

MINUTES  
**VILLAGE COUNCIL MEETING**  
KEY BISCAVNE, FLORIDA

TUESDAY, FEBRUARY 11, 2003

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

**1. CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:10 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 J. Helfman.

**2. SPECIAL PRESENTATIONS:** The Sands Condominium Association will be heard later on the agenda.

**3. PUBLIC COMMENTS:** The following resident addressed the Council: Dr. Alex Zacharia, 245 Harbor Drive.

**4. AGENDA:** Mayor Oldakowski requested to hear Item 2A as Item 8D6; the Mayor also requested to add a briefing regarding the Crandon Park Amendment Committee meeting held this morning as Item 8A3; Councilmember Diaz-Castro requested to add a brief discussion regarding the Zoning Code as Item 8A2; the Manager requested the addition of a report regarding the Construction Program Manager for Village of Key Biscayne Community Center Project as Item 8D7. There was no objection to the agenda changes.

**5. APPROVAL OF MINUTES:** Councilmember Fried made a motion to approve the minutes of the January 28, 2003 Zoning Meeting. The motion was seconded by Vice Mayor Mendia 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.

**6. ORDINANCES:** The Clerk read the following ordinance, on second reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AMENDING SECTION 30-102 "GU GOVERNMENT USE DISTRICT" RELATING TO DEVELOPMENT STANDARDS AND PROCEDURES FOR GOVERNMENTAL USES; AMENDING SECTION 30-108 "PROS PUBLIC RECREATION AND OPEN SPACE DISTRICT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

Councilmember Diaz-Castro made an amending motion to delete the swimming pool and decks provision from Main Permitted Uses. The motion was seconded by Councilmember Vernon and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek voting No.

Councilmember Peters made a motion to substitute the word "may" for the word "shall" and to delete the last sentence in Paragraph 1. The motion was seconded by Councilmember Broucek.

Councilmember Peters withdrew the portion of his motion dealing with changing the word "may" to "shall".

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

Councilmember Peters made an amending motion to require a supra majority vote of the Council in order to waive any regulations. The motion was seconded by Councilmember Diaz-Castro and failed by a 2-5 roll call vote. The vote was as follows: Councilmembers Diaz-Castro and Peters voting Yes. Councilmembers Broucek, Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting No.

The ordinance, as amended, 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.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; ADOPTING THE 2003 GOALS AND OBJECTIVES, ATTACHED AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.**

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.

At this time the Sands Condominium Association presentation was heard. There was no objection regarding the agenda change.

Santiago Echemendia, Tew Cardenas Rebak Kellog Lehman DeMaria Tague Raymond & Levine, P.A., representing the Sands Condominium Association, addressed the Council regarding noise/cooling tower concerns coming from the Ritz Carlton.

Carter McDowell, Bilzin Sumberg Dunn Baena Price & Axelrod, LLP, representing the Ritz Carlton, addressed the Council.

It was the consensus of Council to direct the Manager to look into the recommendations made by The Sands Condominium Attorney and report back to Council.

At this time the Council took a 5 minute break. The meeting was reconvened at 8:35 p.m.

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

Mayor and Councilmembers. Mayor Oldakowski addressed the Council regarding the renewal of the Manager's contract, appointing Councilmember Peters to negotiate with the Manager. Councilmember Peters agreed to work with the Manager.

Councilmember Diaz-Castro addressed the Council regarding merging the Village Zoning Code with the Miami-Dade County Zoning Code in order to have a unified code.

Councilmember Diaz-Castro made a motion to direct staff to look into this issue and report back to Council within 60 days. The motion was seconded by Councilmember Peters and failed by a 3-4 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Peters and Vernon voting Yes. Councilmembers Broucek, Fried, Vice Mayor Mendia and Mayor Oldakowski voting No.

The Attorney addressed the Council regarding this issue.

Mayor Oldakowski addressed the Council regarding the Crandon Park Amendment Committee meeting which took place this morning. There was some discussion from Council regarding this item.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to Council, for their information, a letter to Mr. David Leahy, Supervisor of Elections, Miami-Dade County Elections Department from Edward C. Kast, Division of Elections, Florida Department of State, dated January 23, 2003 regarding the conduct of municipal elections, §100.3605(1), §101.5604, AND §101.62 et. seq., F.S.

Village Manager. Mrs. Ani Nunez, President, Key Biscayne Chamber of Commerce, addressed the Council regarding enhancements to bus service on Key Biscayne, effective 3/2/2003. It was the consensus of the Council to direct staff to look into the possibility of obtaining smaller buses for the bus service on Key Biscayne.

The Manager also addressed the Council regarding the bus service.

The Manager and Todd Hofferberth, Director of Recreation Department addressed the Council regarding the proposed Recreation Center fee structure.

Ed Meyer, 100 Sunrise Drive and Pat Weinman, 940 Mariner Drive addressed the Council.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to direct staff to bring an ordinance creating fees for membership in and the use of the Community Center, at the next Council Meeting.

The Manager submitted to the Council a detailed Crandon Boulevard Streetscape Master Plan: scope of work report.

Director Kurlancheek addressed the Council regarding the Crandon Boulevard Master Plan scope of work.

The Manager also submitted to the Council a Community Center progress report.

Armando Nunez, Public Works Director addressed the Council regarding this report.

The Manager also submitted a report regarding the Art in Public Places Committee.

The Manager requested that the Council terminate the Request For Qualification process, and reject all proposals submitted for the construction program manager for the Community Center Project.

Councilmember Broucek made a motion to terminate the RFQ process and reject the proposals submitted for the construction program manager for the Community Center Project. The motion was seconded by Councilmember Fried 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.

**9. OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

**10. SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

**11. ADJOURNMENT:** The meeting was adjourned at 10:20 p.m.

**Respectfully submitted:**

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

***Approved this 25th day of February , 2003:***

***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.**