MINUTES

CONTINUATION OF SECOND BUDGET HEARING
KEY BISCAYNE, FLORIDA

FROM MONDAY, SEPTEMBER 21, 2015
TO MONDAY, SEPTEMBER 28, 2015

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 p.m. Present were Councilmembers Luis de la Cruz, Theodore Holloway (by phone), Michael E. Kelly (arrived at 6:10 p.m.), Edward London (arrived at 6:20 p.m.), James S. Taintor, 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 Attorney Stephen J. Helfman.

2. **PLEDGE OF ALLEGIANCE:** Councilmember de la Cruz led the Pledge of Allegiance.

3. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the September 1, 2015 Regular Council Meeting. The motion was seconded by Councilmember de la Cruz and approved by a 4-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

Vice Mayor Caplan made a motion to approve the minutes of the September 8, 2015 First Budget Hearing, as amended. The motion was seconded by Councilmember de la Cruz and approved by a 4-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

4. **MILLAGE RESOLUTION:** The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; ADOPTING THE FINAL MILLAGE RATE OF THE VILLAGE OF KEY BISCAYNE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); 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 Attorney addressed the Council regarding the budget process proposing to hear the millage, the budget and CIP all together.

The Mayor requested to discuss and take action on the millage, the budget and CIP at a time certain of 10:30 p.m.

5. **ORDINANCES:** There were no ordinances on first reading considered by Council.

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

**AN ORDINANCE OF THE VILLAGE OF KEY FLORIDA; BISCAYNE, ADOPTING THE BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.**

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

The Attorney read into the record that the final millage rate is 3.0 mills which is $3.00 dollars per thousand dollars of assessed property value within the Village of Key Biscayne. That the rolled-back rate is 2.781 mills and the final millage rate is 3.0 mills which is 7.87% over the rolled-back rate.

The Mayor opened the public hearing. Kristen Guess, 425 Grapetree Drive; Kelly Lambert, 385 West Heather Drive; Julie Dick, 151 Crandon Boulevard; Robert Knecht, 1121 Crandon Boulevard; Alan Fein, 525 Allendale Road; Allison McCormick, 245 Glenridge Road; Brett Moss, 731 Crandon Boulevard; Kate Asturias, 650 Ocean Drive; Bradley Newsom, 345 Pacific Road; Betty Sime Conroy, 785 Crandon Boulevard and Lois Greenberg, 1121 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

The Manager addressed the Council regarding the proposed budget for FY2015-16. During the First Budget Hearing the Council reviewed and discussed the following operating budgets: Council, Manager, Clerk, Attorney, Debt Service and Building, Zoning and Planning.

The following are changes that have been made to the FY2015-16 Budget since the First Budget Hearing on September 8th. 1.) In the Council's budget the Public Relations line item was reduced by $48,000; 2.) In the Council's budget the Youth and Community line item was reduced by $6,000; 3.) In the Manager's budget the Operating Supplies (K-8 Volunteer Program) line item was increased by $1,130 and in the Clerk' budget the Other Current Charges-Legal Advertising line item was reduced by $15,000.

The proposed Excess (Revenues)/Expenditures in the amount of $3,968,334 only takes into consideration the operational budgets reviewed during the First Budget Hearing. The Manager is recommending that the Council complete the review of the remaining operational budgets and thereafter, recommend transferring the Excess (Revenues)/Expenditures into the Capital Improvement Fund to fund the FY 2016 Capital Improvement Plan.

Chief of Police Charles Press addressed the Council regarding the Police Department's Budget. There was extensive discussion from Council regarding the Police Department's Budget.

Deputy Chief of Fire Rescue Michael Haring addressed the Council regarding the Fire Department Budget.

Councilmember London made a motion to eliminate the full time Community Outreach Liaison person in the Fire Department. The motion was seconded by Mayor Lindsay and failed by a 2-4 roll call vote. Councilmember London and Mayor Lindsay voting Yes. Councilmembers de la Cruz, Kelly, Taintor and Vice Mayor Caplan voting No.

There was extensive discussion from Council regarding the Fire Department's Budget.

Councilmember London made a motion to make the Community Outreach Liaison person in the Fire Department a part-time position. The motion was seconded by Councilmember Taintor and approved by a 5-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Taintor and Mayor Lindsay voting Yes. Vice Mayor Caplan voting No.

Building, Zoning and Planning Department and Public Works Director Jud Kurlancheek addressed the Council regarding the Public Works Department budget; Parks and Recreation Director Todd Hofferberth addressed the Council regarding the Parks, Community Center and the Athletic Division Budgets.

There was extensive discussion from Council regarding the BZP, Public Works and Community Center, Parks and Recreation Budgets.

Vice Mayor Caplan made a motion to reduce the Professional Services-Consultant in the Parks Budget from $75,000 to $50,000. The motion was seconded by Councilmember Taintor and approved by a 5-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember London voting No.

Vice Mayor Caplan made a motion to increase the Revenue line item in the Community Center to $2.4. The motion was seconded by Councilmember Kelly and approved by a 6-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

At this time the Mayor announced that informally the Village has been informed that the Federal Government has granted the Village $887,000 to fund the Safe Route to School Program.

It was the consensus of Council to reduce the Capital Outlay-Equipment in the Council's Budget to $2,500.

Vice Mayor Caplan made a motion to reduce the Receptionist line item in the Manager's Budget to $22,500. The motion was seconded by Councilmember London and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Manager addressed the Council regarding the Procurement/Sustainability Director. There was extensive discussion from Council regarding this position.

Vice Mayor Caplan made a motion to increase the Grants-Educational Initiatives from $42,000 to $60,000. The motion was seconded by Councilmember Kelly and approved by a 6-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Attorney addressed the Council regarding the Attorney's Budget.

> Lourdes Abadin, with Estrada Hinojosa, Financial Consultant for the Village addressed the Council regarding the Debt Cap.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE 5 YEAR CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEARS 2016-2020 ATTACHED AS EXHIBIT "A;" PROVIDING FOR VILLAGE MANAGER AUTHORIZATION; 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 reporting that during the First Budget Hearing on September 8, 2015, the Village Council, by consensus, authorized the Manager and Staff to make modifications to the Five (5) Year Capital Improvement Plan (CIP), the Restricted/Committed Reserves and the Assigned Reserves.

Towards this effort the following modifications are being recommended by Staff: 1.) Category: Assigned Reserve; Reserve: Calusa Park (Encumbered Funds) $239,606 was transferred to the Restricted/Committed Reserve-Working Capital in order to fund the funds needed for the FY2016 CIP. 2.) Category: Assigned Reserve; Reserve: Playing Fields (Encumbered Funds ) $218,364 was transferred to the Restricted/Committed Reserve-Working Capital in order to fund the funds needed for the FY2016 CIP and 3.) Category: Capital Improvement Plan-Recreation and Open Space; Project Name: Village Recreation Bus (Encumbered Funds) $82,644 was transferred to the Restricted/Committed Reserve-Working Capital in order to fund the funds needed for the FY2016 CIP.

The following new projects and funding amounts were added at Council direction: 1.) Category Assigned Reserve: Project Name: Beach Club. A total of $700,000 was transferred from the Land Acquisition/Open Space Land Trust-Restricted/Committed Reserve in order to fund this project; 2.) Category: Assigned Reserve: Project Name: Burying Powerlines ($150,000); 3.) Category: Assigned Reserve: Project Name: Village Hall Parking Lot Purchase ($2,000,000); 4.) Category: Capital Improvement Plan-Building, Zoning, Planning and Public Works. Project Name: Beach Park-Planning and Conceptual Design ($50,000); 5.) Category: Capital Improvement Plan-Building, Zoning, Planning and Public Works. Project Name: Library-Planning and Conceptual Design ($35,000); 6.) Category: Capital Improvement Plan-Building, Zoning, Planning and Public Works. Project Name: Civic Center Parking Study. A total of $21,000 was transferred from the Master Plan Initiatives-Assigned Reserve in order to fund this project and 7.) Category: Capital Improvement Plan-Building, Zoning, Planning and Public Works. Project Name: Separated Bike Lane Study ($20,000) .

The capital needs for FY2016 total $4,957,534 and will be funded partially by the General Fund-Excess Revenues over Expenditures-$3,968,334 and the remaining balance of $989,200 will be obtained by the Working Capital-Restricted Committed Reserve.

Vice Mayor Caplan made a motion to allow Councilmember Holloway to participate in the budget discussion via telephone. The motion was seconded by Councilmember de la Cruz and approved by a 5-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember Kelly voting No.

Councilmember Taintor made a motion to move $90,000 from the Labor Negotiations line item to Working Capital. The motion was seconded by Councilmember Kelly and failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Kelly, London and Taintor voting Yes. Councilmembers de la Cruz, Holloway, Vice Mayor Caplan and Mayor Lindsay voting No.

Councilmember Taintor made a motion to remove the GPS and Body Cameras for the Police Department and pay these with forfeiture funds. The motion was seconded by Councilmember London and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Kelly, London, Taintor and Mayor Lindsay voting Yes. Councilmembers de la Cruz, Holloway and Vice Mayor Caplan voting No.

Councilmember Taintor made a motion to remove the Fire Station Ventilation System from the CIP. The motion was seconded by Councilmember London and failed by a 2-5 roll call vote. The vote was as follows: Councilmembers London and Taintor voting Yes. Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting No.

Councilmember Taintor made a motion to eliminate the Library Planning and Conceptual design line item from the CIP. The motion was seconded by Councilmember London and failed by a 2-5 roll call vote. The vote was as follows: The vote was as follows: Councilmembers London and Taintor voting Yes. Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting No.

There was extensive discussion from Council regarding the purchase of the Police Parking lot.

Councilmember Taintor made a motion to reduce the purchase of the Police Parking lot line item from $2 million to $350,000. The motion was seconded by Councilmember London and failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Kelly, London and Taintor voting Yes. Councilmembers de la Cruz, Holloway, Vice Mayor Caplan and Mayor Lindsay voting No.

Mayor Lindsay made a motion to reduce the purchase of the Police Parking lot line item from $2 million to $1.5 million. The motion was seconded by Councilmember Kelly and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor and Mayor Lindsay voting Yes. Vice Mayor Caplan voting No.

Councilmember de la Cruz made a motion to place the $700,000 for purchase of the Beach Club back into the Land Trust Fund. The motion was seconded by Vice Mayor Caplan and approved by 7-0 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, London, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes.

The Attorney addressed the Council regarding the purchase of the Beach Club.

The Attorney addressed the Council explaining how the millage is calculated pursuant to the Statutes.

Vice Mayor Caplan made a motion to add $250,000 to the Recreation and Open Space CIP for the Presbyterian playing fields. The motion was seconded by Councilmember de la Cruz and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers Kelly, London and Taintor voting No.

Vice Mayor Caplan made a motion to add $100,000 to the Information Technology CIP for purchase of software for the Community Center. The motion was seconded by Councilmember Kelly and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Taintor, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmember London voting No.

Vice Mayor Caplan made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember de la Cruz and unanimously approved.

Finance Director Vivian Parks and the Attorney addressed the Council regarding the Budget.

Vice Mayor Caplan made a motion to transfer $512,000 from the Working Capital Reserve to fund the CIP. The motion was seconded by Councilmember de la Cruz and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers Kelly, London and Taintor voting No.

Councilmember Kelly made a motion to extend the meeting to 11:10 p.m. The motion was seconded by Councilmember Taintor and unanimously approved.

The Clerk announced that the final millage rate is 3.0 mills which is $3.00 dollars per thousand dollars of assessed property value within the Village of Key Biscayne. That the rolled-back rate is 2.781 mills and the final millage rate is 3.0 mills which is 7.87% over the rolled-back rate.

Vice Mayor Caplan made a motion to recess this meeting. The motion died for lack of a second.

Councilmember Kelly made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember London unanimously approved.

The motion to approve the resolution adopting the final millage rate for fiscal year commencing October 1, 2015 through September 30, 2016 was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers London and Taintor voting No.

The motion to approve the resolution approving the Five Year Capital Improvement Plan, as amended, was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers London and Taintor voting No.

The motion to adopt the budget ordinance on second reading, as amended, was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers de la Cruz, Holloway, Kelly, Vice Mayor Caplan and Mayor Lindsay voting Yes. Councilmembers London and Taintor voting No.

Mayor Lindsay announced that a Special Council Meeting will take place on Thursday, October 8, 2015 at 6:00 p.m. regarding the Marine Stadium. The Clerk will canvass the Council to make sure we have a quorum.

7. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

8. **SCHEDULE OF FUTURE MEETINGS AND EVENTS:** A schedule of future meetings and events was presented to the Council.

9. **ADJOURNMENT:** The meeting was adjourned at 11:20 p.m.

*September 28, 2015*

***Respectfully submitted:***

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

***Approved this 13th day of October, 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.***