

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, JUNE 14, 2011

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, Enrique Garcia, Robert Gusman, Mayra P. Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Also present were Village Manager Genaro “Chip” Iglesias, 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 Caplan led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** The Mayor and the Manager addressed the Council and the public regarding Youth Sports.

The following residents addressed the Council regarding the Youth Sports Program: Bill Stephens, Jill Stephens and Jeff Jenkins, 177 Ocean Lane Drive.

5. **PUBLIC COMMENTS:** There were no speakers present.

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6. **AGENDA:** Mayor Caplan requested the addition of a report on Consultatio as Item 10A11. There was no objection to the request.

7. **APPROVAL OF MINUTES:** The Clerk addressed the Council reporting two corrections to the minutes. One on page 2 and the other one on page 7. The vote for the approval of the Calusa Mangrove Resolution was 4-2 with Councilmember Taintor and Vice Mayor Kelly voting No.

Vice Mayor Kelly made a motion to approve the minutes of the May 24, 2011 Zoning Meeting, as amended. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,200,000 OF CAPITAL IMPROVEMENT AND LAND ACQUISITION REVENUE REFUNDING BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH BANKS FOR PURCHASE OF THE BONDS AND TO ENTER INTO A RATE LOCK AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Garcia.

The Manager and Lourdes Abadin, Financial Consultant for the Village with Estrada Hinojosa, addressed the Council recommending the approval of the ordinance authorizing the issuance of not exceeding \$2,200,000 of Capital Improvement Revenue Refunding Bonds of the Village of Key Biscayne for the purposes of refunding prior bonds.

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

The ordinance was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk announced the second reading on June 28, 2011.

*June 14, 2011*

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$7,150,000 OF CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH BANKS FOR PURCHASE OF THE BONDS AND TO ENTER INTO A RATE LOCK AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Garcia.

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

The Manager and Lourdes Abadin, Financial Consultant for the Village with Estrada Hinojosa, addressed the Council recommending the approval of the ordinance authorizing the issuance of not exceeding \$7,150,000 of Capital Improvement Revenue Refunding Bonds of the Village of Key Biscayne for the purposes of refunding the Refunding Capital Improvement Revenue Bonds, Series 2002.

The ordinance was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk announced the second reading on June 28, 2011

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

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF KEY BISCAYNE, FLORIDA BY AMENDING CHAPTER 23 "RETIREMENT," SECTION 23-57 "FIREFIGHTER DEFERRED RETIREMENT OPTION PROGRAM (DROP)" TO ALLOW POLICE OFFICER MEMBERS OF THE PLAN TO PARTICIPATE IN DROP; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the ordinance on second reading. The motion was seconded by Councilmember Garcia.

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The Manager addressed the Council recommending the adoption of this ordinance which amends the Code of Ordinances of the Village of Key Biscayne, Chapter 23 "Retirement", Section 23-57 "Firefighter Deferred Retirement Option Program" to allow police officer members to participate in such plan.

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

The ordinance was approved on second reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting Yes. Vice Mayor Kelly voting No.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,505,000 OF STORMWATER UTILITY REVENUE REFUNDING BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Gusman made a motion to approve the ordinance on second reading. The motion was seconded by Councilmember Davey.

The Manager addressed the Council recommending approval of this ordinance which will authorize the issuance of not exceeding \$4,505,000 of Stormwater utility revenue refunding bonds of the Village of Key Biscayne for the purposes of refunding prior bonds.

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

The ordinance was approved on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$7,000,000 OF CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH**

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**BANKS FOR PURCHASE OF THE BONDS AND TO ENTER INTO A RATE LOCK AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Davey made a motion to approve the ordinance on second reading. The motion was seconded by Councilmember Gusman.

The Manager addressed the Council recommending approval of this ordinance which will authorize the issuance of not exceeding \$7,000,000 of Capital Improvement revenue refunding bonds of the Village of Key Biscayne for the purposes of refunding prior bonds.

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

The ordinance was approved on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

9. **RESOLUTIONS:** 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 AND O'BRIEN'S RESPONSE MANAGEMENT INC., CONCERNING FEMA GRANT MANAGEMENT, EMERGENCY RESPONSE AND DISASTER RECOVERY SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending the approval of this resolution which authorizes the Village Manager to execute the attached Agreement for Professional Services with O'Brien's Response Management, Inc.

Valerie Phillip with O'Brien's Response Management Inc. addressed the Council.

The resolution was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Taintor voting No.

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The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF STORMWATER UTILITY REVENUE REFUNDING BONDS, SERIES 2011, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,450,000 FOR THE PURPOSE OF REFUNDING THE VILLAGE'S \$7,200,000 STORMWATER UTILITY REVENUE BONDS, SERIES 1999; AWARDING THE SALE OF THE BONDS TO PINNACLE PUBLIC FINANCE, INC.; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

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

The Manager and Lourdes Abadin, Financial Consultant for the Village of Key Biscayne with Estrada Hinojosa addressed the Council recommending approval of the resolution authorizing the Manager to enter into negotiations with Pinnacle Public Finance to purchase the \$4,505,000 Stormwater Utility Revenue Bonds, Series 2011 to refinance the Stormwater Utility Revenue Bonds, Series 1999. This proposed refinancing will produce approximately \$275,000 in present value savings. Additionally it will provide debt relief to cover the cash flow constraints created from October 1, 2010 thru March 1, 2011, when the adjustments to the Stormwater Rates were approved and became effective.

The resolution was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor and Mayor Caplan voting Yes. Vice Mayor Kelly was out of the Chamber at the time the vote was taken.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2011A, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$6,890,000 FOR THE PURPOSE OF REFUNDING THE VILLAGE'S \$10,000,000 CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2000; AWARDING THE SALE OF THE BONDS TO BRANCH BANKING AND TRUST COMPANY; PROVIDING FOR SECURITY FOR THE BONDS; PROVIDING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution authorizing the Village Manager to enter into negotiations with Branch Banking and Trust Company (BB&T) to purchase the \$6,890,000 Capital Improvement Revenue Refunding Bonds, Series 2011 to refinance the Capital Improvement Revenue Bonds, Series 2000. This proposed refinancing will produce approximately \$932,160 in present value savings over the life of the bonds.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan 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 ESTRADA HINOJOSA & COMPANY, INC., CONCERNING FINANCIAL ADVISORY SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending the adoption of the resolution approving Professional Services Agreement with Estrada Hinojosa & Co. for specialized financial advisory services for a term expiring on June 1, 2012, subject to further annual renewals if necessary, at the same annual retainer of \$50,000. This retainer is the same amount as originally approved on June 5th, 2007.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE REPORT PREPARED BY SAVINO MILLER DESIGN STUDIO RELATING TO 530 CRANDON BOULEVARD; SELECTING A DESIGN OPTION FOR 530 CRANDON BOULEVARD; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE WITH THE PROPERTY OWNER OF 520 CRANDON BOULEVARD RELATING TO THE POTENTIAL VACATION OR MODIFICATION OF THE INGRESS/EGRESS EASEMENT GRANTED TO THE**

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**PROPERTY OWNER BY THE VILLAGE; 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 that the Council review the report and following the presentation make a determination if the project should move forward. If the Council wishes to proceed, it is recommend that this resolution be approved which provides for the following actions: 1.) Approval of the report; 2.) Selection of the recommended option (site plan); 3.) Authorize the Manager and the Attorney to negotiate with the property owner of 520 Crandon Boulevard relating to the potential vacation or modification of an easement on Village Green Way.

Mr. Barry Miller with Savino Miller Design Studio, P.A. made a presentation to Council.

Mr. Ken Hipp, Attorney with Gray Robinson, representing SunTrust Bank, Mr. Bill Tipton, Jr., Traffic Engineering and Mr. Sheldon Lowe, 445 Grand Bay Drive addressed the Council.

Mayor Caplan made a friendly amendment to the Davey motion to not take any action on the resolution and accept the report from Savino Miller. The motion was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

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

Mayor and Councilmembers. Mayor Caplan reported that together with the Manager they attended the Miami-Dade County Swearing-In Ceremony.

Mayor Caplan also addressed the Council regarding the legislative changes to the Growth Management Act requesting that the Attorney or Mr. Fausto Gomez, the Village's Lobbyist report back to Council.

Mayor Caplan addressed the Council regarding the Mast Academy Traffic Light reporting that we are still waiting for a response from Miami-Dade County.

Councilmember Taintor addressed the Council regarding the times and responses to the fatality that occurred on Wednesday, May 4th, 2011 at Harbor Lane and Harbor Drive.

Chief of Fire Rescue John C. Gilbert addressed the Council reporting that all Fire calls will always have to go through the Miami-Dade County 911 Dispatch, insisting that all residents in case of an emergency, please call 911.

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Vice Mayor Kelly addressed the Council regarding the problem with the Whitefly infestation on the Key. The Manager and Public Works Director, Armando Nunez addressed the Council regarding this issue reporting that there are approximately 2500 infested trees in the Village's right of way.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
12. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of meetings and future events was presented to the Council.
13. **ADJOURNMENT:** The meeting was adjourned at 11.05 p.m.

*Respectfully submitted:*

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

*Approved this 28th day of June, 2011:*

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*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***