

MINUTES

ZONING MEETING  
KEY BISCAVNE, FLORIDA

TUESDAY, OCTOBER 26, 2010

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:15 p.m. Present were Councilmembers Michael W. Davey, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Enrique Garcia and Mayor Robert L. Vernon. 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. **SPECIAL PRESENTATIONS:** The Clerk, on behalf of the Council, staff and residents of the Village of Key Biscayne, presented a token of appreciation to the Mayor for his passion and dedication to this community.
4. **PUBLIC COMMENTS:** The following resident addressed the Council: Julie Alvarez, 150 Sunrise Drive.
5. **AGENDA:** There were no agenda changes.

October 26, 2010

6. **APPROVAL OF MINUTES:** Councilmember Davey made a motion to approve the minutes of the October 12 Regular Council Meeting. The motion was seconded by Vice Mayor Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, 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 COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN INVESTMENT POLICY AND PROVIDING 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 the approval of the resolution which adopts an Investment Policy for the Village.

Lourdes Abadin with Estrada Hinojosa, Financial Consultant for the Village addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

At this time Item 3A was heard.

Miami-Dade County Commissioner Carlos Gimenez, on behalf of Miami-Dade County Mayor Carlos Alvarez, presented a proclamation to Mayor Vernon and Councilmembers Mendia and Thornton recognizing their years of service to the community.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT (MEMORANDUM OF UNDERSTANDING) BETWEEN THE VILLAGE OF KEY BISCAYNE AND THE NATIONAL PARK SERVICE (BISCAYNE NATIONAL PARK) FOR SEAGRASS RESTORATION WITHIN BISCAYNE NATIONAL PARK AS MITIGATION FOR BEACH RESTORATION IMPACTS; PROVIDING AN EFFECTIVE DATE.**

*October 26, 2010*

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 the Memorandum of Understanding with the National Park Service, providing that the Village and the Park will implement a project for the restoration of 0.3 acre of seagrass to offset impacts from the Village's 2002 Beach Restoration project. This restoration will take place within the Park and will be accomplished by the Park and funded by the Village.

At this time Vice Mayor Garcia requested an update on the Beach Renourishment Project.

Ms. Penny Cut with Coastal Systems International, Consultant Managing the Beach Renourishment Project and the Mitigation for Beach Restoration Impacts, addressed the Council.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, 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 THE MEDIATED SETTLEMENT AGREEMENT WITH ALBERTO AND OLGA BEECK; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE MEDIATED SETTLEMENT AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Attorney addressed the Council recommending approval of the mediated settlement agreement with Alberto and Olga Beeck.

David Blumberg and Jameela Blumberg, 10 Harbor Point; Alberto Beeck, 11 Harbor Point; John K. Shubin with Shubin & Bass, Attorney representing Alberto and Olga Beeck and Jim Taintor, 355 Harbor Drive addressed the Council.

The resolution was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Davey, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmembers Gusman and Kelly voting No.

October 26, 2010

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

Mayor and Councilmembers. Councilmember Davey thanked the Mayor and Councilmembers Mendia and Thornton for their years of service.

Councilmember Davey also addressed the Council thanking the Zoning Ordinance Review Committee for their hard work.

Councilmember Mendia addressed the Council regarding the expansion plan for the Community Center Fitness Area.

Parks and Recreation Director Todd Hofferberth and Community Center Advisory Board Member Ernesto Alvarez addressed the Council regarding this issue.

It was the consensus of Council to place this proposal as an action item on the November 16, 2010 Regular Council Meeting Agenda.

Vice Mayor Garcia requested an update on the Red Light Cameras.

The Manager and Deputy Police Chief Joe Monteagudo addressed the Council reporting on the progress of the Red Light Cameras project.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** The Manager addressed the Council recommending that they review the ordinance recommended by the Land Acquisition Committee which establishes a Parks and Recreational Open Space Lands Trust Fund and set a public hearing date to further consider the recommendation.

The Attorney also addressed the Council regarding the proposed ordinance.

It was the consensus of Council to place this ordinance on the November 16, 2010 agenda for first reading.

At this time, the Clerk, Manager and Attorney thanked Mayor Vernon, Councilmembers Mendia and Thornton for their years of service.

October 26, 2010

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 9:05 p.m.

*Respectfully submitted:*

---

*Conchita H. Alvarez, MMC  
Village Clerk*

*Approved this 16th day of November, 2010:*

---

*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.***