

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, SEPTEMBER 4, 2007

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 P. Helfman.
2. **INVOCATION:** Reverend Jose Luis Hernando, Saint Agnes Catholic Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** Mr. Eduardo Sanchez led the Pledge of Allegiance.
4. **SPECIAL PRESENTATIONS:** Mr. Genaro "Chip" Iglesias was sworn in as Village Manager by the Clerk.
5. **PUBLIC COMMENTS:** The following resident addressed the Council: John Rosser, 300 Redwood Lane.
6. **AGENDA:** Councilmember Thornton requested the addition of an update on permitting for the Sanitary Sewer Project as Item 10A1 and Councilmember Weinman requested the addition of an update on Phase III of Crandon Boulevard as Item 10A2. There was no objection to the agenda changes.

7. **APPROVAL OF MINUTES:** Councilmember Garcia made a motion to approve the minutes of the August 28, 2007 Regular Council Meeting. 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.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE PURCHASE OF LAND AND IMPROVEMENTS LOCATED AT 200 HARBOR DRIVE IN THE VILLAGE (THE "PROPERTY"); AUTHORIZING THE VILLAGE TO PURCHASE THE PROPERTY AS DESCRIBED HEREIN; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR FINANCING CONDITION; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive; Diane Fried Simon, 335 Harbor Lane; Mortimer Fried, 291 Harbor Court; Tim Stickney, 260 Crandon Boulevard on behalf of Rene Garcia, 210 Harbor Drive; Ed Sanchez, 260 Cypress Drive; Frank Caplan, 370 Palmwood; Steve Simon, 335 Harbor Lane; Ed Meyer, 798 Crandon Boulevard; Max Puyan, 480 S. Mashta Drive; T.J. Giuffrida, 620 South Mashta Drive; Cecile Sanchez, 260 Cypress Drive and John Festa, 695 Harbor Lane addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this ordinance.

Vice Mayor Mendia made an amending motion to hold the second hearing on this ordinance on October 9, 2007. The motion was seconded by Councilmember Weinman and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmembers Davey and Garcia voting No.

Councilmember Weinman made a motion to amend the ordinance to purchase 200 Harbor Drive to provide that the ordinance will not become effective until a referendum of electors is held, and that a majority of electors voting are in favor of financing and purchase of the property at 200 Harbor Drive, to be used as a Village bayfront park. The motion was seconded by Vice Mayor Mendia and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes. Councilmembers Davey, Garcia and Mayor Vernon voting No.

The Clerk addressed the Council regarding possible dates to hold a referendum on the purchase of 200 Harbor Drive.

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on first reading by a 4-3 roll call vote. The vote was as follows: Councilmembers Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes. Councilmembers Davey, Garcia and Mayor Vernon voting No.

The second reading of the ordinance will be on October 9, 2007.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,800,000 OF LAND ACQUISITION REVENUE BONDS (200 HARBOR DRIVE PROPERTY) OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor Mendia made a motion to amend the ordinance providing that the ordinance will not become effective until a referendum of electors is held, and that a majority of electors voting are in favor of financing the property at 200 Harbor Drive, to be used as a Village bayfront park. The motion was seconded by Councilmember Weinman and approved by a 5 -2 roll call vote. The vote was as follows: Councilmembers Liedman, Thornton, Weinman, Vice Mayor Mendia and Mayor Vernon voting Yes. Councilmembers Davey and Garcia voting No.

The Mayor opened the public hearing. Camille Guething, 260 Seaview Drive; Ed Sanchez, 260 Cypress Drive; Steve Simon, 335 Harbor Lane and Tim Stickney, 260 Crandon Boulevard addressed the Council. The Mayor closed the public hearing .

The Attorney addressed the Council regarding this ordinance.

The ordinance, as amended, failed by a 4 -3 roll call vote. The vote was as follows: Councilmembers Liedman, Thornton, Weinman and Vice Mayor Mendia voting Yes. Councilmembers Davey, Garcia and Mayor Vernon voting No.

Note: Pursuant to Section 4.10 of the Charter of the Village of Key Biscayne the incurrence of debt shall be approved by at least five (5) Councilmembers.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING CHAPTER 26 OF THE VILLAGE CODE, "TRAFFIC AND VEHICLES", BY CREATING

ARTICLE IV, "DANGEROUS INTERSECTION SAFETY", PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT INFRACTIONS AND FOR RELATED PROCEDURES AND PROVISIONS; AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE III "CODE ENFORCEMENT", SECTION 2-42 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED", TO FACILITATE USE OF CODE ENFORCEMENT MECHANISM FOR DANGEROUS INTERSECTION SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

The ordinance was adopted 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 the ordinance will be on October 9, 2007.

9. **RESOLUTIONS:** There were no resolutions considered by Council.

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

Mayor and Councilmembers. Councilmember Thornton requested an update on the permitting for the Sanitary Sewer Project.

Ramon Castella with C3TS addressed the Council regarding this process reporting the following: Zone 1 water permit is currently at the Department of Health for approval and expected this week. Zone 1 sewer permit expected out of MDWASD this week, and out of DERM next week. As soon as Zone 1 sewer is out of MDWASD, PBS&J will concentrate on Zones 2 and 3, which are expected to be permitted by October, and then will take out to bid.

Councilmember Weinman requested an update on the construction of Phase III of Crandon Boulevard.

Mr. Castella also addressed the Council giving an update on the construction of Phase III of

Crandon Boulevard. Vila is currently working at the West Mashta intersection on the Ocean Club side. That intersection is expected to be completed by the end of September. A second Vila crew is currently working on utilities installation on West Wood, and this work is expected to be complete by the end of September. Reconstruction of the West Wood intersection will begin in October and will be completed by the end of October. Reconstruction of the last remaining intersection, West Enid, will occur during the month of November. The entire project is expected to be substantially complete by the end of this year.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager and Armando Nunez, Public Works Director addressed the Council giving a progress report regarding the installation of street lights on Grapetree Drive.

At this time the Mayor addressed the Council regarding the possibility of improving West Mashta Drive similar to the improvements on Harbor Drive.

Director Nunez addressed the Council regarding this project. The project will add 13 parking spaces and landscape. It was the consensus of Council to direct staff to bring this project before Council at the First Budget Hearing for approval.

The Mayor also addressed the Council regarding the re-appointment/appointment of members to the following boards: Art in Public Places, Community Center and Trustees for Police Officers and Firefighters Retirement Plan. Council members will submit nominations to the Clerk.

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 9:30 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 11th day of September, 2007:

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.