MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, JANUARY 9, 2007

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, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.

2. **INVOCATION:** Reverend Bud Schroeder, Key Biscayne Community Church gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Dr. Michael Kelly led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** Mr. Fausto Gomez with Gomez Barker Associates, Inc., Intergovernmental Representative, addressed the Council giving a brief overview regarding funding for the Proposed Sanitary Sewer Project and on the proposed legislature on Hurricane Preparedness and Property Insurance.

5. **PUBLIC COMMENTS:** The following persons addressed the Council: Michael Kahn, 881 Ocean Drive; Theresa Hodges, 255 Glenridge Road; Nelson Zambrano, 260 Fernwood Road; Carter McDowell, Attorney representing the developers of the Sonesta Property; Michael Kelly, 395 Gulf Road and Hector Formoso-Murias, 471 North Mashta Drive.

6. **AGENDA:** Councilmember Garcia requested to hear Item 10A6 immediately after Item 10A3 and also requested an update on Grapetree and Seaview street lights as Item 10A7; Councilmember Liedman requested an update on concurrency as Item 10A8 and a discussion regarding the replacement of four coconut trees on Seaview Drive as Item 10A9; Councilmember Weinman requested to hear Item 10D1 prior to Item 10A4; the Clerk requested to substitute the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 769 included in the agenda with the one before the Council due to clerical revisions and the Manager requested the addition of a brief update on Crandon Boulevard Phase III to be heard together with Item 10D6. There was no objection to the agenda changes.

At this time Public Works Director Armando Nunez addressed the Council reporting that there will be a 6 ft. temporary opening on Fernwood Road behind the 200 Crandon Boulevard property.

7. **APPROVAL OF MINUTES:** Vice Mayor Mendia made a motion to approve the minutes of the December 5, 2006 Regular Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia 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 CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; CONCERNING JOSE BEDIA ARTISTIC PROJECT (THE "ART PROJECT") TO BE INSTALLED IN CONNECTION WITH THE VILLAGE'S CRANDON BOULEVARD PHASE III PROJECT; PROVIDING FOR AUTHORIZATION OF THE ART PROJECT; APPROVING PROFESSIONAL SERVICES AGREEMENT FOR THE ART PROJECT; PROVIDING FOR IMPLEMENTATION OF THE ART PROJECT; PROVIDING FOR EFFECTIVE DATE.

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

Building, Zoning and Planning Director Jud Kurlancheek and Ramon Castella with 3CTS addressed the Council regarding this resolution.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmember Davey voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 769 AND THE VILLAGE OF KEY BISCAYNE; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Village Attorney James Baker and the Manager addressed the Council supporting the contract.

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

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

Mayor and Councilmembers. The Mayor, with consensus of Council, appointed the following residents as members to the Zoning Ordinance Review Committee: Jose Ortega, Willie Borroto, Deborah DeLeon, Barry Goldmeir, Arturo Aballi, Robert Gusman, Roberto de Cespedes, Mario Garcia-Serra and Julie Alvarez.

It was the consensus of Council to bring back the Ordinance creating the ZORC to amend the composition of the same to 11 members.

Councilmember Garcia addressed the Council requesting an update on the proposed Sanitary Sewer Project. The Manager addressed the Council as to the current status of the above referenced project by zone: **Zone 4** water and sewer plans were approved and signed by WASD on December 5, 2006. The water main plans have been approved by the Department of Health and are pending approval by the Village Fire Department. The sewer plans were submitted to DERM on December 12, 2006. We received a request for information (RFI) from DERM on January 8, 2007. The RFI requests that the application submitted be signed by the owner of the treatment plant (WASD) and minor revisions to the plans that can be hand written on the existing plans. The plans and application were picked up at DERM on January 8, 2006. We anticipate obtaining the signature omitted by WASD under the section for the treatment facility on January 11, 2006 and returning the application and plans to DERM on the same date. **Zone 1** water and sewer comments were received from WASD on May 25, 2006. PBS&J is completing the final revisions to the Zone 1 water, sewer and pump station

plans based on the comments received from WASD for this zone and the comments received from WASD for the Zone 4 plans which have been approved. We anticipate submitting the revised plans to WASD on January 15, 2007 and receive approval from WASD based on the fact that the plans reflect the changes on the approved Zone 4 plans. **Zones2/3** to date, PBS&J has not received a response or comments from WASD for this zone. Upon follow up with WASD, they have requested that we visit their office during their open meeting times. We anticipate submitting revised plans on March 1, 2007 to WASD for final approval. This zone covers a much larger area than the other zones and will require more time to complete the revisions.

Councilmember Garcia also addressed the Council regarding the need for beach renourishment.

Director Nunez addressed the Council giving an update on the beach.

Councilmember Garcia addressed the Council requesting an update regarding burying of FPL power lines.

Ramon Castella, with 3CTS, addressed the Council.

Councilmember Weinman addressed the Council regarding the proposed Arts and Cultural Programs.

The Manager addressed the Council recommending to hire Ballard*King and Associates to provide an overall written assessment of the feasibility of developing a Conservatory based on a partnership with two local dancers.

Parks and Recreation Director Todd Hofferberth addressed the Council regarding the Ballard*King and Associates proposal.

Susie Westfall, 525 Allendale Road, Member of the Community Center Advisory Board; David Palmer and Yanis Pikieres addressed the Council regarding the proposed Arts and Cultural Programs.

It was the consensus of Council to direct the Manager to hire Ballard*King and Associates to study the feasibility of developing a Conservatory.

Councilmember Weinman also addressed the Council proposing to hold a Town Hall Meeting regarding alternative energy and solutions to environmental concerns. It was the consensus of Council to direct staff to coordinate the above mentioned Town Hall Meeting.

Councilmember Garcia addressed the Council regarding street lights on Grapetree Drive and Seaview Drive. Director Nunez addressed the Council regarding these projects.

Councilmember Liedman addressed the Council regarding concurrency. It was the consensus of Council to direct staff to bring this issue before Council on February 13, 2007.

Councilmember Liedman also addressed the Council regarding the four coconut trees on Seaview Drive. It was the consensus of Council to direct staff to plant four coconut trees on Seaview Drive.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted a copy of her office's 2006 annual report to the Council.

Village Manager. The Manager presented to the Council a November 2006 Survey by Leisure Vision regarding Parks and Recreation customer satisfaction and needs assessment survey.

Director Hofferberth addressed the Council regarding the survey.

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 9:35 p.m.

Respectfully submitted:

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Conchita H. Alvarez, CMC
Village Clerk

Approved this__ day of January , 2007:

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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.