City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, May 21, 2019 | **5:00 PM** | **City Hall**

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE TWENTY-FOUR (24) HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER at 5:01 P.M.

ROLL CALL

Absent 1 - Commissioner Wardlow

Present 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

INVOCATION by Pastor Joshua Dryer, 5th Street Baptist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The Agenda was approved unanimously as amended.

PROCLAMATIONS

1 Maritime Day

Sponsors: City Commission

Attachments: Proclamation

Received and Filed

2 National Medical Emergency Services Week

Sponsors: City Commission

Attachments: Proclamation

Received and Filed

PRESENTATIONS

3 Monroe County Health Department - Measles Outbreak.

Sponsors: Commissioner Lopez

Received and Filed

4 Sustainability Advisory Board Annual Report - Monica Haskell

Sponsors: City Manager Scholl

Attachments: Annual Report

Received and Filed

5 FY19-20 Bicycle Action Plan.

Sponsors: City Manager Scholl

Attachments: BAPFY19-20 One Pager
Bicycle Action Plan 19-20

Received and Filed

City Attorney's Report

City Manager's Report

CONSENT AGENDA*

***Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.**

MINUTES

6 *May 7, 2019

Attachments: Minutes

Approved

RESOLUTIONS

7 *Reappointing Rochelle M. Pearson to the Citizens Review Board (CRB).

Sponsors: Mayor Johnston

Attachments: Resolution
Resume
Recommendation

Passed

Enactment No: Res 19-148

8 *Encouraging Governor DeSantis to Veto House Bill 1159 Titled: "Property Owner Bill of Rights" which proposes to significantly deregulate local control of Tree Planting, Permitting, and the requirement for Replacement Trees.

Sponsors: Commissioner Lopez, Commissioner Weekley and Commissioner Kaufman

Attachments: Resolution
Executive Summary
HB 1159
HB 5197 (1970)

Passed

Enactment No: Res 19-149

9 *Approving the attached Art in Public Places Board selections for Douglass Gym and Community Center Public Art in Response to Request for Proposal #007-19; Authorizing the City Manager to negotiate if necessary, and execute Agreements upon consent of the City Attorney between the City of Key West and the following two Artists: McMow Glass (Targeted Space #1 exterior/interior Mosaic Art Glass Vignettes in three locations -- $25,000.00), J.H. Allen (Targeted space interior #4 ceiling trusses for banners $14,400.00).

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
RFP 007-19 Public Art Douglass Gym
JH Allen Agreement
McMow Art Glass Agreement

Withdrawn

10 *Approving the Committee Ranking of firms submitting Responses to Request for Qualifications (RFQ) No. 19-001: Architectural Services for Frederick Douglass Gym Expansion; Authorizing the City Manager to negotiate and execute a Contract with the First-Ranked Firm, K2M Design, Inc., upon consent of the City Attorney; Authorizing any necessary budget transfers/amendments.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Final Ranking Form
RFQ 19-001 Architectural Services F. Douglass Gym
Hayes Cumming Response
Horn Response
K2M Response
Resolution 18-038

Passed

Enactment No: Res 19-150

11 *Approving the attached “Addendum to General Engineering Services Agreement” to Stantec Consulting Services, Inc. (Stantec) to incorporate Federal Contracting Clauses required for FEMA reimbursement; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
FEMA Addendum
Resolution 17-207

Passed

Enactment No: Res 19-151

12 *Authorizing a Task Order for Design, Bidding and Construction Services to Stantec Consulting Services, Inc. (Stantec) for the City Marina at Garrison Bight Kingfish Pier Replacement Project in an amount not to exceed $111,251.00; Authorizing necessary budget transfers; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Task Order Proposal
Resolution #17-207
Stantec Contract
Resolution #18-015

Passed

Enactment No: Res 19-152

13 *Authorizing a Task Order for additional services to Task Order 17-207 for Design and Construction Phase Services to Stantec Consulting Services, Inc. (Stantec) for Structural Enclosures for Three Oil and Gas Waste Facilities in an amount not to exceed $33,750.00; Authorizing any necessary budget adjustments.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Task Order Addition
Resolution 17-207
Resolution 18-065
Stantec Engineering Services Agreement

Passed

Enactment No: Res 19-153

14 *Approving the attached Public Transportation Grant Agreement (PTGA) FM 445630-1-94-01 for FY 2019 between the Florida Department of Transportation (FDOT) and the City of Key West for the Truman Annex Access and Facility Improvements Initiative project in an amount not to exceed $200,000.00 (City Match $200,000.00 for a total project cost of $400,000.00); Authorizing necessary budget amendments and transfers to accept the Grant; Authorizing the City Manager to execute the PTGA and related documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
PTGA Truman Annex Access and Facility Improvements
Application for funding

Passed

Enactment No: Res 19-154

15 *Approving and authorizing the repair of the Transit Facility 80-KW Generator set by OK Generators, as described in the attached price quote dated March 21, 2019 from OK Generators, in an amount not to exceed $24,671.00 to Section 2-797(4)(b) of the Code of Ordinances; Authorizing any necessary budget adjustments; Authorizing the City Manager or designee to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
FTA Grant Modification Approval
OK Generator Quote
Florida Detroit Diesel Quote
Pantropic Power Quote

Passed

Enactment No: Res 19-155

16 *Ratifying an Emergency Procurement signed by the City Manager on April 30, 2019, as provided for under Section 2-797(2) of the Code of Ordinances, Authorizing a Task Order in an amount not to exceed $351,755.00 for Ebsary Foundation Company to stabilize the Utilities Crossing Fleming Key Cut and Demolish the damaged utilities bridge system; Authorizing any necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Emergency Declaration
Contract

Passed

Enactment No: Res 19-156

17 *Approving the procurement of Public Transit Web-Based Planning Software Services from Remix Software, Inc. ("Remix"), as described in the attached proposal, in an amount not to exceed $17,000.00 per year, for up to three years, on a sole source basis, and in the best interests of the City, pursuant to Section 2-797(1) and Section 2-797(4)(b) of the Code of Ordinances; Authorizing necessary budget transfers; Authorizing the City Manager or designee to execute any necessary documents.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Remix Information and Quote

Passed

Enactment No: Res 19-157

18 *Ratifying an Emergency Procurement dated April 24, 2019, and signed by the City Manager on May 8, 2019, as provided for under Section 2-797(2) of the Code of Ordinances, in an amount not to exceed $84,852.32 for the replacement of Two Storage Area Network Arrays (SAN) with One new SAN with Greater capacity from GovConnection, Inc., d/b/a Connection; Authorizing necessary budget adjustments; authorizing the City Manager to Execute any necessary documents upon consent of the City Attorney.

Attachments: Resolution
Emergency Declaration/Executive Summary
Dell EMC Direct SAN Quote
Gov Connection SAN Quote
CDW-G SAN Quote

Passed

Enactment No: Res 19-158

19 *Approving the attached Quit Claim Deed Conveying Certain property adjacent to 1403 Olivia Street to Property Owner Audree M. Chase.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Request 1403 Olivia Quit Claim
Proposed Quit Claim Deed
Signed Title Commitment (Revision B)
Special Purpose Survey - Signed and Certified - Parcel 1
Special Purpose Survey - Signed and Certified - Parcel 2

Passed

Enactment No: Res 19-159

20 *Ratifying pursuant to Section 2-797(2) of the Code of Ordinances the attached Change Order No. 1 to Work Order #23 under the City's Right-of-Way Improvement Contract with DN Higgins, Inc. in a total amount not to exceed $50,548.01 for additional asphalt and pavement markings in the Cross Section of Whitehead Street from South Street to Truman Avenue; Authorizing any necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Work Order 23 M&P
Change Order 1
Resolution 17-106

Passed

Enactment No: Res 19-160

21 *Ratifying pursuant to Section 2-797(2) of the Code of Ordinances the attached Change Order No. 2 to Work Order #18 under the City's Right-of-Way Improvement Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed $81,457.85 for Additional F Curb, Additional 4" sidewalk, utility boxes, and two added ADA Ramps along Fleming Street; Authorizing any necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Work Order #18 ADA
Change Order #2
Resolution 17-106
Resolution 19-054

Passed

Enactment No: Res 19-161

22 *Authorizing a Design Task Order to Stantec Consulting Services, Inc. for 20th Street sidewalk and paving improvements from 18th Terrace to Flagler Avenue, in an amount not to exceed $77,192.00; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Stantec Task Order
Stantec ESA
Resolution 17-207

Passed

Enactment No: Res 19-162

23 *Approving a One-Year extension of the Agreement between the City of Key West and Penn Credit for Parking and EMS Collection Services; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary - Penn Credit Extension
Penn Credit Agreement

Passed

Enactment No: Res 19-163

Approval of the Consent Agenda

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez to Approve the Consent Agenda. The motion carried unanimously.

24 Directing the City Manager to cease negotiations for a Lease Agreement between the City and Tropical Soup Corporation for parcels 1, 2, 3 and 4 at Mallory Square; Withdrawing the "City of Key West Planning Department Authorization Form" signed by the City Manager and dated 1, May 2015, which authorized Tropical Soup Corporation and its professional team to represent the City in the application process for the parcels; Directing the City Manager to make recommendations to the City Commission/CRA for the best use of the property.

Sponsors: Commissioner Weekley

Attachments: Resolution

Planning Department Authorization Form May 1 2015

Commissioner Kaufman made a motion to disapprove the resolution and direct staff to bring back the Major Development Plan and a lease. There was no second to his motion.

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez that the Resolution be postponed. The motion failed by the following vote:

Yes: Commissioner Hoover, Commissioner Lopez, Commissioner Weekley.

Absent: Commissioner Wardlow

No: Commissioner Davila, Commissioner Kaufman, and Mayor Johnston.

A motion was made by Commissioner Kaufman to direct staff to bring back the Major Development Plan and a lease, seconded by Commissioner Davila, that the Resolution be Denied. The motion failed by the following vote:

No: 3 - Commissioner Hoover, Commissioner Lopez and Commissioner Weekley

Absent: 1 - Commissioner Wardlow

Yes: 3 - Commissioner Davila, Commissioner Kaufman and Mayor Johnston

25 Directing the City Manager to take all actions necessary to ban the use of herbicides containing Glyphosate by the City of Key West, including but not limited to City Contractors, in the performance of landscaping and maintenance work on all City-owned properties and all Public Property under the City's Control; Directing the City Clerk to transmit a copy of this Resolution to the Florida Department of Agriculture, Florida League of Cities, Monroe County Board of County Commissioners, and all Municipalities in Monroe County.

Sponsors: Commissioner Weekley

Attachments: Resolution
Glyphosate Information from Beyond Pesticides
Additional Information from Beyond Pesticides

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman that the Resolution be Passed. The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-164

ORDINANCES – FIRST READING

26 An Ordinance amending Chapter 78 of the Code of Ordinances entitled "Vehicles for Hire" by amending Section 78-4 to provide a revised definition of limousines; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Sponsors: Mayor Johnston

Attachments: Ordinance

A motion was made by Commissioner Kaufman, seconded by Commissioner Hoover, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

ORDINANCES - SECOND READING (Public Hearing)

27 An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, entitled "Zoning", by amending Section 122-1183, to amend fence regulations in the Single Family Residential (SF) and Medium Density Residential (MDR) Districts; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Davila

Attachments: Ordinance
Executive Summary
Planning Board Resolution 2019-23

A motion was made by Commissioner Davila, seconded by Commissioner Lopez, that the Ordinance be Adopted. The Ordinance will include the Executive Summary/Staff Report to be relied upon in lieu of testimony at this meeting.

The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ordinance 19-12

28 An Ordinance Amending Chapter 2, Article V, Division 10 of the Code of Ordinances, titled “Key West Bight Management District Board” by amending Section 2-548 titled “Created; Composition," to provide for direct appointments; Amending Section 2-549 “Composition; Appointments; Terms,” to provide for terms parallel with City Commissioners; Repealing Section 2-555 titled “Sunset”; Providing for severability; Providing for repeal of inconsistent provisions; providing for an effective date.

Sponsors: Commissioner Kaufman

Attachments: Ordinance

Current Ordinance

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Adopted.

The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ordinance 19-13

Each member of the City Commission and Madam Mayor blindly chose a name to serve on the Key West Bight Board, the results are as follows:

Commissioner Davila - Mr. Gibson
Commissioner Hoover - Mr. Knowles
Commissioner Kaufman - Ms. Ovide
Commissioner Lopez - Mr. Henson
In the absence of Commissioner Wardlow and in his stead Cheri Smith, City Clerk chose - Mr. Hughes
Commissioner Weekley - Mr. Langley
Mayor Johnston - Mr. Ashby

29 An Ordinance of the City of Key West, Florida amending Table 1-1.1.5 and Policy 1-1.1.10 entitled “Allowed Uses in Historic Public and Semi-Public” of the City’s Comprehensive Plan; Providing for repeal of inconsistent provisions; Providing for an effective date; and Providing for the inclusion into the City of Key West Comprehensive Plan.

Sponsors: City Manager Scholl

Attachments: Ordinance
Executive Summary
Staff Report for Planning Board
Planning Board Resolution 2018-44

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Ordinance be Adopted. The Ordinance will include the Executive Summary/Staff Report to be relied upon in lieu of testimony at this meeting.

The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 19-14

30 An Ordinance of the City of Key West, Florida amending Chapter 122 entitled “Zoning”; Article IV entitled “Districts”; Division 11 entitled “Historic Public and Semipublic Services District”; Subdivision I entitled “Historic Public and Semipublic Services District (HPS)”; Section 122-956 entitled “Intent”; Section 122-958 entitled “Conditional Uses”; and Section 122-960 entitled “Dimensional Requirements”; and Article V entitled “Supplementary District Regulations”; Division 2 entitled “Uses”; Section 122-1111 entitled “Table of Land Use by Districts”; and Division 3 entitled “Area Requirements”; Section 122-1151 entitled “Size and Dimension” of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: Ordinance
Executive Summary
Staff Report for Planning Board
Planning Board Resolution 2018-45

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, that the Ordinance be Adopted. The Ordinance will include the Executive Summary/Staff Report to be relied upon in lieu of testimony at this meeting.

The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 19-15

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:43 P.M.