

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAIYNE, FLORIDA

TUESDAY, JANUARY 13, 2004

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 Martha F. Broucek, Carol Diaz-Castro, Mortimer Fried, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **INVOCATION:** Reverend Jose Luis Hernando, Saint Agnes Catholic Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mr. Dan Feeney led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** The Mayor, on behalf of the Village Council presented Certificates of Election to the Members of the Village of Key Biscayne Youth Council.

Mr. Alexander P. Adams, Vice President, Northern Trust Bank presented to the Mayor and Council the paid note for the Village Green.

Mr. Dario Moreno, Director of the Metropolitan Center and Mr. Kevin Hill, Associate Professor of Political Science, Florida International University presented to the Council the results of the Village of Key Biscayne Survey.

The Manager addressed the Council proposing to re-schedule the Goals and Objectives Workshop to

January 13, 2004

the beginning of February. The Clerk will contact the Members of the Village Council in order to get consensus on a date.

5. **PUBLIC COMMENTS:** The following resident addressed the Council: Ed Meyer, 100 Sunrise Drive.

6. **AGENDA:** The Clerk requested the addition of the appointment of a Councilmember as liaison to the Community Center Advisory Board as Item 10A2; Councilmember Broucek requested the addition of some comments as Item 10A3 and the Manager requested to hear Item 10D2 prior to Item 9A. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the December 2, 2003 Regular Council Meeting and the minutes of the December 10, 2003 Special Council Meeting. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION" AT ARTICLE I "IN GENERAL" BY CREATING SECTION 2-10 "ADVISORY BOARDS", ESTABLISHING PROVISIONS FOR THE CREATION, COMPOSITION, DUTIES, AND ADMINISTRATION OF ADVISORY BOARDS; RATIFYING CREATION OF CERTAIN ADVISORY BOARDS INCLUDING THE CRANDON BOULEVARD STREETScape ADVISORY COMMITTEE AND THE NOISE ORDINANCE REVIEW COMMITTEE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

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

Councilmember Fried made an amending motion to require a quarterly verbal report. The motion was seconded by Councilmember Vernon and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Fried made an amending motion to include that Public Notices for these Boards include the following disclaimer: "One or more Councilmembers may attend the meeting." The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and

January 13, 2004

Mayor Oldakowski voting Yes.

It was the consensus of Council to include in the ordinance guidelines for the quarterly verbal report.

The ordinance, as amended, was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The second reading of this ordinance will be on February 10, 2004.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 8 "ENVIRONMENT", CREATING ARTICLE IV "SANITARY CONDITIONS REQUIRED", CONSISTING OF SECTION 8-201 "REMOVAL OF ANIMAL FECES", TO REQUIRE THE REMOVAL AND DISPOSAL OF ANIMAL FECAL MATTER; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR EFFECTIVE DATE.**

Councilmember Fried made a motion to adopt the ordinance on second reading. The motion was seconded by Vice Mayor Mendia.

The Mayor opened the public hearing. Jim Taintor, 355 Harbor Drive and Camille Guething, 260 Seaview Drive addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

The ordinance was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

At this time Item 10D2 was heard.

The Manager and the Attorney addressed the Council regarding the Village of Key Biscayne Fire Rescue Services.

Susanne M. Torriente, Assistant County Manager addressed the Council regarding staffing of Station 15; Robert Yero, Park Ranger, Cape Florida State Park and Carlos Gimenez, Fire Service Consultant also addressed the Council.

There was extensive discussion from Council regarding this issue.

January 13, 2004

It was the consensus of Council to direct the Attorney to explore legal venues regarding staffing of Station 15 and to bring a resolution before Council regarding increasing the staff (8th position) in the Village of Key Biscayne Fire Rescue Department.

Dan Feeney, President, Key Biscayne Professional Firefighters Association addressed the Council.

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 VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT WITH THE FIRM OF RANDOLPH G. WHITE, P.A. FOR FINANCIAL SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

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

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Vernon.

James Taintor, 355 Harbor Drive addressed the Council.

Mayor Oldakowski proposed to amend paragraph 3a of the contract by changing the 120 days written notice termination to 30 days. There was no objection to the amendment.

Councilmember Peters proposed to amend paragraph 15 of the contract to read as follows: CONSULTANT shall provide evidence of possession of professional liability insurance including errors and omissions in the amount not to exceed one million dollars.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Broucek, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Diaz-Castro voting No.

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 THE VILLAGE OF KEY BISCAYNE CIVIC CENTER PROJECT; AUTHORIZING CONSTRUCTION EXPENSE ITEMS DESCRIBED HEREIN; AUTHORIZING AMENDMENT NO. 14 TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER CONCERNING MATTERS DESCRIBED THEREIN; PROVIDING FOR EFFECTIVE DATE.**

January 13, 2004

The Manager and Paul Abbott, Construction Manager for the Project addressed the Council.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Diaz-Castro and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Vernon was out of the Chamber 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 BISCAWAYNE, FLORIDA, ADOPTING POLICIES FOR PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS TELEVISION; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Vernon made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro.

The Attorney and the Manager addressed the Council regarding this resolution.

Adriana Guillen, 1111 Crandon Boulevard; Lorna Veraldi, Greater Miami Chapter ACLU and Annika-Akerlund Tarajano, 200 Cypress Drive addressed the Council.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to amend paragraph 2.1.2 as follows: "Programming to provide a forum for Village residents to have input on items scheduled for a vote by the Village electors under the Charter Amendments, initiative and/or referendum processes contained in the Village Charter. Such programming may be in the format of town hall meetings, interview shows, point-counterpoint discussions, call in shows, broadcasting of pre-recorded statements or an open forum in which members of the public may ask questions of the Village Manager or members of the Village Council on the issue subject to the vote (included in such programming shall be diverse points of view);".

Councilmember Broucek proposed to amend Chapter 2.2. **Channel 17** to include "after competitive selection process". The proposed amendment failed by a 3-4 voice vote. The vote was as follows: Councilmembers Broucek, Fried and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro, Peters, Vernon and Vice Mayor Mendia voting No.

The resolution as amended was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

January 13, 2004

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING EXPENDITURE OF AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000) FROM THE LAW ENFORCEMENT TRUST FUND - STATE, FOR THE PURCHASE OF A MARINE PATROL VESSEL FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Peters.

It was the consensus of Council to table this resolution to the February 10, 2004 Council Meeting.

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

Mayor and Councilmembers. Councilmember Diaz-Castro addressed the Council regarding an election awareness campaign.

Mayor Oldakowski addressed the Council regarding the appointment of Councilmember Vernon to serve as the Village Council liaison to the Community Center Advisory Board.

Councilmember Peters made a motion to appoint Councilmember Vernon to serve as the Village Council liaison to the Community Advisory Board. The motion was seconded by Councilmember Diaz-Castro and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Councilmember Broucek addressed the Council regarding Ocean Lane Drive, Village wide trash cans and thanked the staff for the beauty of the Village Green during the holidays.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of December 2003: Dr. Pier Felice Degli Uberti.

Village Manager. The Manager submitted her reports earlier in the meeting.

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 10:50 p.m.

January 13, 2004

*Respectfully submitted:*

*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 27th day of January, 2004:*

*Robert Oldakowski  
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.***