

## MINUTES

### SPECIAL COUNCIL MEETING KEY BISCAZYNE, FLORIDA

TUESDAY, SEPTEMBER 10, 2019

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 5:30 p.m. Present were Councilmembers Luis Laredo, Edward London (arrived at 6:06 p.m.), 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 addressed the public and the Council taking a moment of silence for the victims in the Bahamas due to Hurricane Dorian. Councilmember Laredo addressed the Council regarding the routine Council meeting invocations.
4. **PUBLIC COMMENTS:** The following residents addressed the Council: Ivette Fernandez and Laudy Ibarra, 575 Crandon Boulevard, commented on Kindness sponsored efforts and initiatives including sponsoring Kindness murals in the Village Green; Michele Drucker, 1101 Palermo Avenue, Coral Gables, commented on MAST PTSA Sustainability Hub including MAST solar panels, Climate resolution and Resiliency Officer benefits; Helena Iturralde, 115 Sunrise Drive, commented on composting; Zahira Acevedo Crespo, 370 W. McIntyre Street, commented on concerns over the possibilities of having a neighborhood park at Harbor Drive; Pat Woodson, 472 Warren Lane, commented on in support of proposed property purchases on Harbor Drive; Victoria Lara, 664 Fernwood Road and Bernardina Avendano, 10 Cape Florida Drive, commented on crime in Key Biscayne;

JoAnn Young, 600 Harbor Drive, commented on concerns about the uses of the proposed property purchases on Harbor Drive; Steve Simon, 335 Harbor Lane, commented on in support of proposed property purchases on Harbor Drive; and Patricia Romano, 361 Beechwood Drive, commented in support of the proposed property purchases on Harbor Drive.

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

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF THE REAL PROPERTIES LOCATED AT 571 AND 599 HARBOR DRIVE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

There was extensive discussion by Council regarding negotiations for the purchase of the real properties located at 571 and 599 Harbor Drive.

Councilmembers London and Segurola addressed the Council regarding concerns of overpayment for the properties located at 571 and 599 Harbor Drive as it relates to the appraisal reports.

Councilmember Petros made a motion to further negotiate the purchase prices for both 571 and 599 Harbor Drive between first and second reading of this ordinance. The motion was seconded by Councilmember Laredo and approved by a 6-1 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 Edward London voting No.

The ordinance was adopted on first reading by a 6-1 roll call 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 Edward London voting No.

The Clerk announced the second reading of the ordinance will take place on October 15, 2019.

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

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ORDINANCE NO. 2018-7 WHICH ADOPTED THE BUDGET FOR FISCAL YEAR 2018-2019 BY REVISING THE 2018-2019 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time, the Clerk announced the continuation of the second reading of this ordinance will take place on September 24, 2019.

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

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SOFTWARE AS A SERVICE AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR ENTERPRISE RESOURCES PLANNING SOFTWARE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Manager addressed the Council recommending approval of the resolution.

There was extensive discussion by Council regarding this resolution.

At this time, Vice Mayor McCormick addressed the Council regarding concerns over completing existing Village systems deliverables such as the Building Permitting software prior to purchasing a new financial software.

The Manager addressed the Council regarding an estimated six (6) month implementation timeline; notwithstanding, the data conversion process.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola and Mayor Michael W. Davey voting Yes. Vice Mayor Allison McCormick voting No.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE VILLAGE MANAGER'S SECOND REVISION TO ADMINISTRATIVE ORDER NO. 1 SETTING A NEW STORMWATER UTILITY FEE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Mayor addressed the Attorney regarding the possibility of changing the set stormwater utility fee at a later time during the year.

The Attorney addressed the Council regarding the Council's ability to revise the set stormwater utility fee throughout the year.

At this time, Councilmember Segurola addressed the Council regarding including private communities in the stormwater rate/improvement study and requested an opinion by the Attorney regarding a public entity maintaining and improving the stormwater systems located within

private communities.

There was extensive discussion by Council regarding this resolution.

At this time, Councilmember Moss addressed the Council and the Attorney regarding the legality of a public entity maintaining and improving privately owned infrastructure located within private communities.

There was extensive discussion by Council regarding the maintenance/improvements of the stormwater systems within private communities.

The Attorney addressed the Council regarding the legality of a public entity maintaining and improving privately owned infrastructure located within private communities.

It was the consensus of Council to direct the Attorney to work together with Councilmember Seguro to draft the wording requesting an opinion by the Attorney General regarding the legality of using stormwater fee funds, which are paid in part by condominium owners to maintain condominium stormwater systems.

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.

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

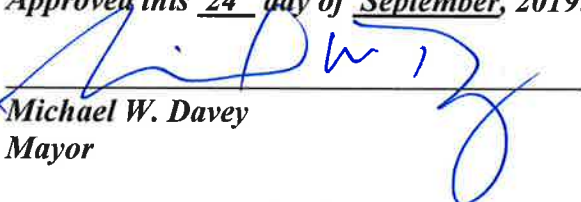
15. **ADJOURNMENT:** The meeting was adjourned at 6:38 p.m.

*Respectfully submitted:*

  
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**Jennifer Medina**  
**Village Clerk**



*Approved this 24<sup>th</sup> day of September, 2019:*

  
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**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.**