

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, FEBRUARY 13, 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 David Moran, Key Biscayne Presbyterian Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Former Councilmember Mortimer Fried led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Councilmember Weinman requested the deferral of the presentation by the Key Biscayne Youth Council to the next Council meeting. There was no objection to the request.
5. **PUBLIC COMMENTS:** The following residents addressed the Council: John Rosser, 300 Redwood Road; Hank Sanchez, 300 Galen Drive; Charles Viscito, 141 Crandon Boulevard; Camille Guething, 260 Seaview Drive; Michele Estevez, 800 Crandon Boulevard; Santiago Padilla, 791 Crandon Boulevard; Theresa Hodges, 255 Glenridge Road; Juan Kuryla, 121 Crandon Boulevard; Chris Jackman and Mark Jackman, 881 Ocean Drive.

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6. **AGENDA:** Councilmember Liedman requested the addition of a report regarding the Police/Fire Pension Board as Item 10D2; Vice Mayor Mendia requested to hear Item 10D6 before Item 10D5 and Councilmember Weinman requested the addition of a report regarding the progress of the Performing Arts Conservatory as Item 10D3. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** Vice Mayor Mendia Made a motion to approve the following consent agenda. The motion was seconded by Councilmember Liedman 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.

The minutes of the January 23, 2007 Zoning Meeting.

The minutes of the January 30, 2007 continuation of January 23, 2007 Meeting.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, CONCERNING THE ACQUISITION OF PLAYGROUND EQUIPMENT FOR THE VILLAGE GREEN PARK; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO PURCHASE THE EQUIPMENT; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING AND APPROVING TRANSACTION; PROVIDING FOR AN EFFECTIVE DATE.

8. **ORDINANCES:** The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA INCREASING THE NUMBER OF MEMBERS ON THE ADVISORY BOARD KNOWN AS THE ZONING ORDINANCE REVIEW COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Liedman made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Thornton.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Mayor, with consensus of Council, appointed Basha Hicks and Dr. Robert Molinari to the ZORC.

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9. **RESOLUTIONS:** 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 KEY BISCAYNE PROFESSIONAL CAPTAIN'S ASSOCIATION, LOCAL 3638; 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 Thornton.

The Manager addressed the Council recommending approval of the resolution.

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 addressed the Council reporting that the nominations for the Community Center Advisory Board are closed. The appointment of this Board will be made at the February 26, 2007 Zoning Meeting.

Councilmember Liedman addressed the Council regarding the Police/Fire Pension Board stating that the Pension Plan is in excellent condition.

Councilmember Weinman gave a progress report regarding the Performing Arts Conservatory.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager addressed the Council regarding the Key Biscayne Arts Festival which will be held at the Village Green this year.

Bonnie Cooper, 77 Crandon Boulevard and Patricia Romano, 361 Beechwood Drive addressed the Council.

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The Manager addressed the Council regarding the termination of professional agreement with the tennis pro at Calusa.

Genaro "Chip" Iglesias, Chief of Staff with Miami-Dade County Commissioner Carlos Gimenez addressed the Council regarding the request by Miami-Dade County to eliminate the tennis services from Calusa Park which presents a potential conflict with the Crandon Master Plan.

There was extensive discussion from Council regarding the tennis courts at Calusa Park.

The Manager addressed the Council regarding the allocation of reserves and designated fund balances recommending the allocation of the surplus to the Master Plan Initiatives line item.

It was the consensus of Council to bring the allocation of reserves to the next Council Meeting on February 26, 2007.

Ramon Castella with 3CTS addressed the Council regarding electrical, telephone and cable facilities - conversion from overhead to underground.

It was the consensus of Council to direct staff to bring to the next Council Meeting a report on the debt cap as it relates to the proposed sanitary sewer project and the proposed utilities conversion from overhead to underground.

Charles Viscito, 141 Crandon Boulevard; Gloria Izaguirre, 285 Hampton Lane and Linda Davitian, 720 Myrtlewood Lane addressed the Council.

It was the consensus of Council to schedule a workshop with FPL representatives some time in March.

Public Works Director Armando Nunez addressed the Council regarding the power outages on the island reporting that they are mainly caused by trees.

Silvia Vargas with WRT made a presentation to Council regarding the Evaluation and Appraisal Report as it relates to the proposed recreation and open space responses to comments from the South Florida Regional Planning Council.

Michael Kelly, 395 Gulf Road; Hector Formoso-Murias, 471 N. Mashta Drive; Arturo Aballi, 91 Island Drive; Carter McDowell, Attorney representing the developers for the Sonesta property and Edgardo Defortuna, 760 Harbor Drive addressed the Council.

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The Attorney addressed the Council regarding the EAR and the consequences for not complying with DCA and the South Florida Regional Planning Council.

It was the consensus of Council to schedule a Concurrency Workshop on Tuesday, March 6, 2007 at 7:00 p.m.

It was the consensus of Council to recommend that the following options be considered at the Workshop in order to meet the required additional recreation and open space land: Crandon Park, Virginia Key, 530 Crandon Boulevard, the Community Center, private property, the beach and reducing the LOS standard.

At this time the Council took a 5 minute recess. The meeting was reconvened at 10:30 p.m.

At 10:30 p.m. Councilmember Enrique Garcia and Mayor Vernon excused themselves from the meeting.

Director of Building, Zoning and Planning, Jud Kurlancheek made a presentation to Council regarding how other municipalities regulate hotel condominiums.

Vice Mayor Mendia made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Councilmember Thornton and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Davey, Liedman, Thornton, Weinman and Vice mayor Mendia voting Yes.

Roger Sonnabend, 350 Ocean Drive; Hector Formoso-Murias, 471 N. Mashta Drive and Michael Kelly, 395 Gulf Road addressed the Council.

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 11:40 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

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Approved this 26th day of February, 2007:

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.