

MINUTES

REGULAR COUNCIL MEETING KEY BISCAWAYNE, FLORIDA

TUESDAY, OCTOBER 30, 2018

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 de la Cruz, Gary R. Gross, Allison McCormick, Brett Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney Chad Friedman.

2. **PLEDGE OF ALLEGIANCE:** The Mayor together with the Vice Mayor led the Pledge of Allegiance.

3. **BRIEF COMMENTS BY COUNCIL:** Councilmembers Petros, Moss and McCormick thanked Mayor Lindsay, Vice Mayor Caplan and Councilmembers Gross and de la Cruz for their years of service, time and dedication to this community. Councilmembers de la Cruz, Gross, Mayor Lindsay and Vice Mayor Caplan addressed the public and the Council thanking the Councilmembers for the recognition of their 8 years of service to this community.

The Mayor thanked the individuals that participated during the candlelight vigil that took place in memory of the Pittsburgh victims.

Councilmember McCormick and Vice Mayor Caplan expressed their condolences for the loss of Jim Brewster to the Brewster family.

4. **AGENDA:** Councilmember Gross requested to remove Item 9A4. There were no objections to the changes.

At this time, the Mayor addressed the public and the Council wishing Mia Davey a Happy Birthday.

5. **PUBLIC COMMENTS:** The following residents addressed the Council: Michael Davey, 50 Ocean Lane Drive; Tony Winton, 121 Crandon Boulevard; Louisa Conway, 151 Crandon Boulevard; Kristen Guess, 425 Grapetree Drive; Michele Estevez, 798 Crandon Boulevard; Laudy Ibarra, 482 Fernwood Road; Robert Duzoglou, 785 Glenridge Road and Joe Brenan, 465 Harbor Drive.

6. **CONSENT AGENDA:** Vice Mayor Caplan made a motion to approve the following consent agenda. The motion was seconded by Mayor Lindsay 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 February 27, 2018 Special Council Meeting.

The minutes to the May 11, 2018 Regular Council Meeting.

The minutes to the June 4, 2018 Special Council Meeting.

The minutes to the June 25, 2018 Local Planning Agency Meeting.

The minutes to the October 9, 2018 Regular Council Meeting.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO TETRA TECH, INC. TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE VERIFICATION CYCLE OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY RATING SYSTEM (CRS); AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A CHANGE ORDER TO THE AGREEMENT WITH W.D. THOMPSON, INC. D/B/A BEACH RAKER FOR BEACH CLEANING, MAINTENANCE, AND BEAUTIFICATION 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 ISSUE A WORK ORDER TO THE CORRADINO GROUP, INC. TO PERFORM STRUCTURAL ANALYSIS AND DESIGN SERVICES FOR WEST MASHTA DRIVE BRIDGE REMEDIAL REPAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE VILLAGE OF BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE XV "YOUTH ATHLETICS ADVISORY BOARD," TO REDEFINE THE JURISDICTION OF THE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to adopt this ordinance on second reading. The motion was seconded by Mayor Lindsay.

The Manager addressed the Council regarding this ordinance.

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

Vice Mayor Caplan addressed the Council suggesting amending Section 2-224(a) to include that the Board work under the sole supervision of the Director of Parks and Recreation. 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 ordinance, as amended, was adopted on second reading 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.

At this time there was extensive discussion by Council regarding the roles of all Village Council appointed boards and committees.

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING MUNILYTICS, INC. TO PROVIDE PROFESSIONAL MUNICIPAL FINANCIAL SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding this resolution.

Vice Mayor Caplan addressed the Council regarding amending the Professional Liability insurance clause regarding the Village as an additional insured. There were no objections to this change.

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.

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 AGREEMENTS WITH FLORIDA CDI, LLC AND ALL STAR EVENTS INC. FOR DECORATIONS AND ENTERTAINMENT FOR WINTERFEST; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager and the Parks and Recreation Director Todd Hofferberth addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding adding holiday lighting within the median on Crandon Boulevard.

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.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE WORK ORDERS TO EAC CONSULTING, INC. FOR ENGINEERING, SURVEYING, AND MARINE BIOLOGICAL SERVICES RELATING TO BEACH RENOURISHMENT PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Manager addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding the approval of this resolution.

Tim Blankenship from EAC Consulting, Inc. addressed the Council regarding the scope of work specific to this work order.

There was extensive discussion by Council regarding the available biological data to evaluate the overall impact to the beach.

The Manager addressed the Council regarding hosting a community workshop regarding the Village's Beach Renourishment efforts.

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.

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

Mayor and Councilmembers. Vice Mayor Caplan addressed the Council regarding a motion to authorize the Manager to mitigate the relative disparity in pension treatment on account of the percentage cap as it affects three senior Fire Chiefs hired in 1993 (Lang, Osorio and Haring). As distinct from other current plan beneficiaries in a manner (if at all) to be selected by the Manager utilizing budgeted funds.

There was extensive discussion by Council regarding the Village's pension plan as it affects senior staff members.

Vice Mayor Caplan made a motion to authorize the Manager to mitigate the relative disparity in pension treatment on account of the percentage cap as it affects three senior Fire Chiefs hired in 1993 (Lang, Osorio and Haring). As distinct from other current plan beneficiaries in a manner (if at all) to be selected by the Manager utilizing budgeted funds. The motion was seconded by Councilmember Gross.

Councilmember Petros addressed the Council suggesting amending the motion by striking out "mitigate" and inserting the word "analyze".

Councilmember de la Cruz moved to amend the motion by striking out "mitigate" and inserting the word "analyze". The motion was not seconded.

Councilmember Moss moved to amend the motion on the table to insert at the end the following words: "to expire when the three senior Fire Chiefs (Lang, Osorio and Haring) become eligible to enter the DROP". The motion was not seconded.

The Manager addressed the Council seeking clarification regarding the motion on the table.

There was extensive discussion by Council regarding the amending the motion on the table.

Vice Mayor Caplan moved to amend the motion on the table to authorize the Manager to analyze and address, if necessary, as the Manager deems fit, the effect of the percentage cap to the three senior Fire Chiefs hired in 1993 (Lang, Osorio and Haring) and this will end for each of the three senior Fire Chiefs (Lang, Osorio and Haring) when eligible for the DROP whether or not the three senior Fire Chiefs DROP. The motion was seconded by Councilmember Moss and approved 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, the Manager's report was heard.

The Manager addressed the Council regarding strategic planning, the five-year Capital Improvement Plan and the 2040 Vision Plan.

There was extensive discussion by Council regarding the Capital Improvement Plan.

The Attorney addressed the Council regarding the draft ordinance creating the 2040 Vision Plan Committee.

There was extensive discussion by Council regarding the strategic planning process.

The Manager addressed the Council regarding a sample timeline of completing a Strategic Plan.

The Manager addressed the Council regarding the Crandon Boulevard Pedestrian Safety.

At this time, Joe M. Corradino from The Corradino Group presented to Council the Crandon Boulevard pedestrian safety study.

There was extensive discussion by Council regarding the design and functional classification of Crandon Boulevard.

The Manager addressed the Council regarding the conceptual redesign, engineering and optional construction pricing request for qualifications/proposals to improve Crandon Boulevard contingent of Miami-Dade County's approval of redesign.

At this time Councilmember de la Cruz addressed the Council regarding the regulations of recycle and trash bin placement at the time of trash pick-up.

There was extensive discussion by Council regarding the side yard trash pick-up service provided by the Village's solid waste contractor and the proper placement of trash bins at the time of pick-up.

The Manager addressed the Council regarding the services provided by the Village's solid waste contractor.

Councilmember de la Cruz addressed the Council regarding supporting the increased enforcement of traffic laws.

Vice Mayor Caplan addressed the Council regarding unfinished business.

At this time, Councilmember McCormick addressed the Council regarding utilizing the reserved transport fees to fund the pension's unfunded liability.

The Manager addressed the Council regarding the pension's unfunded liability.

Councilmember McCormick made a motion to authorize the Manager to utilize the total amount reserved for emergency transport fees to fund the pension's unfunded liability, contingent on regulations prohibiting the transfer of the funds. The motion was seconded by Vice Mayor Caplan 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.

At this time the Attorney called for an Executive Session regarding John C. Gilbert v Key Biscayne Case No. 2018-030808 CA 01 (Division 11), Eleventh Judicial Circuit Court – Miami-Dade County to be scheduled sometime after the Tuesday, November 6th, 2018 general election to schedule with the newly elected Mayor and Councilmembers.

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

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

13. **ADJOURNMENT:** The meeting was adjourned at 10:30 p.m.

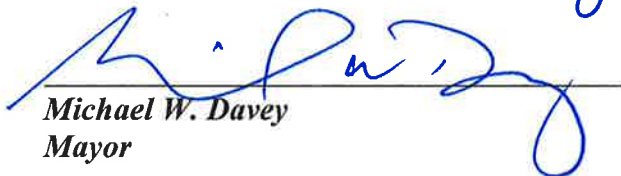
Respectfully submitted:



Jennifer Medina
Village Clerk



Approved this 15th day of January 2018.



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.