

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, MAY 11, 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 Davey, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Enrique Garcia and Mayor Robert L. Vernon. Councilmember Robert Gusman was absent. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Council, presented a proclamation to the American Legion Auxiliary designating the week of May 26-29, 2010 as Poppy Week in Key Biscayne.
5. **PUBLIC COMMENTS:** The following persons addressed the Council: Raul Llorente, 345 Cypress Drive and Eduardo Zayas-Bazan, candidate for the School Board.

May 11, 2010

6. **AGENDA:** Vice Mayor Garcia requested the addition of an update regarding the Beach Restoration project as Item 10A4 and Councilmember Kelly requested the addition of a discussion regarding Causeway safety-teen drivers and cyclists as Item 10A5. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the April 27, 2010 Zoning Meeting. The motion was seconded by Vice Mayor Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon 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 WORK AUTHORIZATION FOR THE SERVICES OF THE FIRM OF TETRA TECH, INC. ("TETRA TECH"); PROVIDING FOR TETRA TECH TO CONDUCT DATA COLLECTION, CONDUCT REVIEW MEETINGS, PREPARE CONSTRUCTION DOCUMENTS, PROVIDE BIDDING SERVICES, AND PERFORM CONSTRUCTION ADMINISTRATION/INSPECTION SERVICES FOR THE WEST WOOD DRIVE TRAFFIC CALMING PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR 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 approval of the proposal submitted by Tetra Tech for engineering services in the amount of \$34,407.00. The scope of work included in this proposal is for the engineering design and construction management of West Wood Drive Traffic Calming Improvements.

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

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING PURCHASE OF WORKOUT EQUIPMENT FOR THE VILLAGE OF KEY BISCAYNE COMMUNITY CENTER; AUTHORIZING VILLAGE MANAGER TO COMPLETE PURCHASE OF WORKOUT EQUIPMENT; PROVIDING FOR EFFECTIVE DATE.**

May 11, 2010

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

The Manager and Parks and Recreation Director Todd Hofferberth addressed the Council recommending approval of this resolution authorizing the purchase of workout equipment for the Key Biscayne Community Center Wellness Facility.

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

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING PURCHASE OF PARK EQUIPMENT FOR THE VILLAGE OF KEY BISCAYNE VILLAGE BEACH PARK; AUTHORIZING VILLAGE MANAGER TO COMPLETE PURCHASE OF EQUIPMENT; PROVIDING FOR EFFECTIVE DATE.**

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

The Manager addressed the Council recommending that Council authorize the purchase and installation of furniture to enhance the Village Beach Park from Playmore Recreational Products and Services for the sum of \$17, 371.21.

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

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the ZORC recommendations for the HR District specifically setbacks, height and FAR.

Building, Zoning and Planning Director Jud Kurlancheek and Wilfredo Borroto, ZORC member addressed the Council regarding the ZORC recommendations.

Councilmember Kelly made a motion to hold a public hearing to hear the proposed zoning changes on first reading.

The Manager addressed the Council regarding a meeting held with the Sonesta developers regarding the possibility of building a hotel on that site.

*May 11, 2010*

Neisen Kasdin, Attorney representing Consultatio LLC, owners of the Sonesta property, addressed the Council.

The Attorney addressed the Council regarding the proposed regulations for the Sonesta property.

Carlos Deschappelles, 390 Atlantic Road addressed the Council.

There was extensive discussion from Council regarding this issue.

The Mayor made an amendment to the Kelly motion to include a non-conformity section that in the event that there is a casualty loss, these regulations will not preclude the re-establishment of these units. Councilmember Kelly accepted the friendly amendment. The amended Kelly motion failed by a 2-4 roll call vote. The vote was as follows: Councilmember Kelly and Mayor Vernon voting Yes. Councilmembers Davey, Mendia, Thornton and Vice Mayor Garcia voting No.

Councilmember Mendia addressed the Council regarding the development of the Sonesta property.

Councilmember Mendia made the following motion: The Village Council would like to strongly encourage Consultatio LLC and its development team to bring for our consideration a new site plan that includes a hotel and is more sensitive to the neighborhood of Holiday Colony. The motion was seconded by Vice Mayor Garcia.

Ed Meyer, 798 Crandon Boulevard addressed the Council.

The Mendia motion was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Davey, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmember Kelly voting No.

Councilmember Kelly addressed the Council and the public regarding the potential impact of the Gulf oil spill on Key Biscayne beaches.

The Manager and Chief of Fire Rescue John C. Gilbert addressed the Council stating that the Village is monitoring this situation very closely.

Vice Mayor Garcia requested an update regarding the Beach Restoration project. The Manager and Public Works Director Armando Nunez addressed the Council giving an update.

Councilmember Kelly addressed the Council regarding Causeway safety as it relates to teen drivers and cyclists and commended the Key Biscayne Police Department for their efforts regarding safety.

May 11, 2010

Village Attorney. The Attorney requested an Executive Session on the pending litigation regarding the Sonesta property.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

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 25th day of May, 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.***