

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAAYNE, FLORIDA

TUESDAY, JANUARY 11, 2011

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 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:** There were no special presentations.
5. **PUBLIC COMMENTS:** There were no speakers present.
6. **AGENDA:** Mayor Caplan requested to withdraw Item 10A8 and the Attorney requested the addition of a request for an Executive Session as Item 10B1. There was no objection to the agenda changes.

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7. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the December 7, 2010 Regular Council Meeting. The motion was seconded by Councilmember Garcia.

Councilmember Taintor made an amendment to page 2 of the minutes as follows: The resolution was approved, subject to ~~finding a better price~~ reviewing other financing options, by a 5-2 voice vote.

The minutes, as amended, were 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:** There were no ordinances considered by Council.

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF 13 POLICE VEHICLES AND ACCOMPANYING EMERGENCY EQUIPMENT FOR THE VILLAGE POLICE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A LEASE PURCHASE RELATED TO THE SAME; RESCINDING RESOLUTION NO. 2010-52; AND 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 approval to purchase 13 Police Vehicles, accompanying emergency equipment and approve financing such a purchase through a Municipal Lease Purchase Financing with TD Equipment Finance, Inc., in an approximate amount of \$321,680.85 with a Bank Qualified Tax Exempt interest rate of 2% for a 4 year term. The purpose of this request is to replace the department's aging fleet, originally purchased in 2005, in accordance with the Police Department's existing fleet replacement program.

The motion to approve 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.

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The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF SEVEN (7) POLICE VEHICLES AND ACCOMPANYING EMERGENCY EQUIPMENT FOR THE VILLAGE POLICE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A LEASE PURCHASE RELATED TO THE SAME; AND 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 that the Council approve the refinancing, with TD Equipment Finance at a rate of 2%, of seven vehicles purchased in June 2010 with a rate of 5.85% for an outstanding principal amount of not to exceed \$145,550.00 which would result in an approximate savings of \$16,192.68.

The motion to approve 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, PROVIDING FOR RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND THE KEY BISCAYNE POLICE OFFICER'S ASSOCIATION, LOCAL 6023, INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO, FOR THE BARGAINING UNIT CONSISTING OF THE VILLAGE'S POLICE OFFICERS AND SERGEANTS; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT; AND 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 attached resolution, which authorizes and approves the ratification of the Collective Bargaining Agreement between

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the Village of Key Biscayne and the Key Biscayne Police Officer's Association, Local 6023, International Union of Police Associations, AFL-CIO, for the bargaining that consists of Police Officers and Sergeants.

The motion to approve 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.

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

Mayor and Councilmembers. Mayor Caplan addressed the Council recommending the appointment of Nancy Stoner and Michele Estevez as Alternate Special Magistrates. There was no objection to the appointments.

The Mayor addressed the Council requesting that they submit to the Clerk nominations for the following Boards: 1. Community Center Advisory Board (3); 2. Youth Athletics Advisory Board (3); 3. K-8 Advisory Board (2) and 4. Land Acquisition Committee (1).

The Mayor also addressed the Council regarding the timing and agenda for a Workshop on the Village's Pension Program and Obligations.

The Manager will work on a proposed agenda, get in touch with the different parties that will make the presentation, and will target February 22 as the date for the proposed workshop.

The Mayor requested a report on tonal quality of Channel 77 Broadcast. The Clerk reported that residents having trouble with the tonal quality of Channel 77 should contact Comcast directly.

The Mayor also addressed the Council regarding a request to direct staff to draft an ordinance to create a Dock Regulation Committee and Criteria for members.

Mayor Caplan addressed the Council regarding the need to appoint a 20th Anniversary Celebration Planning Group.

The Mayor also addressed the Council proposing March 8, 2011 as the date for the second reading of the Land Trust Ordinance.

Mayor Caplan addressed the Council in order to follow up on Youth Athletics and Roles of the Youth Athletics Advisory Board, Key Biscayne Athletics Coordinators and the Village of Key Biscayne.

Councilmember Garcia addressed the Council regarding the Red Light Cameras Program.

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Chief of Police Charles Press addressed the Council regarding this program. Councilmember Davey addressed the Council regarding Appendix "A" of the recommendations of the K-8 Advisory Board. Councilmember Davey recommended that the Council review these recommendations so that they can be discussed with the Committee Members at the January 25, 2011 Council Meeting.

Village Attorney. The Attorney is requesting an Executive Session regarding the Padilla/Consultatio litigation. It was the consensus of Council to hold the Executive Session at 8:00 a.m. on Friday, January 14, 2011.

The Attorney also addressed the Council regarding the proposed draft of the HR District ordinance.

Building, Zoning and Planning Director Jud Kurlancheek also addressed the Council regarding the proposed HR District ordinance.

Julio Padilla, 325 Atlantic Road addressed the Council.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to bring back the HR District ordinance for further discussion at the January 25, 2011 Council Meeting.

It was also the consensus of Council to try and visit the former Sonesta site immediately after the Executive Session.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding the boating activities on the West Side "flats" and possible intervention for environmental, nuisance and public safety issues.

It was the consensus of Council to direct staff to look into this issue and try to find solutions.

The Manager also addressed the Council regarding a possible request to the State of Florida for buoy placement on Biscayne Bay (West Side of Village).

It was the consensus of Council to direct staff to submit an application to the State of Florida for possible buoy placement on Biscayne Bay (West Side of Village).

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

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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 9:37 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 25th day of January, 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.