



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, August 20, 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 (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 5:04 P.M.

ROLL CALL

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

INVOCATION - Rabbi Shimon Dudai, Congregation B'nai Zion

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was approved as amended.

PROCLAMATIONS

1 Women's Equality Day

Attachments: [Women's Equality Day 2019](#)

Received and Filed

PRESENTATIONS

2 Recognizing High School Interns

Postponed

3 Recognizing and Thanking the Members of the Truman Waterfront Advisory Board

Received and Filed

4 Florida Department of Transportation Update by Paulette Summers on Hawk Construction Project regarding the North Roosevelt Crosswalks

Attachments: [FDOT Presentation](#)

Received and Filed

5 Sea Level Rise Adaptation

Postponed

City Attorney's Report

City Manager's Report

City Attorney's Report

City Manager's Report

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 *July 24, 2019 (Morning Budget Workshop)

Attachments: [Minutes](#)

Approved

7 *July 24, 2019 (Afternoon Budget Workshop)

Attachments: [Minutes](#)

Approved

8 *July 25, 2019 (Morning Budget Workshop)

Attachments: [Minutes](#)

Approved

9 *July 25, 2019 (Afternoon Budget Workshop)

Attachments: [Minutes](#)

Approved

10 *August 6, 2019 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

11

*Authorizing the Wesley House Family Services, Inc. to conduct its annual "Valentine's Day Fundraiser" at the Curry Mansion located at 511 Caroline Street on Friday, February 14, 2020, from 8:00 A.M. to 11:30 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street from Duval Street to Simonton Street and Ann Street from Greene Street to Caroline Street from 8:00 A. M. to 11:30 P.M.; Granting a special event permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 11:30 P.M.; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

Attachments: [Resolution](#)
 [Application](#)
 [No Objection for Street Closure](#)
 [Special Event Advertisement for Noise Exemption](#)

Passed

Enactment No: Res 19-242

12

*Approving the ranking of the responses to Request for Proposals (RFP) No. 009-019: Code Compliance Special Magistrate; Authorizing the City Manager to negotiate a contract for approval by the City Commission for a Code Compliance Special Magistrate; Authorizing the City Manager to negotiate a contract for approval by the City Commission for an alternate Code Compliance Special Magistrate.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [RFP 009-19](#)
 [Albert Kelley Proposal](#)
 [Dirk Smits Proposal](#)
 [Donald Yates Proposal](#)
 [Scoring Sheet](#)

Passed

Enactment No: Res 19-243

- 13 *Authorizing an increase to purchasing exception pursuant to Section 2-797(4) (b) of the Code of Ordinances, to allow an increase not to exceed \$4,000.00 in cumulative expenditures during FY 18-19 to Monroe Concrete Product, Inc. (From \$30,000.00 to \$34,000.00); Authorizing any necessary budget adjustments or transfers.

Attachments: [Resolution](#)
 [Executive Summary](#)

Passed

Enactment No: Res 19-244

- 14 **WITHDRAWN**

*Authorizing the City of Key West to enter into a revocable license agreement for nonpermanent use of city property with Visualize Entertainment, Inc. to allow operation of Key West Outdoor Movies with vendors two times monthly for an eight-month period, upon additional terms and conditions contained in the agreement (October 2019 through May 2020).

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Revocable License Agreement](#)
 [Event Details and Proposal](#)
 [Corporate Filings](#)
 [Withdraw Email](#)

Withdrawn

- 15 *Authorizing the purchase and installation of 27 CWT with touchscreen display parking pay stations, from Cale America, Inc. in an amount not to exceed \$195,650.00, through piggybacking on a government contract between Cale America, Inc. and the City of Treasure Island pursuant to Section 2-797 (3) and Section 2-797 (4)(b) of the Code of Ordinances; Authorizing necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Cale Quote - City of Key West - CWT 27](#)
[City of Treasure Island RFP 1617-04.pdf](#)
[*Large File* CaleAmerica Response to RFP](#)
[*Large File* City of Treasure Island Resolution 17-01](#)
[*Large File* City of Treasure Island Signed Contract](#)
[City of Treasure Island Purchase Order](#)
[CaleAmerica CWT Brochure](#)
[18458 LAZ Parking Chicago environmental test report](#)
[CaleAmerica Product Support Commitment](#)

Passed

Enactment No: Res 19-245

- 16 *Approving the attached "License by and between the City of Key West and the United States of America, acting by and through the Department of the Navy", license agreement #N69450-19-RP-00042 regarding facility access for training exercises at 1801 N. Roosevelt Blvd (City Marina at Garrison Bight); Authorizing the City Manager or designee to execute the license on behalf of the City, upon the advice and consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[City Marina at Garrison Bight-Navy License Agreement FINAL](#)
[Areas Available for Naval Special Warfare Combat Swimmer](#)

Passed

Enactment No: Res 19-246

17

*Awarding the proposal of Relation Insurance Services, and authorizing the City Manager or Designee to negotiate the city's third party administrator services for the administration of the city's property, casualty and workers' compensation claims program with relation to insurance services for the policy period of 10/1/2019 - 10/1/2022, pursuant to Section 2-797(4)(b), Best interests of the city; Authorizing the City Manager to execute all necessary documents consistent therewith upon the consent and advice of City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Relation Insurance Services - TPA Proposal](#)
[Interisk Insurance Consultant TPA Recommendation](#)
[Resolution 18-166](#)
[Resolution 17-235](#)
[*Large File* Resolution 16-254](#)
[*Large File* Resolution 15-184](#)
[*Large File* Resolution 14-085](#)
[*Large File* Resolution 13-232](#)
[*Large File* Resolution 10-113](#)
[Resolution 09-246](#)
[First Amendment to Agreement](#)
[*Large File* Base Contract Agreement](#)

Passed

Enactment No: Res 19-247

18

*Approving transfer of Mobile Vendor License (MVL) #20995 from Domenico Amarena to Zak Adam Curran due to hardship.

Attachments: [Resolution](#)
[MVL Request](#)

Passed

Enactment No: Res 19-248

Approval of the Consent Agenda

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

19

Condemning and Denouncing the use of hate speech by elected officials on all levels of government of the people, for the people and by the people in the United States towards any groups of people.

Attachments: [Resolution](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Resolution be Passed. 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: Res 19-249

20

Urging Congress to enact legislation banning assault style weapons and high capacity magazines; Urging Congress to enact legislation to require mandatory background checks and training in conjunction with every firearm purchase in the United States.

Attachments: [Resolution](#)
 [Res 13-024](#)
 [Res 16-240](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed. 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: Res 19-250

21

Approving the attached Employment Agreement between the City of Key West and Gregory W. Veliz for the position of City Manager.

Attachments: [Resolution](#)
 [Res 19-166](#)
 [Employment Agreement](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed. 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: Res 19-251

22

Extending the Duval Promenade Pilot Program, also known as Mall on Duval, through February 17, 2020; Authorizing the City Manager to execute any necessary documents upon review and consent of the City Attorney.

- Attachments:
- [Resolution](#)
 - [Res No 19-116](#)
 - [Presentation](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Pubic Comment](#)
 - [Objection Article in Konk Life](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)

A motion was made by Commissioner Davila, seconded by Commissioner Kaufman, that the Resolution be Passed as amended extending through November 2019. The motion carried by the following vote:

- No:** 3 - Commissioner Hoover, Commissioner Lopez and Commissioner Wardlow
- Yes:** 4 - Commissioner Davila, Commissioner Kaufman, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-252

Meeting went into Recess - 7:43 P.M. Reconvened - 7:55 P.M.

23

Authorizing the City Manager to execute a Satisfaction of Lien in the case of Erwin Mayer, property owner and Marie Delus, mobile home owner of 1300 15 Court, Lot 11.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [NOCV NOH](#)
 [Findings and Orders](#)
 [Lien](#)
 [Mitigation of Lien Request](#)
 [Mitigation letter](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed as amended to release the lien against the property owner and the mobile home owner. 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: Res 19-253

24

Public Hearing

Relating to the provision of stormwater services; Imposing stormwater service assessments against certain real property within the City of Key West; Approving the stormwater assessment roll for the stormwater service assessments for Fiscal Year 2019-2020.

Attachments: [Resolution](#)
 [Executive Summary](#)

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

Enactment No: Res 19-254

25

Public Hearing

Relating to the collection and disposal of solid waste in the City of Key West, Florida; imposing solid waste service assessments against certain real residential property located within the City of Key West, Florida; Approving the solid waste assessment roll for the solid waste assessments; confirming the preliminary assessment resolution for Fiscal Year 2019-2020.

Attachments: [Resolution](#)
 [Executive Summary](#)

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

Enactment No: Res 19-255

26

Quasi-Judicial Hearing
Major Development Plan and Conditional Use - 3824 & 3840 North Roosevelt Boulevard (RE# 00065550-000000 and RE# 00064950-000000) - A Major Development Plan and Conditional Use application to develop a hotel amenity to include a pool, a FlowRider® Double and associated mechanical equipment, six cabanas, restrooms, storage space, two Airstream® trailers, and two food trucks at properties located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Resolution](#)
[Executive Summary](#)
[Staff Report](#)
[*Large File* Package](#)
[PB-RES 2019-50](#)
[Utilities Comments](#)
[Floodplain Comments](#)
[Keys Energy Comments](#)
[Noticing Package](#)
[Public Comment](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Resolution be Passed as amended. The motion passed by a unanimous vote.

Enactment No: Res 19-256

ORDINANCES – FIRST READING

27

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.

Attachments: [Ordinance](#)
 [Executive Summary](#)

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:

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

28

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.

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [Current v Proposed Fee Schedule](#)
 [Other Gov Entities Fee Schedules](#)
 [Track Changes](#)
 [Fireworks Changes](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, 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 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.

Attachments: [Ordinance](#)
 [Executive Summary](#)

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

30

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, and Policy 1-1.3.2, entitled "Designate Various Types of Mixed Use Commercial Nodes to Accommodate Diverse Commercial Uses", 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; Providing for an effective date.

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [Planning Board Resolution 2019-51](#)

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

- 31 An Ordinance of the City of Key West, Florida, Amending Chapter 122 of the Land Development Regulations, entitled "Zoning", Article IV, entitled "Districts", Division 4, entitled "Commercial Districts"; Subdivision III, entitled "General Commercial District (CG)", Section 122-417, entitled, "Uses Permitted"; and Section 122-418 entitled "Conditional Uses" and 122-420, entitled "Dimensional Requirements" and Article V, entitled "Supplementary Districts Regulations", Division 2 entitled "Uses"; and Section 122-1111, entitled "Table of Land Use Districts"; Pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Resolution 2019-52](#)

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.

ORDINANCES - SECOND READING (Public Hearing)

- 32 An Ordinance of the City of Key West, Florida, Amending Chapter 66, Article IV of the Code of Ordinances entitled "Business Tax" by amending Section 66-109 to provide for an adjustment in fees pursuant to Florida Statutes; Providing for Severability; Providing for repeal of inconsistent provisions.

Attachments: [Ordinance](#)
[Executive Summary](#)
[Florida Statute](#)

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

Enactment No: Ord 19-19

33

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 6, Employee Assistance Parking Permit Program in Historic District, Amending Section 70-255 to adjust employee assistance parking decal fees; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [Current list of Employee Assistance Permits](#)

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

No: 3 - Commissioner Davila, Commissioner Kaufman and Commissioner Wardlow

Yes: 4 - Commissioner Hoover, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 19-20

34

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 7, "Employee Parking Lot Permit Program in Historic District", Amending Section 70-261 to adjust the designated lots for this permit program; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Executive Summary](#)

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

Enactment No: Ord 19-21

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 9:29 P.M.