

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, AUGUST 28, 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, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Councilmember Steve Liedman was absent. Also present were Acting Village Manager Jud Kurlancheek, Village Clerk Conchita H. Alvarez and Village Attorney David M. Wolpin.
2. **PLEDGE OF ALLEGIANCE:** Mr. Genaro "Chip" Iglesias led the Pledge of Allegiance.
3. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Council, presented a Proclamation to the Village of Key Biscayne Fire Rescue Department recognizing their efforts on behalf of the Muscular Dystrophy Association.
4. **AGENDA:** Ms. Amy Huber, Attorney with Shubin and Bass, representing the applicants for the hearings, requested the continuance of the variance applications Items 6B, 6C and 6D to the Zoning Meeting of October 23, 2007. There was no objection to the request.

Interim Manager Kurlancheek addressed the Council recommending that such action be subject to each applicant paying for all of the required public notices.

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5. **APPROVAL OF MINUTES:** Vice Mayor Mendia made a motion to approve the minutes of the July 11, 2007 Special Council meeting. The motion was seconded by Councilmember Weinman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Thornton made a motion to approve the minutes of the July 30, 2007 Special Council meeting. The motion was seconded by Councilmember Thornton and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

Councilmember Thornton made a motion to approve the minutes of the July 31, 2007 Special Council meeting. The motion was seconded by Councilmember Weinman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

6. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the public hearing were sworn in by the Clerk.

Hearing Number CU-3. The applicant R3S2K3, LLC, 180 Crandon Boulevard, Suite 100, is requesting approval of a package (liquor) store as a conditional use.

Interim Manager and Building, Zoning and Planning Director Kurlancheek addressed the Council recommending approval of the request subject to the following conditions: 1. Prior to the issuance of the Local Business Tax Receipt (formerly called Occupational License) or any zoning approval for a license from the State of Florida, the applicant shall obtain a building permit and: a. Construct a five (5) foot wide stair with a nine (9) inch ramp for bicycles at the rear of the property. The location is subject to a decision by the BZP Director; b. Obtain approval from the BZP Department for landscaping on the west side of the perimeter wall to the sidewalk and install the landscaping. The Landscape Plan shall provide for the removal of rocks, dead plants, and replacement with plantings of varying materials and heights ranging from three (3) to ten (10) feet in order to substantially screen the rear of the shopping center from the adjacent residential neighborhood.

Councilmember Davey made a motion to approve the application to establish a Package (Liquor) Store as a Conditional Use at 180 Crandon Boulevard, Suite 100 subject to the above mentioned conditions. The motion was seconded by Councilmember Thornton.

Jennifer Leal, on behalf of the applicant, addressed the Council regarding this application.

The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive; Mortimer Fried, 291 Harbor Court and Ron Oprzadek, 151 Crandon Boulevard addressed the Council. The Mayor closed the public hearing.

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Vice Mayor Mendia made an amending motion to eliminate the condition to construct a stair and a ramp at the rear of the property. The motion was seconded by Councilmember Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The request, as amended, was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia 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, APPOINTING GENARO "CHIP" IGLESIAS AS VILLAGE MANAGER AND APPROVING THE EMPLOYMENT AGREEMENT ATTACHED TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Davey and the Attorney addressed the Council regarding the employment agreement for the Manager.

Mr. Iglesias addressed the Council regarding the employment agreement.

Councilmember Thornton made an amending motion to amend the agreement by adding under Section 3. Termination by Village and Severance Pay. the following: "a one time Five Hundred (\$500) Dollar payment referenced in Section 8(B) of this Agreement" and to provide that the "Severance Pay in no case be less than four and one-half (4.5) months of Employee's aggregate salary" instead of the three (3) months reflected in the agreement before Council. The motion was seconded by Councilmember Weinman and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The resolution, as amended, was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO APPROVE WORK AUTHORIZATION WITH POST BUCKLEY SCHUH AND JERNIGAN, INC. ("PBSJ"), PROVIDING FOR PBSJ TO PROVIDE DESIGN AND CERTAIN RELATED SERVICES FOR THE VILLAGE'S WATER, SANITARY SEWER AND REUSE WATER PROJECT; PROVIDING FOR IMPLEMENTATION OF ENGINEERING WORK AUTHORIZED BY THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ramon Castella with C3TS addressed the Council.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT BETWEEN THE VILLAGE AND METRO EQUIPMENT SERVICES, INC., TO PROVIDE FOR UPSIZING OF A WATER MAIN SITUATED WITHIN THE VILLAGE OF KEY BISCAYNE ZONE 1 AND ZONE 4 WATER MAIN REPLACEMENT, SANITARY SEWER SYSTEM, AND MDWASD PUMP STATION 131 UPGRADE PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

Interim Manager Kurlancheek addressed the Council recommending approval of Change Order No. 1 for the Water Main Replacement and Sanitary Sewer System construction project in Zone 4 subject to Fortune International paying for the additional work as required by the Miami-Dade Water and Sewer Department.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Weinman and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Davey, Thornton, Weinman and Vice Mayor Mendia voting Yes. Councilmember Garcia and Mayor Vernon were out of the Chamber at the time the vote was taken.

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The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND MIAMI-DADE COUNTY, CONCERNING COUNTY ELECTRIC FRANCHISE WITH FLORIDA POWER AND LIGHT; PROVIDING FOR AN EFFECTIVE DATE.

The Attorney addressed the Council recommending approval of the Interlocal Agreement between Miami-Dade County and the Village for payment of Franchise Fees remitted by FPL to the County.

Councilmember Garcia 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, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Mayor Vernon addressed the Council and the public regarding a meeting held with Ms. Jeanie Hernandez, Comcast Area Director of Government and Community Affairs for Miami-Dade County and the Florida Keys to express the concerns from the Council and the public regarding the services provided to the Village by Comcast.

Councilmember Garcia addressed the Council requesting a status report on the installation of lights on Grapetree Drive. Public Works Director Armando Nunez addressed the Council regarding this project.

Guido Conill, 600 Grapetree Drive and Manuel Arias, 450 Grapetree Drive addressed the Council regarding the lights on Grapetree Drive.

It was the consensus of Council to direct staff to expedite this project.

Councilmember Garcia also addressed the Council regarding the fact that the fountain at the Beach Park has not been working for the past 12 months. Director Nunez also addressed the Council regarding this issue and reported that the fountain will be fixed immediately.

Ed Sanchez, 260 Cypress Drive addressed the Council regarding the purchase of land by the Village of Key Biscayne.

Village Attorney. The Attorney did not submit a report.

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Village Clerk. The Office of the Mayor issued the following proclamations during the months of July and August 2007: proclaiming July 4, 2007 as “Sallie M. Pickell Day”; proclaiming the month of September 2007 as “Childhood Cancer Awareness Month and also as “National Save A Life Month”.

Village Manager. Interim Manager Kurlancheek addressed the Council regarding the proposed Landscape Maintenance/Master Plan prepared by Wallace Roberts & Todd recommending approval of the Landscape Manage Plan. The Interim Manager also requested direction from Council regarding the preparation of a Request For Proposals to engage the services of a landscape company to manage our properties, and also requested direction from Council to include in the proposed FY 2008 budget a part-time horticulturist (cost to be determined) and an increase in the landscape maintenance budget by \$200,000.

Michael Del Giudice with WRT made a presentation to Council with the proposed Landscape Maintenance/Master Plan.

Cecile Sanchez, 260 Cypress Drive and Ron Oprzadek, 151 Crandon Boulevard addressed the Council.

Director Nunez also addressed the Council regarding the proposed landscape maintenance. It was the consensus of Council to increase the Public Works Department Budget for landscape maintenance by \$200,000.

Ramon Castella with C3TS addressed the Council regarding the installation of traffic light cameras as proposed by Councilmember Garcia.

Mr. Greg Parks with American Traffic Solutions made a presentation to Council regarding red camera technology.

The Attorney addressed the Council regarding the requirement of the adoption of an ordinance in order to implement this program.

It was the consensus of Council to direct staff to prepare the necessary documentation to implement this program.

10. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
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 10:05 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 4th day of September, 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.