

MINUTES

REGULAR COUNCIL MEETING KEY BISCAWAYNE, FLORIDA

TUESDAY, FEBRUARY 5, 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, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey. Councilmember Edward London was not present. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney 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:** Mayor Davey addressed the public regarding the January 15 Regular Council Meeting and expressed his sincere apologies towards the events that occurred that evening, and furthermore acknowledged the efforts and dedication of Key Biscayne resident Donald Elisburg. Councilmembers Moss and Lauredo thanked the committee members to the Undergrounding Utility Task Force (Task Force), the Village Manager, the Council Liaison to the Task Force, Ignacio Seguro, as well as the other Councilmembers that have attended the Task Force committee meetings. Councilmember Seguro also acknowledged Councilmember Moss for leading the Task Force, as the first Council Liaison to the committee.
5. **AGENDA:** Mayor Davey requested the addition of a presentation regarding 401 Hampton Lane park as Item 7C or hear the presentation upon arrival of the presenter, Dr. Steve Simon and also requested to hear Item 9A1 prior to Item 7. Councilmember Petros requested the addition of a discussion regarding the upcoming boat show as Item 11A12. The Manager requested to defer Item 7B and also requested the addition of a discussion regarding Lime Bike and an update of the Building, Planning and Zoning Department to be heard prior to Item 11D1. Items 11D1 regarding the fiscal year 2018-2019 quarterly budget report to Council and 11D2

regarding the naming of 401 Hampton Lane park will be heard immediately after the Manager's newly added discussion items. There were no objections to the agenda changes

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Patricia Woodson, 472 Warren Lane; Ann Taintor, 170 Ocean Lane Drive; Theodore Holloway, 575 Crandon Boulevard and Ed Meyer, 798 Crandon Boulevard.

At this time, Item 9A1 was heard.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, ARTICLE II, "DEFINITIONS" TO PROVIDE DEFINITIONS RELATED TO MEDICAL MARIJUANA; AMENDING CHAPTER 30, ARTICLE V, "SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATION" TO AMEND THE LIST OF PERMITTED CONDITIONAL AND PROHIBITED USES IN COMMERCIAL DISTRICTS TO ADDRESS MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Councilmember Moss addressed the Council regarding amending the ordinance consistent with the revisions made at the Local Planning Agency meeting.

The Attorney addressed the Council regarding the following amendments to the ordinance approved at the Local Planning Agency meeting: to add as a prohibited use medical marijuana dispensaries in accordance with Section 381.986 Florida Statutes and also striking that medical marijuana uses including pharmacies and medical marijuana dispensaries are no longer a permitted use in the district.

The ordinance, as amended, was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Luis Lauredo, Brett G. Moss, Kathleen Petros, Ignacio Seguroola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, the Manager addressed the Council regarding status updates on the following: Village Hall parking lot, 530 Crandon Boulevard development, Bear Cut bridge and lastly, a status update on the acquisition of the entry block.

7. **SPECIAL PRESENTATIONS:** Michelle Estevez, Chair to the Undergrounding Utility Task Force, addressed the Council providing a status update on the proposed undergrounding

utility project.

At this time, Item 11A6 was heard.

Councilmember Segurola addressed the Council regarding the ordinance creating the Undergrounding Utility Task Force committee.

It was the consensus of Council to direct the Attorney to draft the legislation necessary to extend the life of the Undergrounding Utility Task Force committee to be considered by Council at the next regularly scheduled Council meeting.

At this time, Councilmember Laredo thanked the Chair to the Undergrounding Utility Task Force for the detailed update and also addressed the Council regarding adding language to Village agenda's pertaining to the following: any person wishing to address the Village Council on an item, to disclose prior to making a statement if the person is engaged in lobbying activity. There were no objections to the change to future agendas.

At this time, Councilmember Laredo also addressed the Council regarding the minutes to the January 15, 2019 Regular Council Meeting minutes.

8. **CONSENT AGENDA:** Mayor Davey made a motion to approve the following consent agenda. The motion was seconded by Councilmember Moss and 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.

The minutes to the January 15, 2019 Regular Council Meeting.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, RATIFYING A MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI POLICE DEPARTMENT; APPROVING MUTUAL AID AGREEMENTS WITH THE CITY OF CORAL GABLES AND CITY OF MIAMI BEACH POLICE DEPARTMENTS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII, "WORKS OF ART IN PUBLIC PLACES" TO REDUCE THE MAXIMUM NUMBER OF MEMBERS OF THE ART-IN-PUBLIC-PLACES BOARD FROM EIGHT TO SEVEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Laredo made a motion to adopt the ordinance on second 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.

There was extensive discussion by Council regarding the adoption of this ordinance on second reading.

It was the consensus of Council to amend the ordinance by revising section 2-142(b)(2) *Term of Office* to state that a board member shall serve at the will of the Council.

The ordinance, as amended, was adopted on second reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPORTING STATE LEGISLATION PROHIBITING THE USE OF HANDHELD COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Petros addressed the Council regarding this resolution.

There was extensive discussion by Council regarding prohibiting the use of handheld communication devices while operating a vehicle.

Councilmember Petros addressed the Council regarding attending the upcoming legislative session to demonstrate the Villages' support of State legislation prohibiting handheld communication devices while driving. There were no objections by Council to demonstrate the Villages support during the legislative session.

At this time, Debra Wanninkhof, 255 W Heather Drive, addressed the Council regarding the passing of her son Patrick Wanninkhof due to a person texting while driving.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, 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 EXECUTE

AN AGREEMENT WITH AUTOMATIC DATA PROCESSING, INC. FOR PAYROLL, PERSONNEL TIME AND ATTENDANCE SERVICES; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of 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.

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

Mayor and Councilmembers. The Mayor addressed the Council regarding the process for reappointments and appointments to Village committees and boards.

There was extensive discussion by Council regarding the process for reappointments and appointments to Village committees and boards.

At this time, the Mayor addressed the Council regarding the review of all Village boards and committees.

It was the consensus of Council to schedule a workshop regarding the formation of Village committees and boards on Tuesday, March 12, 2019 at 6:00 P.M.

It was also the consensus of Council to direct the Clerk to prepare the necessary documentation for the scheduled March 12, 2019 workshop.

At this time, the Mayor, with consensus of Council, appointed Luis de la Cruz, Robert Duzoglou, Lucia Marin and William Krauss to the 2040 Strategic Vision Plan Committee.

At this time, Councilmember Segurola addressed the Council regarding appointing Tony Camejo to the 2040 Strategic Vision Plan Committee.

Councilmember Laredo addressed the Council regarding proposing to replace his nomination of William Krauss with Tony Camejo.

There was extensive discussion by Council regarding selecting members to committees.

The Mayor, with consensus of Council, withdrew the appointment of William Krauss to the 2040 Strategic Vision Plan Committee and instead appointed Tony Camejo to the 2040 Strategic Vision Plan Committee.

At this time, the Mayor addressed the Council regarding the appointment required to the Board of Trustees aka Pension Board.

It was the consensus of Council to forward all Pension Board member nominations to the Clerk inclusive of a resume by February 19, 2019.

It was also the consensus of Council to nominate members to the Pension Board with financial and/or pension experience.

The Mayor addressed the Council regarding the confirmed appointment to the Special Magistrate Board that took place at the January 15, 2019 Regular Council Meeting.

Item 11A6 was heard earlier in the meeting, during Item 7A.

At this time, Councilmember Petros addressed the Council regarding the process to conduct performance evaluations for Charter Officials.

There was extensive discussion by Council regarding the process to evaluate Charter Officials.

It was the consensus of Council to bring forth the necessary legislation for Council consideration to formalize the evaluation process for Charter Officials.

At this time, Mayor Davey addressed the Council regarding the conditions of swales.

There was extensive discussion by Council regarding the current condition of swales.

It was the consensus of Council to direct the Village Manager to provide a report back to Council on prohibited and permissible uses on swales.

The Manager addressed the Council regarding the condition of the swales.

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

The Manager addressed the Council regarding LimeBike's shift from providing bicycles to powered scooters.

There was extensive discussion by Council regarding the use of powered scooters in the Village.

At this time, the Manager addressed the Council regarding the resignation of the Building, Zoning and Planning Director Sergio Ascunce and the interim transitional plan due to the resignation.

At this time, the Manager addressed the Council providing a Fiscal Year 2018-2019 quarterly budget report.

At this time, the Manager addressed the Council regarding naming 401 Hampton Lane park.

There was extensive discussion by Council regarding conducting a contest to name 401 Hampton Lane park.

The Manager addressed the Council regarding a possible deadline to name and install a plaque onsite pursuant to the guidelines set forth in the recently awarded grant for the purchase of the property.

It was the consensus of Council to direct the Manager to conduct a contest, if time allows, inclusive of all Village schools and MAST Academy to name 401 Hampton Lane park and present the winners at the March 19, 2019 Regular Council Meeting.

At this time, Item 7C was heard.

Dr. Steve Simon, Arielle and Brett Simon, 335 Harbor Lane, addressed the Council regarding the remaining improvements necessary to complete the 401 Hampton Lane park project.

Also, Mauricio Salazar, a structural engineer, addressed the Council regarding the need to construct a drainage system within the park.

At this time, the Manager addressed the Council regarding the funding options to complete the 401 Hampton Lane park project.

At this time, the Mayor and the Manager addressed the Council regarding the upcoming Ultra Music Festival at Virginia Key.

At this time, Councilmember Petros addressed the Council regarding the environmental studies to be conducted on Virginia Key and acknowledged the efforts of the Key Biscayne Community Foundation for already starting to conduct the environmental studies on Virginia Key.

There was extensive discussion by Council regarding conducting the environmental studies on Virginia Key due to the Ultra Music Festival.

Councilmember Laredo made a motion to authorize the Manager to expend an amount not to exceed \$50,000 to commence the environmental baseline studies on Virginia Key and bring back the necessary legislation at the next regularly scheduled Council Meeting for Council approval. The motion was seconded by Mayor Davey and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Councilmember Seguro addressed the Council regarding the creation of a

Landscaping/Village Physical Plant Committee. There were no objections to the creation of this committee by Council.

At this time, Councilmember Petros and the Manager addressed the Council providing an update on meetings that took place regarding the upcoming Boat Show's methods of transportation "MOT" plan.

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.

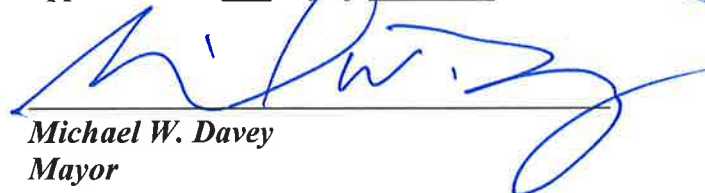
Respectfully submitted:



Jennifer Medina
Village Clerk



Approved this 26th day of February 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.