

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, APRIL 8, 2008

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 Michael W. Davey, Enrique Garcia, Steve Liedman, Thomas Thornton, Patricia Weinman, Vice Mayor Jorge E. Mendia and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.
2. **INVOCATION:** Rabbi Yoel Caroline, Chabad of Key Biscayne, was not able to attend the meeting.
3. **PLEDGE OF ALLEGIANCE:** Mayor Vernon led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** At Councilmember Liedman's request, Dr. Robert Maggs, Council Representative and Stephen Palmquist, Actuary for the Key Biscayne Police and Firefighters Retirement Plan addressed the Council reporting on the status of the Pension Plan.

At the Manager's request, Ms. Bertha M. Goldenberg, PE, Assistant Director, Mr. Noel Grant, Chemist 3, Miami-Dade Water and Sewer Department and Mr. Samir Elmir, Director, Environmental Health & Engineering Division, Department of Health addressed the Council regarding the Village's water quality monitoring, in particular how it relates to asbestos when water line breaks occur. The representatives assured the Council that the water meets all required drinking

water standards.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: John Rosser, 300 Redwood Lane and Ed Meyer, 798 Crandon Boulevard.

6. **AGENDA:** Councilmember Davey requested the addition of a discussion regarding residents concerns on the Sanitary Sewer Project as Item 10A2 and also requested an addition of a discussion regarding the ZORC as Item 10A3; Vice Mayor Mendia requested the addition of a report regarding traffic as a result of the Sony Ericsson Tennis Tournament as Item 10A4; Councilmember Thornton requested the addition of an update regarding the Sanitary Sewer Bid for Zones II & III as Item 10A5 and Councilmember Weinman requested the addition of a report on the Green Initiative as Item 10A6. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the March 25, 2008 Zoning Meeting. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER IN ACCORDANCE WITH SECTION 6.02(a)(i) OF THE VILLAGE CHARTER; SUBMITTING A PROPOSED CHARTER AMENDMENT CONCERNING SECTION 4.15 "APPROVED BY VOTE OF ELECTORS REQUIRED FOR AMENDMENTS TO LAND DEVELOPMENT REGULATIONS"; PROVIDING FOR AN AMENDMENT OF SECTION 4.15 TO PROVIDE THAT VOTER APPROVAL IS REQUIRED ONLY FOR CHANGES TO THE LAND DEVELOPMENT REGULATIONS (INCLUDING ZONING CODE) WHICH INCREASES THE DENSITY OR INTENSITY FOR THE DEVELOPMENT OF ANY PROPERTY IN THE VILLAGE; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO BE HELD IN CONJUNCTION WITH THE REGULAR VILLAGE COUNCIL ELECTION ON TUESDAY, THE ____ DAY OF _____, 2008; PROVIDING NOTICE OF ELECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

The Clerk reported that she had contacted the Miami-Dade County Supervisor of Elections requesting approval to place this Charter amendment on the ballot for either the August 26, 2008 Miami-Dade County Primary Election or the November 4, 2008 General Election. The Miami-Dade County Supervisor of Elections approved the request.

Councilmember Liedman made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Davey.

The Mayor opened the public hearing. Mike Kelly, 395 Gulf Road; Camille Guething, 260 Seaview Drive and John Festa, 695 Harbor Lane addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from the Attorney and the Council regarding this ordinance.

Councilmember Liedman made an amending motion to hold the Special Election on August 26, 2008. The motion was seconded by Councilmember Weinman and approved by a 7 -0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The ordinance, as amended, was approved on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The second reading of this ordinance will be announced at a later date.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE SELECTION OF TOP RANKED FIRM IBI GROUP AS THE VILLAGE RECREATION AND OPEN SPACE CONSULTANT; DIRECTING THE VILLAGE MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH THE IBI GROUP AS SOON AS POSSIBLE; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH SECOND RANKED FIRM, ZYSCOVICH ARCHITECTS, SHOULD NEGOTIATIONS WITH THE IBI GROUP FAIL; PROVIDING FOR AN EFFECTIVE DATE.

Director of Building, Zoning and Planning Jud Kurlancheek addressed the Council regarding this resolution recommending the selection of IBI Group as the Recreation and Open Space Consultant.

Mr. Richard E. Durr, Jr. ASLA, AICP with IBI Group addressed the Council regarding the proposed Charrette.

Councilmember Liedman made a motion to approve the resolution. The motion was seconded by Councilmember Thornton.

Charles Viscito, 141 Crandon Boulevard and Ed Meyer, 798 Crandon Boulevard addressed the Council.

Councilmember Weinman made an amending motion to eliminate the following phrase: “constituting the majority of the work” from the third and fourth Whereas clauses of the resolution. The motion was seconded by Councilmember Thornton and approved by a 7 -0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The resolution, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING THE FIRM OF AMERICAN TRAFFIC SOLUTIONS, INC. TO PROVIDE TRAFFIC SAFETY CAMERA PROGRAM RELATIVE TO RFP “TRAFFIC SAFETY CAMERA PROGRAM”; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE THE TERMS AND FEES FOR SAID SERVICES; AUTHORIZING NEGOTIATIONS WITH AN ALTERNATE FIRM, TRAFFIPAX, INC., TO PERFORM THE REQUIRED SERVICES SHOULD NEGOTIATIONS WITH SELECTED FIRM BE UNSUCCESSFUL; AUTHORIZING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending the selection of American Traffic Solutions, Inc. (“ATS”) as the firm to provide the Red Light Cameras for the Traffic Safety Program.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes.

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 CONSTRUCTION OF TRAFFIC CALMING SPEEDTABLE IMPROVEMENTS FOR GREENWOOD DRIVE (THE “PROJECT”); AWARDING PROJECT CONSTRUCTION WORK TO MIGUEL LOPEZ, JR. INC., (THE “CONTRACTOR”); AUTHORIZING VILLAGE MANAGER TO

ACCEPT THE PROPOSAL FOR THE PROJECT; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending to award the Greenwood Drive Speedtables Project to Miguel Lopez, Jr. Inc., in the amount of \$14,096.

Councilmember Davey made a motion to approve the resolution. The motion was seconded by Councilmember Garcia and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendi a and Mayor Vernon voting Yes.

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

Mayor and Councilmembers. Councilmember Liedman and the Attorney addressed the Council regarding the future beach renourishment project.

It was the consensus of Council to direct staff to bring a proposal for the mitigation process to the April 22, 2008 Council Meeting.

Tim Blankenship with Coastal Systems addressed the Council regarding the Seagrass mitigation and future beach renourishment project.

At this time the Village Manager's report was heard.

Village Manager. The Manager addressed the Council regarding a request from the Art in Public Places Board to apply for the Knight-Ridder Foundation Matching Grant for a project which includes the following: artwork designed by Bedia in two plazas and a sculpture located north of McIntyre Street and Crandon Boulevard. The total cost of the project is \$150,000.

Veronica Scharf-Garcia, Chair and Rosa de la Cruz, Member of the Art in Public Places Board, addressed the Council regarding this grant.

Councilmember Weinman made a motion to authorize the Manager to apply for the above mentioned grant. The motion was seconded by Councilmember Garcia and approved by a 7 -0 voice vote. The vote was as follows: Councilmembers Davey, Garcia, Liedman, Thornton, Weinman, Vice Mayor Mendi a and Mayor Vernon voting Yes.

Councilmember Davey addressed the Council regarding the Sanitary Sewer Project and potential damage to properties.

The Manager and the Attorney addressed the Council regarding this issue, stating that the contractor is responsible for any potential damage to properties.

It was then consensus of Council to create a streamline process for residents to file claims.

Councilmember Davey also addressed the Council regarding the ZORC and the changes that they might propose.

Director Kurlancheek addressed the Council regarding the progress of the ZORC, stating that the Committee will probably finish their work within the next two months.

Vice Mayor Mendia addressed the Council regarding the traffic and the recent tennis tournament Sony Ericsson Open. Vice Mayor Mendia requested that the Village meet with the County prior to next year's tournament to discuss the logistics of the Key Biscayne shuttle. There was no objection to the request.

Councilmember Thornton addressed the Council regarding the Sanitary Sewer Bid for Zones II & III of the project.

Director Nunez addressed the Council regarding this bid process reporting that 15 firms had picked bid packages.

Councilmember Weinman addressed the Council regarding the citizens committee that has been working moving forward the Green Initiative.

The Attorney proposed that this citizens committee, in terms of green initiative, will bring their recommendations to the Council through the Manager. There was no objection to the proposal.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

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 10:30 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 30th day of April, 2008:

*Robert L. Vernon
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.