

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

TUESDAY, MARCH 18, 2003

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

**1. CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 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 J. Helfman.

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

**3. PLEDGE OF ALLEGIANCE:** Ms. Marivi Walker led the Pledge of Allegiance.

**4. SPECIAL PRESENTATIONS:** Mr. Michael Futterman, CPA, Directors for Rachlin Cohen & Holtz LLP Certified Public Accountants made a presentation to the Council regarding the 2002 Comprehensive Annual Financial Report.

**5. PUBLIC COMMENTS:** There were no speakers present.

**6. AGENDA:** Mayor Oldakowski requested the addition of a report from the Clerk regarding the status of the referendum as Item 10C2; Councilmember Diaz-Castro requested the addition of a discussion regarding expediting the referendum process to be heard together with Item 10C2; Vice Mayor Mendia requested the addition of a discussion regarding the recent public meeting on the Community Center as Item 10A1; Councilmember Peters requested the addition of a report from the Manager on the recent traffic jam as the result of a concert on Virginia Key as Item 10D3 and Mayor Oldakowski requested the addition of a report from the Manager regarding the upcoming Nasdaq-100 Open Tennis Tournament and possible traffic congestion as Item 10D4. There was no objection to the agenda changes.

**7. APPROVAL OF MINUTES:** Councilmember Broucek made a motion to approve the minutes of the February 25, 2003 Zoning Meeting. 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.

**8. ORDINANCES:** There were no ordinances considered by Council on first reading.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; AMENDING CHAPTER 2 "ADMINISTRATION" OF THE VILLAGE CODE BY AMENDING ARTICLE IV "FINANCE" AT DIVISION 1 "GENERALLY" BY CREATING**

**SECTION 2-71 "FEES FOR USE OF COMMUNITY CENTER;" AUTHORIZING THE VILLAGE COUNCIL, BY RESOLUTION, TO PROVIDE FEES FOR MEMBERSHIP IN AND THE USE OF THE COMMUNITY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Fried made a motion to adopt the ordinance on second 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.

There was some discussion from Council regarding this ordinance.

The Manager and Todd Hofferberth, Recreation Director 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.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING PARKING PLAN FOR CIVIC CENTER SITE AS REQUIRED BY SECTION 2(3) OF RESOLUTION NO. 2002-9, PRIOR TO DEMOLITION OF OLD VILLAGE HALL; APPROVING PLACEMENT OF 11 PARKING SPACES ON MCINTYRE STREET FROM CRANDON BOULEVARD TO FERNWOOD ROAD; AUTHORIZING DEMOLITION OF OLD VILLAGE HALL; PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager, Armando Nunez, Public Works Director and Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council regarding this resolution.

There was some discussion from Council regarding this resolution.

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. Vice Mayor Mendia addressed the Council regarding the information workshop held Thursday, March 13, 2003 on the Community Center.

It was the consensus of Council to direct the Manager to prepare a draft document and present it to the Council, with the questions and answers of the above mentioned workshop and current actual information on the Community Center.

The Attorney addressed the Council regarding the contract with Cummings for the Community Center.

Michael Kelly, 395 Gulf Road addressed the Council.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a copy of the following proclamations issued by the Office of the Mayor during the month of March 2003: proclaiming March 6, 2003 as R. S. Shiver Day and proclaiming April 27 through May 4, 2003 as Days of Remembrance.

The Clerk addressed the Council reporting on the status of the petition regarding the Community Center.

The Attorney also addressed the Council regarding this issue.

Councilmember Diaz-Castro made a motion to call a Special Council Meeting after the legal sufficiency certification of the petition. The motion was seconded by Councilmember Peters and failed by a 2-5 voice 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.

Village Manager. The Manager addressed the Council recommending that a professional services contract with Carlos Gimenez and Associates, P.A, be approved to review and assess certain programs within the Village of Key Biscayne Fire Rescue Department.

Chief of Fire Rescue, John C. Gilbert and the Manager addressed the Council regarding the consultant.

Carlos Gimenez, Carlos Gimenez and Associates, P.A. addressed the Council.

Ed Meyer, 100 Sunrise Drive addressed the Council.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING AND APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN CARLOS GIMENEZ AND ASSOCIATES, P.A. (THE "CONSULTANT" AND THE VILLAGE OF KEY BISCAYNE TO PROVIDE FOR PROFESSIONAL CONSULTING SERVICES FOR THE FIRE RESCUE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

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

Ed Meyer, 100 Sunrise Drive addressed the Council regarding the Fire Department.

The Manager and Roxy Lohuis, Senior Coordinator addressed the Council regarding a proposal to extend the Trial Transportation Program for Senior Residents on Key Biscayne.

Councilmember Fried made a motion to accept the Manager's recommendation to extend the Trial Transportation Program for Seniors for another six (6) months. 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 Manager and the Attorney addressed the Council regarding the traffic jam on Sunday, March 9, 2003 due to a music festival on Virginia Key.

There was extensive discussion from Council regarding this issue.

It was the consensus of Council to direct the Attorney to look into this issue and report back to Council.

The Manager also addressed the Council regarding the traffic flow as the result of the Nasdaq-100 Open Tennis Tournament from March 19 to March 30, 2003.

**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 8:46 p.m.

**Respectfully submitted:**

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

***Approved this 8th day of April , 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.**

