

MINUTES
VILLAGE COUNCIL MEETING
VILLAGE OF KEY BISCAWAYNE, FLORIDA

Tuesday, January 15th, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:05 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein, Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Village Manager C. Samuel Kissinger, Village Clerk Conchita H. Alvarez and Village Attorneys Richard Jay Weiss and Joseph Serota.

2. **INVOCATION:** Reverend Jose Luis Hernando, Saint Agnes Catholic Church gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Mayor Rasco led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** There were no special presentations.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Camille Guething, 260 Seaview Drive; Yolanda Hernandez, 881 Ocean Drive; Ed Meyer, 100 Sunrise Drive; Pat Weinman, 940 Mariner Drive; Jorge Mendia, 111 Island Drive; Isabel Gambino, 676 Ridgewood Drive; Richard Gregorie, Key Biscayne; Josefina Mendez de Ruiz, 640 Fernwood Road; Hugh O'Reilly, 475 Allendale Road; Linda Davitian, 720 Myrtlewood Lane; Michael Kelly, 395 Gulf Road; Ann Leon Cavallo, 750 Curtiswood; Vicky Simons, 269 Cranwood Drive; Jim Leavitz, 280 Island Drive; Kathy King, 745 Fernwood Road; Carol Diaz-Castro, 240 Hampton Lane; Jacqueline Sanchez-Volny, 385 Ridgewood Road; Scott Lyman, 201 Galen Drive.

6. **AGENDA:** Mayor Rasco requested to hear Items 9B, 9C, 10A1, 2, 3, 4, 6, 7, and 13 at the same time; Councilmember Peters requested to remove Item 7B from the Consent Agenda; Councilmember Broucek requested to remove Item 7C from the Consent Agenda. The Attorney requested an Executive Session regarding The Coalition to Rescue Paradise vs. The Village of Key Biscayne and The Coalition to Save Paradise vs. The Village of Key Biscayne in the Appellate Division Circuit Court. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** The following consent agenda was approved by unanimous consent:

The minutes of the November 27, 2001 Zoning Meeting.

8. **ITEMS REMOVED FROM CONSENT AGENDA:**

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ACCEPTING CONSTRUCTION OF PLAYING FIELDS AT 200 CRANDON BOULEVARD; RATIFYING ACCOMPLISHMENT OF CONSTRUCTION BY THE VILLAGE OF KEY BISCAYNE; AUTHORIZING WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rasco made a motion to approve the resolution. The motion was seconded by Councilmember Fein.

Councilmember Fein made an amending motion to add the following language to the resolution "not to exceed a total project cost of \$130,000." The motion was seconded by Councilmember Bass. Councilmember Fein withdrew his amendment.

It was the consensus of Council to defer this resolution to the Zoning Meeting of January 29, 2002.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RATIFYING THE APPOINTMENT OF THE MEMBERS OF THE CHARTER REVISION COMMISSION OF THE VILLAGE OF KEY BISCAYNE; PROVIDING FOR EFFECTIVE DATE.

Councilmember Fein made a motion to approve the resolution. The motion was seconded by Vice Mayor Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

9. **ORDINANCES:** There were no ordinances considered by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING THE GUARANTEED MAXIMUM PRICE (GMP) AND AUTHORIZING THE CONSTRUCTION OF PHASE 1 SITE AND SITE INFRASTRUCTURE WORK FOR THE CIVIC CENTER; PROVIDING THAT THE SPENDING AUTHORITY AS SET FORTH IN THE VILLAGE'S AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES IS AMENDED TO CORRESPOND WITH THE GUARANTEED MAXIMUM PRICE OF THE SITE AND SITE INFRASTRUCTURE WORK; PROVIDING FOR AN EFFECTIVE DATE.

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

Director of Building, Zoning and Planning Jud Kurlancheek, addressed the Council regarding this resolution.

Councilmember Bass made a motion to defer this resolution to the Zoning Meeting of January 29, 2002. The motion was seconded by Councilmember Broucek and

approved by a 7-0 voice vote. The vote was as follows: Councilmember Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, TO FORM A COMMITTEE TO BE KNOWN AS THE CIVIC CENTER REVIEW COMMITTEE.

There was extensive discussion from Council regarding these issues.

The following residents addressed the Council: Andrew Gordon, 269 Cranwood Drive; Steve Sonnabend, 5 Coconut Lane; Henny Groschel Becker, 290 West Mashta; Camille Guething, 260 Seaview Drive; Pat Weinman, 940 Mariner Drive; Kathy King, 745 Fernwood Road; Jim Levitz, 240 Island Drive; Ed Meyer, 100 Sunrise Drive; Jim Taintor, 355 Harbor Drive; Rafael Perez, 524 Fernwood Road; Arturo Aballi, 91 Island Drive; Michael Kelly, 395 Gulf Road and Carol Diaz-Castro, 240 Hampton Lane.

Councilmember Peters made a motion to approve the resolution. The motion was seconded by Councilmember Bass and failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Bass, Broucek and Peters voting Yes. Councilmembers Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting No.

At this time Vice Mayor Oldakowski made a motion to appoint a Building Review Committee empowered to review current space allocations in the Police/Administration Building and the Fire Station and make recommendations for changes, if any, to the Village Council. The motion was seconded by Councilmember Bass and approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters and Vice Mayor Oldakowski voting Yes. Councilmember Fein and Mayor Rasco voting No.

Councilmember Fried made a motion that the Committee should be made of six people and the Committee shall report back to Council within 30 days. The motion was seconded by Vice Mayor Oldakowski and approved by a 4-3 voice vote. The vote was as follows: Councilmembers Bass, Fein, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Broucek, Fried and Peters voting No.

The Attorney addressed the Council stating that any Committees appointed by the Council would be subject to the Sunshine Law.

The following residents were appointed to the Building Review Committee: Deborah de Leon, Carol Diaz-Castro, Ed Easton, Henny Groschel-Becker, Peter Harrison and Miles Price.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; DIRECTING THE VILLAGE MANAGER TO HALT CONSTRUCTION OF NON LOAD BEARING WALLS ON CERTAIN CIVIC CENTER BUILDINGS UNDER CONSTRUCTION.

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

The resolution failed by a 2-4 roll call vote. The vote was as follows: Councilmembers Bass and Peters voting Yes. Councilmembers Broucek, Fein, Fried and Mayor Rasco voting No. Vice Mayor Oldakowski was out of the room at the time the vote was taken.

Councilmember Peters made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Vice Mayor Oldakowski and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass voting No.

At this time, the Manager addressed the Council regarding the Beach Renourishment Project.

Mr. Bill Thompson on behalf of the Beach Renourishment Committee, addressed the Council recommending that the contractor, Ryan, Inc., comply with the following: 1.) The replacement barge and all other equipment is assembled, loaded and, ready for mobilization to the Key Biscayne borrow site by January 18, 2002. "Other equipment" includes, but is not limited to, the barge, crane, dredge, booster pump, tugs, workboats and associated expendable supplies; 2.) Personnel needed to conduct all offshore and onshore beach renourishment and survey operations are in place, with proper insurance coverage, by January 18, 2002 to enable mobilization; and 3.) Mobilization to the borrow site is to begin immediately upon the occurrence of good weather.

If recommendations 1 and 2 are not met by the target date of January 18, 2002, the BRC recommends that the Village notify the bonding company for the BRC that Ryan, Inc., is in default of their contract to perform the beach renourishment. The Committee further recommends that the Village Manager, with the assistance from the Village Attorney, send a letter to Will Ryan, the President of Ryan, Inc., reiterating these same action items.

The Manager stated that the Village supports the above recommendations.

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 PLACE A CBS BUS SHELTER WITH A METAL SEAM ROOF IN THE CRANDON BOULEVARD PUBLIC RIGHT OF WAY AT THE TOWERS OF KEY BISCAYNE; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH THE OCEAN VILLAGE CONDOMINIUM BOARD, THE TOWERS, THE PANKEY BUILDING AND MIAMI-DADE COUNTY IN CRANDON PARK TO PLACE ONE BUS SHELTER AT ONE OF THESE LOCATIONS ALONG CRANDON BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE.

Director Kurlancheek addressed the Council regarding this resolution.

The Manager withdrew the resolution.

The Clerk submitted to the Council the Certification of the December 4, 2001 special election results. A motion to accept the certification was made by Councilmember Peters. The motion was seconded by Councilmember Fried and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Fein was out of the room at the time the vote was taken.

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

Mayor and Councilmembers. Mayor Rasco made a motion adopting his recommendations to form a Community Center Committee. The motion was seconded by Councilmember Peters and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Rafael Perez, 524 Fernwood Road; Pat Weinman, 940 Mariner Drive; Jim Leavitt, 240 Island Drive and Arturo Aballi, 91 Island Drive addressed the Council.

It was the consensus of Council to appoint the following residents to the Community Center Committee: Arturo Aballi, Raul Alvarez, Ana Brennan, Jim Clayton, Bill Cole, Bonnie Cooper, Deborah de Leon, Francisco de la Camara, Carol Diaz-Castro, Robert Duzoglou, Barry Goldmeir, Kathy King, Jim Leavitt, Bob Libby, Jorge Mendia, Jose Ortega, Rafael Perez, Robert Vernon, John Valentine and Pat Weinman.

The considerations and deliberations of this committee will be in the following areas:
A.) The absolute maximum space required to address the present and future needs of the community center;

B.) Based on the needs analysis, arrive at a maximum number of square feet ; C.) Reconcile square feet with other limiting factors such as: 1. Lot coverage, height and other zoning considerations; 2. Building and internal road placement; 3. Budget; 4. Debt considerations; 5. Selection of architect and architectural guidelines; 6. Construction bidding process; 7. Landscaping; 8. Public input process to be followed; 9. Parking needs; 10. Security and access to center; 11. Programming fee policy; 12. Programs/classes offered vs. existing island merchants; 13. Project management; 14. Pool; 15. Maintenance costs and operational expenses; 16. Time line. The Committee shall report back to Council within 60 days.

Vice Mayor Oldakowski made a motion to extend the meeting to 11:45 p.m. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted a copy of her office's 2001 annual report to the Council.

The Clerk also submitted to Council, for their information, the meeting schedule for the Charter Revision Commission.

The Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of December 2001: proclaiming the December 20, 2001 as Chief R. D. Paulison Day.

Village Manager. The Manager presented to the Council debt cap calculations for the Civic Center.

The Manager presented to the Council a Sanitary Sewer Project update.

The Manager presented to the Council a table on the refinancing of the Village loans.

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 11:50 p.m.

Respectfully submitted:

***Conchita H. Alvarez, CMC
Village Clerk***

Approved this 29th day of January, 2002:

***Joe I. Rasco
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.