

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, MARCH 8, 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:** Reverend Burt Froehlich, St. Christopher’s By The Sea gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan lead the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** There were no speakers present.
6. **AGENDA:** Councilmember Garcia requested the addition of a discussion regarding the Sonesta article in the Islander News as Item 10A4; Vice Mayor Kelly and Councilmember Lindsay requested the addition of further discussion regarding the recent Pension Workshop as Item 10A5; Councilmember Taintor requested to hear Item 10D2 together with Item 9A, requested the addition of a report from the Manager regarding the Nixon beach buoys as Item

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10A6, requested the addition of a status report on the Presbyterian Church land lease as Item 10A7 and also requested a status report from the Manager regarding the parking spaces and sidewalk by the Community Church as 10A8; Mayor Caplan requested the addition of appointments to the Dock Advisory Board as Item 10A9, requested the addition of a discussion regarding Relay for Life as Item 10A10, requested the addition of a comment of an advertisement from the Chamber of Commerce regarding the Sony Ericsson Open as Item 10A11, requested the addition of public participation on the recent workshops held by Council as Item 10A12 and also requested the addition of a discussion regarding the celebration of the 20th Anniversary of Incorporation as Item 10A13. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the February 8, 2011 Regular Council Meeting. The motion was seconded by Councilmember Garcia 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.

Councilmember Davey made a motion to approve the minutes of the February 15, 2011 K-8 School Workshop. The motion was seconded by Vice Mayor Kelly 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.

Councilmember Davey made a motion to approve the minutes of the February 22, 2011 Pension Workshop. The motion was seconded by Vice Mayor Kelly 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:** There were no ordinances considered by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING THE VILLAGE MANAGER'S REVISED ADMINISTRATIVE ORDER SETTING A NEW STORMWATER UTILITY FEE; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and Lourdes Abadin, with Estrada Hinojosa, Financial Consultant for the Village addressed the Council recommending to consider refinancing and restructuring the Stormwater Utility Revenue Bonds, Series 1999 to provide debt relief for the Stormwater Enterprise Fund

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and alleviate the cash flow shortages and the recommended annual stormwater rate adjustments.

The Manager also addressed the Council recommending approval of the Village Manager's revised Administrative Order setting a new Stormwater Utility Fee.

Mr. Michael E. Burton, President of Burton & Associates made a presentation to Council regarding the Stormwater Rate Study.

Councilmember Davey made a motion to table the resolution to later in the meeting. The motion was seconded by Vice Mayor Kelly 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.

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

Mayor and Councilmembers. Vice Mayor Kelly addressed the Council regarding the timing of the second reading of the Land Trust Ordinance.

It was the consensus of Council to hold the second reading of the above mentioned ordinance on April 12, 2011.

Vice Mayor Kelly also addressed the Council regarding Miami-Dade Police enforcement on the Causeway. Vice Mayor Kelly reported that the causeway is unsafe and out of control with the cyclists and teenagers driving at extreme speeds. Mayor Kelly proposed that the Manager and the Police Chief try to form a task force in conjunction with the different authorities that oversee the Causeway in order to increase enforcement. There was no objection to the proposal.

Councilmember Davey made a motion to remove Item 9A from the table. The motion was seconded by Vice Mayor Kelly 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.

Councilmember Davey made an amending motion to increase the Stormwater rate fee to \$8.90 per each Equivalent Residential Unit (E.R.U.) per month. The motion was seconded by Vice Mayor Kelly and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Garcia and Lindsay voting No.

The resolution, as amended, was approved by a 4-3 voice vote. The vote was as follows: Councilmembers Gusman, Taintor, Vice Mayor Kelly and Mayor Caplan voting Yes. Councilmembers Davey, Garcia and Lindsay voting No.

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Councilmember Davey addressed the Council regarding the problem of feral cats on Key Biscayne, especially around the Key Biscayne Community Church. Vice Mayor Kelly informed the Council that this is a legitimate health risk.

Councilmember Garcia addressed the Council regarding the recent article in the Islander News about the Sonesta lawsuit. Mayor Caplan and the Attorney also addressed the Council regarding this issue.

There was extensive discussion from Council regarding this issue.

Vice Mayor Kelly and Councilmember Lindsay addressed the Council regarding the recent Pension Workshop held by Council on February 22, 2011. Councilmember Lindsay addressed the Council requesting the following additional information: 1.) Total amount the Village is spending in administering the different pension plans; 2.) What the actual obligation would be if we move the actual return of investment to 7 1/2% or 6 1/2% and 3.) What the 10 year average yield has been for investment returns on the pension plans.

Vice Mayor Kelly also addressed the Council regarding requesting the following additional information: 1.) What are the projected costs going out over time, 10 years from now; 2.) What would the Village be spending if a defined contribution plan was chosen instead; 3.) What is the average rate of return since the inception of the plan and 4.) What would be the consequence if we earn less than 6 1/2%.

It was the consensus of Council to get an outside Consultant to look at our different pension plans and provide an unbiased report. It was also the consensus of Council to place this item on the May 24, 2011 agenda after the Legislation Session ends.

Councilmember Taintor addressed the Council requesting a report from the Manager on the Nixon Beach buoys. The Manager addressed the Council reporting that the Consultant was contacted and informed the Manager that an ordinance will be required since four different regulatory agencies need to be involved in this process. The Attorney reported that the ordinance is almost finished to be presented to the Council at a future meeting.

Councilmember Taintor also addressed the Council requesting an update from the Manager regarding the lease agreement with the Presbyterian Church for playing fields. The Manager also reported on the ongoing negotiations with the Presbyterian Church.

Councilmember Taintor also addressed the Council requesting an update from the Manager regarding the sidewalk by the Community Church. The Manager addressed the Council reporting that this item will be placed on the next Council agenda.

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Mayor Caplan addressed the Council regarding the appointments to the Dock Advisory Board. Mayor Caplan, with consensus of Council, appointed the following residents to the Dock Advisory Board: Carlos de la Cruz, Finlay Matheson, John Dasburg, Billy Pesch and former Mayor Bob Vernon. Councilmember Taintor will be the Council liaison to this Board.

Mayor Caplan addressed the Council regarding public participation in the recent workshops and meetings urging the residents to keep participating.

Mayor Caplan addressed the Council regarding a request from Relay for Life to have a Council team. It was the consensus of Council to participate in the Relay for Life.

Mayor Caplan also addressed the Council regarding a beautiful video that the Chamber of Commerce has prepared portraying Key Biscayne, voiced by Andy Garcia. This video will be played on the big screen during the Sony Ericsson Tennis Tournament.

Mayor Caplan also addressed the Council regarding the 20th Anniversary celebrations suggesting that a special event would be appropriate.

Village Attorney. The Attorney addressed the Council regarding the new draft of the HR ordinance. It was the consensus of Council to bring this item back before Council at the April 12th meeting as a draft ordinance.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council reporting that the Village currently has an inventory of 484 Street signs (121 intersections) throughout the island. The Manager also reported that the Citizens' Independent Transportation Trust ("CITT") has informed the Village that a portion of the transportation surtax revenue can be utilized for street signs.

It was the consensus of Council to direct staff to provide three options and different price points.

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 10:55 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 15th day of March, 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.