

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAAYNE, FLORIDA

TUESDAY, JULY 6, 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, Robert Gusman, Michael E. Kelly, Thomas Thornton, Vice Mayor Enrique Garcia and Mayor Robert L. Vernon. Councilmember Jorge E. Mendia was absent. Also present were Village Manager Genaro “Chip” Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
3. **SPECIAL PRESENTATIONS:** State Senator Candidate for District 35 Gwen Margolis addressed the Council.

At this time the Mayor thanked Village staff for their hard work on the Village’s Fourth of July festivities, giving special thanks to Parks and Recreation Director Todd Hofferberth and Public Works Director Armando Nunez.

4. **PUBLIC COMMENTS:** The following persons addressed the Council: Daniel Pardo, on behalf of the Miami-Dade County Coastal Cleanup; Samantha Ruiz Cohen, Candidate for Circuit Court Judge and Sam Davitian, 720 Myrtlewood Lane.

5. **AGENDA:** The Manager, at the request of Councilmember Mendia, requested the addition of a discussion regarding Rickenbacker Causeway improvements as Item 9A3. There was no objection to the agenda change.

6. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the June 22, 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, Gusman, Kelly, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

Vice Mayor Garcia made a motion to approve the minutes of the June 29, 2010 Budget Workshop. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

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

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

**A RESOLUTION OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK AND MANAGER TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager and the Attorney addressed the Council regarding this resolution.

It was the consensus of Council to direct staff to meet with the members of the Land Acquisition Committee in order to get their input regarding the amount of the debt, length of years and then draft the appropriate legislation to place the question on the November ballot regarding the creation of a Land Acquisition Trust and imposing a special land acquisition millage. Councilmember Kelly is to serve as liaison with the Committee in this particular issue.

Mayor Elect Frank Caplan addressed the Council.

July 6, 2010

It was also the consensus of Council to hold two Special Council Meetings during the month of August in order to meet the Miami-Dade County Elections deadline to place questions on the November ballot. These meetings will be held on August 3rd and August 17th, 2010.

The resolution was approved by a 4-2 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmembers Kelly and Thornton voting No.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAAYNE, FLORIDA, CONFIRMING THE VILLAGE'S ABILITY TO FUND AND SUPPORTING THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE VILLAGE'S BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN 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 approval of this resolution providing the Florida Department of Environmental Protection (DEP) confirmation that the Village has committed funds and supports the construction and monitoring of the Beach Renourishment Project.

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

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding the proposed zoning changes for the HR District.

Neisen Kasdin, Attorney representing Consultatio, LLC and Marcos Corti with Consultatio LLC addressed the Council.

The Attorney, Building, Zoning and Planning Director Jud Kurlancheek and Mayor Elect Caplan also addressed the Council regarding the proposed zoning changes for the HR District.

Councilmember Kelly made a motion to hold a public hearing to hear the proposed zoning changes for the HR District specifically setbacks, height and FAR on first reading, including a nonconformity section that in the event that there is a casualty loss, these regulations will not preclude the reestablishment of these units. The motion died for lack of a second.

July 6, 2010

It was the consensus of Council to direct staff to place this item on the August 31, 2010 Council Agenda for discussion purposes and public input.

Councilmember Gusman addressed the Council regarding regulating paint colors on commercial buildings.

Director Kurlancheek also addressed the Council regarding this issue.

It was the consensus of Council to direct staff to bring back to the September 7, 2010 Council Meeting examples of commercial building paint color programs in other communities.

At Councilmember Mendia's request, the Manager addressed the Council regarding proposed Rickenbacker Causeway improvements.

Village Attorney. The Attorney addressed the Council regarding the proposed settlement between Perez-Gurri Corp. vs. Village of Key Biscayne.

Attorney Michael Popok, Chair of the Litigation Division, with Weiss Serota Helfman, et. al. addressed the Council regarding this settlement.

Councilmember Thornton made a motion to direct the Attorney to approve proposed settlement with Perez-Gurri Corp. in the amount of \$18,000.00. The motion was seconded by Councilmember Kelly and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Gusman, Kelly, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmember Davey voting No.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and Director Kurlancheek addressed the Council recommending that the Council select one of the firms for the design and construction management services for 530 Crandon Boulevard and direct staff to negotiate a contract. The firms are AECOM, EDSA and Savino & Miller.

It was the consensus of Council to select the firm of Savino & Miller.

The Manager addressed the Council regarding the request made by Council at the June 22, 2010 Council Meeting to determine the feasibility of relocating a home from 298 McIntyre Street to 530 Crandon Boulevard. The estimated total to relocate this home is \$170,000.

Dr. Robert Maggs, on behalf of the Historical Society and Mr. Rick Ferrer, Senior Planner with the Office of Miami-Dade County Historic & Archaeological Resources addressed the Council.

July 6, 2010

It was the consensus of Council that this project is not feasible at this time.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
11. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
12. **ADJOURNMENT:** The meeting was adjourned at 9:32 p.m.

*Respectfully submitted:*

---

*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 31st day of August, 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.***