

MINUTES
VILLAGE COUNCIL MEETING
VILLAGE OF KEY BISCAZYNE, FLORIDA

TUESDAY, JULY 2nd, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

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 Scott Bass, Alan H. Fein, Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Councilmember Martha F. Broucek was absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorneys Richard Jay Weiss and Stephen J. Helfman.

2. INVOCATION: Rabbi Melvin Glazer, Congregation Beth David gave an invocation.

3. PLEDGE OF ALLEGIANCE: Mayor Rasco led the Pledge of Allegiance.

4. SPECIAL PRESENTATIONS: There were no special presentations.

5. PUBLIC COMMENTS: The following residents addressed the Council: Jim Taintor, 355 Harbor Drive; John Festa, 695 Harbor Court; Camile Guething, 260 Seaview Drive and Carol Diaz-Castro, 240 Hampton Lane.

6. AGENDA: There were no agenda changes.

The Attorney addressed the Council requesting an Executive Session regarding two pending litigations of the Coalition vs. Village of Key Biscayne.

7. APPROVAL OF MINUTES: Vice Mayor Oldakowski made a motion to approve the minutes of the June 11, 2002 Community Center Workshop, the minutes of the June 11, 2002 Regular Council Meeting and the minutes of the June 17, 2002 Special Council Meeting. The motion was seconded by Councilmember Fried and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

8. BUILDING ZONING AND PLANNING: All witnesses giving testimony in the public hearings were sworn in by the Clerk.

Hearing Number RV 06A. St. Michael Property Holdings, Inc., 100 Crandon Boulevard, the applicant is requesting an extension of time to obtain a building permit to construct an office building after the expiration date for a variance.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council stating his recommendation of approval of a four (4) month extension of time to construct an office building after the expiration date of a variance for property located at 100 Crandon Boulevard. The expiration date is July 10, 2002.

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

Vice Mayor Oldakowski made a motion to approve the request. The motion was seconded by Councilmember Bass and approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Hearing Number SP 04A. St. Michael Property Holdings, Inc., 100 Crandon Boulevard, the applicant is requesting an extension of time to obtain a building permit to construct an office building after the expiration date for a site plan.

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council stating his recommendation of approval of a four (4) month extension of time to construct an office building after the expiration date for site approval for property located at 100 Crandon Boulevard. The expiration date is July 10, 2002.

Councilmember Fein made a motion to approve the request. The motion was seconded by Councilmember Bass.

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

The motion was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 28 "RETIREMENT," BY AMENDING SECTION 23-38 "DISABILITY," TO PROVIDE ENHANCED DISABILITY RETIREMENT BENEFITS FOR PLAN MEMBERS INJURED IN THE LINE OF DUTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Chief of Fire Rescue John C. Gilbert addressed the Council regarding this ordinance.

The ordinance was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk announced the second reading on August 27, 2002.

10. RESOLUTIONS: The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FUNDING ASSISTANCE FOR VILLAGE OF KEY BISCAYNE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN FOR DISABILITY BENEFIT AS REPLACEMENT FOR PROVIDING FUNDING FOR DISABILITY INSURANCE; PROVIDING FOR EFFECTIVE DATE.

Councilmember Bass made a motion to defer the resolution to the August 27, 2002 Council meeting. The motion was seconded by Vice Mayor Oldakowski and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; DIRECTING THAT A PUBLIC HEARING BE SCHEDULED FOR PURPOSES OF APPROVING A SITE PLAN FOR THE COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Oldakowski made a motion to approve the resolution. The motion was seconded by Councilmember Fein.

Mr. Guillermo Olmedillo, Miami, Florida, presented to the Council an analysis of the seven options prepared for the Community Center.

Director Kurlancheek, Michael Lanciault with James A. Cummings, Inc. and Jose Aguila with Robert Currie Partnership, Inc. addressed the Council regarding the proposed parking garage for the Community Center.

Attorneys Weiss and Helfman also addressed the Council regarding the proposed parking garage for the Community Center.

The following residents addressed the Council: Arturo Aballi, 91 Island Drive; Andy Gordon, 269 Cranwood Drive; Kathy King, 745 Fernwood Road; Carol Diaz-Castro, 240 Hampton Lane; Dr. Rafael Perez, 534 Fernwood Road; Carlos Coto, 310 Harbor Court; Cecile Sanchez, 260 Cypress Drive; Jim Taintor, 355 Harbor Drive; Bonnie Cooper, 77 Crandon Boulevard; Jay Swindell, 774 Fernwood Road; Patricia Romano, 361 Beechwood; Jim Leavitt, 240 Island Drive; Julie Alvarez, 150 Sunrise Drive; Barry Goldmeir, 1000 Mariner Drive and Dr. Michael Kelly, 395 Gulf Road.

Mr. Ken Ballard, Principal, Ballard & King and Associates addressed the Council.

There was extensive discussion from Council regarding the different options.

Councilmember Fried made a motion to implement Option 3 (attached for the record) relating to the siting of the Community Center. The motion was seconded by Councilmember Fein.

Mr. Randy White, Finance Director addressed the Council regarding the debt cap.

Todd Hofferberth, Recreation Director addressed the Council regarding the proposed Community Center.

Vice Mayor Oldakowski made a motion to extend the meeting to 11:20 p.m. The motion was seconded by Councilmember Fein and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The resolution was approved by a 5-1 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Peters voting No.

It was the consensus of Council to schedule a Special Council Meeting to hold the public hearing regarding the Community Center Site plan, on Tuesday, July 23, 2002 at 7:00 p.m.

11. REPORTS AND RECOMMENDATIONS: The following items were discussed:

Mayor and Councilmembers. Councilmember Fried made a motion to authorize the Clerk to use a signature stamp.

Director White addressed the Council regarding the signature stamp.

It was the consensus of Council to direct staff to prepare a resolution authoring the Clerk to use a signature stamp and to authorize the Manager to sign checks, in the absence of the Clerk, and bring it before Council at the next Council meeting.

Councilmember Bass presented to the Council a Citgo Gas Station purchase timeline.

Mayor Rasco made a motion to instruct staff to prepare a formal resolution supporting the transportation tax. The resolution should include the Village's position supporting the Dade League of Cities efforts pursuing County approval of this issue. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Mayor Rasco made a motion to instruct staff to look into drafting a resolution petitioning the Board of County Commissioners of Miami-Dade County to delegate to the Village certain specific responsibilities for the control of traffic on municipal streets. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Village Attorney. The Attorney addressed the Council regarding The Gardens litigation approval of proposed settlement.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY

BISCAYNE, FLORIDA, APPROVING THE SETTLEMENT OF THE LITIGATION STYLED THE GARDENS OF KEY BISCAYNE/ALHAMBRA ASSOCIATION, INC. V. KEY BISCAYNE OCEAN CLUB LIMITED PARTNERSHIP AND THE VILLAGE OF KEY BISCAYNE, CIRCUIT COURT CASE NO: 99-28280 CA 06; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A SETTLEMENT AGREEMENT AND TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Fein and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Attorney addressed the Council regarding Council initiated referenda.

Village Clerk. The Clerk presented to the Council a memorandum from Miami-Dade County Elections Department regarding special election ballot instructions.

The Clerk submitted to the Council, for their information, a memorandum regarding vacation time, in July 2002.

Village Manager. The Manager addressed the Council recommending the purchase of supplemental furniture for the new Council Chamber, Fire Station and Police/Administration Buildings.

Vice Mayor Oldakowski made a motion to approve the purchase of supplemental furniture. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Manager addressed the Council requesting approval for the temporary installation of field goal posts on the Village Green.

Councilmember Fein made a motion to approve the temporary installation of field goal posts on the Village Green. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Manager addressed the Council requesting authorization to purchase one Medtronic Physio-Control Lifepak 12 for the Fire Rescue Department.

Vice Mayor Oldakowski made a motion to approve the purchase of one Medtronic Physio-Control Lifepak 12. The motion was seconded by Councilmember Fein.

Chief Gilbert addressed the Council regarding this issue.

The motion was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

It was the consensus of Council to direct staff to look into purchasing a second Medtronic Physio-Control Lifepak 12 and report back to Council.

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

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

14. ADJOURNMENT: The meeting was adjourned at 11:45 p.m.

Respectfully submitted:

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

Approved this 23rd day of July, 2002:

***Joe I. Rasco
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.