

MINUTES

VILLAGE COUNCIL MEETING
KEY BISCAAYNE, FLORIDA

TUESDAY, OCTOBER 14, 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 P. Helfman.

2. **INVOCATION:** Reverend David Moran, Key Biscayne Presbyterian Church, gave an invocation.

3. **PLEDGE OF ALLEGIANCE:** Mr. Bill Bailey led the Pledge of Allegiance.

4. **SPECIAL PRESENTATIONS:** The Mayor presented, on behalf of the Village Council, a proclamation to the family of Dorothea L. Bailey.

John C. Gilbert, Public Safety Department Director addressed the Mayor and Members of the Village Council introducing the following new Police Officers: Jorge L. Alvarez, Jose Ortega, Jennie Arias and Yoniel Alfonso.

Mr. James Brewster presented to the Council a sample of mile markers for the Lighthouse Run.

5. **PUBLIC COMMENTS:** The following resident addressed the Council: Raul Henriquez, 900 Harbor Drive.

6. **AGENDA:** Mayor Oldakowski requested the addition of a brief report regarding a High

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School on Virginia Key as Item 10A4 and the deferral of Item 10A2; Vice Mayor Mendia requested to hear Item 9E before Item 9D; Councilmember Vernon requested the addition of an update on the Mashta Bridge as Item 10D3 and Councilmember Diaz-Castro requested the addition of an update regarding the bus shelter on Crandon Boulevard and Ocean Lane Drive 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 September 23, 2003 Second Budget Hearing. The motion was seconded by Councilmember Fried 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.

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

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT ON BEHALF OF THE VILLAGE WITH GOMEZ BARKER ASSOCIATES, INC. FOR INTERGOVERNMENTAL REPRESENTATIVE SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

The Manager, the Attorney and Fausto Gomez, with Gomez Barker Associates, Inc. addressed the Council regarding this resolution.

Councilmember Fried made a motion to approve the resolution subject to the attorney's review and changes. 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 Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT ON BEHALF OF THE VILLAGE WITH UNIVERSAL BEACH SERVICES CORP. FOR BEACH CLEANING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

The Manager and the Attorney addressed the Council regarding this resolution.

Vice Mayor Mendia made a motion to approve the resolution subject to the attorney's review and changes. The motion was seconded by Councilmember Diaz-Castro and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Fried, Peters, Vernon, Vice

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Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING EXPENDITURE OF AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND DOLLARS (\$32,000) FROM THE LAW ENFORCEMENT TRUST FUND - STATE, FOR TWO VEHICLES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Fried made a motion to approve the resolution. 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.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE MAYOR AND VILLAGE MANAGER TO BEGIN NEGOTIATIONS FOR AN ACCESS CENTER MANAGEMENT AGREEMENT WITH KEY BISCAYNE COMMUNITY TELEVISION, INC.; FOR THE PURPOSE OF PROVIDING PROGRAMMING AND MANAGEMENT SERVICES FOR THE VILLAGE'S EDUCATIONAL ACCESS ON CHANNEL 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Peters made a motion to approve the resolution. The motion was seconded by Councilmember Diaz-Castro.

Manny Cambo, 621 Harbor Drive and Bill Durham, 748 Glenridge Road addressed the Council.

There was extensive discussion from Council regarding this resolution.

Councilmember Vernon made an amending motion to eliminate the Mayor from the negotiations. The motion was seconded by Councilmember Fried 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 resolution as amended was approved by a 6-1 voice vote. The vote was as follows:

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Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Broucek voting No.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING POLICIES AND PROCEDURES FOR USE OF THE ACCESS CHANNELS AND PRODUCTION FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Diaz-Castro made a motion to approve the resolution. The motion was seconded by Councilmember Fried.

The Manager and the Attorney addressed the Council regarding this resolution.

Annika Akerlund-Tarajano, 200 Cypress Drive addressed the Council.

Councilmember Broucek made a motion to defer the resolution to the November 11, 2003 Council Meeting. The motion was seconded by Councilmember Diaz-Castro 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 consensus was that Councilmembers would submit to the Village Attorney their positions regarding this issue.

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

Mayor and Councilmembers. Mayor Oldakowski, Councilmembers Broucek and Diaz-Castro addressed the Council regarding the Seaquarium parking issue.

It was the consensus of Council to direct the Attorney to keep monitoring this issue.

Mayor Oldakowski addressed the Council regarding the appointment to the Art in Public Places Board as the result of the resignation of Ms. Lynn Libby. Mayor Oldakowski proposed the appointment of Ms. Conchita Sarnoff to this Committee. There was no objection to the appointment.

Ed Meyer, 100 Sunrise Drive addressed the Council.

The Mayor addressed the Council regarding the potential siting of a charter High School on Virginia Key.

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Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 3 of Ordinance 97-21 adopted by the Village Council on September 9, 1997, two Board Members are required to be appointed by the Council for a two year term.

Councilmember Fried made a motion to appoint Mr. Barclay E. Cale, Jr. and Ms. Sandra L. Winters to the Police Officers and Firefighters' Pension Plan Board of Trustees. The motion was seconded by Councilmember Diaz-Castro 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.

Pursuant to Sections 3 and 4 of Ordinance 92-14 adopted by Village Council on June 23, 1992 established the Village's Code Enforcement procedures including the appointment of Special Masters. The Special Masters are appointed by the Council for a one year term.

Councilmember Peters made a motion to appoint Mr. Dennis O'Hara, Ms. Rosemary Sala and Ms. Jennifer Leal as Special Masters for a one year term. 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.

The Clerk submitted to the Council the deadlines for placing Municipal questions on the Presidential Preference primary ballot on March 9, 2004. The Charter Amendments must be passed between November 10, 2003 and January 9, 2004.

It was the consensus of Council to direct the Attorney to prepare a Charter Amendment regarding eliminating the run-off election for Mayor and Councilmembers and re-instituting the four year term for Councilmembers.

The Clerk submitted to the Council a proposed 2004 Council Meeting Schedule. Councilmember Fried made a motion to accept the proposed 2003 Council Meeting Schedule. The motion was seconded by Councilmember Diaz-Castro 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 Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of October 2003: proclaiming November 2003 as National Epilepsy Awareness Month.

Village Manager. The Manager and Todd Hofferberth, Parks and Recreation Director, addressed the

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Council regarding the property at 200 Crandon Boulevard.

There was extensive discussion from Council regarding this issue.

Mr. Randolph White, Finance Director through the firm of Severn Trent Services addressed the Council regarding proposals for insurance coverage including general liability, public officials' liability, property and windstorm for the Village for Fiscal year 2004.

James Taintor, 355 Harbor Drive addressed the Council.

The Manager addressed the Council regarding the status of the Mashta Bridge fishing ordinance. This item will come before Council at the October 28, 2003 Zoning Meeting.

Armando Nunez, Public Works Director addressed the Council regarding the status of the bus shelter.

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 9:40 p.m.

Respectfully submitted:

*Conchita H. Alvarez, CMC
Village Clerk*

Approved this 28th day of October, 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.