

MINUTES

COUNCIL MEETING  
KEY BISCAWAYNE, FLORIDA

TUESDAY, DECEMBER 4, 2018

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 p.m. Present were Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Mayor Davey thanked the individuals involved with coordinating yet another wonderful Winterfest community event that took place last weekend and also commended Art Yerian from the State Park for hosting a great Holiday Festival.

Councilmember Lauredo addressed the public and the Council requesting a moment of silence in honor of the 41<sup>st</sup> President of the United States, George H.W. Bush.

Councilmember Petros addressed the public and the Council regarding the passing of Gail Serota from Weiss Serota Helfman Bierman & Cole recognizing her for many years of dedicated service and support to our community and others.

4. **AGENDA:** Councilmember Lauredo requested the addition of a discussion regarding resolutions honoring the 41<sup>st</sup> President of the United States, George H.W. Bush and Gail Serota from Weiss Serota Helfman Cole & Bierman as Item 10A13. The Manager on behalf of Councilmember London requested to remove Item 10A5. There were no objections to the agenda changes.

5. **PUBLIC COMMENTS:** The following resident addressed the Council: Anne Taintor, 170 Ocean Lane Drive.

6. **SPECIAL PRESENTATIONS:** The Manager introduced Randell Owen from Matrix Consulting. Randell Owen conducted a presentation regarding a fleet management policy. There was extensive discussion by Council regarding the current Village's fleet replacement schedule.

7. **CONSENT AGENDA:** Councilmember Petros made a motion to approve the following consent agenda. The motion was seconded by Councilmember Moss and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The minutes to the July 6, 2018 Special Council Meeting.

The minutes to the July 17, 2018 Special Council Meeting.

The minutes to the October 30, 2018 Special Council Meeting.

The minutes to the October 30, 2018 Regular Council Meeting.

The minutes to the November 5, 2018 Special Council Meeting.

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING EMPOWER RETIREMENT (AKA GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY AND ITS SUBSIDIARY, ADVISED ASSETS GROUP, LLC) FOR ADMINISTRATIVE, RECORDKEEPING, ADVISORY AND OTHER SERVICES RELATING TO THE VILLAGE'S RETIREMENT PLAN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A RESOLUTION OF THE MAYOR AND VILLAGE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE VILLAGE AND MAESTRO HEALTH, INC. FOR HEALTH ADMINISTRATION SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ORDINANCE NO. 2017-7 WHICH ADOPTED THE BUDGET FOR FISCAL YEAR 2017-2018 BY REVISING THE 2017-2018 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council regarding the adoption of this ordinance on first reading.

There was extensive discussion by Council regarding the adoption of the revised budget for fiscal year 2017-2018.

It was the consensus of Council to direct the Manager to provide an explanation during the Budget Workshop regarding expenditures that are over or under the allocated budget line items.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The Clerk announced the second reading of this ordinance for January 22, 2018 contingent on Council's approval of the 2019 Regular Council Meeting schedule being heard during Item 10C1.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE 2040 VISION PLAN COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of this ordinance on first reading and requested to rename the committee by inserting the word strategic, to read as follows: "2040 Strategic Vision Plan Committee".

There was extensive discussion by Council regarding the creation of a 2040 Vision Plan Committee.

It was the consensus of Council to allow each Councilmember to appoint one member to the 2040 Vision Plan Committee.

The Manager addressed the Council regarding bringing forth the necessary legislation at the January Council meeting to contract a facilitator to conduct a Council/Staff planning workshop to prioritize capital projects and move towards developing a strategic plan.

Councilmember Laredo addressed the Council regarding replacing 2040 Vision Plan with 2040 Action Plan.

Councilmember Moss made a motion to rename the committee to the "2040 Strategic Vision

Plan Committee". The motion was seconded by Councilmember Laredo and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The Mayor opened the public hearing and allowed public comments for Item 8A1. The following residents addressed the Council: Derek Duzoglou, 155 Sunrise Drive and Tony Winton, 121 Crandon Boulevard. The Mayor closed the public hearing.

At this time Councilmember Laredo made a motion to appoint Councilmember Moss as the Council Liaison to the 2040 Strategic Vision Plan Committee. The motion was seconded by Councilmember London and approved by 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The ordinance, as amended, was adopted on first reading by 7-0 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The Clerk announced the second reading of this ordinance for January 22, 2018 contingent on Council's approval of the 2019 Council Meeting schedule during Item 10C1.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, EXTENDING ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO PROHIBIT OR REGULATE MEDICAL MARIJUANA FACILITIES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember London made a motion to approve the resolution. The motion was seconded by Councilmember Moss.

The Manager addressed the Council regarding the approval of this resolution.

There was extensive discussion by Council regarding the regulations to allow or prohibit medical marijuana facilities.

Councilmember Laredo addressed the Council regarding his opposition to allow medical marijuana facilities in the Village of Key Biscayne.

The Attorney addressed the Council regarding the approval of this resolution and introduced his colleague, Kathryn Mehaffey from Weiss Serota Helfman Bierman & Cole.

Kathryn Mehaffey addressed the Council regarding extending the zoning in progress for 91 days

to prepare amendments to the land development regulations to prohibit or regulate medical marijuana facilities.

The Attorney addressed the Council regarding bringing back an ordinance on first reading at the next regularly scheduled Council meeting.

It was the consensus of Council to direct the Manager to gather information from other like-communities allowing medical marijuana facilities; listing the negative impacts, if any, to the communities which allow such facilities; and lastly, to compile all filed complaints with the State of Florida regarding medical marijuana facilities.

The resolution was approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Luis Lauredo, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmember Edward London voting No.

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

Mayor and Councilmembers. Councilmember Petros addressed the Council regarding the next steps for Ultra Music festival at Virginia Key.

There was extensive discussion by Council regarding an environmental impact study, traffic study, special legal representation and the Ultra Music festival's MOT plan.

Councilmember Segurola addressed the Council providing an update on the interviews that took place seeking Special Legal Counsel specifically for the Ultra Music festival at Virginia Key and recommended Carlton Fields as the preferred legal firm.

It was the consensus of Council to appoint Councilmember London to negotiate the proposed fees with the preferred legal firm, Carlton Fields.

There was extensive discussion by Council regarding the scope of services to be included within the proposed contract with the preferred legal firm, Carlton Fields.

The Public Works Director Jake Ozyman addressed the Council regarding hiring a traffic engineer to analyze and review the MOT plan for the Ultra Music Festival at Virginia Key.

At this time, the Chief of Police Charles R. Press addressed the Council regarding the MOT plan for the Ultra Music Festival at Virginia Key.

It was the consensus of Council to direct the Manager to hire a traffic engineer to review the Ultra Music Festival's MOT in an amount not to exceed \$10,000.

It was the consensus of Council to appoint Councilmember Segurola to negotiate the contract terms and conditions with the preferred legal firm, Carlton Fields, and bring forth a proposed

contract for Council consideration.

Councilmember Laredo made a motion to authorize the Manager to expend an amount not to exceed \$20,000 by the first regularly scheduled Council meeting held in January to provide Special Legal Counsel for purposes of the Ultra Music Festival at Virginia Key. The motion was seconded by Councilmember McCormick and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The Attorney addressed the Council regarding allowing the Mayor to sign the Special Legal Counsel engagement letter with Carlton Fields in an amount not to exceed \$20,000.

It was the consensus of Council to direct the Manager to support the environmental groups for the purposes of gathering environmental data and necessary communication efforts relating to the Ultra Music Festival at Virginia Key.

At this time Councilmember Petros addressed the Council regarding the proposed improvements to the Key Biscayne Library.

The Manager addressed the Council providing a status update of the proposed improvements to the Key Biscayne Library.

Councilmember Petros made a motion to direct the Attorney to send a formal opinion letter to the Miami-Dade County Attorney's office regarding expanding the library building by adding a second floor and also directed the Manager to start meeting with the Miami-Dade County Library Director regarding the possible future improvements to the existing Key Biscayne library. The motion was seconded by Councilmember Laredo.

Councilmember Petros amended the motion by adding the condition the Village must first receive a yes response from the Miami-Dade County Attorney's office to expand the existing Key Biscayne library before the Manager starts meeting with the Miami-Dade County Library Director. The motion was seconded by Councilmember Laredo and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

Mayor Davey addressed the Council regarding the reappointments and appoints to the Village Boards and Committees.

Councilmember Laredo made a motion to appoint Servando Parapar and Fernando Vazquez to the Undergrounding Utility Task Force Committee. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

It was the consensus of Council to appoint Councilmember Segurola as the Council Liaison to the Underground Utility Task Force Committee.

It was the consensus of Council to direct the Attorney to bring back the necessary legislation to amend the number of board members to the Art in Public Places Board from 8 members to 7 members.

It was the consensus of Council to make the required appointments to the Village Boards and Committees at the next regularly scheduled Council meeting.

It was the consensus of Council to direct the Clerk to add one Committee presentation per meeting on a rotating basis.

Councilmember London addressed the Council regarding becoming fiscally responsible in the Village of Key Biscayne.

There was extensive discussion by Council regarding hiring consultants to evaluate the departments.

Councilmember Laredo addressed the Council regarding his opposition to hire consultants to evaluate each department.

The Manager addressed the Council regarding completing a Classification and Compensation study this fiscal year.

It was the consensus of Council to direct the Manager to gather proposals for consultants that evaluate and recommend best practices for departments to be presented to Council.

Councilmember London addressed the Council regarding the total number of Village street lights needed, the project cost, issuing a Request for Proposals and the project timeline.

There was extensive discussion by Council regarding residents opposed to installing street lights.

The Manager addressed the Council regarding the Village's Special Lighting Districts.

The Public Works Director Jake Ozyman addressed the Council regarding street lighting.

It was the consensus of Council to direct the Manager to gather proposals for solar powered street light poles to replace the light poles within the Special Lighting Districts and begin transferring the Special Lighting Districts from Miami-Dade County to the Village of Key Biscayne.

Councilmember London addressed the Council regarding the methodology on sidewalks, project cost, issuing a Request for Proposals and project timeline.

Councilmember Laredo addressed the Council regarding his opposition to street lighting and sidewalks on every street.

The Manager addressed the Council regarding the Safe Routes to School plan to place sidewalks.

The Public Works Director Jake Ozyman addressed the Council regarding placing sidewalks prior to undergrounding the utilities.

Councilmember London addressed the Council regarding the current drainage engineering plan and requested a status update for the project.

There was extensive discussion by Council regarding a stormwater rate study.

Councilmember Segurola addressed the Council regarding the need for a second stormwater rate study taking into account adding the condominium's storm water systems to the Village's maintenance program.

The Attorney addressed the Council regarding expending taxpayer monies on private property and a stormwater rate analysis.

The Manager also addressed the Council regarding the current stormwater rates and a future stormwater rate study.

Councilmember London addressed the Council regarding the Village office meeting space analysis.

There was extensive discussion by Council regarding identifying available and underutilized office meeting spaces.

It was the consensus of Council to direct the Manager to bring back an analysis of available/underutilized office meeting space.

Councilmember London addressed the Council regarding possible additional parking spaces by utilizing parking lifts.

It was the consensus of Council to direct the Manager to analyze the feasibility and aesthetics of adding parking lifts on Village property together with three proposals to purchase and install parking lift(s).

Councilmember London addressed the Council regarding building and zoning changes by raising the base flood elevation and bonuses for parking access under the homes.

The Building, Zoning and Planning Director Sergio Ascunce addressed the Council regarding the current base flood elevation and bonuses.

There was extensive discussion by Council regarding raising the base flood elevation.

It was the consensus of Council to appoint Councilmember Moss to meet with the Building, Zoning and Planning Director to explore different options for raising the base flood elevations and present these options to the Council at the next regularly scheduled Council meeting.

Councilmember London addressed the Council regarding reviewing and eliminating existing non-efficient regulations.

Councilmember Laredo made a motion to direct the Manager to have directors review and eliminate existing non-efficient regulations. The motion was seconded by Councilmember Moss and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

Councilmember Laredo addressed the Council regarding bringing forth resolutions honoring the 41<sup>st</sup> President of the United States, George H.W. Bush and Governor Jeb Bush; and as well as, Gail Serota from Weiss Serota Helfman Cole & Bierman in a timely manner.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk presented the Council with the proposed 2019 Council Meeting schedule.

The Mayor addressed the Council regarding altering the proposed 2019 Council meeting schedule to reflect a meeting date approximately every three weeks.

Councilmember Petros made a motion to approve the amended 2019 Council meeting schedule to include a meeting approximately every three weeks, begin all regularly scheduled Council meetings at 6:00 p.m. and end at 10:00 p.m. The motion was seconded by Vice Mayor McCormick and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time the Clerk addressed the Council regarding Resolution 2017-35, Section 5.

There was extensive discussion by Council regarding Resolution 2017-35, Section 5.

Village Manager. The Manager did not submit a report.

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

12. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

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 10:50 p.m.

*Respectfully submitted:*

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*Jennifer Medina*  
*Village Clerk*

*Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2018:*

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*Michael W. Davey*  
*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.***