



## AGENDA

### Special Virtual Commission Meeting

Biscayne Park, FL 33161

Thursday, July 23, 2020 at 6:00 pm

Meeting ID: 975 4227 8443



*Indicates back up documents are provided.*

#### 1 Call to Order

#### 2 Roll Call

Mayor O'Halpin

Vice-Mayor Kennedy

Commissioner Ross

Commissioner Samaria

Commissioner Tudor

#### 3 Pledge of Allegiance

#### 4 Public Comments Related to Agenda Items

*Comments from the public relating to topics that are on the agenda.*

#### 5 Interim Village Manager

##### 5.a Resolution # 2020-34 - Appointment of Interim Village Manager



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND GOVERNMENT MANAGEMENT SERVICES – SOUTH FLORIDA, LLC, FOR THE PROVISION OF INTERIM VILLAGE MANAGER SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

#### 6 Reports

6.a Interim Village Manager

6.b Interim Village Attorney

6.c Chief of Police

6.d Mayor O'Halpin

6.e Vice-Mayor Kennedy

6.f Commissioner Ross

6.g Commissioner Samaria

## 7 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will 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.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Village of Biscayne Park meeting on July 23, 2020 at 6:00 pm with Social Distancing Modifications

The Village of Biscayne Park is using Zoom to hold the Virtual Public Meeting via communications media technology as authorized by Governor DeSantis' Executive Order 20-69. Members of the public may also use Zoom to view and participate in the meeting online. Zoom is a cloud platform for video and audio conferencing, collaboration, chat and webinars across mobile devices, laptops, desktops, telephones and room systems.

### Public Comment

Anyone who wishes to provide public comment will be able to do so by participating in the City Council meeting via the Zoom platform and/or telephone by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of 24 hours no later than two (2) hours before the meeting via email to the Village Clerk at [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov).

Instructions on How to Watch, Listen and/or Participate in the Virtual Meeting:

To access the Zoom Virtual Public Meeting of July 23, 2020 at 6:00 pm, you have the following options:

Zoom meeting instructions for the public participants:

Download the “Zoom Client for Meetings” to your computer or laptop here: <https://zoom.us> and click on Join a Meeting. When prompted to join a meeting, enter the meeting ID. use the link below to join the meeting.

If you are using a tablet or smartphone, download zoom from the device’s app store.

For the July 23, 2020 meeting please use the meeting link

<https://zoom.us/j/97542278443>

to attend electronically and watch the meeting by computer, tablet or smartphone.

For additional information or assistance please contact the following prior to the meeting:

1. For public comment questions: Roseann Prado, Village Clerk, [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov) or 305-899-8000

Public Comment

1. Access audio of the Zoom meeting via phone:

You may access the audio from your phone by dialing: 305-893-4427. When the Meeting ID is requested, enter **975 4227 8443** followed by # key. When asked for a participant ID, press # key. If you would like to speak during public comment, please press \*9 on your phone to activate the “raise your hand” feature of Zoom. Comments will be limited to three (3) minutes.

2. Watch the meeting online and provide public comment during the meeting:

**Use the “raise your hand” feature and be recognized at the direction of the Chair. Comments will be limited to three (3) minutes.**

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**RESOLUTION NO. 2020-34**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND GOVERNMENT MANAGEMENT SERVICES – SOUTH FLORIDA, LLC, FOR THE PROVISION OF INTERIM VILLAGE MANAGER SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, on November 28, 2017, the Village of Biscayne Park (“Village”) and Government Management Services – South Florida, LLC., (“GMS”) entered into a professional services agreement (“Agreement”), whereby GMS provides the Village with municipal finance department services (“Finance Services”); and

**WHEREAS**, the Agreement was amended by Village Resolution 2020-28 (“First Amendment”), whereby GMS will continue to provide Finance Services to the Village for two additional years effective October 1, 2020 through September 30, 2022, with an annual increase of \$5,000.00 in compensation; and

**WHEREAS**, the Village and GMS desire to further amend the Agreement for GMS to provide Interim Village Manager Services to the Village as set forth therein (“Second Amendment”).

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

**Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

**Section 2. First Amendment.** The Second Amendment to the Agreement between the Village and GMS for the provision of the Services as attached and incorporated herein as Exhibit “A” is approved and the Village Mayor is authorized to execute the Second Amendment on behalf of the Village.

**Section 3. Severability.** If any section, sentence, clause or phrase herein is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 23<sup>rd</sup> day of July 2020.

1 The foregoing Resolution was offered by \_\_\_\_\_, who moved its  
2 adoption. The motion was seconded by \_\_\_\_\_, and upon being put to a vote  
3 the vote was as follows:

4  
5 Virginia O'Halpin, Mayor \_\_\_\_\_  
6 William Tudor, Vice Mayor \_\_\_\_\_  
7 Daniel Samaria, Commissioner \_\_\_\_\_  
8 Macdonald Kennedy, Commissioner \_\_\_\_\_  
9 Roxanne Ross, Commissioner \_\_\_\_\_

10  
11 VILLAGE OF BISCAYNE PARK

12  
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14 \_\_\_\_\_  
15 Virginia O'Halpin, Mayor

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18 ATTEST:

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21 \_\_\_\_\_  
22 Roseann Prado, Village Clerk

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24  
25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
26 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

27  
28  
29 \_\_\_\_\_  
30 John R. Herin, Jr., Interim Village Attorney

## **SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

THIS SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT by and between the VILLAGE OF BISCAYNE PARK, FLORIDA, a Florida municipal corporation (“VILLAGE”) and GOVERNMENTAL MANAGEMENT SERVICES – SOUTH FLORIDA, LLC, a Florida limited liability company (“CONSULTANT”), is made and entered into this 23<sup>rd</sup> day of July 2020.

WITNESSETH:

WHEREAS, the VILLAGE and CONSULTANT previously entered into a Professional Services Agreement (“Agreement”) for Consultant to provide professional commercially acceptable Finance Department and Financial Services (“Finance Services”). A copy of the Agreement is attached hereto as Exhibit “A”; and

WHEREAS, the VILLAGE and CONSULTANT previously amended the Agreement to extend its term and increase the amount of compensation paid to CONSULTANT to provide Finance Services to the VILLAGE (“First Amendment”). A copy of the First Amendment is attached hereto as Exhibit “B”; and

WHEREAS, the VILLAGE and CONSULTANT desire to further amend the Agreement as set forth herein (“Second Amendment”).

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto agree to the following amendments to the Agreement as follows:

### **1. Amendment to Section 1 of Agreement.**

1. Engagement. The VILLAGE engages CONSULTANT to perform, and CONSULTANT agrees to use commercially acceptable standards to perform, the following services:

- Monthly bank reconciliations
  - Process accounts payable (weekly)
  - Submit payroll hours (bi-weekly)
  - Post payroll transactions to general ledger
  - Process pension contributions
  - Process payroll taxes and reporting requirements
  - Prepare and make weekly cash receipt deposits
  - Prepare monthly financial reports and respond to questions
  - Prepare annual budget for adoption and budget amendment(s), if required
  - Prepare financial records for annual audit report
- Various other financial related issues that may arise related to the daily accounting operations of the Village; all services to be performed from the CONSULTANT’s Sunrise

office.

- Perform the functions and duties of the position of Village Manager on an interim basis as set forth in the VILLAGE Charter (“Interim Manager Services”), except that the VILLAGE and CONSULTANT mutually agree to place a moratorium on the hiring and firing of VILLAGE employees during CONSULTANT’s tenure as the Interim Village Manager.

**2. Amendment to Section 2 of Agreement.**

2. **Term.** ~~This~~ The provisions of the Agreement for Finance Services shall be effective upon the approval of the VILLAGE Commission and shall terminate on November 6, 2018 with an option to renew for two (2) additional one (1) year terms, under the same terms and conditions, provided that funds are available and appropriated by the VILLAGE Commission. The provisions of the Agreement for Interim Manager Services shall be effective upon approval of the VILLAGE Commission retroactive to July 16, 2020 and shall automatically terminate upon the hiring of a permanent Village Manager.

**3. Amendment to Section 4 of Agreement.**

4. **Compensation.** In consideration of the ~~services~~ Finance Services to be rendered by CONSULTANT during the term of this Agreement, CONSULTANT shall receive a monthly fee of \$3,750.00. The monthly fee shall be paid on the 1<sup>st</sup> of each month for work done the previous month. At the end of the first year, the VILLAGE shall consider a fee adjustment based on the anticipated type of work to be performed during the next year. In consideration of the Interim Manager services to be rendered by CONSULTANT during its tenure as the Interim Village Manager, CONSULTANT shall receive a monthly fee of \$\_\_\_\_\_. The monthly fee shall be paid on the 1<sup>st</sup> of each month for the work done the previous month.

The VILLAGE shall also compensate CONSULTANT in the amount of \$20,000.00 for the following conversion costs:

- Conversion of financial data to CONSULTANT’s software
- Reconcile Fiscal Year 2016 to prepare and issue the 2016 CAFR
- Conversion of current data to CONSULTANT’s software
- Reconcile Fiscal Year 2017

CONSULTANT shall update the VILLAGE’s computer system monthly in order to keep records in the VILLAGE’s BS&A software.

The VILLAGE shall pay \$10,000.00 to CONSULTANT upon approval by the VILLAGE Commission and the balance of \$10,000.00 upon the issuance of the

2016 CAFR.

All representations, indemnifications, warranties and guarantees made in, required by, or given in accordance with this Agreement, as well as all continuing obligations shall survive final payment, completion and acceptance of the work and termination or completion of the Agreement.

**4. Remaining Provisions of Agreement.**

All other provisions of the Agreement shall remain in full force and effect including, but not limited, to the right to terminate the CONSULTANT without cause as set forth in Section 3 of the Agreement.

Executed by the VILLAGE and the CONSULTANT this 23<sup>rd</sup> day of July, 2020.

VILLAGE

CONSULTANT

\_\_\_\_\_  
Virginia O’Halpin, Mayor

\_\_\_\_\_  
Paul Winklejohn, President

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Roseann Prado, Village Clerk

\_\_\_\_\_  
John Herin, Jr., Interim Village Attorney

Village Manager Costs

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Present Budget	Monthly	Weekly														
FY 2020 including FRS costs, Health...	\$ 10,892.14	\$ 2,723.04														
Full Time Manager (20+ years Municipal Executive)																
<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">Base</td> <td style="text-align: right;">FRS</td> <td style="text-align: right;">Subtotal</td> <td style="text-align: right;">Health</td> <td style="text-align: right;">Annual</td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">\$ 250,000.00</td> <td style="text-align: right;">\$ 61,125.00</td> <td style="text-align: right;">\$ 311,125.00</td> <td style="text-align: right;">9,838.32</td> <td style="text-align: right;">\$ 320,963.32</td> <td style="text-align: right;">\$ 26,746.94</td> <td style="text-align: right;">\$ 6,686.74</td> </tr> </table>	Base	FRS	Subtotal	Health	Annual			\$ 250,000.00	\$ 61,125.00	\$ 311,125.00	9,838.32	\$ 320,963.32	\$ 26,746.94	\$ 6,686.74		
Base	FRS	Subtotal	Health	Annual												
\$ 250,000.00	\$ 61,125.00	\$ 311,125.00	9,838.32	\$ 320,963.32	\$ 26,746.94	\$ 6,686.74										
GMS Interim Manager (Discounted for limited scope).	\$ 10,000.00	\$ 2,500.00														

MEMO TO: Interim Manager, Police Chief, Village Clerk  
CC: Village Attorney

FROM: Rox Ross

DATE: 07/17/2020

RE: Village of Biscayne Park Exigent Priorities and Resources

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First, please know that you have my sincere gratitude for taking on added responsibilities in this time of extraordinary need in the Village. I hope that you and your families keep safe and healthy, so that we may have the strength to work in concert and productively to address municipal concerns in the Village. I have had eyes on Village affairs for decades, and been on the inside as an elected representative since 2009, so please feel free to contact me if I can save you time or help in any way.

As discussed at yesterday's Special Meeting of the Commission, here is list of priorities and resources to assist in the important issues of our immediate future, as I see them. None of this is intended to be a directive or order; just sharing information and offering assistance.

1) Solid Waste Collection:

- a. Waste Pro has agreed to provide service through September 30 (in writing), and a further extension was negotiated through November 30 (verbally with Ken Rivera).
- b. I was told that the Clerk drafted an RFP based on (her former employer) Indian Creek's solicitation/procurement process. I suggest that the Clerk and Attorney work together to advance and publish the RFP.
- c. There will be many steps involved aside from the RFP process, and it may include enacting an ordinance to approve a new franchise as required by the Village Charter (sec. 4.03(4): Grant, renew or extend a franchise)

2) CITT:

Someone (most likely Paul, as lead on the issue, Finance and Interim) should communicate with Javier Betancourt [Javier.betancourt@miamidade.gov](mailto:Javier.betancourt@miamidade.gov) and Nestor Toledo [nestor.toledo@miamidade.gov](mailto:nestor.toledo@miamidade.gov) with an update and status in advance of the 7/31 deadline to provide documentation proving up the previously authorized eligible CITT expenditures raised by CITT's County Auditor's report. I prepared the initial summary report of the expenditures; Chuck reviewed related Village docs and is very familiar with the materials; and we are both happy to help with background

3) Tree Grant:

The Park & Parkways Advisory Board helped put this County Grant together, with David Raymond taking lead in making sure that Village Admin met the County requirements. He will be your best resource, not only for administering the grant, but also in procurement of the trees. Our Village Recreation Manager Issa Thornell, 786.518.8577, [recreationmanage@biscayneparkfl.gov](mailto:recreationmanage@biscayneparkfl.gov) is eager to get involved and a very good resource to

work with David Raymond, PW and Administration to get make this grant happen for the Village.

4) Debris Removal Vendor:

We have a contract in place with Grubbs, but I am told that we are in conflict over documentation from the last hurricane. Given that breakdown, this vendor may not be reliable to timely respond in an emergency. At the July meeting, the Commission directed the Manager to put together an RFP and secure bids for a back-up debris hauler in the event of a hurricane. The Village did an RFP within the last 2 years that could be dusted off and used again.

5) FDOT 6<sup>th</sup> Avenue Project:

Virtual Workshop set 7/22. FDOT of course will be lead in the presentation. However, as far as representing the Village perspective and negotiations since it involves public safety, I believe that the Chief would be a good choice for lead in-house due to prior experience with FDOT projects, and again, David Caserta has background, previously lobbied for replacement lighting, and will be instrumental in broadening advantages for the Village.

6) FEMA:

Given this morning's news, this issue dropped to the end of my list. Terrific news from Village Attorney that a large chunk of reimbursement request will be obligated. But that does not necessarily translate into our receipt of the recently obligated funds, and there remain funds outstanding that had prior approval. It would be good for Finance to share a recap of funds received to date. In-house I believe the Chief is familiar and a good resource for this topic. In addition, our Legislative Consultant David Caserta, 305.401.3006 has knowledge and will be a great resource to press for the release of obligated funds.

I see these priorities in the immediate. Certainly there are many more things on the Village's "to do" list.

I remain confident that we are going to get the Village through this difficult patch.

# Vice-Mayor MacDonald Kennedy Priorities for Interim Village Manager

Page 1 of 3

7/18/2020

## MAJOR (and/or time-sensitive) CONCERNS

### Manager reports

requesting weekly in your choice of format (less about my proposed format for now)  
to include all topics as agreed upon by commission when we discuss our priority lists  
add other updates at your discretion or as requested by the commission  
more about transparency, clarity, substance

### COVID protocols

follow strictest guidelines  
mandatory masks inside all village facilities and outdoors  
police with masks to hand out to violators  
succession plan for police and admin

### F21 budget & millage rate

#### Solid waste contract: **this literally keeps me up at night and is the biggest resident concern**

the extension to Nov30, directed by commission, was never received in writing  
the RFP, as directed by commission on June 2, was never issued  
commission agreed (by vote) to conduct special meetings as required on this topic in order to facilitate a contract  
village oversight of solid waste collection in the meantime

### Tree grant

already approved by MD County  
there were changes to the contract approved by the commission at June meeting; were they submitted to MD County?  
deadline for planting trees is September 17, 2020 (or we lose \$12K matching funds)  
deadline to submit final report to County is September 30?  
we need a contractor to purchase, install and maintain (water) trees for one year  
piggyback off NoMi procurement from 2018 process (David Raymond sent that to DavidH and full commission)  
Parks & Parkways elected point person with the village is David Raymond

## Vice-Mayor MacDonald Kennedy Priorities for Interim Village Manager

Page 2 of 3

### CITT

- getting extensions and making deadlines
- never a full, clear explanation
- no clear plan ever articulated

### FAA NextGen

- major because of the urgent timeliness
- less major because we have less control
- was our resolution signed and distributed?
- are we following up?
- Dave Caserta is involved; what is his status?

## LESS MAJOR CONCERNS

### 6th Ave. FDOT development project

- when is the village response due after workshop?
- is a second (third) workshop being planned as I was told by DavidH?
- coordinate and write our response at special meeting based on FDOT response deadline

### Permanent hires

- hiring of village manager stays on track
  - when will ad be corrected and placed? Was the correct version of the ad approved? (the wrong version was sent to commission)
- hiring of village attorney stays on track
  - has ad been placed again?

### Village calendar: see my proposal, which was approved by the commission

- online, open to public
- the main reason we fall so short so often: we are flying blind
- as many as three new, first-time commissioners in November will need this critical item to keep them on track

## Vice-Mayor MacDonald Kennedy Priorities for Interim Village Manager

Page 3 of 3

### Village Code

backlog of cases through Code Compliance

they have a plan to catch up (priorities and extra meetings), so I hope the village is helping them by getting cases organized for them

training of the new hire in August

enforcement to actually happen

### Construction ordinance

approved and coming back to commission at September meeting

let's keep that on track

## MINOR (or less time-sensitive) CONCERNS

### Village communications

low level of professionalism

minor priority because some solutions are so easy

### FEMA

confirm payout amount and date

### Grey Robinson final payment

minor because John seems to have it under control

### Resolution to protect the position of police chief

minor because it's not time-sensitive, but it is on an upcoming agenda

### Dan Samaria lawsuit against the village

minor because no action required now, but I would like to continue to see those charges separated on legal bills

## NOT ON MY LIST OF CONCERNS

resolution for meeting procedures that have been in discussion for a year, coming back to September meeting