

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, DECEMBER 7, 2010

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:05 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 and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Caplan led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Mr. Sean Kramer, Executive Director for the American Cancer Society in Miami-Dade and Broward Counties presented a token of appreciation to the Village Council for their support to the Key Biscayne Relay for Life during the past eleven years.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: Jackie Kellogg, 115 Sunrise Drive.

6. **AGENDA:** Councilmember Davey requested the addition of a discussion regarding White Fly infestation as Item 10A8 and also requested the addition of a discussion regarding the two vacancies in the Youth Athletics Advisory Board as Item 10A9; Councilmember Garcia requested the addition of a discussion on the Xmas lights on the Village Green as Item 10A10; Councilmember Lindsay requested the addition of a discussion of the condition of the South field of the Village Green as Item 10A11 and the Manager requested to hear Item 10D2 prior to Item 9B. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the November 16, 2010 Regular Council Meeting. 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:** There were no ordinances considered by Council.

9. **RESOLUTIONS:** The Attorney 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 POLICE VEHICLES FOR THE VILLAGE POLICE DEPARTMENT; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO PURCHASE POLICE EQUIPMENT, TO-WIT: THIRTEEN (13) POLICE VEHICLES; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING AND APPROVING MASTER LEASE AGREEMENT AND RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and Chief of Police Charles Press addressed the Council recommending the purchase of thirteen (13) Police Vehicles and accompanying emergency equipment. The purpose of this request is to replace the department's aging fleet, originally purchased in 2005.

The resolution was approved, subject to reviewing other financing options, by a 5-2 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Gusman, Taintor and Mayor Caplan voting Yes. Councilmember Lindsay and Vice Mayor Kelly voting No.

At this time Item 10D2 was heard.

The Manager addressed the Council regarding the requirement that the Village update the Stormwater Management Master Plan (SWMP) project in order to maintain current discounts and

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comply with the Village's Community Rating System (CRS) and the National Flood Insurance Program (NFIP) requirements.

Alicia M. Vereas-Feria, Project Manager with Tetra Tech reported that they are in the process of updating the Village's SWMP and will present a power point presentation depicting the scope of the project and a brief historical information summary.

Once the SWMP is completed it will come before the Council for adoption.

The Attorney read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING THE MIAMI-DADE COUNTY LOCAL MITIGATION STRATEGY; 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 adopt the Local Mitigation Strategy (LMS). The Village has been participating in the Miami-Dade County's Local Mitigation Strategy Program since 1998 and by adopting it the Village will obtain credit for the Community Rating System (CRS) recertification and reclassification.

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. At the request of Councilmember Gusman staff prepared a chart with examples of how other municipalities regulate the painting of the buildings.

Councilmember Gusman withdrew this item.

Vice Mayor Kelly addressed the Council regarding the implementation of non-addressed ZORC recommendations to include the HR District, and those which would require a vote.

The Attorney addressed the Council regarding the HR District.

It was the consensus of Council to direct the Attorney to draft the above mentioned HR District legislation and present it to the Council some time in January 2011.

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It was also the consensus of Council to hold a Special Council Meeting to discuss the issues recommended by ZORC that would require a vote of the electors.

The Attorney explained to the Council that a Special Election regarding these issues will probably need a mail ballot election due to the amount of questions that would need to be presented to the electors.

There was extensive discussion from Council regarding these issues.

Vice Mayor Kelly also addressed the Council regarding the future implementation of the D-5 triangle and "Historic Docks".

It was the consensus of Council to direct staff to draft legislation to create a Committee to look at the D-5 triangle and "Historic Docks" and make recommendations to Council.

Vice Mayor Kelly also addressed the Council regarding the replacement of street signs.

It was the consensus of Council to direct staff to research the cost of replacing the street signs and report back to Council.

Councilmember Garcia addressed the Council regarding the problems with the construction of the new Bedia Plazas.

The Manager addressed the Council regarding the construction of the new Bedia Plazas.

Ramon Castella with C3TS also addressed the Council regarding the construction of the new Bedia Plazas reporting that the new Bedia Plazas will be re-done at the contractor's cost.

Mayor Caplan addressed the Council regarding the public discussion process in advance of the second reading of the Land Trust Ordinance.

Mayor Caplan addressed the Council and the public with a tribute to Ms. Bonnie Cooper.

Councilmember Davey addressed the Council regarding the issue of the White Fly infestation of the ficus trees.

The Manager and Public Works Director Armando Nunez also addressed the above mentioned White Fly infestation.

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Councilmember Davey addressed the Council requesting nominations from Council for the Youth Athletics Board.

Councilmember Lindsay addressed the Council regarding the condition of the south field of the Village Green.

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

Councilmember Garcia addressed the Council congratulating the Manager and Director Hofferberth for the beautiful Christmas lights on the Village Green.

Mayor Caplan addressed the Council regarding the recent ribbon cutting ceremony he attended, on behalf of the Village, of the Rickenbacker causeway improvements.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and Mr. Burton addressed the Council regarding the Stormwater Rate Study conducted by Burton & Associates as previously approved by Council on September 7, 2010. The study recommends an increase to the current rate. Any rate increase would be brought back before the Council with appropriate legislation to enact such change.

The Manager and Lourdes Abadin, Financial Consultant for the Village, also addressed the Council recommending that the Council consider refinancing and restructuring the Stormwater Utility Revenue Bonds, Series, 1999, to provide debt relief for the Stormwater Enterprise Fund and alleviate the required funding from the General Fund.

It was the consensus of Council to direct staff to report back to Council with financing options.

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 11:10 p.m.

*Respectfully submitted:*

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

Approved this 11th day of January, 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.***