

MINUTES

REGULAR COUNCIL MEETING KEY BISCAWAYNE, FLORIDA

TUESDAY, FEBRUARY 11, 2020

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, Allison McCormick, Kathleen Petros, Ignacio Seguro, Vice Mayor Brett G. Moss 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 thanked the Village Clerk for the hard work and dedication throughout her twelve years of service to the Village of Key Biscayne. The Mayor also addressed the public and the Council regarding a list of Village management concerns. Councilmembers Petros, Lauredo and London addressed the Council regarding preparing a list of Village management concerns and a plan of action to be discussed at the next regularly scheduled Council meeting.

At this time, Councilmember Lauredo addressed the Council acknowledging the owner of the Oasis property located at 19 Harbor Drive, Mr. Carlos Flores, for the improvements and present condition of the property.

4. **AGENDA:** Mayor Davey addressed the Council requesting to hear Item 6B prior to Item 5 and immediately thereafter hear Item 6A. Councilmember Lauredo requested to pull Item 7F from the consent agenda and also requested to hear Item 9A1 prior to Item 8A1. Councilmember Petros requested the addition of a discussion regarding rescheduling the March 10, 2020 regularly scheduled Council meeting as Item 9A11 and also requested the addition of a discussion regarding Village functions as Item 9A12. The Vice Mayor requested to hear Item 9A8 prior to Item 7. Lastly, Councilmember London requested the addition of a discussion regarding assisted living as

Item 9A13 and also, requested to pull Items 7D and 7E from the consent agenda. The Manager requested to revise the sponsor for Item 7D to Councilmember London, the sponsor for Item 8A1 to Councilmember Lauredo and lastly, the sponsor to Item 8B1 to Councilmember Petros. There were no objections to the agenda changes.

At this time, Item 6B was heard.

At this time, Patricia Woodson, Dr. Derick R. McKoy, MAST Academy Principal and MAST Academy students: Isabelle Yunez, Liliane Abrown, Holly Thrope, Maxwell Drucker and Ellie Raina acknowledged the Council and the Village for supporting the work of the Youth Lead Change group collaboration with MAST Academy.

At this time, Item 6A was heard.

The Beautification Board Chairwoman Cecile Sanchez and Village Horticulturist Arielle Simon provided a report on behalf of the Beautification Board to the Council.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Karen Llorente, 345 Cypress Drive; and on behalf of Raul Llorente, 345 Cypress Drive, addressed the Council regarding the Village Clerk's resignation and the high quality of service provided by the Village's Fire Rescue department;

Alan Fein, 525 Allendale Road, addressed the Council in support of a General Obligation Bond; Melissa McCaughan-White, 560 Crandon Boulevard, addressed the Council regarding the Village Clerk's dedication and service to the Village;

Robert Duzoglou, 785 Glenridge Road, addressed the Council regarding beach renourishment; Dr. Jorge Mendia, 111 Island Drive, addressed the Council in support of a General Obligation Bond;

Jennifer Buttrick, 180 Cape Florida, addressed the Council in support of a General Obligation Bond;

Luis de la Cruz, 640 Allendale Road, addressed the Council in support of a General Obligation Bond;

Veronica Domit, 615 Ocean Drive, addressed the Council in support of the fertilizer ordinance; Laudy Ibarra, 482 Fernwood Road, Kim Vincent, 575 Crandon Boulevard and Ximena Gutierrez, 550 Ocean Drive, addressed the Council regarding the efforts of the Village of Kindness committee;

Blayne Ross, 1657 N. Miami, addressed the Council regarding beach erosion; and

Aaron Stauber, 10155 Collins Avenue, addressed the Council in support of the fertilizer ordinance.

6. **SPECIAL PRESENTATIONS:** The special presentations were heard earlier in the meeting.

At this time, Item 9A8 was heard.

The Vice Mayor addressed the Council regarding Freebee's grandfathered pricing to provide on-demand and circulatory transportation services to the Village.

At this time, Melissa McCaughan-White, Key Biscayne Community Foundation (KBCF) Executive Director, addressed the Council regarding the sources funding the circulator and on-demand transportation services.

Jason Spiegel, Managing Partner at Freebee, addressed the Council regarding the grandfathered pricing to provide on-demand and circulatory transportation services to the Village.

There was extensive discussion by Council regarding the advertised bid for circulator and on-demand transportation services.

The Finance Director Benjamin Nussbaum addressed the Council regarding the sources funding the circulator and on-demand transportation.

Melissa McCaughan-White addressed the Council regarding transferring the responsibilities to manage the circulator and on-demand transportation services from the KBCF to the Village.

The Attorney addressed the Council regarding the time sensitive nature of the matter and the need for a roll-call vote.

Councilmember Laredo made a motion to rescind the advertised bid for circulator and on-demand transportation services and transfer the responsibilities to manage the circulator and on-demand transportation services from the KBCF to the Village. The motion was seconded by Vice Mayor Moss and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Seguro, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

At this time, Councilmember Laredo requested to pull Item 7A from the consent agenda. There were no objections by Council.

At this time, the Mayor addressed the Council requesting to defer Item 7F to the next regularly scheduled Council meeting. There were no objections by Council.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING KCI TECHNOLOGIES, INC., MANUEL G. VERA & ASSOCIATES, INC., AND F.R. ALEMAN & ASSOCIATES, INC. FOR MISCELLANEOUS SURVEYING SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING AECOM TECHNICAL SERVICES, INC. FOR DESIGN CRITERIA PROFESSIONAL SERVICES FOR STORMWATER UTILITY AND RIGHT-OF-WAY IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time, Item 7A was heard.

Mayor Davey made a motion to approve the January 28, 2020 regular Council meeting minutes. The motion was seconded by Vice Mayor Moss.

Councilmember Laredo addressed the Council regarding adding the following language to page 5 of the January 28, 2020 regular Council meeting minutes: At this time, Fire Chief Lang addressed the Council regarding the proposals received from Mercy Hospital and Baptist Hospital to provide physical examinations and drug and alcohol screening services.

The January 28, 2020 regular Council meeting minutes as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Seguro, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

At this time, Item 7D was heard.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE MOSS GROUP, INC. TO PERFORM A WORKFORCE ANALYSIS OF THE VILLAGE'S PUBLIC SAFETY DEPARTMENTS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember London addressed the Council regarding the qualifications of the Moss Group, Inc. and suggested to consider the other qualified firms that bid to perform the work force analysis of the Village's public safety departments.

There was extensive discussion by Council regarding this resolution.

The Mayor made a motion to defer this resolution to the next regularly scheduled Council meeting. The motion was seconded by Vice Mayor Moss and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Seguro, Vice Mayor Brett G. Moss 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 R&G ENGINEERING, INC. AND FG CONSTRUCTION, LLC FOR SIDEWALK, ASPHALT AND PAVER REPAIR SERVICES ON AN AS-NEEDED BASIS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember London addressed the Council regarding obtaining additional proposals to perform the sidewalk, asphalt and paver repair services.

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

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "FINANCE", DIVISION 2, "PURCHASING" OF THE VILLAGE CODE OF ORDINANCES BY UPDATING THE VILLAGE'S PROCUREMENT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Vice Mayor addressed the Council regarding increasing the purchase limit by the Manager without submittal to the Council and without competitive bidding from \$2,500 to \$5,000 within Section 2-82 of this ordinance.

Councilmember London addressed the Council regarding increasing the purchase limit by the Manager without submittal to Council but shall require written quotes from at least three persons engaged in such services from \$30,000 to \$50,000 within Section 2-82 of this ordinance and suggested to add language to the ordinance requiring approval of the purchase from the Finance Director and the Department Director requesting the purchase in order to provide a system of checks and balances.

The Mayor made a motion to increase the purchase limit by the Manager without submittal to the Council and without competitive bidding from \$2,500 to \$5,000, to increase the purchase limit by the Manager without submittal to Council but shall require written quotes from at least three persons engaged in such services from \$30,000 to \$50,000 within Section 2-82 of this ordinance and lastly, to add language to the ordinance requiring approval of the purchase from the Manager, the Finance Director and the Department Director requesting the purchase in order to provide a system of checks and balances. 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, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

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

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 8, "ENVIRONMENT" OF THE VILLAGE CODE OF ORDINANCES BY CREATING ARTICLE IX, "FERTILIZER USE" RELATING TO THE USE OF FERTILIZERS WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Laredo made a motion to adopt this ordinance on second reading. The motion was seconded by Mayor Davey.

The Mayor opened the public hearing. The following residents addressed the Council: Collin Schladweiler, 2103 Coral Way, addressed the Council in support of the fertilizer ordinance;

Kelly Cox, 2103 Coral Way, addressed the Council in support of the fertilizer ordinance;

Rachel Silverstein, 2103 Coral Way, addressed the Council in support of the fertilizer ordinance;

Elizabeth Kelly, 2301 Coral Way, addressed the Council in support of the fertilizer ordinance; and

Karen Beber, 798 Crandon Boulevard, addressed the Council in support of the fertilizer ordinance. The Mayor closed the public hearing.

Councilmember Petros addressed the Council regarding a concern over not fertilizing the athletic fields.

The Parks and Recreation Director Todd Hofferberth addressed the Council regarding not fertilizing the athletic fields.

There was extensive discussion by Council regarding this ordinance.

Councilmember Petros made a motion to amend the ordinance by adding language stating, this provision will not apply to Village owned or maintained property until September 30, 2020. 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, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

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

At this time, Item 9A1 was heard.

Mayor Davey addressed the Council regarding the selection of an Interim Village Clerk and also, suggested discussing the Village Clerk job announcement and position description at the next regularly scheduled meeting.

There was extensive discussion by Council regarding the selection of an Interim Village Clerk.

Councilmember Moss made a motion to select Melissa Solano as an Interim Village Clerk and engage Conchita Alvarez on an as-needed basis. The motion was seconded by Councilmember London.

The Clerk addressed the Council regarding the selection of an Interim Village Clerk.

At this time, Melissa Solano, Administrative Assistant to the Fire Rescue Department, addressed the Council regarding the opportunity as Interim Village Clerk.

Vice Mayor Moss withdrew his motion.

The Attorney addressed the Council regarding the time sensitive nature of the matter and the need for a roll-call vote.

Councilmember Laredo made a motion to select Conchita Alvarez on a part-time basis as an Interim Village Clerk and delegate the authority to the Mayor to negotiate an agreement with Conchita Alvarez. The motion was seconded by Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

It was the consensus of Council to direct the Clerk to circulate the existing position description to Council.

At this time, Item 8B2 was heard.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE,FLORIDA, AMENDING SECTION 2.2I "DEFENSE OF OFFICIALS IN ETHICS MATTERS" TO PROVIDE FOR THE COST OF DEFENSE OF AN ELECTED OFFICIAL AS FURTHER PROVIDED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

There was extensive discussion by Council regarding this ordinance.

The Attorney addressed the Council regarding this ordinance.

Vice Mayor Moss made a motion to not approve this ordinance on second reading and revert to the original ordinance. The motion was seconded by Mayor Davey and approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Edward London, Allison McCormick, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes. Councilmembers Luis Laredo, Kathleen Petros and Ignacio Segurola voting No.

At this time, the Manager's report was heard.

The Manager addressed the Council regarding a six-month program update for the PADL Paddleboard Sharing program.

Mr. Andres Avello, PADL Cofounder, addressed the Council presenting a six-month program update for the PADL Paddleboard Sharing program.

At this time, the Manager addressed the Council providing a status update on 530 Crandon Boulevard Civic Center Park project.

There was extensive discussion by Council regarding the 530 Crandon Boulevard Civic Center project.

It was the consensus of Council to designate Vice Mayor Moss to work together with the Manager to bring back an alternate design proposal for 530 Crandon Boulevard Civic Center park for Council's consideration.

At this time, the Manager addressed the Council providing a status report on the total number of homes on septic tanks.

The Building, Zoning, Planning and Public Works Director Jake Ozyman addressed the Council regarding the homes on septic tanks.

There was extensive discussion by Council regarding the homes on septic tanks.

It was the consensus of Council to direct the Manager to bring back to Council possible solutions to completing the conversion process from septic to sewer.

At this time, the Manager addressed the Council regarding the status of the Federal Shoreline Protection Feasibility Study.

At this time, Item 9D2 was heard.

The Manager addressed the Council providing a FY2020 1st quarter financial report.

Councilmember Laredo addressed the Council regarding the status of the installation of signs in the parks.

There was extensive discussion by Council regarding installing signs for the parks.

The Parks and Recreation Director addressed the Council regarding installing signs for the parks within 60 days.

At this time, Item 9D3 was heard.

The Manager and the Finance Director addressed the Council regarding the bond issuance process pursuant to asset protection.

There was extensive discussion by Council regarding the types of projects the General Obligation Bond would include.

Councilmember Petros made a motion to direct the Manager to provide the Village's existing Master Plans for Council review prior to the March 14, 2020 Strategic Planning session. 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, Allison McCormick, Kathleen Petros, Ignacio Seguro, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

The Attorney addressed the Council regarding meeting with representatives from the Jackson Hospital Advisory Bond Committee regarding their bond issuance process.

It was the consensus of Council to direct the Attorney to invite representatives from the Jackson Hospital Advisory Bond Committee to the March 14, 2020 Strategic Planning session to discuss their bond issuance process.

9. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:
Mayor and Councilmembers. At this time, Item 9A11 was heard.

Councilmember Petros addressed the Council regarding rescheduling the March 10, 2020 Regular

Council Meeting to March 9, 2020. There were no objections by Council.

At this time, Item 9A6 was heard.

Vice Mayor Moss addressed the Council providing a status update from FPL to underground utilities.

There was extensive discussion by Council regarding FPL undergrounding utilities.

The remaining agenda items were deferred to the March 9, 2020 Regular Council Meeting.

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.

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

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

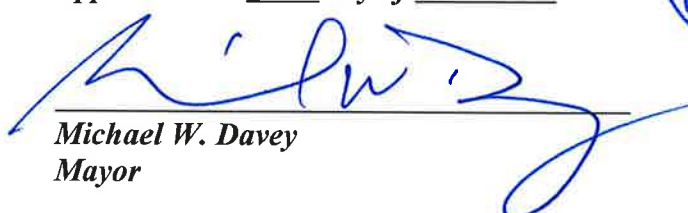
12. **ADJOURNMENT:** The meeting was adjourned at 9:56 p.m.

Respectfully submitted:

Jol 
Jennifer Medina
Village Clerk



Approved this 9th day of March 2020:


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.