

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, MAY 21, 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:** The Mayor led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** The Mayor acknowledged the Manager, staff and all other participants that contributed towards a successful Village Strategic Planning Session that took place on Saturday, May 18, 2019. Councilmember Petros announced that texting while driving is enforceable January of 2020 and becomes effective July of 2019 and also, acknowledged the continued efforts of Debbie Wanninkoff, Key Biscayne resident, towards this initiative and also the ongoing efforts to ban handheld communication devices while driving.
4. **AGENDA:** Mayor Davey requested the addition of a discussion regarding the Pension Board as Item 11A11 and also requested the addition of a discussion regarding the Presbyterian Church parking lot as Item 11A12. Councilmember Lauredo requested the addition of a discussion regarding Ultra as Item 11A13 and also requested the addition of a discussion regarding Board duties and responsibilities as Item 11A14. The Manager requested to pull Item 10B and also requested to move Item 10C to consent agenda, and lastly also, requested to pull Item 8B from consent agenda. The Manager also requested to revise the sponsor for Item 9A2 from Village Manager to Village Council and also, revised the sponsor for Item 8B from Village Manager to Councilmember London. There no objections to the agenda changes.

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

At this time, Mayor Davey addressed the Council regarding the addition of a Special Presentation acknowledging the Soccer Club U18 Team. There were no objections to the agenda change.

6. **BOARD APPOINTMENTS/BOARD REPORTS BY COUNCIL:** The Mayor, with the consensus of Council, appointed Allene Nicholson, Claudine Coto and Nancy Davis to the Parks and Open Space Board.

The appointments to the Parks and Open Space Board were 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 Mayor, with the consensus of Council, appointed the following residents to the Beautification Board: Armando Nuñez, Ana Greevan, Cecile Sanchez and Erik Rodenberg to the Village Beautification Board.

The Mayor addressed the Council regarding appointing the 5th member to the Village's Beautification Board at the next regularly scheduled meeting.

The Mayor, with the consensus of Council, appointed Dante Sunita to the Education Advisory Board.

7. **SPECIAL PRESENTATIONS:** Jackie Kellogg on behalf of the Soccer Club U18 Team, announced the team placing 2nd in the State of Florida Finals.

At this time, Item 7A was heard.

Michelle Estevez, 795 Crandon Boulevard addressed the Council regarding composting. Also, Helena Iturralde, Jackie Kellogg and Taima Hervas from the Azero Waste Culture Board of Directors addressed the Council regarding the composting initiative.

There was extensive discussion by Council regarding composting.

It was the consensus of Council to bring forth a proposal supporting this initiative at the Budget Workshop on June 18, 2019 for Council discussion.

8. **CONSENT AGENDA:** Councilmember Lauredo made a motion to approve the following consent agenda, inclusive of Item 10C. 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 Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The approval of the April 30, 2019 minutes of the Regular Council Meeting.

Item 8B was removed from consent agenda earlier in the meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF WIRELESS DATA PLANS FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF FIRE EQUIPMENT, PARTS, SUPPLIES, AND SERVICES ON AN AS-NEEDED BASIS FROM MUNICIPAL EQUIPMENT CO, LLC AND TEN-8 FIRE EQUIPMENT, INC.; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING CONVERGINT TECHNOLOGIES, LLC FOR MAINTENANCE AND SUPPORT OF THE VILLAGE'S ELECTRONIC SECURITY, VIDEO MANAGEMENT AND KEY CARD SECURITY SYSTEMS; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Item 10C below was included as part of consent agenda earlier in the meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT FOR THE REIMBURSEMENT OF HURRICANE IRMA EXPENSES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time, Item 8B was heard.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A REVOCABLE LICENSE AGREEMENT WITH PADL LLC FOR A PADDLEBOARD SHARING PROGRAM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember London addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

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.

Councilmember Segurola suggested the following amendments to the agreement: to clarify Section 2. Term specific to the seven (7) days' written notice to PADL; also, Section 10.2 and Section 11. to address PADL's intent to hold harmless to defend the Village. There were no objections by Council to the changes.

The resolution, as amended, was 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.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENT OF A FRANCHISE FEE TO THE VILLAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager, Armando Fernandez from FPL and Christopher Wallace, Interim Chief Financial Officer, addressed the Council regarding this ordinance.

There was extensive discussion by Council regarding this ordinance.

The ordinance was adopted on first reading and approved by 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.

The Clerk announced the second reading of this ordinance at the June 11, 2019 Regular Council Meeting.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE XIX "LAND ACQUISITION COMMITTEE," TO RENAME THE BOARD THE "PARKS AND OPEN SPACE ADVISORY BOARD" AND UPDATE THE BOARD'S JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING

FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Councilmember Laredo addressed the Council suggesting to revise Section 2-255(a) of this ordinance by removing "Village Manager". There were no objections by Council to the change.

It was the consensus of Council to direct the Attorney to work together with Councilmember Laredo to revise Section 2-255(a) of this ordinance to further clarify the jurisdiction of the Board.

It was also the consensus of Council to combine Sections 2-255(b)(1) and 2-255(b)(2) of this ordinance and remove the following "including the potential impact on the Village....".

The Attorney addressed the Council regarding this ordinance.

There was extensive discussion by Council regarding this ordinance.

The ordinance, as amended, was adopted on first reading by a 7-0 roll call vote. The vote is 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 at the June 11, 2019 Regular Council Meeting.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SETTLEMENT BETWEEN THE VILLAGE AND JOHN C. GILBERT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmembers Laredo and Petros addressed the Council regarding this resolution.

The resolution was approved by a 5-2 voice vote. The vote was as follows: Councilmembers Edward London, Brett G. Moss, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmembers Kathleen Petros and Luis Laredo voting No.

Item 10B below was pulled earlier in the meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE KITEBOARDING REGISTRATION FEE APPROVED BY RESOLUTION NO. 2018-06; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Item 10C below was moved to consent agenda earlier in the meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT FOR THE REIMBURSEMENT OF HURRICANE IRMA EXPENSES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time, Item 10D was heard.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT FOR ADDRESS VERIFICATION SERVICES BETWEEN THE VILLAGE OF KEY BISCAYNE AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember McCormick addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

The Attorney addressed the 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 RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO PREPARE AND EXECUTE A LETTER OF COMMITMENT TO IMPROVE PUBLIC PARKING AND BEACH ACCESS RELATING TO THE VILLAGE'S INCLUSION WITHIN THE MIAMI-DADE COUNTY BEACH EROSION CONTROL AND HURRICANE

PROTECTION PROJECT; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding this resolution.

At this time, Spencer Crowley, Village Beach Lobbyist, addressed the Council regarding this resolution.

There was extensive discussion by Council regarding thank you letters.

It was the consensus of Council to direct the Manager to work with Mr. Crowley to consult with the Federal Representative for the most adequate form of gratitude towards the efforts thus far relating to beach improvements.

It was also the consensus of Council to direct the Clerk to draft a standard template letter by Council to express gratitude for all types of endeavors.

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.

11. REPORTS AND RECOMMENDATIONS: The following items were discussed:

Mayor and Councilmembers. Vice Mayor McCormick addressed the Council regarding 530 Crandon Boulevard Park.

The Manager addressed the Council providing a status update for the construction of 530 Crandon Boulevard Park.

There was extensive discussion by Council regarding 530 Crandon Boulevard Park.

At this time, Vice Mayor McCormick addressed the public and the Council encouraging individuals to attend the free botanical class at 401 Hampton Lane on May 22, 2019 at 2:30 p.m.

Vice Mayor McCormick addressed the Council regarding adaptive signalization.

Councilmember Petros addressed the Council regarding the Charter Official evaluation process.

There was extensive discussion by Council regarding the Charter Official evaluation process.

Councilmember Segurola addressed the Council regarding Village Ordinance 2-21- defense of officials in ethic matters.

There was extensive discussion by Council regarding legal defense of officials towards ethical matters.

Councilmember Moss made a motion to designate Councilmember Segurola to bring back a draft ordinance for Council consideration regarding legal defense of officials towards ethical matters inclusive of a limit/percentage cap on legal fees. Councilmember Lauredo seconded the motion 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.

Councilmember Segurola addressed the Council regarding the proposed undergrounding project and provided a legislative update specific to undergrounding.

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

Councilmember Moss made a motion to not do a referendum specifically asking if residents want to move forward with the proposed undergrounding utility project. The motion was seconded by Councilmember Lauredo and approved by a 6-1 roll call vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmember Segurola voting No.

Councilmember Segurola addressed the Council regarding the Village's Beautification Board first order of business.

Councilmember Segurola addressed the Council providing an update of the ongoing analysis of an in-house Village Attorney.

Mayor Davey addressed the Council regarding a proclamation for Immigrant Heritage Month.

Councilmember London made a motion to present the proclamation in observance of Immigrant Heritage Month at the June 11, 2019 Regular Council Meeting. The motion was seconded by Councilmember Moss and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Edward London, Brett G. Moss, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmember Segurola voting No. Councilmember Lauredo was not in the Chambers at the time of the vote.

Mayor Davey addressed the Council regarding the Resilient 305 Mayor's Accord.

At this time, Karina Castillo, Miami-Dade County Resiliency Coordinator, addressed the Council regarding the Resilient 305 Mayor's Accord.

Councilmember Laredo made a motion to participate in the Resilient 305 Mayor's Accord. The motion was seconded by Councilmember London 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.

Councilmember Moss addressed the Council regarding creating a Youth Council Board.

It was the consensus of Council to direct the Attorney to draft the necessary legislation to create a Youth Council Board for Council consideration at the next regularly scheduled Council Meeting.

It was the consensus of Council to direct the Village Clerk to publicly advertise the openings to the Youth Council Board prior to the next regularly scheduled Council meeting.

At this time, Mayor Davey addressed the Council regarding a necessary appointment or reappointment to the Pension Board at the next possible regularly scheduled Council meeting.

Mayor Davey addressed the Council regarding the Presbyterian Church parking lot.

At this time, Tim Gamwell from the Presbyterian Church addressed the Council regarding the necessary improvements to the Presbyterian Church parking lot due to the Village's use of the site during Hurricane Irma.

Councilmember Laredo made a motion to authorize the Manager to resurface the parking lot at the Presbyterian Church, clean the drains and repair a fallen structure in an amount not to exceed \$120,000 to be funded by fund balance. 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 Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Councilmember Laredo addressed the Council providing an update to the Council regarding a meeting held by the City of Miami to discuss renewing the Ultra's license agreement.

At this time, Councilmember Laredo addressed the Council regarding Village Board duties and responsibilities specifically relating to properly educating Board members as to the limits of the appointment.

Councilmember Segurola addressed the Council regarding a motion to authorize the Manager to engage the Attorney that handled the defense for Former Mayor Lindsay and negotiate the settlement after proper analyzation. The motion was seconded by Councilmember London.

There was extensive discussion by Council regarding the Former Mayor Lindsay's request for reimbursement.

The Manager addressed the Council regarding drafting a resolution with supporting documentation to be presented to the Council at the next regularly scheduled Council meeting authorizing the reimbursement for legal fees.

It was the consensus of Council to direct the Attorney to draft a resolution with supporting documentation to be presented to the Council at the next regularly scheduled Council meeting authorizing the reimbursement for legal fees and allow for a presentation to the Council by Former Mayor Mayra P. Lindsay.

Village Attorney. The Attorney did not submit a report.

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 10:06 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

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PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.