

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, JULY 7, 2009

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 p.m. Present were Councilmembers Enrique Garcia, Robert Gusman, Michael E. Kelly, Vice Mayor Michael W. Davey and Mayor Robert L. Vernon. Councilmembers Jorge E. Mendia and Thomas Thornton were absent. Also present were Village Manager Genaro “Chip” Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Father Jose Luis Hernando, St. Agnes Catholic Church was unable to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: Enrique Bahamon, 445 Allendale Road.
6. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding Hydrogen Sulfide as Item 10A1, also requested the addition of a discussion regarding the recent vandalism at the Beach Park as Item 10A2 and also requested the addition of a discussion regarding insurance for Directors and Officers as Item 10A3 and the Clerk requested the deferral of Item 11A to the August 25, 2009 Council Meeting. There was no objection to the agenda changes.

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7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the June 16, 2009 Budget Workshop. The motion was seconded by Vice Mayor Davey and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting Yes.

Councilmember Gusman made a motion to approve the minutes of the June 23, 2009 Zoning Meeting. The motion was seconded by Councilmember Garcia and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting Yes.

Councilmember Garcia made a motion to approve the minutes of the June 23, 2009 Recreation and Open Space/530 Crandon Boulevard Workshop. The motion was seconded by Councilmember Gusman and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting Yes.

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

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK AND MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davey made a motion to adopt the resolution. The motion was seconded by Councilmember Garcia.

The Manager and the Attorney addressed the Council regarding this resolution.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, APPROVING A LEASE OF COPIER EQUIPMENT AND A PURCHASE ORDER BETWEEN THE VILLAGE OF KEY BISCAVNE AND CANON BUSINESS SOLUTIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of this resolution which will enable the Village to enter into a lease agreement with Canon to replace the existing copiers located within each department for a 60 month term.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND BEATRICE GALEANO-YERA, P.A. CONCERNING FINANCIAL ADVISORY AND ACCOUNTING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of Professional Services Agreement with Ms. Beatriz Galeano-Yera for Financial Advisory and Accounting Services.

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting Yes.

It was the consensus of Council to direct staff to report back to Council in September with recommendations that would include other firms that can perform Financial Services needed by the Village.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AMENDMENT TO THE RECREATIONAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND AC MILAN D/B/A STEPSTONE ENTERPRISES LLC FOR MANAGEMENT AND ADMINISTRATION OF THE VILLAGE'S YOUTH SOCCER PROGRAM; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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The Manager addressed the Council recommending approval of the amendment to the contract for recreational management services for the soccer program with Stepstone Enterprises LLC.

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

The following residents addressed the Council: Mayra Lindsay, 365 West Wood Drive; Jackie Kellogg, 115 Sunrise Drive; Marcelo Radice, 412 Warren Lane; Ricardo Martinez, 1111 Crandon Boulevard and John Lombardi, 341 Island Drive.

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

There was extensive discussion from Council on this resolution.

The resolution failed by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Vice Mayor Davey and Mayor Vernon voting No.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the Hydrogen Sulfide gas issue.

The Manager reported that pump station 131 has been operated by Water and Sewer since October. The Village has asked Water and Sewer for solutions and they have made changes and adjustments but these have not corrected the situation. The Village is also working with DERM and the Health Department on this issue. Also, an independent environmental engineering firm hired by the Village has found no evidence that Key Biscayne's sewer pump station on Allendale is emitting hydrogen sulfide gas at levels that pose a health threat to residents.

The Attorney also addressed the Council regarding this issue.

Councilmember Kelly also addressed the Council regarding the recent vandalism to the newly installed entry system to the Beach Park.

Director Hofferberth addressed the Council regarding this issue reporting that action was taken and the system is back operational.

Councilmember Kelly addressed the Council regarding insurance for Elected Officials.

The Attorney addressed the Council reporting that Elected Officials sued as a result of their actions in that capacity are covered.

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Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of July: Fire and Emergency Services Day.

Village Manager. The Manager submitted his report earlier in the meeting.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
13. **ADJOURNMENT:** The meeting was adjourned at 9:05 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this __ day of ____, 2009:

Robert L. Vernon
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.