

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, JUNE 28, 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 Enrique Garcia, Robert Gusman, Mayra Lindsay, James S. Taintor, Vice Mayor Michael E. Kelly and Mayor Franklin H. Caplan. Councilmember Michael W. Davey was absent. Also present were Village Manager Genaro “Chip” Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.

2. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.

3. **SPECIAL PRESENTATION:** Chairman of the Dock Advisory Board Robert Vernon presented to the Council the Board’s report and recommendations.

Mr. Fausto Gomez with Gomez Barker & Associates addressed the Council with the End-of-Session legislative report.

4. **AGENDA:** Councilmember Garcia requested to hear Item 9A7 prior to Item 6A; Councilmember Taintor requested to remove the three items from the Consent Agenda and Vice Mayor Kelly requested the deferral of Item 9A6. There was no objection to the agenda changes.

5. **APPROVAL OF MINUTES:** There were no minutes submitted for Council action.

June 28, 2011

At this time Item 9A7 was heard. Councilmember Garcia addressed the Council regarding the Beach Restoration. The Manager addressed the Council reporting that the purpose of this discussion is to review and analyze beach renourishment options and for the Council to provide direction to staff on project approach. A permit has been submitted and the first round of Requests for Additional Information (RAI's) have already been provided to our consultant by the reviewing agencies. The environmental conditions in the project area provide for a myriad of challenges and the project approach selected will also determine permitting challenges, project duration and costs.

Tim Blankenship with Coastal Systems International, Inc. addressed the Council regarding Beach Management Alternatives.

There was extensive discussion from Council regarding the beach renourishment.

Councilmember Garcia made a motion to approve Option 1- Minimized Impact Potential Design for the Beach Renourishment. The motion was seconded by Councilmember Lindsay and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Option 1 consists of the following: 1.) 29,000 cubic yard truck haul project; 2.) Recommended option to avoid/minimize impacts to nearshore seagrass; 3.) This option "pushes the envelope" to provide as much sand on the beach as possible with minimal risk to nearshore seagrass impacts; 4.) Beach erosion from an extreme storm could impact seagrass, and therefore a contingency for seagrass mitigation is incorporated into the budget; 5.) Two areas of beach do not have the minimum shore protection and 6.) Two events to be constructed over the ten year period.

6. **CONSENT AGENDA:** The following items were removed from the Consent Agenda:

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONFIRMING THE VILLAGE'S ABILITY TO FUND AND SUPPORTING THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE VILLAGE'S BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution providing the Florida Department of Environmental Protection confirmation that the Village has committed funds and supports the construction and monitoring of the Beach Renourishment Project.

June 28, 2011

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan 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; PROVIDING FOR THE ACQUISITION OF SIXTEEN (16) SELF CONTAINED BREATHING APPARATUS (SCBA) FOR THE FIRE RESCUE DEPARTMENT FROM DRAEGER SAFETY INC.; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THIS TRANSACTION; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Gusman made a motion to approve the resolution. The motion was seconded by Vice Mayor Kelly.

The Manager addressed the Council recommending approval of the resolution which authorizes the purchase of sixteen (16) Self Contained Breathing Apparatus (SCBA) and accessories from Draeger Safety Inc. Using the same contract used by the City of Miami Fire-Rescue Department, Federal General Service Administration Contract (GSA) number GS-07F-9510.

Chief of Fire Rescue John C. Gilbert addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Manager and Jud Kurlancheek, Building, Zoning and Planning Director addressed the Council reporting that the RFP for a Building, Zoning and Planning Department Software Permit Tracking System is being submitted to the Council for informational purposes and no action is being requested.

7. **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 \$3,125,000 OF TRANSPORTATION TAX 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.

June 28, 2011

Vice Mayor Kelly 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 addressed the Council recommending that they authorize the issuance of not to exceed \$3,125,000 of Transportation Tax Revenue Refunding Bonds for the purposes of refunding the Transportation Tax Revenue Bonds, Series 2005.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk announced the second reading on August 30, 2011.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING THE 2010-2011 VILLAGE BUDGET AS PROVIDED FOR ON EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of a budget amendment of \$168,602 for retroactive 5% step increase for eligible General Employees as required and the 1% Cost of Living Allowance COLA for Police Officers, Sergeants, and Lieutenants. This amendment will be funded from the Reserved Carry Forward and Building Division Reserves.

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

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

The Clerk announced the second reading on August 30, 2011.

June 28, 2011

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 \$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 Garcia made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Gusman.

The Mayor opened the public hearing. Mr. Steve Leth, Senior Vice President with SunTrust Bank addressed the Council. The Mayor closed the public hearing.

The Manager addressed the Council recommending approval of the ordinance authorizing the issuance of not exceeding \$2,200,000 of Capital Improvement Revenue Refunding Bonds for the purposes of refunding prior bonds.

The ordinance was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers 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 \$7,150,000 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 Garcia made a motion to adopt the ordinance on second reading. The motion was seconded by Vice Mayor Kelly.

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

June 28, 2011

The Manager addressed the Council recommending approval of the ordinance authorizing the issuance of not exceeding \$7,150,000 of Capital Improvement Revenue Refunding Bonds for the purposes of refunding the Refunding Capital Improvement Revenue Bonds, Series 2002.

The ordinance was adopted on second reading by a 5-0 roll call vote. The vote was as follows: Councilmembers Garcia, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Gusman was out of the Chamber at the time the vote was taken.

8. **RESOLUTIONS:** 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 2011B, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,130,000 FOR THE PURPOSE OF REFUNDING THE VILLAGE'S \$9,987,551 CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2002; AWARDED THE SALE OF THE BONDS TO SUNTRUST BANK; 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 Garcia made a motion to approve the resolution. The motion was seconded by Vice Mayor Kelly.

The Manager addressed the Council recommending that the Council authorize him to enter into negotiations with SunTrust Bank to purchase \$7,130,000 Capital Improvement Revenue Refunding Bonds, Series 2011B to refinance the Capital Improvement Revenue Bonds, Series 2002. This proposed refinancing will produce over \$535,000 in savings over the life of the bonds.

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

Mr. Steve Leth with SunTrust Bank and Jeff DeCarlo, Bond Counsel with Weiss Serota Helfman also addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

June 28, 2011

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF CAPITAL IMPROVEMENT AND LAND ACQUISITION REVENUE REFUNDING BONDS, SERIES 2011, OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,865,000 FOR THE PURPOSE OF REFUNDING THE VILLAGE'S \$2,800,000 CAPITAL IMPROVEMENT AND LAND ACQUISITION REVENUE BONDS, SERIES 2004; AWARDED THE SALE OF THE BONDS TO SUNTRUST BANK; 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 Gusman 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 setting forth the terms of the \$1,865,000 Capital Improvement Revenue Refunding Bonds, Series 2011 to refinance the Capital Improvement Revenue Bonds, Series 2004. The Bonds will be purchased by SunTrust Bank. This proposed refinancing will produce over \$170,000 in savings over the life of the bonds.

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

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers 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, ADOPTING THE STORMWATER MASTER PLAN UPDATE, ATTACHED AS EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the approval of the resolution to adopt the Stormwater Master Plan Update.

June 28, 2011

A resolution must be approved prior to July 1, 2011 to ensure compliance and maintain the current Community Rating System (CRS) Category of Class 7. Any future revisions to this updated plan will also need to be presented to Council for adoption.

Alicia M. Vereza-Feria and Ken Caban with Tetra Tech addressed the Council regarding the Stormwater Master Plan Update.

Director of Public Works Armando Nunez also addressed the Council regarding this plan.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers 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, SELECTING FRANK'S LAWN SERVICE, INC. AND ALL FLORIDA TREE & LANDSCAPE INC. TO TRIM AND PRUNE TREES WITHIN THE VILLAGE IN PREPARATION FOR HURRICANE SEASON; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS RELATED TO THE SAME; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of the resolution which authorizes the Manager to negotiate and execute contractual services agreements with All Florida Tree Services and Frank's Lawn Service.

Director Nunez also addressed the Council regarding this resolution.

The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmember Lindsay voting No.

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

Mayor and Councilmembers. Mayor Caplan gave an update on the negotiations with Consultation.

June 28, 2011

Mayor Caplan also addressed the Council congratulating the KB Police Department for its accreditation under the leadership of Deputy Chief Joe Monteagudo and also congratulated Ana Guerra for receiving the State Accreditation Manager of the Year recognition.

Vice Mayor Kelly addressed the Council regarding the protocol for public comments.

Vice Mayor Kelly also addressed the Council recommending that the Village hire an independent Pension Consultant. It was the consensus of Council to direct staff to look into this item.

Vice Mayor Kelly also addressed the Council regarding new construction impact fees. The Attorney also addressed the Council regarding new construction impact fees.

Vice Mayor Kelly made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Lindsay, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes.

Vice Mayor Kelly also addressed the Council proposing to create a Winter Concert Committee. It was the consensus of Council to direct staff to bring back an ordinance creating such a Committee for the July 5th meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamation during the month of June: proclaiming June 21st as “Reverend Bud Schroeder Day”.

Village Manager. The Manager addressed the Council regarding Stormwater Fee Adjustments, recommending that Council provide staff direction on the processing of the under billed, unbilled and overbilled stormwater accounts. It was the consensus of Council to defer this item to the July 5th meeting.

The Manager also addressed the Council recommending that Council authorize the Manager to expend funds for landscape projects for West Wood Drive and Fernwood Road. This item was also deferred to the July 5th meeting.

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

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

June 28, 2011

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

Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 5th day of July, 2011:

*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.