



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, September 4, 2019

5:00 PM

City Hall

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**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 (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.**

**CALL MEETING TO ORDER - 5:01 P.M.**

#### ROLL CALL

**Present** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

**INVOCATION - Father John Baker, Basilica St. Mary's Star of the Sea**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA - The agenda was approved as amended.**

#### PROCLAMATIONS

**1** National Day of Healing

Received and Filed

**2** National Suicide Prevention Week

Received and Filed

#### PRESENTATIONS

**3** Recognizing High School Interns

Postponed

**4** 20 Year Service Awards  
Sergeant Pablo Rodriguez  
Sergeant Carter Sims  
Megan Wilcox - Property & Evidence

30 Year Service Award  
Lieutenant Jeff Williamson

Received and Filed

**5** Florida Keys National Marine Sanctuary Blueprint -  
Sanctuary Superintendent Sarah Fangman

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** \*August 20, 2019**RESOLUTIONS**

- 7                   \*Authorizing A.H. of Monroe County, Inc. to conduct a Royal Coronation Ball for the King & Queen of Fantasy Fest at the Truman Waterfront Amphitheatre on Friday, October 18, 2019, from 6:00 p.m. to 10:00 p.m; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the Sale and Consumption of Alcohol Beverages within an enclosed area.

**Passed**

Enactment No: Res 19-259

- 8                   \*Sponsoring a Martin Luther King Celebration and March on Monday, January 20, 2020, between the hours of noon and 6:00 P.M. Authorizing the closure of certain streets for the March.

**Passed**

Enactment No: Res 19-260

- 9                   \*Authorizing the Key West Art Center to conduct a Craft Festival show on Saturday, January 26, 2020 and Sunday, January 27, 2020 during the hours of 10:00 A.M. to 5:00 P.M. (Set Up at 5:00 A.M.); Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the Closure of Whitehead Street between Greene Street and Eaton Streets including Caroline from Telegraph to Whitehead Street on January 26 and January 27, 2020 from 5:00 A.M. to 8:00 P.M.

**Passed**

Enactment No: Res 19-261

- 10                   \*Authorizing the Key West Art Center to conduct an Art Show on Saturday, February 22, 2020 and Sunday, February 23, 2020 during the hours of 10:00 A.M. to 5:00 P.M; (set up 5:00 A.M.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline between Telegraph & Whitehead on February 22, 2020 and February 23, 2020 from 5:00 A.M. to 8:00 P.M.

**Passed**

Enactment No: Res 19-262

- 11                   \*Approving the attached "State of Florida - Florida Fish and Wildlife Conservation Commission Amendment No. 1 to Contract" (Contract No. 14154) for the Boating Infrastructure Grant Program (BIGP) between the City and the Florida Fish and Wildlife Conservation Commission for transient bath house facilities/Dockmaster's Office and electrical upgrades to the Wahoo Pier at City Marina at Garrison Bight to extend the Phase 1 end date and amend the scope of work; authorizing the City Manager to execute necessary documents.

**Passed**

Enactment No: Res 19-263

- 12                   \*Designating the signatures of certain City Personnel for the withdrawal of City Funds from First State Bank and other authorized depositories of City Funds.

**Passed**

Enactment No: Res 19-264

- 13**                    \*Approving a work order under the City's Right-of-Way Improvement Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$32,751.46 for pavement rehabilitation and related work on Olivia Street between Frances and White Street; Authorizing necessary budget adjustments.

**Passed**

Enactment No: Res 19-265

- 14**                    \*Approving Task Order No. 16 under the Environmental Engineering Contract between the City and Atkins North America, Inc. (Atkins) for biological and sediment monitoring in accordance with the Biological Monitoring Plan approved by Florida Keys National Marine Sanctuary Staff, in an amount not to exceed \$94,963.50; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Passed**

Enactment No: Res 19-266

- 15**                    \*Approving the attached Art in Public Places Board Selection of five (5) unique public art benches from Colin Selig Sculpture, LLC for 1400 Duval Public Pedestrian Mall in an amount not to exceed \$23,950.00, inclusive of shipping costs; Authorizing necessary budget adjustments, Pursuant to Section 2-797(1) and 2-797(4)(b) of the Code of Ordinances.

**Passed**

Enactment No: Res 19-267

- 16                    \*Approving the attached "Post Disaster Traffic Signal Owner-Contractor Agreement" to furnish post disaster traffic signal repair services to the City of Key West between the City and AGC Electric Inc.

**Passed**

Enactment No: Res 19-268

- 17                    \*Approving the attached "Landscape Maintenance and Installation Agreement between Monroe County and the City of Key West" for select tree plantings in the Flagler Avenue median.

**Passed**

Enactment No: Res 19-269

- 18                    \*Approving the attached "Consulting Agreement" between the City of Key West and Langton Associates, Inc., for grant professional services, pursuant to Section 2-797(4)(b) of the Code of Ordinances.

**Passed**

Enactment No: Res 19-270

#### **Approval of the Consent Agenda**

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

- 19 Requesting the Parks and Recreation Advisory Board and the City Manager to report to the City Commission their priorities for Fiscal Year 2020, including maintenance for City Parks/Recreation areas and high priority capital projects including timeframes/cost analysis; Requesting the City Manager to report on the incorporation of the Parks and Recreation Advisory Board's oversight of the Truman Waterfront Park, and the proposed introduction of a new Parks and Recreation Coordinator/Manager either as a new employee or duties absorbed by City staff; Appointing a City Commission Liaison to the Parks and Recreation Advisory Board.

**A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 19-271

- 20 Urging the continued inclusion of the Key Deer on the Endangered Species List; Authorizing the City Clerk to provide certified copies of this Resolution to local, state and federal agency and legislative officials.

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 19-272

- 21 Adopting the attached "The City of Key West Job Description 7/11/19 City Manager."

Withdrawn

- 22 Authorizing the creation of metered parking spaces in the 1500 block of Reynolds Street, and the 700 and 800 blocks of Seminole Street pursuant to Section 70-31(a) of the Code of Ordinances.

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 19-273

23

Authorizing the creation of metered parking spaces in the 1900 to 2600 blocks along South Roosevelt Boulevard (by Smathers Beach) pursuant to Section 70- 31(a) of the Code of Ordinances; Authorizing City staff to work with the State of Florida to permit such metered parking along State owned right-of-way.

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

**No:** 1 - Commissioner Wardlow

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

Enactment No: Res 19-274

#### **ORDINANCES – FIRST READING**

24

An Ordinance of the City of Key West, Florida, Amending Chapter 2, Article III, Division 2 of the Code of Ordinances, entitled "City Manager" by adding section 2-143, entitled "City Manager Selection Process" to specify a process by which the City Commission selects a new City Manager; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading as amended. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston



- 25** An Ordinance of the City of Key West, Florida, Amending Chapter 2, Article III entitled "Officers and Employees", by creating Division 3 of the Code of Ordinances, entitled "City Attorney"; adding Section 2-202, entitled "City Attorney Selection Process" to specify a process by which the City Commission selects a new City Attorney; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Jimmy Weekley, that the Ordinance be Passed to Second Reading as amended. The motion passed by a unanimous vote.**

- 26** An Ordinance of the City of Key West, Florida, Amending Chapter 2, Article III entitled "Officers and Employees", by creating Division 4 of the Code of Ordinances, entitled "City Clerk"; adding Section 2-302, entitled "City Clerk Selection Process" to specify a process by which the City Commission selects a new City Clerk; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Mary Lou Hoover, seconded by Commissioner Clayton Lopez, that the Ordinance be Passed to Second Reading as amended. The motion passed by a unanimous vote.**

- 27** An Ordinance of the City of Key West, Florida, Amending Chapter 18 of the Code of Ordinances, entitled, "Businesses" by amending Article VI entitled "Mobile Vendors", Division 2 entitled "License", Amending Section 18-316 entitled "Required"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Withdrawn**

28

An Ordinance of the City of Key West, Florida, Amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-186 to adjust Mallory Square parking rates; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Sam Kaufman, that the Ordinance be Passed to Second Reading. The motion passed by a unanimous vote.**

29

An Ordinance of the City of Key West, Florida, Amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles," Division 3 entitled "Parking Rates," by adding Section 70-189 to establish parking rates for the Jackson Square parking lot and the 500 block of Thomas Street; Renumbering existing Section 70-189 as Section 70-190; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Ordinance be Passed on First Reading. The motion failed by the following vote:**

**No:** 4 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez and Commissioner Wardlow

**Yes:** 3 - Commissioner Kaufman, Commissioner Weekley and Mayor Johnston

30

An Ordinance of the City of Key West, Florida, Amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Article IV - "Parking Stopping and Standing", Division 5, "Residential Parking Permit Program", Section 70-249, to adjust the rate for an annual residential parking permit; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

**No:** 2 - Commissioner Davila and Commissioner Wardlow

**Yes:** 5 - Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

#### **ORDINANCES - SECOND READING (Public Hearing)**

31

An Ordinance of the City of Key West, Florida, Amending Chapter 26 of the Code of Ordinances, entitled "Environment" by creating Article VII entitled "Plastics" to prohibit the possession or distribution of plastic straws or stirrers in the City of Key West; creating Section 26-312 entitled "Definitions"; Creating Section 26-313 entitled "Prohibitions"; Creating Section 26-314 entitled "Penalties"; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted as amended. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 19-22

- 32                   An Ordinance of the City of Key West, Florida, Amending Chapter 30 of the Code of Ordinances, entitled “Fire Prevention and Protection” by amending Section 30-9, to adjust the schedule of inspection fees; by amending Section 30-174 to adjust the fireworks inspection fee; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 19-23

- 33                   An Ordinance of the City of Key West, Florida, Amending Chapter 74 of the Code of Ordinances, entitled “Utilities” by amending Section 74-746, to amend annual sewer rates, charges and components; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 19-24

- 34                   An Ordinance of the City of Key West, Florida, Amending the City’s Comprehensive Plan, Chapter 1, entitled “Future Land Use Element”, Table 1-1.1.5, pursuant to Chapter 90, Article VI, Division 3; Providing for severability; Providing for repeal of inconsistent provisions; Providing for inclusion into the City of Key West Comprehensive Plan and providing for an effective date.

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 19-25

**35**

An Ordinance of the City of Key West, Florida, Amending Chapter 122 of the Land Development Regulations, entitled "Zoning", Subdivision IV.1, entitled "Medium Density Residential District-1 (MDR-1), Section 122-280, entitled "Dimensional Requirements"; pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Jimmy Weekley, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 19-26

**CITIZEN COMMENTS****COMMISSION COMMENTS****ADJOURNMENT - 7:34 P.M.**