

MINUTES

REGULAR COUNCIL MEETING KEY BISCAIYNE, FLORIDA

TUESDAY, FEBRUARY 26, 2019

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's Stephen J. Helfman and Chad Friedman.
2. **INVOCATION:** Father Juan Carlos Paguaga from St. Agnes Church gave an invocation.
3. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor McCormick acknowledged Alan Fein for being honored as a member of the Miami-Dade County Public Schools Alumni Hall of Fame.
5. **AGENDA:** Mayor Davey requested the addition of a discussion regarding sustainability and resiliency as Item 10A10 and also a discussion regarding issuing a request for proposals for an engineering firm to review the proposals for the Rickenbacker Causeway as Item 10A11. Vice Mayor McCormick requested to pull Item 7B from the consent agenda. Councilmember Moss requested to hear Item 9A as a discussion item together with Item 10A1. Councilmember Petros requested the addition of a discussion regarding the Town Hall Meeting with the State Senator Jose Javier Rodriguez and State Representative Nick Duran as Item 10A12. Councilmember Lauredo requested the addition of a discussion regarding the 2040 Strategic Vision Plan committee as Item 10A13. The Manager requested to hear Item 10D2 prior to Item 6A and also requested to pull item 10D1. There were no objections to the agenda changes.

6. **PUBLIC COMMENTS:** The following residents addressed the Council:

Iñigo Urbano, 161 Crandon Boulevard; commented on the underground utility funding options; Carlos Azanza, 151 Crandon Boulevard; commented on the underground utility task force; Gustavo Tellez, 101 Crandon Boulevard; commented on underground utility funding options; Louisa Conway, 151 Crandon Boulevard; commented on the undergrounding of utilities; Haim Badash, 177 Ocean Lane Drive; commented on the proposed underground utility project preparation;

Antonio Camejo, 151 Crandon Boulevard; commented on proposed underground utility project; Pat Woodson, 472 Warren Lane; commented on funding options for the proposed underground utility project;

Al Menendez, 201 Crandon Boulevard; commented on the proposed underground utility funding options;

Melissa White, 370 Heather Lane; commented on the proposed underground utility project; Jennifer Stearns Buttrick, 180 Cape Florida Drive; commented on the proposed undergrounding of utilities and resiliency;

Michele Estevez, 798 Crandon Boulevard; commented on the MAST Academy address verification program;

Carlos Genatios, 151 Crandon Boulevard; commented on the proposed undergrounding utility project;

Christina Bracken, 224 West Mashta Drive; commented on the proposed undergrounding utilities project;

Patricia Romano, 361 Beechwood Drive; commented on proposed underground utility project; and Allene Nicholson, 769 Allendale Road; commented on the funding options for the proposed underground utility project.

At this time, Item 10D2 was heard.

The Manager introduced Frank Rollasen, Miami-Dade County Director of Emergency Management.

The Miami-Dade County Director of Emergency Management Frank Rollasen addressed the Council regarding the conditions of Bear Cut bridge.

Councilmember Laredo thanked the Miami-Dade County Director of Emergency Management for continuing to work together with the Village to improve the line of communication with Miami-Dade County.

There was extensive discussion by Council regarding the conditions and plans for Bear Cut bridge.

At this time, Item 6C was heard.

Amarylli Fridegotto, Founder/Executive Director of the Key Biscayne Piano Festival Board of Directors, addressed the Council regarding the 2018-2019 Inaugural Season for the Key Biscayne Piano Festival and thanked the Council and the community for their continued support in the program.

At this time, Mayor Davey and Councilmember Petros addressed the Council and the public acknowledging the extraordinary performances put forth by the Key Biscayne Piano Festival and urging individuals to attend the upcoming concert scheduled for March 22, 2019 from 7:00 p.m. to 10:00 p.m. at the Crossbridge Church, 160 Harbor Drive.

Councilmember Laredo also addressed the public and the Council thanking the Founder/Executive Director of the Key Biscayne Piano Festival Board for producing a world class event within the community that all can enjoy.

At this time, Item 6B was heard.

At this time, John Hopkins and Hank Sanchez-Resnik, community bicycle advocates, addressed the Council reporting the Village's Bronze level designation for a Bicycle Friendly Community.

Councilmember Petros and Vice Mayor McCormick addressed Mr. Resnik regarding Miami-Dade County improving the bike paths to MAST Academy.

Councilmember Laredo addressed Mr. Resnik regarding the importance of a bicycle/driver friendly community.

At this time, Item 6A was heard.

Councilmember Laredo reported to the Council regarding the dedication and outstanding work of the Art in Places Board and the continued efforts and participation of former Mayor Franklin H. Caplan.

At this time, Items 10A1 was heard.

Mayor Davey addressed the Council regarding the underground utilities funding options.

Councilmember London made a motion requesting an informal straw poll/sense of the Council on whether the Council supports the concept, to-date, of undergrounding the Village's utilities. The motion was seconded Councilmember Laredo.

There was extensive discussion by Council regarding undergrounding the Village's utilities.

The motion on the table requesting a straw poll/sense of the Council on whether the Council supports the concept, to-date, of undergrounding the Village's utilities was approved 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.

At this time, a straw poll of the Council took place in which each Councilmember agreed to the concept, to-date, of undergrounding the Village's utilities.

It was the consensus of Council to schedule Kimley Horn to present the Village's Undergrounding Utility Master Plan at the March 19, 2019 Regular Council Meeting.

There was extensive discussion by Council regarding the importance of allowing the Village's consultant, Kimley Horn, to present the Village's Undergrounding Utility Master Plan prior to any discussion regarding the next step in the process.

The Attorney Stephen J. Helfman addressed the Council regarding the next phase (design) of the proposed project to underground the Village's utilities.

There was extensive discussion by Council regarding the design versus design-build process for the proposed undergrounding utility project.

At this time, Item 9A was heard.

Councilmember Moss addressed the Council suggesting to postpone the discussion to extend the term of the Underground Utility Task Force.

It was the consensus of Council to postpone the discussion by Council regarding extending the term of the Underground Utility Task Force.

At this time, Item 7B was heard.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AWARDED CONTRACTS TO U.S. LUBRICANTS, LLC (DBA DINOS ENVIRONMENTAL) AND ENVIROWASTE SERVICES GROUP, INC. FOR STORM DRAIN PIPE, MANHOLE, AND CATCH BASIN CLEANING AND CLOSED-CIRCUIT TELEVISION INSPECTIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Laredo made a motion to approve the resolution. The motion was seconded by Councilmember Petros.

Vice Mayor McCormick addressed the Council regarding extending the same rate provided to the Village by Envirowaste Services Group, Inc. and U.S. Lubricants, LLC (DBA Dinos Environmental) to Village condominiums.

At this time, Attorney Chad Friedman addressed the Council regarding allowing the same rate provided to the Village by Envirowaste Services Group, Inc. and U.S. Lubricants, LLC (DBA Dinos Environmental) to Village condominiums.

There was extensive discussion by Council regarding the Village's responsibilities as it relates to the maintenance of the stormwater system.

It was the consensus of Council to extend the same rate provided to the Village by Envirowaste Services Group, Inc. and U.S. Lubricants, LLC (DBA Dinos Environmental) to Village condominiums.

At this time, Attorney Stephen J. Helfman addressed the Council regarding the current restrictions in maintaining stormwater systems on private property.

Councilmembers Segurola and London addressed the Council regarding maintaining stormwater systems on private property.

The resolution was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Councilmember Lauredo addressed the Council suggesting a revision on page 2 of the February 5, 2019 Regular Council Meeting Minutes by replacing the following statement: "prohibited use of medical marijuana dispensaries" with "the continued prohibited use of medical marijuana dispensaries".

At this time, Attorney Chad Friedman addressed the Council regarding the wording on page 2 of the February 5, 2019 Regular Council Meeting Minutes.

At this time, Councilmember Lauredo addressed the Manager and the Clerk suggesting to add language to Council Meeting agendas pertaining to the Manager's recommendation (i.e. approval or denial) below the title of actionable items. There were no objections to these changes.

Councilmember Lauredo also addressed the Council suggesting including the public speaker's general comments in the meeting minutes and lastly, to include language on the meeting agendas and public comment forms pertaining to speakers disclosing if they are a hired consultant, Village employee/former Village employee and/or engaged in lobbying activities for the record prior to providing their statements. There were no objections to these changes.

At this time, Jose Fernandez from U.S. Lubricant addressed the Council agreeing to offer the same rate provided to the Village to Village condominiums for the services included in this resolution.

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

The minutes to the February 5, 2019 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AGREEMENTS WITH THE UNIVERSITY OF MIAMI FOR ENVIRONMENTAL STUDIES RELATED TO POTENTIAL SOURCES OF ENTEROCOCCI ON VILLAGE BEACHES AND THE EFFECT OF NOISE POLLUTION ON MARINE LIFE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH THE CORRADINO GROUP, INC. FOR PROFESSIONAL PLANNING DIRECTOR SERVICES FOR THE BUILDING, ZONING, AND PLANNING DEPARTMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time, Councilmember London made a motion to reconsider Item 7D. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, the Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH THE CORRADINO GROUP, INC. FOR PROFESSIONAL PLANNING DIRECTOR SERVICES FOR THE BUILDING, ZONING, AND PLANNING DEPARTMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Davey made a motion to approve the resolution. The motion was seconded by Vice Mayor McCormick.

Councilmember Lauredo addressed the Council suggesting the professional services being recommended by the Manager for the Building, Zoning and Planning Department to be only on a temporary basis.

The Manager addressed the Council recommending approval of this resolution and clarifying this is a transitional plan.

Councilmember London addressed the Council opposing this resolution and also the need to conduct an evaluation/assessment of the Building, Zoning and Planning Department.

There was extensive discussion by Council regarding this resolution.

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.

At this time, Councilmember London exited the Council Chambers.

8. **ORDINANCES:** There were no ordinances heard.

9. **RESOLUTIONS:** The following resolution was heard earlier in the meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, EXTENDING THE TERM OF THE UNDERGROUND UTILITY TASK FORCE; REAPPOINTING MEMBERS OF THE UNDERGROUND UTILITY TASK FORCE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor and Councilmembers. The Mayor addressed the Council regarding the Dog Park cameras.

There was extensive discussion by Council regarding the cleanliness of the Dog Park.

It was the consensus of Council to direct the Manager to gather pricing and a recommendation for solar powered cameras to be installed on the Village's public beach (to only view weather conditions) as well as the Dog Park. Also, it was the consensus of Council to direct the Manager and the Attorney to review and revise legislation, if necessary, specifically relating to the removal of animal feces.

There was extensive discussion by Council regarding biodegradable bags for animal feces.

The Attorney addressed the Council regarding the Village Code specifically relating to the removal of animal feces.

At this time, the Parks and Recreation Director Todd Hofferberth addressed the Council regarding the conditions and maintenance of the Dog Park.

At this time, the Mayor allowed for public comments. The following resident, Ceci Sanchez, 260 Cypress Drive, addressed the Council regarding used biodegradable bags

being left on the swales.

At this time, the Mayor and the Manager addressed the Council regarding an update on the Boat Show and Ultra.

The Manager addressed the Council requesting to play a pre-recorded video message from Police Chief Charles R. Press, regarding the Ultra Music Festival on March 29th, 30th and 31st, 2019.

At this time, the Police Chief's video message was presented to the public and the Council. The Police Chief provided an update on Ultra's Method of Transportation (MOT) and emergency response plans, as well as, a report to the public and the Council regarding a meeting with all public safety entities (City of Miami and Miami-Dade County) relating to providing safety and security to all Key Biscayne residents and visitors.

There was extensive discussion by Council regarding reimbursements for Village expenditures relating to the Ultra Music Festival.

At this time, the Manager addressed the Council regarding the pending reimbursement request for Village expenditures.

At this time, Councilmember Petros addressed the Council regarding the Boat Show and welcomed the public's input on how to improve the Boat Show's shuttle transportation.

Vice Mayor McCormick addressed the Council regarding her experience using the Boat Show shuttle transportation to and from the Village.

There was extensive discussion by Council regarding the Boat Show shuttle transportation to and from the Village.

The Manager addressed the Council regarding the Virginia Key Advisory Meeting.

At this time, Vice Mayor McCormick addressed the Council regarding a preemption in regulating vacation rentals.

It was the consensus of Council to discuss supporting the City of Miami Beach's legislation regarding a preemption in regulating vacation rentals at the next regularly scheduled Council Meeting.

At this time, Item 10A9 was heard.

Councilmember Laredo and Fausto Gomez, Village's State Lobbyist with Gomez Barker Associates, Inc. addressed the Council regarding Tallahassee's legislation relating to undergrounding.

It was the consensus of Council to direct the Village's State Lobbyist to allow for

undergrounding to be an important legislative priority for the Village.

At this time, the Mayor addressed the Council regarding a Mayor's Forum scheduled for Thursday, February 28, 2019 at 7:00 p.m.

There was extensive discussion by Council regarding concerns in hosting a Mayor's Forum.

At this time, Attorney Chad Friedman addressed the Council suggesting to circulate a memorandum to the Council regarding Sunshine law requirements as it relates to the Mayor's Forum.

At this time, Vice Mayor McCormick reported to the Council the results of the MAST Academy addresses verification program which reduced Key Biscayne's waitlist by 34 students.

It was the consensus of Council to direct the Manager and the Attorney to follow-up with Miami-Dade County School Board to reaffirm the ratified terms of the Village's agreement with the Miami-Dade County School Board as it relates to MAST Academy.

At this time, Councilmember Laredo addressed the Council regarding a status update on the Oasis Café Miami-Dade County Safe Structures Board Hearing.

Attorney Chad Friedman reported to the Council the Miami-Dade County Safe Structures Board Hearing ruling to allow for an additional 150-day extension to the Owner Representatives of the Oasis Café to demolish the structure.

At this time, Mayor Davey addressed the Council regarding having no professional dealings, specifically relating to the Oasis Café, since June of 2018. The Mayor also disclosed filing for a ruling from the Miami-Dade County- Commission on Ethics & Public Trust Board as to whether prior legal representations specifically for the Oasis Café is in any manner conflicted with the Village Mayor's duties and responsibilities.

At this time, the Mayor addressed the Council regarding the Village's sustainability and resiliency efforts and the possibility of hiring a full-time position dedicated to these efforts.

There was extensive discussion by Council regarding the Village's efforts towards sustainability and resiliency.

It was the consensus of Council to direct the Manager to evaluate and recommend possible solutions towards improving upon the Village's efforts towards sustainability and resiliency.

At this time, the Mayor addressed the Council regarding a Request for Proposals (RFP) to seek an engineer to review the Z Plan and other possible planned proposals for Miami-Dade County's Rickenbacker Causeway improvement project.

There was extensive discussion by Council regarding the planned improvements to the Rickenbacker Causeway.

The Manager addressed the Council regarding the Request for Qualifications (RFQ) seeking an engineer to review the possible planned proposals for Miami-Dade County's Rickenbacker Causeway improvement project.

It was the consensus of Council to direct the Manager to prepare an RFQ seeking an engineer to review the planned proposals for Miami-Dade County's Rickenbacker Causeway improvement project inclusive of the Z Plan.

At this time, Councilmember Petros addressed the Council regarding an update on the Town Hall Meeting with State Senator Jose Javier Rodriguez and State Representative Nick Duran.

At this time, Councilmember Laredo addressed the Council regarding the 2040 Strategic Vision Plan Committee.

Village Attorney. The Attorney requested to conduct an Executive Session regarding the John C. Gilbert v. Key Biscayne case no. 2018-030808 CA 01 (Division 11), Eleventh Judicial Circuit Court- Miami-Dade County.

It was the consensus of Council to direct the Clerk to coordinate and properly advertise the final date and time to schedule the Executive Session.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager's report was heard earlier in the meeting.

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 10:44 p.m.

Respectfully submitted:

Jennifer Medina
Village Clerk

Approved this _____ day of _____ 2019:

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.