

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, SEPTEMBER 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 7:00 p.m. Present were Councilmembers Michael W. Davey, Robert Gusman, Jorge E. Mendia, Thomas Thornton, Vice Mayor Enrique Garcia and Mayor Robert L. Vernon. Councilmember Michael E. Kelly was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Eloy Villasuso, External Affairs Manager; Sam Moore, Distribution General Manager and Ray Sanchez, Distribution Area Manager with Florida Power & Light addressed the Council and the public regarding power outages within the Village.
5. **PUBLIC COMMENTS:** There were no speakers present.

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6. **AGENDA:** Vice Mayor Garcia requested the addition of an update report on the Beach Renourishment Project as Item 10A1; Councilmember Davey requested the addition of a discussion regarding procedures in terms of amendments to the proposed ZORC recommendations to amend the Zoning Code as Item 10A2; Councilmember Thornton requested the addition of a discussion regarding the Noise Ordinance as Item 10A3 and Councilmember Mendia requested the addition of a discussion regarding proposed improvements to the Beach Park as Item 10A4. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Vice Mayor Garcia made a motion to approve the minutes of the August 31, 2010 Regular Council Meeting. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

8. **ORDINANCES:** There were no ordinances considered on first reading.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING THE 2009-2010 VILLAGE BUDGET AS PROVIDED FOR ON EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

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

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

The ordinance was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Thornton, Vice Mayor Garcia and Mayor Vernon 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, AUTHORIZING AND AWARDED CONTRACT FOR DISASTER RECOVERY SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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The Manager and Public Works Director Armando Nunez addressed the Council recommending to award the contract for disaster recovery services to the lowest responsive bidder AshBritt Inc.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING AN AGREEMENT WITH BURTON AND ASSOCIATES, INC. FOR THE PREPARATION OF A STORMWATER RATE STUDY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending to authorize the agreement with Burton and Associates, Inc. for the preparation of a Stormwater Rate Study.

Councilmember Davey made a motion to table the resolution to later on the agenda until the information regarding the proposed fees from other bidders is provided. The motion was seconded by Councilmember Gusman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING WORK AUTHORIZATION FOR THE SERVICES OF THE FIRM OF CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. ("C3TS"); PROVIDING FOR C3TS TO PERFORM OWNER REPRESENTATION, CONSTRUCTION PROJECT MANAGEMENT, ADMINISTRATION AND INSPECTION SERVICES FOR CONSTRUCTION OF 30" HIGH SEATING WALLS ALONG THE NORTHWEST AND SOUTH PERIMETERS OF THE EXISTING PLAYGROUND TO SERVE AS BARRIERS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

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The Manager and Director Nunez addressed the Council recommending the approval of work authorization for the services of C3TS to perform owner representation, construction project management, administration and inspection services for construction of 30" high seating walls along the northwest and south perimeters of the existing playground.

Ramon Castella with C3TS and Mayra Pena Lindsay, 365 West Wood Drive addressed the Council.

It was the consensus of Council to direct staff to look into the cost of lighting for the tot lot and report back to Council at a later meeting.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Vice Mayor Garcia addressed the Council regarding the Beach Renourishment Project. The Manager gave an update on this project.

Councilmember Davey addressed the Council regarding clarification of the procedure, in terms of amendments to the proposed ZORC recommendations, to amend the Zoning Code.

The Attorney also addressed the Council regarding the procedure for amendments to the proposed ZORC recommendations to amend the Zoning Code.

At this time Item 9B was heard. Vice Mayor Garcia made a motion to remove Item 9B from the table. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

The resolution authorizing and approving an agreement with Burton and Associates, Inc. for the preparation of a Stormwater Rate Study was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

Councilmember Thornton addressed the Council regarding proposed changes to the outdoor dining regulations.

Councilmember Mendia and the Manager addressed the Council regarding the proposed improvements to the Beach Park.

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Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager reported on the Water and Sewer Project.

Mr. Castella with C3TS and Lourdes Abadin with Estrada Hinojosa also addressed the Council regarding the completion of the Water and Sewer Project.

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 8:55 p.m.

Respectfully submitted:

Conchita H. Alvarez, MMC
Village Clerk

Approved this 14th day of September, 2010:

Robert L. Vernon
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.