MINUTES

SPECIAL COUNCIL MEETING
KEY BISCAYNE, FLORIDA

WEDNESDAY, APRIL 30, 2008

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, Steve Liedman, Thomas Thornton, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Councilmember Patricia Weinman was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

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

3. **AGENDA:** There were no changes to the agenda.

4. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the April 8, 2008 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, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

5. **ORDINANCES:** There were no ordinances considered by Council.

6. **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 EXPENDITURE OF AN AMOUNT NOT TO EXCEED TWELVE-THOUSAND DOLLARS ($12,000.00), FROM THE FEDERAL ASSET SHARING ACCOUNT FOR THE PURCHASE OF ONE (1) T-3 ELECTRIC PATROL VEHICLE WITH LED LIGHTING, TWO (2) POWER MODULES, AND ONE (1) EACH OF A POWER CHARGER, PANNIER PACK, SAFETY HELMET, AND TYPE B SPARE POWER MODULE (THE "EQUIPMENT") , FROM EMERGENCY VEHICLE SUPPLY; WAIVING COMPETITIVE BIDDING FOR PURCHASE OF THE EQUIPMENT PURSUANT TO VILLAGE CODE SECTION 2-85; PROVIDING FOR EFFECTIVE DATE.

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

The Manager and Chief of Police Charles Press addressed the Council recommending the purchase of the T3 Personal Mobility Vehicle for the Police Department utilizing funds from the Federal Forfeiture Assets Account.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia 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 KEY BISCAYNE COMMUNITY CENTER CONCESSION AGREEMENT TO BE ENTERED INTO BETWEEN THE VILLAGE AND 100% KEY BISCAYNE, LLC, GRANTING A FOOD AND BEVERAGE CONCESSION IN THE VILLAGE COMMUNITY CENTER; AUTHORIZING IMPLEMENTATION BY VILLAGE MANAGER; AND PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of both the contract with 100% Key Biscayne, LLC and the termination of the contract with Zoom Mini, Inc.

Luis Felipe de la Cruz, attorney representing the owner of 100% Key Biscayne, LLC, addressed the Council regarding this agreement.

The Attorney addressed regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia 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 AWARDING CONSTRUCTION CONTRACT BETWEEN THE VILLAGE AND TRANS FLORIDA DEVELOPMENT CORP (THE "CONTRACTOR") TO PROVIDE FOR THE CONSTRUCTION OF VILLAGE OF KEY BISCAYNE ZONE 2/3 RECLAIMED WATER AND WATER MAIN REPLACEMENT, SANITARY SEWER SYSTEM, AND PROPOSED PUMP STATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

The Manager and Ramon Castella with C3TS addressed the Council recommending to award the construction contract for Zones 2 and 3 Reclaimed Water and Water Main Replacement, Sanitary Sewer and Proposed Pump Station to Trans Florida Development Corporation.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia 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 ZONE 2/3 OF THE VILLAGE'S RECLAIMED WATER, WATER MAIN REPLACEMENT, SANITARY SEWER SYSTEM AND PROPOSED PUMP STATION PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

The Manager and Ramon Castella with C3TS addressed the Council recommending the approval of C3TS Work Authorization, dated April 17, 2008, for owner representative and construction management services for Zones 2 and 3 Reclaimed Water and Water Main Replacement, Sanitary Sewer and Proposed Pump Station, in the amount of $698,400.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia 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, SELECTING THE FIRM OF FIELDING NAIR INTERNATIONAL TO PROVIDE MUNICIPAL CHARTER SCHOOL CONSULTING SERVICES RELATIVE TO RFP "MUNICIPAL CHARTER SCHOOL CONSULTANT"; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE THE TERMS AND FEES FOR SAID SERVICES; AUTHORIZING NEGOTIATIONS WITH AN ALTERNATE FIRM, ACADEMICA, TO PERFORM THE REQUIRED SERVICES SHOULD NEGOTIATIONS WITH SELECTED FIRM BE UNSUCCESSFUL; AUTHORIZING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the selection of Fielding Nair International as the Consultant.

> Charles Viscito, 141 Crandon Boulevard and Angel Martin, 151 Crandon Boulevard addressed the Council.

The Clerk read a request from Councilmember Weinman regarding the Scope of Services.

Councilmember Davey made an amending motion to include in the Scope of Services for Fielding Nair's contract a task for the preparation of a Charter School application which may be filed with the Miami-Dade County School Board, with the proviso that the Consultant use a locally recognized sub-consultant for the performance of that specific task. The motion was seconded by Councilmember Liedman.

Councilmember Davey withdrew his motion.

Director of Building, Zoning and Planning Jud Kurlancheek addressed the Council regarding the selection process.

The Attorney also addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia 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 THE SELECTION OF TOP RANKED FIRM KEITH AND SCHNARS AS THE CAPITAL IMPROVEMENTS PLAN CONSULTANT; DIRECTING THE VILLAGE MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH KEITH AND SCHNARS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH SECOND RANKED FIRM, BERMELLO AJAMIL AND PARTNERS, SHOULD NEGOTIATIONS WITH KEITH AND SCHNARS FAIL; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the selection of Keith and Schnars as the Consultant.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia 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 AGREEMENT FOR TRAFFIC SAFETY CAMERA PROGRAM SERVICES BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE VILLAGE OF KEY BISCAYNE ; PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the approval of the agreement with ATS, setting into motion the installation of Red Light Traffic Cameras within the Village.

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

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

Mayor and Councilmembers. Councilmembers Liedman and Garcia addressed the Council requesting consideration of a motion to assign additional matter to the Crandon Boulevard Master Implementation Committee.

Camille Guething, 260 Seaview Drive addressed the Council.

Councilmember Liedman made a motion to assign additional matter to the Crandon Boulevard Master Plan Implementation Committee, by requiring the Committee to continue its advisory work on the implementation of the Crandon Boulevard Master Plan by focusing upon traffic and pedestrian safety issues and enhancements for Crandon Boulevard, as authorized by Village Code Section 2-174 (4). The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Davey addressed the Council regarding the composition of the Youth Athletics Advisory Board, requesting that it be amended so that the Council appointee can act as a Council liaison. It was the consensus of Council to direct staff to draft the appropriate legislation to accomplish this request.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Office of the Mayor issued the following proclamations during the month of April: a.) proclaiming April 3, 2008 as "Joan Gill Blank Day" and a welcoming proclamation to Father Burt Froehlich.

Village Manager. The Manager addressed the Council regarding the budget surplus.

Randolph G. White, Finance Director addressed the Council regarding the budget surplus. The Finance Director reported that the surplus this year is $586,017 and recommended to allocate these funds as follows: $245,000 for labor negotiations and $341,000 for the Capital Improvement Plan. There was no objection to this proposal.

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

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

10. **ADJOURNMENT:** The meeting was adjourned at 8:30 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this 13th day of May, 2008:

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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.