



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, November 6, 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 - 5:00 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Lopez

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

**INVOCATION - Chaplain Joseph Frana, U.S. Coast Guard Sector Key West**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### COMMENDATIONS

**1** Horace O'Bryant Middle School Buccaneers Football Team

**Attachments:** [Commendation](#)

Received and Filed

#### PROCLAMATIONS

2 Veteran's Day

**Attachments:** [Proclamation](#)

Received and Filed

3 16 Days of Activism

**Attachments:** [Proclamation](#)

Received and Filed

**PRESENTATIONS**

4 Mount Trashmore Report

**Attachments:** [Mt Trashmore Interim Presentation](#)  
[Resolution - Stock Island Landfill Interim Report](#)  
[Interim Report for Stock Island Landfill](#)  
[FDEP Inspection 05-06-19](#)  
[Landfill Closure Documentation 2010](#)  
[Landfill Reclamation Evaluation 2019](#)  
[FDEP Certification of Completion of Long Term Care Report 2016](#)  
[History of Waste - Citizen Article 2019](#)  
[Stock Island Landfill Presentation](#)  
[Kaufman Landfill Letter](#)  
[Monica Haskell - Letter to board](#)

Postponed

5 Solid Waste Diversion - Annual Report and Goals

**Attachments:** [November 2019 Annual Solid Waste Update](#)

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 \*October 16, 2019

Attachments: [Minutes](#)

Passed

**RESOLUTIONS**

7 \*Directing the City Attorney to sign on behalf of the City of Key West an Amicus Curiae Brief in support of the Plaintiffs in any appeal of a trial court order in Yanes v. O C Food and Beverage, LLC (Case No. 18-CA-003554-0), which found that the Orange County Human Rights Ordinance was preempted by the Florida Civil Rights Act.

Attachments: [Resolution](#)  
[Yanes case supporting info](#)

Passed

Enactment No: Res 19-326

8 \*Approving the attached “Lower Keys Bus Service Interlocal Agreement” among Key West, Marathon and Monroe County, to operate the Lower Keys Commuter Bus Service.

Attachments: [Resolution](#)  
[Interlocal Agreement Lower Keys Bus Service](#)

Passed

Enactment No: Res 19-327

- 9                    \*Establish a policy requiring that options for solar power components are presented to the City Commission for all future city development and redevelopment projects; Directing city staff to present feasibility and cost estimates for each city-initiated project.
- Attachments:**     [Resolution](#)
- Passed**
- Enactment No: Res 19-328
- 10                   \*Sponsoring a Holiday Season Parade on Saturday, December 7, 2019 between the hours of 7:00 P.M. and 10:00 P.M.; Authorizing the closure of certain streets for the parade.
- Attachments:**     [Resolution](#)  
                                 [Application](#)
- Passed**
- Enactment No: Res 19-329
- 11                   \*Approving the attached “Public Transportation Grant Agreement” (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for state transit block program funding assistance for FY 2019-20 for operating expenses of the fixed route bus transit system in Key West in the amount up to \$230,255.00 (50% of the total program cost of \$460,510.00) [FDOT Financial project number 436702-1-84-01, Contract #G1C15]; Authorizing the City Manager to execute necessary documents and necessary budget amendments.
- Attachments:**     [Resolution](#)  
                                 [Executive Summary](#)  
                                 [Public Transportation Grant Agreement](#)  
                                 [Resolution 17-146](#)
- Passed**
- Enactment No: Res 19-330

- 12 \*Approving the attached “Amendment to the Public Transportation Grant Agreement” (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for FY 2020 Section 5311 formula grants for rural areas program funding (Contract G1268/FM#434896-1-84-01) in a reimbursement amount of up to \$509,462.00 in operating assistance (50% of total project cost of \$1,018,924.00) and to extend the contract expiration date.

**Attachments:**     [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Amendment Public Transportation Grant Agreement](#)

**Passed**

Enactment No: Res 19-331

- 13 \*Authorizing an exempt contractual services purchasing exception pursuant to Section 2-797(4)(b) of the Code of Ordinances, to approve the attached “Proposal for a voluntary source removal College Road Affordable Housing Project” between Tetra Tech, Inc. and the City of Key West, in a total amount not to exceed \$283,381.00; Approving any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Attachments:**     [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Resolution 17-299 - Environmental Eng General Service](#)  
                                  [Tetra Tech Remediation Proposal](#)  
                                  [Res 19-086 Approval of Affordable Housing Project](#)  
                                  [TetraTech - PDS \\$158k - Bid Proposal for Excavation](#)  
                                  [TetraTech - EES \\$168k - Bid Proposal for Excavation](#)  
                                  [TetraTech - MD \\$202k - Bid Proposal for Excavation](#)

**Passed**

Enactment No: Res 19-332

- 14                   \*Authorizing the purchase of two MWI Stormwater Pumps from PSI Technologies, Inc. on a sole source basis, and in the best interests of the city, pursuant to Section 2-797(1) and 2-797(4)(b) of the Code of Ordinances, in total amount not exceed \$207,868.00.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)  
                          [Quote for 2 MWI Pumps](#)  
                          [MWI Sole Source Letter](#)

**Passed**

Enactment No: Res 19-333

- 15                   \*Authorizing the Authority to execute and submit grant documentation through the Transit Award Management System (TRAMS) to the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), and to the Florida Department of Transportation (FDOT) and the U.S. Department of Transportation (USDOT) to the City Manager, Gregory W. Veliz, Key West Department of Transportation Director, Rodrigo G. Delostrinos, Jr., and alternate designees project and grants manager, Carolyn Haia, Assistant City Manager, Patti McLauchlin and Finance Director, Mark Finigan; Authorizing City Attorney, Shawn Smith, Chief Assistant City Attorney, Ronald Ramsingh, and Assistant City Attorney, George Wallace, to affirm the authority of the City and its designees to apply for and accept grant funding.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)  
                          [Resolution 17-146](#)

**Passed**

Enactment No: Res 19-334

- 16                   \*Authorizing an exempt contractual services purchasing exception pursuant to Section 2-797(4) of the Code of Ordinances, to approve the “Line Extension Agreement between KW Resort Utilities Corp. and the City of Key West”, in a total amount not to exceed \$236,245.00; Approving any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [\\*Large File\\* KWRU New Force Main Bid Package](#)  
                          [Toppino Bid](#)  
                          [Tropical Bid](#)  
                          [City-KWRU Work Agreement](#)

**Passed**

Enactment No: Res 19-335

- 17                   \*Ratifying an emergency procurement dated October 11, 2019 by the City Manager, as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a construction task order in an amount not to exceed \$77,496.84 (initially \$27,325.66, with \$50,171.18 for additional services to repair the torn liner); Authorizing necessary budget adjustments.

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Emergency Declaration with Task Order](#)  
                          [General Utilities Services Contract](#)  
                          [Resolution 18-322](#)

**Passed**

Enactment No: Res 19-336

- 18 Approving the attached "Lease Agreement" between the City and Key West Police Athletic League for the Glynn Archer Gymnasium located behind City Hall at 1300 White Street.

**Attachments:**     [Resolution](#)  
                                  [Lease Agreement](#)

**Passed**

Enactment No: Res 19-337

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

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

- 19 Granting a special event permit pursuant to Section 6-86 of the Code of Ordinances to the Rotary Club of Sunset Key West for the Manny Madruga Domino Tournament Fundraiser at the Southernmost House 1400 Duval Street during the hours of 5:00 P.M. to ~~Midnight~~ 10:00 P.M. on Saturday, January 25, 2020.

**Attachments:**     [Resolution](#)  
                                  [Application](#)

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

Enactment No: Res 19-338

- 20 Approving an update to the City of Key West Planning Department Fees.

**Attachments:**     [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Proposed fee schedule](#)  
                                  [Resolution 14-014](#)

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

Enactment No: Res 19-339



21

QUASI JUDICIAL HEARING: Granting Minor Development Plan pursuant to Sections 108-91.A.1.(A), and 108-196(A) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the construction of a two-story structure that will house a chiller plant on property located at 521 Thomas Street (RE# 00010110-000000) in the Historic Public and Semipublic Services (HPS) Zoning District.

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Site Plans](#)  
[Site Visit](#)  
[2019-57 RESO 521 Thomas VAR](#)  
[2019-58 RESO 521 Thomas MinDP LM](#)  
[521 Thomas Conceptual Landscape Approval ltr](#)  
[HARC COA and Decision Letter](#)  
[521 Thomas Final approval ltr T2019-0404](#)  
[\\*Large File\\* Package](#)  
[Public Notice](#)  
[Trepanier Presentation](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed with the Planning Boards conditions outlined in the Executive Summary. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 19-340

22

**QUASI-JUDICIAL HEARING: EASEMENT - 1021 MARGARET STREET (RE # 00030290-000000) and 903 Virginia Street (RE#00030270-000000)** - Approving an easement of 115.21-square feet, more or less, to address the encroachment of an overhang that extends onto Margaret Street right-of-way and to maintain the existing brick pavers between the cement curb of Margaret Street and the property lines of 1021 Margaret and 903 Virginia Streets on a property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions; Providing for an effective date.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Agreement](#)  
                              [\\*Large File\\* Package](#)  
                              [Certificate of Insurance](#)  
                              [Legal Description Sketch](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed with the Planning Boards conditions outlined in the Executive Summary. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 19-341

23

**QUASI JUDICIAL HEARING: EASEMENT - 1026 JAMES STREET**

Approving an Easement to maintain the existing historic front porch and steps that extend 58.0 square feet, more or less, onto the James Street right-of-way on a property located within the Historic Medium Density Residential (HMDR) zoning district at 1026 James Street, Key West, Florida (RE# 00002580-000000); Pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions, Providing for an effective date.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Agreement](#)  
                              [\\*Large File\\* Package](#)  
                              [Insurance](#)  
                              [Specific Purpose Survey](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed with the Planning Boards conditions outlined in the Executive Summary. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 19-342

24

**Proposed for Postponement: QUASI-JUDICIAL HEARING: EASEMENT - 1200 WHITEHEAD STREET (RE # 00026390-000000) -** Approving an easement of 766.0 square feet, more or less, that extends onto the Catherine Street right-of-way to maintain an existing block wall, a fence, a portion of a one-story concrete structure, and a fenced in wall area on a property located within the Historic High Density Residential (HHDR) zoning district at 1200 Whitehead Street, Key West, Florida (RE# 00026930-000000); Pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions, Providing for an effective date.

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Agreement](#)  
                          [Survey](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Jimmy Weekley, that the Resolution be Postponed to November 19, 2019. The motion passed by a unanimous vote.

#### ORDINANCES – FIRST READING

25

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending section 70-265, to add the Jackson Square Parking Lot, and the 500 Block of Thomas Street after courthouse business hours and on weekends to the non-resident Truman Waterfront Parking Permit Program; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**    [Ordinance](#)  
                          [Executive Summary](#)  
                          [Jackson Square](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Postponed to November 19, 2019. The motion carried by the following vote:

**Absent:** 1 - Commissioner Lopez

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

26

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 add the Jackson Square Parking Lot and 500 Block of Thomas Street after business hours and on weekends to the Residential Parking Permit Program; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**    [Ordinance](#)  
                              [Executive Summary](#)  
                              [Jackson Square](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to November 19, 2019. The motion passed by a unanimous vote.

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

27

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.

**Attachments:**    [Ordinance](#)  
                          [Executive Summary](#)  
                          [Res 01-127 Jackson Sq Parking Agmt](#)  
                          [Res 15-341](#)  
                          [Ord 18-28](#)  
                          [Ord 18-22](#)  
                          [Ord 19-21](#)  
                          [800 feet radius from Courthouse](#)  
                          [Duval Loop Route](#)  
                          [Parking lot sample courthouse lot](#)  
                          [Jackson Square](#)

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to November 19, 2019. The motion passed by a unanimous vote.**

28

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 by adding the Jackson Square Parking Lot; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**    [Ordinance](#)  
                          [Executive Summary](#)  
                          [Jackson Square](#)

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to November 19, 2019. The motion passed by a unanimous vote.**

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 6:21 P.M.**