

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 12, 2005

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 Enrique Garcia, Steve Liedman, Jorge E. Mendia, Thomas Thornton, Patricia Weinman, Vice Mayor Robert L. Vernon 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 Gabriel Sinisi, St. Christopher-s by the Sea gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Dr. Velia Yedra-Chruszcz, Mayor of the City of West Miami, led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Countess Eva Alexandra Kendeffy, Consul General of Germany addressed the Council promising to try to bring cultural events to the Village.

Dr. Velia Yedra-Chruszcz and City Manager Yolanda Aguilar from the City of West Miami, addressed the Council presenting a resolution and the keys to the City to the Mayor and Council in appreciation for the police car donated to their City.
5. **PUBLIC COMMENTS:** The following people addressed the Council: Gloria L. Izaguirre,

285 Hampton Lane and Mortimer Fried, 291 Harbor Court.

6. **AGENDA:** Councilmember Weinman requested the addition of a discussion regarding the Vision Plan/EAR Committee as Item 10A2; Vice Mayor Vernon requested the addition of a question regarding solid waste as Item 10A3 and Councilmember Mendia requested a report from the Manager regarding Crandon Park entry fees as Item 10A4. There was no objection to the agenda changes.

7. **CONSENT AGENDA:** Councilmember Liedman made a motion to approve the following consent agenda. The motion was seconded by Councilmember Thornton and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The Minutes of the March 15, 2005 Zoning Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING AND APPROVING SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN SKYLINE MANAGEMENT GROUP, INC. (ASKYLINE@) AND THE VILLAGE OF KEY BISCAIYNE, PROVIDING FOR AMENDMENT TO AGREEMENT BETWEEN THE VILLAGE AND SKYLINE CONCERNING SKYLINE'S PROVISION OF SERVICES TO THE VILLAGE AS THE OWNER-S REPRESENTATIVE FOR VILLAGE-S COMMUNITY CENTER AND CIVIC CENTER PROJECT; AUTHORIZING IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, APPROVING THE VILLAGE OF KEY BISCAIYNE AGREEMENT FOR PROFESSIONAL SERVICES FIREWORKS DISPLAY BETWEEN THE VILLAGE AND ZAMBELLI FIREWORKS MANUFACTURING COMPANY; PROVIDING NECESSARY SERVICES FOR JULY 4, 2005 FIREWORKS DISPLAY; AUTHORIZING IMPLEMENTATION BY VILLAGE MANAGER; AND PROVIDING FOR EFFECTIVE DATE.

A CAPITAL PROJECT RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE EXPENDITURE OF AN AGGREGATE AMOUNT NOT TO EXCEED FIVE-THOUSAND DOLLARS (\$5,000), FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF FITNESS EQUIPMENT FOR THE POLICE GYM.

A CAPITAL PROJECT RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED FOUR-THOUSAND SIX-HUNDRED EIGHT DOLLARS AND NINETY SIX CENTS (\$4,608.96), FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF X-26 ADVANCED TASERS.

April 12, 2005

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 2.03 "ELECTION AND TERM OF OFFICE" AND SECTION 5.01 "ELECTIONS"; REVISING CHARTER PROVISIONS WHICH CURRENTLY PROVIDE FOR A TWO (2) YEAR TERM OF OFFICE FOR COUNCIL MEMBERS TO PROVIDE FOR A FOUR (4) YEAR TERM OF OFFICE FOR COUNCIL MEMBERS AND TO INCLUDE PROVISIONS PROVIDING FOR TRANSITION FROM THE TWO (2) YEAR TERM TO THE FOUR (4) YEAR TERM AND PROVIDING FOR STAGGERED TERMS OF OFFICE BY REQUIRING THAT THE THREE COUNCIL MEMBERS WHO RECEIVE THE MOST VOTES AT THE 2006 COUNCIL ELECTION SHALL BE ELECTED FOR A FOUR (4) YEAR TERM OF OFFICE AND THE REMAINING THREE (3) COUNCIL MEMBERS WHO ARE ELECTED IN 2006 SHALL RECEIVE A TWO (2) YEAR TERM OF OFFICE; RETAINING TWO (2) YEAR TERM OF OFFICE FOR MAYOR; AND PROVIDING FOR ELECTIONS TO BE HELD IN EACH EVEN-NUMBERED YEAR AFTER 2006 FOR MAYOR AND THREE COUNCIL POSITIONS; CALLING AN ELECTION ON PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO BE HELD ON A DATE WHICH IS SET BY RESOLUTION OF THE VILLAGE COUNCIL; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE CHARTER AMENDMENT SET FORTH HEREIN; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Attorney addressed the Council regarding this ordinance.

Vice Mayor Vernon made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Weinman.

The Mayor opened the public hearing. Mortimer Fried, 291 Harbor Court addressed the Council. The Mayor closed the public hearing.

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

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

April 12, 2005

AN ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA AMENDING THE BUDGET FOR THE FISCAL YEAR 2004-2005 TO INCREASE REVENUES AND APPROPRIATIONS FOR EXPENDITURES WITHIN THE SOLID WASTE FUND IN ACCORDANCE WITH THE NEW CONTRACT FOR SOLID WASTE SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council regarding this ordinance.

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

The Mayor opened the public hearing. Mortimer Fried, 291 Harbor Court addressed the Council. The Mayor closed the public hearing.

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

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

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA; AUTHORIZING CONSTRUCTION OF SIDEWALKS ON WEST MASHTA DRIVE; PROVIDING FOR EFFECTIVE DATE.

The Manager, Public Works Director Armando Nunez and Ramon Castella with C3TS Engineers addressed the Council regarding this resolution.

Councilmember Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Weinman.

Rob de Cespedes, 188 West Mashta Drive; Mr. de Cespedes read letters from Bernard Loreda, 286 West Mashta Drive and from Raul Vidal, 92 West Mashta Drive; Ward Rathbone, 275 West Mashta Drive; Alan De Grelle, 176 West Mashta Drive; Sergio Alvarez, 152 West Mashta Drive; Dr. Henny Groschel, 290 West Mashta Drive; Dr. Groschel read a letter from Carol and Jim Natlan, 80 West Mashta Drive and Carolina Loreda, 286 West Mashta Drive addressed the Council.

The Council expressed a desire to construct sidewalks on West Mashta Drive by a majority show of hands.

April 12, 2005

The Council also expressed the desire to construct sidewalks on the North side of West Mashta Drive by a unanimous show of hands.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon 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 BISCAIYNE, FLORIDA; CONCERNING MONACO FOUNTAINS ARTISTIC PROJECT (THE "PROJECT") FOR THE VILLAGE'S CIVIC CENTER SITE; PROVIDING FOR AUTHORIZATION OF THE PROJECT; APPROVING PROFESSIONAL SERVICES AGREEMENT FOR THE PROJECT; PROVIDING FOR IMPLEMENTATION OF THE PROJECT; PROVIDING FOR EFFECTIVE DATE.

The Manager, Building, Zoning and Planning Director Jud Kurlancheek and Paul Abbott, Skyline Management, Construction Manager for the Civic Center Project addressed the Council regarding this resolution.

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

Veronica Scharf-Garcia, Chairman of the Art in Public Places Board addressed the Council.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, ACCEPTING DONATION OF ART WORK TO THE VILLAGE OF KEY BISCAIYNE IN ACCORDANCE WITH THE RECOMMENDATION OF THE ART IN PUBLIC PLACES BOARD OF THE VILLAGE; AND PROVIDING FOR EFFECTIVE DATE.

The Manager and Director Kurlancheek addressed the Council regarding this resolution.

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

April 12, 2005

The resolution was approved by a 5-0 voice vote. The vote was as follows: Councilmembers Garcia, Mendia, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes. Councilmembers Liedman and Thornton were out of the Chamber at the time the vote was taken.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA; AUTHORIZING THE PURCHASE OF TWO (2) EMERGENCY CARE TYPE I VEHICLES FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING VILLAGE MANAGER TO SELL REPLACED VEHICLES AND TO IMPLEMENT THE PURCHASE TRANSACTION; PROVIDING FOR AN EFFECTIVE DATE.

The Manager and Chief of Fire Rescue John C. Gilbert addressed the Council regarding this resolution.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

The Manager and Chief of Police Charles R. Press addressed the Council regarding this resolution.

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

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENT WITH THE VILLAGE OF BAL HARBOUR, MIAMI-DADE COUNTY, FLORIDA.

The Manager and Chief Press addressed the Council regarding this resolution.

April 12, 2005

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

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

Mayor and Councilmembers. Councilmember Thornton addressed the Council regarding the usage of the Beach Park for recreational purposes.

The Attorney addressed the Council regarding the usage of the Beach Park and will report back to Council on the restrictions for the usage of this park which are included in the deed.

Todd Hofferberth, Director of Parks and Recreation addressed the Council regarding park regulations for the Village.

Councilmember Weinman addressed the Council regarding the Vision Plan and EAR Committee.

Councilmember Mendia requested a report from the Manager regarding Crandon Park entry fees. The Manager and Director Hofferberth addressed the Council regarding this issue.

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 months of March and April 2005: Miami-Dade Public Library System Appreciation Week in the Village of Key Biscayne, Senator Gwen Margolis, Fair Housing Month and Civility Month.

Village Manager. The Manager and Finance Director Randolph G. White addressed the Council regarding surplus allocation. The Manager recommends allocating \$800,000 for Emergencies; \$111,500 for Law Enforcement Seizures; \$25,000 for Police/Administration Building Maintenance Reserve; \$25,000 for Fire Station Maintenance Reserve; \$50,000 for Community Center Equipment Reserve; \$50,000 for Fire Vehicle Replacements and \$256,403 for Playing Fields.

Councilmember Mendia made a motion to allocate \$300,000 for Emergencies and allocate \$500,000 as a reserve fund for Master Plan Initiatives. The motion was seconded by Councilmember Garcia.

The surplus allocation, as amended, was approved by a 7-0 voice vote. The vote was as follows:

April 12, 2005

Councilmembers Garcia, Liedman, Mendia, Thornton, Weinman, Vice Mayor Vernon and Mayor Oldakowski voting Yes.

The Manager and Chief Gilbert addressed the Council regarding Rescue Transport Fees.

It was the consensus of Council to direct staff to bring a proposal before Council for Rescue Transport Fees.

11. **OTHER BUSINESS/GENERAL DISCUSSION:** At this time the Mayor addressed the Council and the public and thanked the police officers who have been standing on Crandon Boulevard directing traffic during the construction of Crandon Boulevard.

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 10:05 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 26th day of April, 2005:

*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.