

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, AUGUST 25, 2009

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 Enrique Garcia, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Michael W. Davey 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. **INVOCATION:** Father Burt Froehlic, St. Christopher's by the Sea gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** The following residents addressed the Council: Enrique Bahamon, 445 Allendale Road and Gabriella Frith, 210 Seaview Drive.
6. **AGENDA:** Councilmember Kelly requested the addition of a discussion regarding the Sanitary Sewer Project as Item 10A1; Vice Mayor Davey requested the addition of a discussion regarding the ZORC as Item 10A2 and also requested the addition of a discussion regarding the Key Biscayne Library as Item 10A3. There was no objection to the agenda changes.

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7. **APPROVAL OF MINUTES:** Vice Mayor Davey made a motion to approve the minutes of the July 7, 2009 Regular Council Meeting. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,200,000 OF WATER AND SEWER REVENUE BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending the approval of this ordinance authorizing the execution of a bank loan to pay for any portion of the Sanitary Sewer Project in lieu of the previously approved State Revolving Fund.

Lourdes Abadin with Estrada Hinojosa also addressed the Council regarding this loan.

The motion to adopt the ordinance on first reading was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

The Clerk announced the second reading of this ordinance for September 8, 2009.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING SECTION 2-62 ("LATE PAYMENT CHARGE, SPECIAL ASSESSMENT LIEN FOR DELINQUENT SOLID WASTE AND RECYCLING SERVICE FEES") OF ARTICLE IV ("FINANCE") OF CHAPTER 2 ("ADMINISTRATION") OF THE CODE OF KEY BISCAYNE, FLORIDA REGARDING A ONE-TIME WAIVER OF SOLID WASTE AND RECYCLING LATE FEES AND INTEREST; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

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

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The Manager addressed the Council recommending approval of this ordinance authorizing the amendment of Section 2-62 (b) of the Code of the Village of Key Biscayne for a one time waiver of solid waste and recycling late payment and interest charges.

The motion to adopt the ordinance on first reading was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Garcia, Gusman, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes. Councilmember Kelly voting No.

The Clerk announced the second reading of this ordinance for October 13, 2009.

9. **RESOLUTIONS:** 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 PROPOSAL CONCERNING CONSULTANT SERVICES RELATIVE TO BEACH RENOURISHMENT MAINTENANCE PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

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

The Manager addressed the Council recommending that the Council approves this proposal for consulting services related to the beach renourishment maintenance project. The project includes the restoration of the beach using the design template authorized by Council in 2000.

Tim Blankenship with Coastal Systems International, Inc. addressed the Council regarding the agreement.

There was extensive discussion from Council on this issue.

Vice Mayor Davey made a motion to defer this item to the September 8, 2009 First Budget Hearing. The motion was seconded by Councilmember Mendia and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes. Councilmember Garcia voting No.

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

Mayor and Councilmembers. Councilmember Kelly addressed the Council regarding Pump 131

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and the issue of Hydrogen Sulfide Gas.

The Manager also addressed the Council regarding this issue.

Vice Mayor Davey addressed the Council regarding the ZORC's final report due on September 1, 2009.

Building, Zoning and Planning Director Jud Kurlancheek addressed the Council confirming that the ZORC will be ready to submit their report by September 1, 2009.

Vice Mayor Davey also addressed the Council regarding the possibility of opting out of the Miami-Dade County Library system.

The Attorney addressed the Council regarding this process.

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.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** The Golf Cart Safety Board, appointed by Council on March 24, 2009, presented to the Council a Golf Cart, Pedestrian, and Bicycle Safety and Access Plan.

Director Kurlancheek and Chief of Police Charles Press addressed the Council regarding these recommendations.

Vice Mayor Davey made a motion to accept the plan. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Gusman, Kelly, Mendia, Thornton, Vice Mayor Davey and Mayor Vernon voting Yes.

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 8:40 p.m.

Respectfully submitted:

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Conchita H. Alvarez, MMC

Village Clerk

Approved this 1st day of September, 2009:

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.