

MINUTES

REGULAR COUNCIL MEETING
KEY BISCAZYNE, FLORIDA

TUESDAY, OCTOBER 29, 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 Laredo, 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 Key Biscayne Community School Safety Patrol led the Pledge of Allegiance.

At this time, Item 7A was heard.

Councilmember Laredo recognized the hard work and dedication of the Key Biscayne Community School Safety Patrols.

3. **INVOCATION:** Pastor Dennis Eastling from the Key Biscayne Community was unable to provide an invocation.

4. **BRIEF COMMENTS BY COUNCIL:** The Mayor wished Mia Davey a Happy 10th Birthday and Councilmember London also wished his granddaughter a Happy 10th Birthday. Councilmember Petros offered her condolences to the family, friends and teammates of Antonio Tsiales. Antonio Tsiales passed away unexpectedly on October 24, 2019 at Cornell University where he was attending college as a freshman.

5. **AGENDA:** Mayor Davey requested to hear Item 12A after Item 5 and also requested the addition of a discussion regarding formation of a homeless task force as Item 13A11. Councilmember Moss requested the addition of a discussion regarding a storm surge

vulnerability assessment as Item 13A12. Councilmember Petros requested the addition of a discussion regarding the MAST Academy solar panels as Item 13A13. Councilmember Laredo requested to hear Item 11A1 after Item 12A and also requested to defer Item 13A1 to the November 19, 2019 Regular Council Meeting. Councilmember Segurola requested to defer Item 13A6 to the November 19, 2019 Regular Council Meeting. The Attorney requested the addition of a resolution regarding the settlement between the Village and Marcelo Vilches as Item 12D. There were no objections by Council to the agenda changes.

At this time, Item 7B was heard.

Councilmember Laredo acknowledged and thanked the presence of Former Maurice Ferre's family at the meeting.

The Mayor, on behalf of the Council, presented a proclamation to Mercedes Ferre honoring Former City of Miami Mayor Maurice Ferre.

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

Karen Scott, 560 N. Mashta Drive, commented in support of no fishing on Mashta Bridge;

Yolanda Gasalla, 620 N. Mashta Drive, commented in support of no fishing on Mashta Bridge;

Jorge C. Colindres, 620 N. Mashta Drive, commented in support of no fishing on Mashta Bridge;

Michael Alesandro, 548 S. Mashta Drive, commented in support of no fishing on Mashta Bridge;

Ivette Fernandez-Chaustre, Laudy Ibarra, Susana Gadala-Maria, 575 Crandon Boulevard, commented on Kindness in the Schools (KITS);

Monica Larriva, 348 Glenridge Road, commented on solar panels at MAST;

Antonio Camejo, 151 Crandon Boulevard, commented on Key Biscayne Library;

Pat Woodson, 472 Warren Lane, commented on new Parks & Open Space board member;

Carolyn Koslen, 255 Sunrise Drive, commented on firefighter cancer resolution;

Andrew Elfmont, 550 N. Mashta Drive, commented on global sea rise;

Ron Erbel, 786 Fernwood Road, commented on firefighter cancer resolution;

Anna de Sisto, 789 Crandon Boulevard, commented on satellite towers;

Don Elisburg, 177 Ocean Lane Drive, commented on cancer affecting firefighters;

Alex H. Dessauer, 540 W. Mashta Drive, commented in support of no fishing on Mashta Bridge;

John Festa, 695 Harbor Lane, commented not in support of no fishing on Mashta Bridge; and

Maria Cambo, 781 Crandon Boulevard, commented on satellite towers.

7. **SPECIAL PRESENTATIONS:**

Item 7A was heard earlier in the meeting.

Item 7B was heard earlier in the meeting.

8. **BOARD APPOINTMENTS/VACANCIES/REPORTS:**

At this time, the Mayor deferred Items 8A, 8B and 8C to the next regularly scheduled Council meeting. There were no objections by Council.

9. **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.

The approval of the September 24, 2019 minutes of the Second Budget Hearing.

The approval of the October 15, 2019 minutes of the Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A FIRST AMENDMENT AND RENEWAL OF A MEMORANDUM OF UNDERSTANDING WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR SCHOOL-BASED LAW ENFORCEMENT OFFICERS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time, Item 12A 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 MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF KEY BISCAYNE AND THE KEY BISCAYNE PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 3638 RELATING TO CANCER BENEFITS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Laredo made a motion to approve this resolution. The motion was seconded by Councilmember Moss.

The Mayor addressed the Council regarding amending the resolution by changing the retroactive date from July 1st, 2019 to March 1st, 2019.

At this time, Councilmember Laredo addressed the Council in support of this resolution.

There was extensive discussion by Council regarding this resolution.

The Attorney addressed the Council regarding the Memorandum of Understanding (MOU) from the Key Biscayne Professional Firefighters Association, Local 3638.

At this time, Milton Collins, Weiss Serota Helfman Cole & Bierman, addressed the Council regarding this resolution.

Vice Mayor McCormick made a motion to approve the resolution in its original form contingent upon the Key Biscayne Professional Firefighters Association, Local 3638, approval of the revised MOU retroactive date of March 1, 2019. 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.

The resolution was approved, as amended, 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, Item 11A1 was heard.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 22-31 "WEST MASHTA ROAD BRIDGE" TO PROHIBIT FISHING FROM THE WEST MASHTA ROAD BRIDGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Mayor opened the public hearing. The following residents addressed the Council: John Festa, 695 Harbor Lane, commented not in support of no fishing on Mashta Bridge; Alex H. Dessauer, 540 W. Mashta Drive, commented in support of no fishing on Mashta Bridge; Ellana Festa, 695 Harbor Lane, commented not in support of no fishing on Mashta Bridge. The Mayor closed the public hearing.

Councilmember Laredo addressed the Council in support of banning fishing on the Mashta Bridge.

Vice Mayor McCormick addressed the Council regarding bringing forth possible solutions to allow fishing on the Mashta Bridge for Council's consideration at a future meeting date.

Councilmember London addressed the Council to reaffirm the existing fishing permit holders will be reimbursed.

There was extensive discussion by Council regarding this ordinance.

The ordinance was adopted on second reading and approved by 5-2 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Kathleen Petros, Ignacio Seguro and Mayor Michael W. Davey voting Yes. Councilmember Brett G. Moss and Vice Mayor Allison McCormick voting No.

At this time, Item 10 was heard.

10. **Public Hearing Number. P19-02.** The Applicant, Key Biscayne Retail Association, Inc., 604 Crandon Boulevard, Key Biscayne, FL 33149, is requesting approval of a multi-tenant shopping center sign package.

At this time, the Mayor announced commencing the quasi-judicial public hearing.

All witnesses given testimony in the public hearing were sworn in by the Clerk.

At this time, the Clerk swore in the following individuals giving testimony in the public hearing: Mario Serra-Garcia, 600 Brickell Avenue, Connie Hall, Representative of the Key Biscayne Condominium Board of Directors; and Bill Fehr, Village Zoning Plan Reviewer.

At this time, the applicant's representative, Mario Serra-Garcia, addressed the Council regarding following staff's recommendation to approve the request for a multi-tenant shopping center sign application.

Connie Hall, Representative of the Key Biscayne Condominium Board of Directors, also addressed the Council regarding approving the request for a multi-tenant shopping center sign application.

At this time, Zoning Plan Reviewer Bill Fehr, addressed the Council recommending approval inclusive of conditions for a multi-tenant sign package located at 604 Crandon Boulevard.

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

The Mayor made a motion to approve staff's recommendation with conditions to approve the request for a multi-tenant sign package located at 604 Crandon Boulevard. The motion was seconded by Councilmember Laredo 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 Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

11. **ORDINANCES:** Item 11A1 was heard earlier in the meeting.

12. **RESOLUTIONS:** Item 12A was heard earlier in the meeting.

At this time, Item 12B was heard.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ESTABLISHING THE VILLAGE'S 2020 LEGISLATIVE PRIORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion by Council regarding this resolution.

Mario Bailey, Village Lobbyist, and the Attorney addressed the Council regarding this resolution.

It was the consensus of Council to amend the resolution to add water quality as a legislative appropriation priority and to schedule a Special Meeting on November 5, 2019 at 8:00 p.m. to consider the 2020 legislative appropriation priorities.

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

At this time, Item 12C 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 settlement between the Village and Marcelo Vilches. AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO EAC CONSULTING, INC. FOR A COST BENEFIT ANALYSIS RELATING TO A SHORELINE PROTECTION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor made a motion to approve this resolution. The motion was seconded by Councilmember Petros.

The Manager addressed the Council recommending approval this resolution.

Tim Blankenship, Village Consultant with Moffatt & Nichol, addressed the Council regarding this resolution.

There was extensive discussion by Council regarding obtaining federal funding for the Village's beach renourishment.

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.

At this time, Item 12 D was heard.
(Item 12D was added earlier in the meeting)
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 MARCELO VILCHES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmember London was not present for the vote.

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

Mayor and Councilmembers. Item 13A1 was deferred earlier in the meeting.

At this time, Item 13A2 was heard.

Councilmember Segurola addressed the Council regarding water quality and beach maintenance.

At this time, Item 13A4 was heard.

Councilmember Segurola addressed the Council regarding a grant process for Community Group budgetary funding requests.

There was extensive discussion by Council regarding Community Group funding requests.

It was the consensus of Council to designate Councilmember Segurola to draft an application for Community Group budgetary funding requests and remove the term "grant" from the application for Council's consideration and also, schedule a date prior to the June Budget Workshop to separately hear Community Group budgetary funding requests.

At this time, Item 13A5 was heard.

Councilmember Segurola addressed the Council regarding improvements to the Key Biscayne Library.

There was extensive discussion by Council regarding the future plans for the Key Biscayne Library.

At this time, Councilmember Laredo exited the Chambers.

At this time, Item 13A3 was heard.

Councilmember Segurola addressed the Council regarding a Council internship program.

There was extensive discussion by Council regarding a Council internship program.

It was the consensus of Council to designate Councilmember Segurola to work together with Clerk to bring forth a proposed Council internship program for Council's consideration.

Item 13A6 was deferred earlier in the meeting.

At this time, Item 13A7 was heard.

Councilmember Segurola addressed the Council regarding a consideration of a resolution supporting efforts to remove State Statute preemptions of local law relating to regulation of auxiliary containers, wrapping or plastic bags or use or sale of polystyrene.

There was extensive discussion by Council regarding a resolution to support State Statute preemptions of local law regulating auxiliary containers, wrapping or plastic bags or use or sale of polystyrene.

It was the consensus to direct the Attorney to bring back a resolution for Council's consideration at the next regularly scheduled Council meeting.

At this time, Item 13A8 was heard.

The Mayor addressed the Council providing a status update for the Communications Program.

The Manager addressed the Council also providing a status update for the Communications Program.

There was extensive discussion by Council regarding the Communications Program.

It was the consensus of Council, if necessary, to hire a Village communications consultant while seeking candidates to fill the Community Outreach Communication Officer position.

At this time, Item 13A9 was heard.

The Mayor addressed the Council reporting on the Mayor's Summit-American Flood Coalition.

At this time, Item 13A10 was heard.

Councilmember Segurola addressed the Council regarding the use of Suite 200 located at Village Hall.

There was extensive discussion by Council regarding Council's decision at the October 15, 2019 to utilize Suite 200 located at Village Hall as a pop-up museum for the Historical Society.

At this time, Item 13A11 was heard.

The Mayor addressed the Council regarding increased concerns for homeless on Key Biscayne.

Councilmember London addressed the Council regarding efforts by Camillus House that may assist the Village.

At this time, Item 13A12 was heard.

Councilmember Moss addressed the Council regarding a stormwater vulnerability assessment.

Councilmember London addressed the Council regarding a stormwater vulnerability assessment process.

It was the consensus of Council to direct the Manager to obtain a cost estimate for a stormwater vulnerability assessment presentation.

At this time, Item 13A13 was heard.

Councilmember Petros addressed the Council regarding the installation of solar panels at MAST

Academy.

There was extensive discussion by Council regarding an agreement with Miami-Dade County School Board and the Village to install solar panels at MAST Academy.

It was the consensus of Council to direct the Attorney and the Manager to bring forth a roadmap of the necessary next steps to move forward on the installation of solar panels at MAST Academy.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

14. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.
15. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
16. **ADJOURNMENT:** The meeting was adjourned at 11:00 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.