sign project. The Manager addressed the Council regarding this project reporting that the County says that the proposed signs do not meet the County's standards. The Manager, the Mayor and the Village Attorney will meet with County officials regarding this project.

Councilmember Taintor addressed the Council regarding the Mashta Flats.

Councilmember Taintor also addressed the Council regarding proposed zoning ordinance changes. The draft of this ordinance will be circulated among Councilmembers and will also be included in a future agenda as a draft for Council discussion.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager briefly addressed the Council regarding the proposed budget for FY 2013-2014, which will be discussed next Wednesday, September 11, 2013 at the First Budget Hearing.

Lourdes Abadin with Estrada Hinojosa, Financial Consultant for the Village, addressed the Council.

The Manager presented to the Mayor and Council the proposed FY2014 Capital Improvement Plan/Capital Projects.

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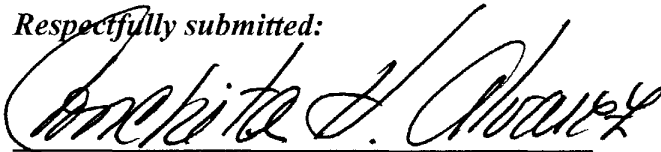
At this time the Rickenbacker/Bear Cut Bridge update was heard. Mr. Tony Cotarelo, Miami-Dade County Engineer addressed the Council regarding the rehabilitation of the Bear Cut Bridge. Mr. Frank Digilio with Kiewit addressed the Council reporting that the Bridge demolition started last Thursday.

Mr. Eugenio L. Ochoa, P.E., Principal with New Millennium Design Consultants, Inc. addressed the Council.

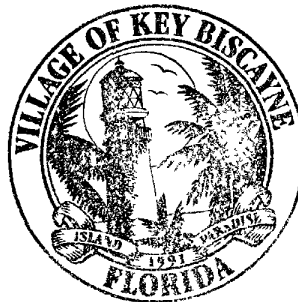
There was extensive discussion from Council regarding the rehabilitation of the Bear Cut Bridge.

13. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
14. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/litigation was presented to the Council.
15. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
16. **ADJOURNMENT:** The meeting was adjourned at 9:50 p.m.

Respectfully submitted:



Conchita H. Alvarez, MMC  
Village Clerk



Approved this 24th day of September 2013:



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.**