

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAZYNE, FLORIDA

TUESDAY, FEBRUARY 10, 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 (arrived 7:20 p.m.), James L. Peters, Robert L. Vernon (arrived at 7:16 p.m.), 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 Bud Schroeder, Key Biscayne Community Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Dr. Robert Maggs led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** There were no special presentations.
5. **PUBLIC COMMENTS:** The following residents addressed the Council: Annika Akerlund-Tarajano, 200 Cypress Drive; Andrew Lemke, 150 Ocean Lane Drive and Michael Kahn, 881 Ocean Drive.
6. **AGENDA:** The Clerk requested the addition of a resolution dealing with the hiring of a Building Manager for the Civic Center Complex as Item 9F; Vice Mayor Mendia requested to hear Item 9B prior to Item 9A; Mayor Oldakowski requested the addition of a brief discussion regarding motorized scooters as Item 10A1 and Councilmember Diaz-Castro requested the addition of a status report regarding the bus shelter at Harbor Drive and Crandon Boulevard as Item 10D1. There was no objection to the agenda changes.

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7. **APPROVAL OF MINUTES:** Vice Mayor Mendia made a motion to approve the minutes of the January 27, 2004 Zoning Meeting and the minutes of the February 3, 2004 Goals and Objectives Workshop. The motion was seconded by Councilmember Diaz-Castro and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, 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 CREATING ARTICLE IX "LOBBYING" CONSISTING OF SECTION 2-161 "LOBBYISTS" OF CHAPTER 2 "ADMINISTRATION," ADOPTING SECTION 2-11.1(S) OF THE MIAMI-DADE COUNTY CODE CONCERNING LOBBYING, AS MODIFIED HEREIN; PROVIDING FOR RELATED FEES AND OTHER PROVISIONS CONCERNING LOBBYISTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.**

The Manager addressed the Council regarding this ordinance.

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

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 6-0 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk announced the second reading on March 9, 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 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.**

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The Manager addressed the Council regarding this ordinance.

Councilmember Vernon made a motion to adopt the ordinance on second reading. The motion was seconded by Diaz-Castro.

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 6-1 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Fried voting No.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, AMENDING THE CURRENT FISCAL YEAR BUDGET, AS ADOPTED BY ORDINANCE NO. 2003-9, SO AS TO PROVIDE FUNDING FOR FOUR ADDITIONAL FIREFIGHTER POSITIONS WITHIN THE FIRE RESCUE DEPARTMENT OF THE VILLAGE'S DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

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

The Mayor opened the public hearing. Dr. Robert Maggs, 155 Ocean Lane Drive; Annika Akerlund-Tarajano, 200 Cypress Drive; Jim Haney, 472 Glenridge Road; Larry Radzville, 77 Crandon Boulevard; Camille Guething, 260 Seaview Drive; Jim Taintor, 355 Harbor Drive; Michael Kahn, 881 Ocean Drive; Linda Davitian, 720 Myrtlewood Lane; Patricia Romano, 361 Beechwood Drive; Andrew Lemke, 150 Ocean Lane Drive and Dan Feeny, President, Key Biscayne Professional Firefighters Association addressed the Council. The Mayor closed the public hearing.

The Manager, the Attorney and John C. Gilbert, Public Safety Director addressed the Council regarding this ordinance.

There was extensive discussion from Council regarding this ordinance.

It was the consensus of Council to hold a Fire Rescue Workshop in the near future.

Councilmember Broucek made an amending motion to fund four additional firefighter positions starting July 1, 2004. The motion was seconded by Vice Mayor Mendia and approved by a 4-3 roll

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call vote. The vote was as follows: Councilmembers Broucek, Fried, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro, Peters and Vernon voting No.

Councilmember Peters made an amending motion to eliminate the third whereas clause. The motion was seconded by Councilmember Vernon and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon and Mayor Oldakowski voting Yes. Councilmember Fried and Vice Mayor Mendia voting No.

The ordinance, as amended, was adopted on second reading by a 5-2 roll call vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon and Vice Mayor Mendia voting Yes. Councilmember Fried and Mayor Oldakowski voting No.

At this time the Council took a 5 minute recess.

The meeting was reconvened at 9:15 p.m.

9. **RESOLUTIONS:** 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 THE VILLAGE MANAGER TO PURCHASE A SUPPLY OF UNIFORM SOLID WASTE COLLECTION CONTAINERS FOR USE FOR SOLID WASTE COLLECTION SERVICES PROVIDED BY THE VILLAGE, AS DESCRIBED IN THE ATTACHED MEMORANDUM; AUTHORIZING THE WAIVER OF COMPETITIVE BIDDING PROCEDURES FOR THIS TRANSACTION AS AUTHORIZED BY VILLAGE CODE SECTION 2-85; AND PROVIDING FOR EFFECTIVE DATE.**

The Manager and Armando Nunez, Public Works Director addressed the Council regarding this resolution.

Vice Mayor Mendia made a motion to approve the resolution. The motion was seconded by Councilmember Vernon.

Jeannemarie Massa, BFI Waste Systems; Jim Taintor, 355 Harbor Drive and Linda Davitian, 720 Myrtlewood Lane addressed the Council.

It was the consensus of Council to defer this resolution.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE,**

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**FLORIDA, REVISING SERVICE FEES FOR THE COLLECTION OF SOLID WASTE BY PROVIDING FOR A CHARGE FOR THE COST OF NEW UNIFORM SOLID WASTE COLLECTION CONTAINERS; SUPPLEMENTING SERVICE FEES PROVIDED BY RESOLUTION NO. 99-81; AND PROVIDING FOR EFFECTIVE DATE.**

It was the consensus of Council to defer this resolution.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, DECLARING AS SURPLUS A CERTAIN PASSENGER BUS OWNED BY THE VILLAGE AND AUTHORIZING THE VILLAGE MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF SUCH SURPLUS PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.**

The Manager and Todd Hofferberth, Parks and Recreation Director addressed the Council regarding this resolution.

Councilmember Fried made a motion to approve the resolution. 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.

The Clerk read the following resolution by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, CONCERNING THE VILLAGE OF KEY BISCAVNE CIVIC CENTER PROJECT; AUTHORIZING CONSTRUCTION EXPENSE ITEMS DESCRIBED HEREIN; AUTHORIZING AMENDMENT NO. 15 TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER CONCERNING MATTERS DESCRIBED THEREIN; PROVIDING FOR EFFECTIVE DATE.**

The Manager addressed the Council regarding this resolution.

Councilmember Broucek made a motion to approve the resolution. 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.

The Clerk read the following resolution by title:

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**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING AND APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN SKYLINE MANAGEMENT GROUP, INC. ("SKYLINE") AND THE VILLAGE OF KEY BISCAYNE, PROVIDING FOR VILLAGE TO OBTAIN THE SERVICES OF SKYLINE AS THE BUILDING MANAGER FOR VILLAGE'S CIVIC CENTER COMPLEX; AUTHORIZING IMPLEMENTATION OF CONTRACT; PROVIDING FOR EFFECTIVE DATE.**

The Manager, Paul T. Abbott, Skyline Management Group, Inc. and Randy White, Finance Director addressed the Council regarding this resolution.

Councilmember Peters made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro and approved by a 6-1 voice vote. The vote was as follows: 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 RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING USE OF CHANNEL 16 FOR PUBLICIZING OF AND PROVIDING CABLE TELEVISION COVERAGE FOR THE VILLAGE RECREATION DEPARTMENT EVENTS, ACTIVITIES AND PROGRAMS WHICH ARE INCLUDED IN THE MONTHLY CALENDAR OF EVENTS, AS GOVERNMENTAL PROGRAMMING, PURSUANT TO SECTION 2.1.7 OF THE VILLAGE OF KEY BISCAYNE POLICIES FOR PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS TELEVISION AS ADOPTED BY RESOLUTION NO. 2004-3; AND PROVIDING FOR EFFECTIVE DATE.**

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

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

Manny Cambo, 621 Harbor Drive addressed the Council.

The resolution 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.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding motorized scooters within the Village.

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Director Gilbert and Deputy Chief of Police Brett Capone addressed the Council regarding this issue.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk announced that the State of the Village/Volunteer Recognition Day, has been scheduled for Thursday, April 29, 2004, at 6:00 P.M., at the Sonesta Beach Resort.

The Clerk submitted to the Council a copy of the following proclamations issued by the Office of the Mayor during the month of January 2004: St. Agnes Parish, The 2004 US Olympic Team Trials-Sailing at Key Biscayne Yacht Club and Relay for Life.

Village Manager. Director Nunez addressed the Council regarding the status of the construction of the bus shelter at Harbor Drive and Crandon Boulevard.

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 10:20 p.m.

*Respectfully submitted:*

*Conchita H. Alvarez, CMC  
Village Clerk*

*Approved this 24th day of February, 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.**