

MINUTES

COUNCIL MEETING
KEY BISCAIYNE, FLORIDA

TUESDAY, APRIL 10, 2018

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Luis de la Cruz, Allison McCormick, Gary R. Gross, Brett G. Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, 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:** Councilmember de la Cruz thanked Commissioner Xavier Suarez for his efforts towards the Village's continued field usage at Crandon Park. Councilmember Moss addressed the public and the Council wishing his son a happy 4th birthday. Councilmember McCormick thanked Police Chief Charles R. Press for continuing his role as the Village's Police Chief. Councilmember Petros thanked the Police Department and the Code Compliance Division for their efforts towards enforcing the ban of fuel operated leaf blowers. Mayor Lindsay thanked Representative Nicholas X. Duran for being present at this meeting and his dedication and involvement with the Village.
4. **SPECIAL PRESENTATIONS:** At this time, Representative Nicholas X. Duran addressed the Council providing a legislative update.

At this time, the Mayor allowed for public comments.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Raul Llorente, 345 Cypress Drive, Clifford Brody, 613 Ocean Drive; Peter Warner, 310 Island Drive; Ignacio Seguro, 881 Ocean Drive; Cecile Sanchez, 260 Cypress Drive; Pamela Quiroga, 170 Ocean Lane Drive; Marcelo Larsen, 750 Myrtlewood Lane; Denise Passos, 747 Crandon Boulevard; Juan Santaella, 360 West Heather Drive and Yvi Garcia, 201 West Heather Drive.

At this time with the consensus of Council the Clerk read a statement by Mr Jud Kurlancheek former Village Director of Building Zoning and Planning Director

At this time Item 4C was heard

Mr WD Higginbotham from Mercer Group Florida LLC addressed the Council regarding an update for the Village Manager s search and a request of the Council to extend the application deadline

There was extensive discussion by Council regarding the low number of employment applications received for the Village Manager s position

It was the consensus of Council to direct Mr Higginbotham to proceed with re advertising the Village Manager s job announcement inclusive of a rolling application deadline and to also provide updates to the Council every 10 days

At this time the Village s State Lobbyist Mr Fausto Gomez with Gomez Barker and Associates Inc addressed the Council giving a legislative update

Mr Gomez introduced Mr Jonathan Kilman also with Gomez Barker and Associates Inc Mr Kilman also addressed the Council giving a brief legislative update

6 **AGENDA** Councilmember McCormick requested to remove Item 10A16 The Clerk addressed the Council pursuant to Mayor Lindsay s request to add a discussion item regarding the Crandon Park Agreement as Item 10A16 The Manager requested to remove Items 7A1 and 9D Mayor Lindsay requested to pull Item 8H from the Consent Agenda Councilmember Petros requested to pull Items 8D and 8E from the Consent Agenda Vice Mayor Caplan requested to remove Item 10A12 There were no objections to the agenda changes

At this time the Attorney addressed the Council giving a brief overview of the LimeBike agreement with the Village

7 **ORDINANCES** The Clerk read the following ordinance on second reading by title

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA ("VILLAGE"), AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 23 "RETIREMENT," SECTION 23 31 "DEFINITIONS," SECTION 23 32 "MEMBERSHIP," SECTION 23 39 "VESTING" AND SECTION 23 47 "COMMENCEMENT OF BENEFITS" TO ALLOW THE POLICE AND FIRE CHIEFS TO OPT OUT OF THE POLICE AND FIRE PENSION PLAN AND TO PROVIDE FOR IN SERVICE DISTRIBUTIONS OF BENEFITS TO MANAGERIAL MEMBERS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE

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

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

There was extensive discussion by Council regarding this ordinance

Councilmember Moss addressed the Council offering the following amendments to the ordinance removal of managerial members within the ordinance title removal of or a former police or fire chief who is employed in a managerial position not covered by the plan within the second whereas and lastly removal of the following within Section 23 47 Commencement of benefits or a former police and fire chief who is employed by the Village in a managerial position not covered by this plan and subject to agreement with the Village

Vice Mayor Caplan and Councilmember Gross addressed the Council regarding Councilmember Moss s proposed amendments to the ordinance

Councilmember Petros addressed the Council offering to amend the ordinance by only including the option of opting out of the police or fire pension plan and excluding language relating to providing in service distribution

Mayor Lindsay also addressed the Council regarding supporting Councilmember Moss and Councilmember Petros proposed amendments to the ordinance

Councilmember Moss made a motion to amend the ordinance by removing managerial members within the ordinance title to remove or a former police or fire chief who is employed in a managerial position not covered by the plan within the second whereas and to also remove the following language included within Section 23 47 Commencement of benefits or a former police and fire chief who is employed by the Village in a managerial position not covered by this plan and subject to agreement with the Village The motion was seconded by Mayor Lindsay and failed by a 3 4 roll call vote The vote was as follows Councilmembers de la Cruz Moss and Mayor Lindsay voting Yes Councilmembers Gross McCormick Petros sand Vice Mayor Caplan voting No

Councilmember Petros made a motion to amend and adopt the ordinance by only including language pertaining to opting out of the police or fire pension plan removing language allowing for in service distribution and to bring back a separate ordinance pertaining to in service distribution to be heard by Council at the next regularly scheduled Council meeting The motion was seconded by Councilmember de la Cruz and failed by a 3 4 roll call vote The vote was as follows Councilmembers McCormick Petros and Mayor Lindsay voting Yes Councilmembers de la Cruz Gross Moss sand Vice Mayor Caplan voting No

The Village Labor Attorney Brett Schneider addressed the Council regarding the ordinance

There was extensive discussion by Council regarding amending the ordinance by removing subject to agreement with the Village

Councilmember Moss made a motion to remove language within the ordinance stating subject to agreement with the Village The motion was seconded by Vice Mayor Caplan and approved by a 7 0 roll call vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

Mayor Lindsay made a motion to amend the ordinance by limiting the in service distribution to only the police and fire chief and removing language pertaining to a former police or fire chief who is employed in a managerial position not covered by the plan The motion was seconded by Councilmember Moss and failed by a 3 4 roll call vote The vote was as follows Councilmembers de la Cruz Moss and Mayor Lindsay voting Yes Councilmembers Gross McCormick Petros and Vice Mayor Caplan voting No

The ordinance as amended was adopted on second reading by a 5 2 roll call vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss and Vice Mayor Caplan voting Yes Councilmember Petros and Mayor Lindsay voting No

At this time Item 8D was heard

The Clerk read the following resolution by title

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING TAPIA LUIS M SERVICE, CORP FOR THE VILLAGE GREEN TODDLER PARK LIGHTING IMPROVEMENTS PROJECT, PROVIDING FOR AUTHORIZATION, PROVIDING FOR IMPLEMENTATION, AND PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Caplan made a motion to approve the resolution The motion was seconded by Mayor Lindsay

Councilmember Petros addressed the Council and the Manager regarding providing an itemized list of costs for the lighting improvement project inclusive of materials and labor expenses

Councilmember Petros also addressed the Council and the Manager regarding an itemized list of expenses for agenda Item 8E

The resolution was approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

At this time Item 8E was heard

The Clerk read the following resolution by title

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING AUM CONSTRUCTION, INC FOR THE FERNWOOD ROAD LIGHTING IMPROVEMENTS PROJECT, PROVIDING FOR AUTHORIZATION, PROVIDING FOR IMPLEMENTATION, AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember de la Cruz made a motion to approve the resolution The motion was seconded by Councilmember Moss

The resolution was approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

At this time Item 8H was heard

The Clerk read the following resolution by title

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING KIMLEY HORN AND ASSOCIATES, INC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SAFE ROUTES TO SCHOOL PROJECT, PROVIDING FOR AUTHORIZATION, PROVIDING FOR IMPLEMENTATION, AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Moss made a motion to approve the resolution The motion was seconded by Councilmember de la Cruz

Mayor Lindsay addressed the Council and the Manager regarding the selection committee members responsible for recommending the firm

The Manager addressed the Council regarding the selection committee members and the Education Advisory Board s participation in the selection process

Councilmember McCormick also addressed the Council regarding the Education Advisory Board s participation in the selection process

The resolution was approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

8 **CONSENT AGENDA** Vice Mayor Caplan made a motion to approve the following items on the consent agenda The motion was seconded by Councilmember Moss and approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

The minutes to the September 26 2017 Special Council Meeting

The minutes to the September 26 2017 First Budget Hearing

The minutes to the October 3 2017 Special Council Meeting

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE VILLAGE AND NEUTRON HOLDINGS, INC (D/B/A LIMEBIKE) FOR DOCKLESS BIKE SHARING SERVICES, PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO APPLY FOR A SMALL COMMUNITY ENERGY EFFICIENT LIGHTING GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE

9 **RESOLUTIONS** The Clerk read the following resolution by title

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING TETRA TECH TO UPDATE THE VILLAGE'S COMPREHENSIVE EMERGENCY MANAGEMENT AND HURRICANE PLANS, PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Caplan made a motion to approve the resolution The motion was seconded by Councilmember Moss

The Manager addressed the Council regarding the approval of the resolution

Vice Mayor Caplan addressed the Council regarding language in the proposal referring to industry standards

The Attorney addressed the Council regarding including language relating to meeting local state federal and industry standards within the scope of services There were no objections to the amendment

There was extensive discussion by Council regarding the resolution

At this time Ms Kerri O Dell from Tetra Tech Inc addressed the Council regarding the proposed scope of services

At this time the Mayor allowed for public comments The following resident addressed the Council Donald Elisburg 177 Ocean Lane Drive

The resolution was approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

The Clerk read the following resolution by title

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING THE NEW BUILDING, ZONING, AND PLANNING FEE SCHEDULE, REPEALING THE BUILDING, ZONING, AND PLANNING FEE SCHEDULE APPROVED BY RESOLUTION NO 2017-18, AND PROVIDING FOR AN EFFECTIVE DATE

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

The Manager addressed the Council regarding approval of the resolution

The Manager also addressed the Council regarding the concerns brought forth during public comments relating to the Building Zoning and Planning fee schedule

The Building Zoning and Planning Director Sergio Ascunce addressed the Council regarding

The Attorney addressed the Council regarding revising the previously adopted resolution number to 2017 19 and also to add the effective date of April 23 2018 There were no objections to the amendments

The resolution as amended was approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

At this time the Manager s report was heard

Village Manager The Manager addressed the Council regarding providing direction to bid or renegotiate the Ashbritt contract for emergency disaster debris removal and response services

There was extensive discussion by Council regarding the Ashbritt contract

The Manager introduced Mr Jared Moskowitz from Ashbritt Inc Mr Moskowitz addressed the Council regarding amending the current contract with the Village

It was the consensus of Council to direct the Manager and the Attorney to bring back an amendment to the Ashbritt Inc contract for Council consideration at the next regularly scheduled Council meeting

The Manager addressed the Council regarding a policy discussion to allow right of entry onto private property for debris removal

The Attorney addressed the Council regarding meeting FEMA standards for reimbursement to allow for right of entry onto private property for debris removal

There was extensive discussion by Council regarding allowing for right of entry onto private property for debris removal

The Manager addressed the Council requesting authorization to issue a request for proposals for holiday decorations

Vice Mayor Caplan made a motion to issue a request for proposals for holiday decorations The motion was seconded by Councilmember Moss and approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

The Manager addressed the Council regarding the sustainability report for the month of March

At this time Item 9C was heard

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 ENTER INTO AN AGREEMENT WITH CURRIE SOWARDS AGUILA ARCHITECTS, INC FOR THE COMMUNITY CENTER PHASE III PROJECT, AND PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Caplan made a motion to approve the resolution The motion was seconded by Councilmember Moss

There was extensive discussion by Council regarding the Community Center Phase III project

The Director of the Parks and Recreation Department Todd Hofferberth addressed the Council regarding the Community Center Phase III project

Councilmember Petros made a motion to extend the meeting until 11 05 p m The motion was seconded by Councilmember Moss and approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

There was extensive discussion by Council regarding the need Community Center Phase III project

Mayor Lindsay made a motion to extend the meeting until 11 10 p m The motion was seconded by Councilmember Petros and approved by a 7 0 voice vote The vote was as follows Councilmembers de la Cruz Gross McCormick Moss Petros Vice Mayor Caplan and Mayor Lindsay voting Yes

It was the consensus of Council to direct the Manager to provide a description of the necessary Community Center programing along with an itemized budget

It was the consensus of Council to defer this resolution to the next regularly scheduled Council meeting.

At this time, Vice Mayor Caplan addressed the Council requesting consensus to send a letter to the Miami-Dade County Library Director regarding a new Key Biscayne library. There were no objections to sending the letter.

Mayor Lindsay addressed the Council requesting to start the April 24, 2018 Regular Council meeting at 6:00 p.m.

It was the consensus of Council to start the April 24, 2018 Regular Council meeting at 6:00 p.m.

The remaining agenda items were deferred to the April 24, 2018 Regular Council meeting.

10. **REPORTS AND RECOMMENDATIONS:**

Mayor and Councilmembers. The Mayor and Councilmembers report was deferred to the April 24, 2018 Regular Council meeting.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

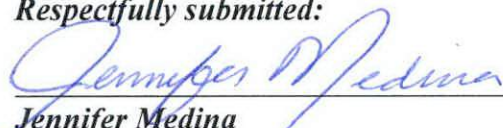
11. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

12. **PENDING BUSINESS/PENDING LITIGATION:** A list of pending business/pending litigation was presented to the Council.

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

14. **ADJOURNMENT:** The meeting was adjourned at 11:10 p.m.

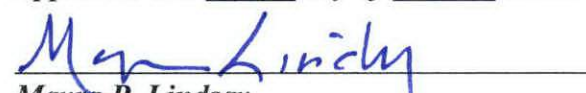
Respectfully submitted:



Jennifer Medina
Village Clerk



Approved this 28th day of August 2018:



Mayra P. Lindsay
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