

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAAYNE, FLORIDA

TUESDAY, MARCH 19, 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 Seguro, 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:** Councilmember London led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** Vice Mayor McCormick acknowledged Police Chief Charles R. Press and his Police Department for keeping the Village safe and reported that Key Biscayne ranked number one safest city in Florida.
4. **AGENDA:** Councilmember London requested the addition of a discussion regarding stand-up paddle boards as Item 10A4. Councilmember Seguro requested to hear Item 10A3 after Item 6A. Councilmember Petros requested the addition of a discussion regarding kiteboarding registration as Item 10A5 and also, requested the addition of a discussion regarding scheduling a pension workshop as Item 10A6. There were no objections to the agenda changes
5. **PUBLIC COMMENTS:** The following residents addressed the Council:
Michele Estevez, 798 Crandon Boulevard; commented on the work well done by the Undergrounding Utility Task Force;
Frank Wimer, 1111 Crandon Boulevard; commented on the method of charging for undergrounding utilities;
Stefanny Sommers, 241 Knollwood Drive; commented on the upcoming lot split proposal on Island Drive;

Gloria Sotolongo, 881 Ocean Drive; commented on the proposed undergrounding utility project; Angela Patricia Pedraza, 881 Ocean Drive; commented on the proposed undergrounding utility project; Hugo P. Martinez, 881 Ocean Drive; commented on the proposed undergrounding utility project; Haim Badash, 177 Ocean Lane Drive; commented on the proposed undergrounding utility project; Jorge Mendia, 111 Island Drive; commented on the proposed undergrounding utility project; Andres Avello, 338 W McIntyre Street; commented on providing paddle boards as a service to Key Biscayne; Patricia Romano, 361 Beachwood; commented on the proposed undergrounding utility project; and Antonio Camejo, 151 Crandon Boulevard; commented on the proposed undergrounding utility project.

Councilmember Laredo addressed the public and the Council thanking the residents that are engaged and participating this evening as well as the individuals that have sent emails to the Council regarding the proposed undergrounding utility project.

6. **SPECIAL PRESENTATIONS:** Josh Horning, Kimley Horn and Associates, Inc., presented the proposed Undergrounding Utility Master Plan to the public and the Council.

There was extensive discussion by Council regarding the proposed Undergrounding Utility Master Plan, probable project construction costs, alternate funding sources that can be utilized towards the proposed project; design-build advantages and disadvantages; installation costs; direct and indirect costs; power outages; and aesthetics.

At this time, the Mayor allowed for public comments. The following residents addressed the Council: Donald Elisburg, Vice Chairman to the Undergrounding Utility Task Force, 177 Ocean Lane; commented on the work done by the Undergrounding Utility Task Force; Haim Badash, 177 Ocean Lane Drive; commented on the work done by the Undergrounding Utility Task Force; Louisa Conway, 151 Crandon Boulevard; commented on the proposed undergrounding utility project; and Ashley Trop, 1121 Crandon Boulevard; commented on the proposed undergrounding utility project;

There was extensive discussion by Council regarding a report to the Council by the Undergrounding Utility Task Force.

At this time, Item 10A3 was heard.

Councilmember Segurola addressed the Council regarding the next steps to the proposed undergrounding utility project.

Councilmember London made a motion to authorize the Manager to bring back the necessary legislation at the next available regularly scheduled Council meeting to engage FPL in an amount not to exceed \$350,000 and also to obtain bids to conduct survey work in a total amount not to

exceed \$350,000. The motion was seconded by Councilmember Laredo 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.

It was the consensus of Council to schedule the Undergrounding Utility Task Force report to Council at the April 9, 2019 Regular Council Meeting and to separately schedule a Council Workshop for the Village Consultant, Rafetilis, to present their findings during the later part of May.

There was extensive discussion by Council regarding the proposed undergrounding utility project.

At this time, Councilmember Petros pulled Item 7A, 7C and 7E from the Consent Agenda. There were no objections to the agenda changes.

At this time, Item 7A was heard.

Councilmember Petros addressed the Council regarding adding language to page 7 of 11 Item 10A1 of the February 26, 2019 Regular Council Meeting minutes specific to the Village having compositable biodegradable bags for animal feces.

Councilmember Laredo also addressed the Council regarding adding language to page 3 of 11 Item 6A specific to Councilmember Laredo presenting the report to Council on behalf of the Art in Public Places Board.

Councilmember Laredo made a motion to approve the minutes to the February 26, 2019 Regular Council Meeting, as amended. 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.

At this time, Item 7C was heard.

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 FERNANDEZ MEDIA RELATIONS CONSULTING, INC. FOR INTERIM COMMUNICATIONS DIRECTOR SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

Councilmember Laredo made a motion to defer this resolution. The motion was seconded by Councilmember London and failed by 2-5 roll call. The vote was as follows: Councilmembers Laredo and London voting Yes. Councilmembers Moss, Petros, Segurola, Vice Mayor McCormick and Mayor Davey voting No.

Councilmember Petros made a motion to authorize the Manager to for services provided to-date in an amount not to exceed \$4,400 and to amend the resolution to limit contracted services in an amount not to exceed \$2,000. The motion was seconded by Councilmember London and approved by a 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 resolution, as amended, was 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.

At this time, Item 7E was heard.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AZTECA SYSTEMS, LLC FOR THE LICENSING, INSTALLATION, MAINTENANCE AND SUPPORT OF THE CITYWORKS SOFTWARE SYSTEM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Petros addressed the Council regarding providing the ability for residents to report concerns by utilizing a mobile application.

Vice Mayor McCormick also addressed the Council regarding providing a community mobile application and incorporating this feature within the newly designed Village website.

The resolution was 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.

7. **CONSENT AGENDA:** Councilmember Laredo 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 Laredo, Edward London, Brett G. Moss,

Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO CALVIN, GIORDANO & ASSOCIATES, INC. FOR DESIGN CRITERIA PROFESSIONAL SERVICES AND LIMITED CONSTRUCTION ADMINISTRATION SERVICES RELATED TO STORM DRAINAGE IMPROVEMENTS AT THE 14 HARBOR POINT OUTFALL; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPORTING FLORIDA HOUSE BILL 797 AND SENATE BILL 796 RELATING TO PUBLIC UTILITY STORM PROTECTION PLANS; PROVIDING FOR SUPPORT OF THE MEASURES IN THE VILLAGE'S LEGISLATIVE AGENDA; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING EVALUATION FORMS AND PROCEDURES FOR REVIEW OF CHARTER OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Petros addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

The resolution was 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.

The Clerk read the following resolution, by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF POLICE EQUIPMENT FROM FEDERAL EASTERN INTERNATIONAL, LLC; PROVIDING FOR AUTHORIZATION; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING PROCEDURES; 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.

The Manager addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding the purchase of this police equipment.

The resolution was 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.

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

Mayor and Councilmembers. The Mayor addressed the Council regarding an update on the upcoming Ultra Music Festival on March 29, 30 and 31, 2019.

The Manager addressed the Council providing an update on Ultra's approved Method of Transportation (MOT), the Village's emergency response plan and the communication plan for Village residents and visitors.

There was extensive discussion by Council regarding the data collection process for the upcoming Ultra Music Festival and the Village's strong opposition to the Ultra Music Festival in Virginia Key.

At this time, the Police Chief Charles R. Press addressed the Council regarding the no-fly zone area during the Ultra Music Festival.

At this time, the Mayor addressed the Council regarding an update on the Mayor's office hours and suggestions for Council outreach.

At this time, Councilmember London addressed the Council regarding a Village pilot program for a docking station to place stand-up paddle boards accessible to residents and visitors to rent.

At this time, Andres Savejo from the proposed Key Biscayne stand up paddle board rental company addressed the Council regarding providing this type of service for Key Biscayne.

There was extensive discussion by Council regarding providing stand up paddle board rental services.

Councilmember Petros addressed the Council regarding the vessel exclusion zone.

The Attorney addressed the Council regarding the vessel exclusion zone.

Councilmember Moss made a motion to direct the Manager and the Attorney to study the existing

legislation and provide a recommendation to Council at the next regularly scheduled Council meeting to provide for stand-up paddle board rentals. 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 Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Councilmember Petros addressed the Council regarding the Village setting a flat rate for family kiteboarding registrations.

There was extensive discussion by Council regarding kiteboarding registration fees.

At this time, the Manager addressed the Council regarding the kiteboarding registration process.

It was the consensus of Council to direct the Manager and the Attorney to bring forth the necessary legislation to revise the kiteboarding registration fees to include a family rate and to also analyze the Community Center family rates.

At this time, Councilmember Petros addressed the Council regarding scheduling a Pension Workshop to inform newly elected Councilmembers and the public about public pensions.

There was extensive discussion by Council regarding scheduling the Pension Workshop.

It was the consensus of Council to schedule the Pension Workshop as soon as possible.

At this time, the Village Attorney requested to conduct an Executive Session regarding the McKinney vs Miami-Dade County and Village of Key Biscayne case no. 14028615 CA A, (District 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.

At this time, Vice Mayor McCormick addressed the public and the Council encouraging individuals to participate in the upcoming teen talk discussion hosted by Fire Chief Eric Lang on Wednesday, March 20, 2019 at 10:00 am in the Village Council Chambers.

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

Village Clerk. The Clerk did not submit a report.

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

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

13. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending

litigation was presented to the Council.

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

15. **ADJOURNMENT:** The meeting was adjourned at 10:23 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.