



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, December 3, 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 - 5:00 P.M.

ROLL CALL

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

INVOCATION - Father Steve Carlsen, St. Paul's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PROCLAMATIONS

1 National Homeless Person's Memorial Day

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

- 2 John Sellers, KWFD Fire Captain
30 Year Anniversary and Retirement
Received and Filed
- 3 Charlie Pons, KWDOT Bus Driver
20 Year Anniversary
Received and Filed
- 4 Art in Public Places - Year in Review
Received and Filed
- 5 Report on Governance of City of Key West Planning Board
Attachments: [Executive Summary](#)
 [*Large File* Report](#)

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 *November 19, 2019

Attachments: [Minutes](#)

Passed

RESOLUTIONS

- 7 *Authorizing the Monroe County Commercial Fisherman, Inc. to conduct their 15th Annual Florida Keys Seafood Festival at Bayview Park including the Softball Fields on Saturday, January 18, 2020 from 11:00 A.M. to 5:00 P.M. and Sunday, January 19, 2020 from 11:00 A.M. to 5:00 P.M.; Pursuant to the terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

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

Passed

Enactment No: Res 19-359

- 8 *Authorizing MZF Mile Zero Fights, LLC to conduct an MMA, Muay Thai, Jiu Jitsu and Boxing Fights on Saturday, January 18, 2020 from 4:00 P.M. to Midnight at the Truman Waterfront Quay Wall; Granting an exemption from the noise control ordinances pursuant to Section 6-86 of the Code of Ordinances from 4:00 P.M. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

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

Passed

Enactment No: Res 19-360

- 9 *Authorizing OHWOOK! Productions, Inc. D/B/A Mile 0 Festival to conduct the 3rd Annual free concert on the 200 block of Duval Street on Tuesday, January 28, 2020, from 6:00 P.M. to 10:00 P.M. (set up beginning at 6:00 A.M.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 200 block of Duval from 6:00 A.M. to 10:00 P.M.; Granting a special event permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 A.M. to 10:00 P.M.

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

Passed

Enactment No: Res 19-361

- 10 *Approving a two year renewal of the attached "Key West City Art in Public Places Administrative Agreement" between the City of Key West and the Monroe Council of the Arts Corporation (MCAC); Authorizing the City Manager to execute necessary documents on behalf of the City, upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Letter from Florida Keys Council of the Arts](#)
 [Resolution 17-286](#)

Passed

Enactment No: Res 19-362

- 11 *Approving the attached “Public Transportation Amendment to the Public Transportation Agreement” (PTGA) FM 444447-1-94-01 between Florida Department of Transportation (FDOT) and the City of Key West for the Mallory T-Pier Extension/Improvements project to add fiscal year 2020 funding of \$989,832.00 with a \$329,944.00 city match (\$1,319,776.00 total); Approving necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Budget Amendment](#)
 [Amendment One to Agreement](#)
 [Resolution 19-129](#)

Passed

Enactment No: Res 19-363

- 12 *Approving a task order under the city’s general utilities contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$69,508.00 for sidewalk replacement at Charterboat Row - City Marina at Garrison Bight; Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order Proposal](#)
 [Res #18-322](#)
 [Toppino Contract](#)
 [Res #19-012](#)
 [Grant Agreement](#)

Passed

Enactment No: Res 19-364

- 13 *Approving a Task Order to Avirom & Associates, Inc. for survey work on portions of Whitehead, Duval and Front Streets in a total amount not to exceed \$57,243.00; Authorizing budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order](#)
 [Resolution 18-144 & Avirom Contract](#)

Passed

Enactment No: Res 19-365

- 14 *Approving Task Order 1-20-Engineering for CH2M Hill, Inc. in an amount not to exceed \$243,312.00 for design services for pavement and right of way improvements to Whitehead, Duval and Front Streets; Authorizing necessary budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order 1-20 Nov 6](#)
 [Res 17-207 General Engineering Svcs](#)
 [CH2M Hill Eng Svcs Agreement](#)

Passed

Enactment No: Res 19-366

Approval of the Consent Agenda

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

15

Approving the attached agreement between the City and the Key West Cultural Preservation Society, Inc. for the use of Mallory Square for the Sunset Celebration and an Artisan Market on cruise ship days.

Attachments:

[Resolution](#)

[Executive Summary](#)

[Draft renewal 2019](#)

[Exhibit E 2018 Amended SOPS](#)

[Res. 14-092 First Amendment to Agreement](#)

[Res. 14-349 Agreement](#)

[Corporate Filing](#)

A motion was made by Commissioner Kaufman to Postpone the Resolution. The motion did not receive a second.

Commissioner Kaufman withdrew his motion.

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

No: 1 - Commissioner Kaufman

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

Enactment No: Res 19-367

16

**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](#)
 [Certificate of Insurance](#)
 [Specific Purpose Survey](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed with the condition that the finding that the application is consistent with the Comprehensive Plan and Land Development Regulations and serves a valid purpose. 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 19-368

ORDINANCES – FIRST READING

17

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 Kaufman, seconded by Commissioner Hoover, that the Ordinance be Passed to Second Reading to include residents who reside up to Mile Marker 33 . The motion carried by the following vote:

No: 2 - Commissioner Lopez and Commissioner Wardlow

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

18

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 Kaufman, seconded by Commissioner Hoover, that the Ordinance be Passed to Second Reading. 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

- 19 An Ordinance of the City of Key West, Florida, Amending Section 58 of the Code of Ordinances, entitled "Solid Waste" by amending Section 58-65 to provide that the Residential Solid Waste Rate shall be adjusted each year by Resolution; 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 Clayton Lopez, that the Ordinance be Passed to Second Reading. The motion passed by a unanimous vote.

- 20 An Ordinance of the City of Key West, Florida, Amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Section 2-939 "Licenses" to authorize the City Manager to permit the revocable use of city right of way for sidewalk dining under specified conditions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Draft Application and Checklist for Sidewalk Revocable License](#)

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: 1 - Commissioner Wardlow

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

ORDINANCES - SECOND READING (Public Hearing)

21

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 Kaufman, seconded by Commissioner Hoover, that the Ordinance be Adopted. The motion carried by the following vote:

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

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

Enactment No: Ord 19-36

22

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 Kaufman, seconded by Commissioner Hoover, 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 19-37

23

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

Enactment No: Ord 19-38

24

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

Enactment No: Ord 19-39

DISCUSSION

25

"Affordable Housing - Goals for 2020"

- Accessory Units
- Poinciana In-fill sites for development with Housing Authority
- Truman Annex 3.2 acres development
- Trumbo Road - Supporting development by the School Board
- Potential for new TIF in New Town to promote housing above
the Plazas on North Roosevelt Blvd.

Discussed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:22 P.M.