

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAVNE, FLORIDA

TUESDAY, JULY 8, 2008

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:21 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 Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **SPECIAL PRESENTATIONS:** Miami-Dade County Commissioner Carlos Gimenez addressed the Council regarding the County Tax Proposal urging the Council and the public to contact Miami-Dade County Commissioners on this issue.
3. **PUBLIC COMMENTS:** The following resident addressed the Council: Michele Estevez - Hayes, 800 Crandon Boulevard.
4. **AGENDA:** Mayor Vernon requested to hear Items 6B1 and 7B after Item 5A; Councilmember Weinman requested to hear Item 7L after Item 7B and to hear Item 9A immediately after Item 7L and the Attorney requested the deferral of Item 6B3. There was no objection to the

agenda changes.

5. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the June 24, 2008 Zoning Meeting. The motion was seconded by Councilmember Weinman 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.

6. **ORDINANCES:** At this time Item 6B1 was heard.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,000,000 OF WATER AND SEWER REVENUE NOTES OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SA ID NOTES; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Manager addressed the Council recommending the adoption of this ordinance on second reading.

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

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.

At this time Item 7B was heard.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE NOTES, SERIES 2008 OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,000,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF WATER AND SEWER SYSTEM IMPROVEMENTS WITHIN THE VILLAGE, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND

OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE NOTES; AWARDING THE SALE OF THE NOTES TO WACHOVIA BANK, NATIONAL ASSOCIATION; PROVIDING FOR SECURITY FOR THE NOTES; CONTAINING OTHER PROVISIONS RELATING TO THE NOTES; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Ms. Abadin with Estrada Hinojosa, addressed the Council recommending to award the sale of the Water and Sewer Revenue Notes, Serie s 2008 to Wachovia Bank.

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.

At this time Item 7L was heard.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE RECREATIONAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND AC MILAN FOR THE CREATION AND ADMINISTRATION OF A YOUTH SOCCER PROGRAM; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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

The following residents addressed the Council: Fernando Garcia Morillo, 220 Greenwood Drive; Luis E. Gonzalez, 170 Ocean Lane Drive; Jackie Kellogg, 115 Sunrise Drive; Joe Kellogg, 115 Sunrise Drive and Marcelo Radice, 412 Warren Lane.

The Manager and Director of Parks and Recreation Todd Hofferberth addressed the Council recommending approval of the contract for recreational management services with AC Milan.

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

At this time Item 9A was heard.

Mr. Leo Brito, Chairman of the Municipal Charter High School Committee, addressed the Council regarding the application for a Municipal Charter High School. Mr. Doug Thomas, Executive Director with EdVisions Schools also addressed the Council via telephone.

The following residents addressed the Council: Michele Estevez -Hayes, 800 Crandon Boulevard; Fredy Padovan, 425 Grapetree Drive; Camille Guething, 260 Seaview Drive; Angel Martin, 151 Crandon Boulevard and Lisa Mulhall with In -Rem Solutions, Delray Beach.

There was extensive discussion from Council regarding this application.

The Attorney also addressed the Council regarding this application.

It was the consensus of Council to hold a Special Council Meeting on Tuesday, July 22, 2008 at 7:00 p.m. to approve the application for a proposed Municipal Charter High School.

At this Item 6A1 was heard.

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY CREATING THE PUBLIC SCHOOL FACILITIES ELEMENT, AND AMENDING THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS IN ORDER TO MEET THE STATE MANDATED REQUIREMENTS OF PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Davey made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Garcia.

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

The ordinance was adopted on first 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 second reading of this ordinance will be announced at a later date.

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS " OF THE VILLAGE CODE OF ORDINANCES, BY CREATING ARTICLE XI "NEWSRACKS;" PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS RELATING TO NEWSRACKS WITHIN THE VILLAGE PUBLIC RIGHTS-OF-WAY AND UPON PRIVATE PROPERTY; PROVIDING FOR NONCONFORMING NEWSRACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Davey made a motion to adopt the ordinance on first reading. T he motion was seconded by Councilmember Weinman.

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

The Manager and Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council recommending the adoption of this ordinance on first reading.

The ordinance was adopted on first 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 Clerk announced the second reading of this ordinance for August 26, 2008.

The Clerk read the following ordinance on second reading, by title:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER IN ACCORDANCE WITH SECTION 6.02(a)(i) OF THE VILLAGE CHARTER; SUBMITTING A PROPOSED CHARTER AMENDMENT CONCERNING SECTION 4.15 "APPROVAL BY VOTE OF ELECTORS REQUIRED FOR AMENDMENTS TO LAND DEVELOPMENT REGULATIONS"; PROVIDING FOR AN AMENDMENT OF SECTION 4.15 TO PROVIDE THAT VOTER APPROVAL IS REQUIRED FOR ANY VILLAGE COUNCIL AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (INCLUDING ZONING CODE) WHICH INCREASES THE DENSITY OR INTENSITY FOR THE DEVELOPMENT OF ANY PROPERTY IN THE VILLAGE; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE 4TH DAY OF NOVEMBER, 2008; PROVIDING NOTICE OF

ELECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council proposing the addition of the following language: "The Village Council shall not amend, in any manner, the text of the Village 's Land Development Regulations (including the Zoning Code), if the amendment would establish a new use or would directly or indirectly increase the density or the intensity.....". There was no objection to the proposed amendment.

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.

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, 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 Garcia.

The Manager and Finance Director Randolph G. White addressed the Council regarding this resolution.

Director White announced that the proposed millage rate is 3.2 and the current year rolled -back rate is 3.2662.

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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING AGREEMENT FOR OPEN SPACE PLANNING SERVICES BETWEEN IBI GROUP, INC., AND THE VILLAGE OF KEY BISCAYNE; IDENTIFYING AND AUTHORIZING FUNDING SOURCE; PROVIDING FOR AN EFFECTIVE DATE.

Director Kurlancheek addressed the Council recommending the approval of the attached contract with IBI Group, Inc. for consultant services regarding Recreation and Open space needs and the use of 530 Crandon Boulevard.

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

Mr. Richard E. Durr, Jr. ASLA, AICP with IBI Group addressed the Council.

It was the consensus of Council to include in the scope of services, a public telephone survey.

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; APPROVING INTERLOCAL AGREEMENT BETWEEN MIAMI -DADE COUNTY AND THE VILLAGE OF KEY BISCAYNE CONCERNING THE CONSTRUCTION AND FUNDING OF CRANDON BOULEVARD IMPROVEMENTS – PHASE III; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending the approval of the Interlocal Agreement with Miami-Dade County concerning the funding of Crandon Boulevard Phase III Improvements.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Weinman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman and Mayor Vernon voting Yes. Vice Mayor Mendia was out of the room at the time the vote was taken.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE FURTHER PROCUREMENT OF ENGINEERING SERVICES FOR THE VILLAGE OF KEY BISCAYNE, FROM THE FIRM OF COASTAL SYSTEMS INTERNATIONAL, INC.; PROVIDING FOR APPROVAL OF WORK AUTHORIZATION CONCERNING MONITORING OF SEAGRASS MITIGATION; PROVIDING FOR IMPLEMENTATION, PROVIDING FOR EFFECTIVE DATE.

The Manager addressed the Council recommending the approval of the resolution which authorizes Coastal Systems International, Inc. to perform monitoring of Seagrass Mitigation services for the Village of Key Biscayne Beach Renourishment Project.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes. Mayor Vernon was out of the room at the time the vote was taken.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN CSA INTERNATIONAL, INC. AND THE VILLAGE OF KEY BISCAYNE CONCERNING SEAGRASS RESTORATION AND MITIGATION SERVICES; PROVIDING FOR IMPLEMENTATION, PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending approval of the contract with CSA to complete the seagrass mitigation required as part of the beach nourishment permit conditions.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Weinman 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 Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE FURTHER PROCUREMENT OF ENGINEERING SERVICES OF THE VILLAGE OF KEY BISCAYNE, FROM THE FIRM OF COASTAL SYSTEMS INTERNATIONAL, INC.; PROVIDING FOR APPROVAL OF WORK AUTHORIZATION CONCERNING SEAGRASS MITIGATION MAPPING SERVICES;

PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

The Manager addressed the Council recommending approval of the resolution which authorizes Coastal Systems International, Inc. to perform seagrass mitigation mapping services for the Village of Key Biscayne Beach Renourishment Project.

Councilmember Davey made a motion to approve the resolution. 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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ("VILLAGE") PROVIDING FOR RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO; 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.

The Manager addressed the Council recommending approval of the resolution which authorizes and approves the ratification of the Collective Bargaining Agreement between the Village and the International Union of Police Associations, AFL-CIO ("Lieutenants' Union").

Councilmember Weinman made a motion to approve the resolution. The motion was seconded by Councilmember Davey 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 Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT BETWEEN THE VILLAGE AND TRANS FLORIDA DEVELOPMENT CORP., TO PROVIDE FOR CURB, GUTTER, AND SIDEWALK DEMOLITION AND RESTRUCTURING, DRAINAGE MODIFICATIONS, REPLACEMENT OF SIGNS AND CONSTRUCTION OF PAVER CROSSWALKS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending approval of Change Order No. 1 to the Construction Contract for the Zone 2/3 Reclaimed Water and Water Main Replacement, Sanitary Sewer System, and Proposed Pump Station with Trans Florida Development Corp.

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

Public Works Director Armando Nunez and Ramon Castella with C3TS also addressed the Council regarding this 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.

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 CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. ("C3TS"); PROVIDING FOR C3TS TO PERFORM FINAL DESIGN, PREPARATION OF CONSTRUCTION DOCUMENTS, AND CONSTRUCTION ADMINISTRATION SERVICES IN CONNECTION WITH CHANGE ORDER NO. 1 TO THE TRANS FLORIDA DEVELOPMENT CORP. ZONE 2/3 WATER & SEWER CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

The Manager addressed the Council recommending approval of the resolution which authorizes C3TS to provide engineering services for the referenced project.

Mr. Castella with C3TS addressed the Council regarding this resolution.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Weinman 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. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Councilmember Davey's item was discussed together with the report from the Municipal Charter High School Committee.

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 project costs for the intersection of Crandon Boulevard and McIntyre Street.

Director White also addressed the Council regarding this issue.

It was the consensus of Council to include this Item in the 2009 budget.

9. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

11. **ADJOURNMENT:** The meeting was adjourned at 10:45 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 22nd day of July, 2008:

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.