



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, August 4, 2020

5:00 PM

VIRTUAL MEETING

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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.

**CALL MEETING TO ORDER - 5:00 P.M.**

#### ROLL CALL

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

#### PLEDGE OF ALLEGIANCE TO THE FLAG

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

#### PRESENTATIONS

1 Keefe, McCullough & Company, LLP Fiscal Year 2019

**Attachments:** [FYE 2019 Financial Statement](#)

[FYE 2019 Compliance 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**

2 July 21, 2020

Attachments: [Minutes](#)

Passed

**RESOLUTIONS**

3 \*Directing the City Attorney to sign on behalf of the City of Key West an Amicus Curiae Brief in support of the City of Philadelphia in the U.S. Supreme Court Case *Fulton v. City of Philadelphia* (Case No. 18-2574), concerning whether the First Amendment requires Philadelphia to continue to contract with a private, faith-based foster care agency that refuses to work with same sex couples, in contravention of that City's non-discrimination ordinance.

Attachments: [Resolution](#)  
[Fulton Amicus Primer - \(# Legal 10897312\)](#)

Passed

Enactment No: Res 20-134

4 \*Approving the City Manager Performance Evaluation.

Attachments: [Resolution](#)  
[Letter to Mayor and Commissioners](#)  
[List of Accomplishments](#)  
[Goals & Objectives](#)  
[City Manager Evaluation Form](#)  
[Mayor Johnston's Evaluation](#)  
[Commissioner Davila's Evaluation](#)  
[Commissioner Hoover's Evaluation](#)  
[Commissioner Kaufman's Evaluation](#)  
[Commissioner Lopez's Evaluation](#)  
[Commissioner Wardlow's Evaluation](#)  
[Commissioner Weekley's Evaluation](#)  
[Calculation Sheet](#)

Passed

Enactment No: Res 20-135

- 5 \*Approving the attached Mutual Aid Agreement between the City of Key West and the Monroe County School District (MCSD) for the Safe-School Officer Program at Key West High School, Horace O'Bryant School, Poinciana Elementary, Gerald Adams Elementary and Sigsbee Charter for the 2020-2021 School Year.

**Attachments:**     [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Contract](#)  
                                  [KWPD SRO 2020 -2021](#)  
                                  [Exhibit A](#)

**Passed**

Enactment No: Res 20-136

- 6 \*Approving the attached "Interlocal Agreement" (ILA) for mobile marine vessel pump out services between Monroe County and the City of Key West; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute the ILA upon consent of the City Attorney.

**Attachments:**     [Resolution](#)  
                                  [Executive Summary ILA County](#)  
                                  [Interlocal Agreement pumpout 7.14.20 - final with exhibit](#)  
                                  [County Approval](#)

**Passed**

Enactment No: Res 20-137

- 7                   \*Approving the attached "Federally Funded Subaward and Grant Agreement" for FEMA Hazard Mitigation Grant Program (HMGP) funds for Project Number 4337-396-R / Agreement Number H0538 Dennis Street and Venetia Street Drainage Improvement Project in the amount of \$982,094.00 Federal / \$2,150,420.00 City Match (FAIN: FEMA-DR-4337-FL); Authorizing the City Manager to execute the Subaward and Grant Agreement and related documents, upon consent of the City Attorney; Authorizing the City Manager to approve and execute subsequent amendments to this grant agreement which may adjust to increase funding allocations to the City or modify the project scope; Authorizing necessary budget amendments.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)  
                          [4337-396-R - Contract for Execution](#)  
                          [Resolution 18-205](#)

**Passed**

Enactment No: Res 20-138

- 8                   \*Approving a work order under the City's Pavement Marking, Striping & Roadway Signage Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$105,725.10 for pavement marking inclusive of all row and permitting fees for street referenced in the attached work order; Authorizing budget adjustments if necessary; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)  
                          [Work Order](#)  
                          [Res 20-095 CTS Pavement Marking](#)  
                          [ITB 20-007 Pavement Markings 2020](#)  
                          [Res 18-294 Resident Pkg Pgm Percentages](#)

**Passed**

Enactment No: Res 20-139

- 9                    \*Accepting a public art donation from John Padgett of an original metal and wood sculpture by Damon Hamm and Jeff Sundheim titled "Wavehenge," to be installed at a location to be determined at the Truman Waterfront Park; Authorizing an expenditure not to exceed \$12,000.00 from Art in Public Places Funds for installation of the sculpture (concrete pad).

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Photos and Proposed Installation](#)  
                              [Wavehenge Layout with dimensions for installation](#)

**Passed**

Enactment No: Res 20-140

- 10                   \*Renewing for two years the General Architectural Services Contracts with eight (8) firms; Originally awarded in Resolution 17-190 in response to Request for Qualifications No. 17-001 for General Architectural Services.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Res 17-190 General Architectural Services](#)  
                              [Bender](#)  
                              [Hayes Cumming](#)  
                              [Horn](#)  
                              [K2M](#)  
                              [PFB](#)  
                              [Rodriguez & Quiroga](#)  
                              [Saltz Michelson](#)  
                              [Wood \(Former AMEC\)](#)  
                              [Res 18-148 Approve AMEC to Wood Change](#)  
                              [RFQ 17-001 Architectural Services](#)

**Passed**

Enactment No: Res 20-141

- 11 \*Renewing for two years the General Engineering Services contracts with nine (9) firms, originally awarded in Resolution 17-207 in response to Request for Qualifications No. 17-002 for General Engineering Services; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Res 17-207 General Engineering Services](#)  
                          [Artibus](#)  
                          [Black & Veatch](#)  
                          [CH2M Hill](#)  
                          [EAC](#)  
                          [KCI \(Former K&S\)](#)  
                          [Res 19-111 Approve K&S to KCI](#)  
                          [Perez](#)  
                          [Stantec](#)  
                          [TY Lin](#)  
                          [Wood \(Former AMEC\)](#)  
                          [Res 18-148 Approve AMEC to Wood](#)  
                          [RFQ 17-002 General Engineering Services](#)

**Passed**

Enactment No: Res 20-142

- 12 \*Ratifying an extension of Articles 16 and 39 of the Collective Bargaining Agreement between the City of Key West and International Association of Firefighters, Local 1424.

**Attachments:**    [Resolution](#)  
                          [Exec Summary](#)  
                          [IAFF Article 16 and 39 Amendments](#)

**Passed**

Enactment No: Res 20-143

**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.

- 13 Requesting that the Florida Department of Transportation (FDOT) permanently install a traffic light at the intersection of College Road and US 1 near Murray Marine.

**Attachments:**     [Resolution](#)  
                                 [Email regarding Petition for US1 light](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion passed by unanimous vote.

Enactment No: Res 20-144

- 14 Ratifying and approving pursuant to Section 2-797(2) and 2-797(4)(b) of the Code of Ordinances the emergency procurement of an agreement between the City and All Aspects Inspection Services, LLC. (AAIS) for Florida DBPR Licensed Professional Building Plan Review and Inspection Services; Approving necessary budget transfers and amendments for FY 19-20; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Attachments:**     [Resolution](#)  
                                 [Executive Summary](#)  
                                 [All Aspects Proposal](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by unanimous vote.

Enactment No: Res 20-145

15

**WITHDRAWN**

Authorizing a rent abatement for up to three months for all commercial tenants of the City Marina at Garrison Bight in good standing affected by the COVID-19 Emergency; Authorizing the City Manager or designee to approve and execute addendums to lease or make accounting adjustments for rent abatements.

**Attachments:**    [Resolution](#)  
[Captain Art Duplessis](#)  
[Captain Chris Garcia](#)  
[Captain Damon Santelli](#)  
[Captain Gil Scott](#)  
[Captain Mike Weinhofer](#)  
[Captain Tony Potts](#)  
[Captain Walter Kirchner](#)  
[Captain William O Wickers III](#)  
[Charter Boat Assoc](#)  
[CowboyCharters](#)  
[Gulf Stream IV](#)  
[Hooked Up](#)  
[JollyRogerII](#)  
[The Ultra Grand Slam](#)

Withdrawn

16

Recommending the cancellation of all special events for Calendar Year 2020.

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Events Attachment "A"](#)

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

Enactment No: Res 20-146



17

**Major Development Plan - Mallory Square (RE # 00072082-001100, 00072082-001400, 0072082-003700, and 00000170-000000)** - A request for approval of a major development plan for redevelopment consisting of; a partial demolition of a historic structure, the redevelopment of nonconforming restaurant use, the conversion of a historic structure into a museum, and the creation of a park at a property located in the HPS zoning district pursuant to Sections 108-91 and 122-28 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Request to Postpone - Mallory Square](#)  
                              [\\*Large File\\* Application](#)  
                              [Plans](#)  
                              [PB-RES 2019-80 Mallory Square](#)  
                              [2019 Tropical Soup PB Staff Report](#)  
                              [\\*Large File\\* Planning Board Approval \(Resolution 2016-51\)](#)  
                              [Final Landscape Plan Approval](#)  
                              [Letter of Support](#)  
                              [\\*Large File\\* Opposition to Approval](#)  
                              [Response from Applicant Joe Walsh](#)  
                              [Comments from Smith/Hawks](#)  
                              [Mallory Square Administrative Determination](#)

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that the Resolution be Postponed until September 1, 2020. The motion passed by unanimous vote.

18

**QUASI-JUDICIAL HEARING: EASEMENT -729 Fleming Street (RE # 00006000-000000)**

A request for an Easement Agreement in order to construct an ADA accessible ramp from an existing concrete curb and ramp encroaching 20.0-square feet, more or less, onto Fleming Street right-of-way, and to construct an ADA accessible ramp from an existing concrete curb / planter bed encroaching 27.0-square feet, more or less, onto William Street right-of-way adjacent to property located within the Historic Medium Density Residential (HMDR) Zoning District at 729 Fleming Street (RE# 00006000-000000); Pursuant to Section 2-938 (b) (2) 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](#)  
                              [Easement Agreement](#)  
                              [Staff Presentation](#)  
                              [Package](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed with the conditions as outlined in the staff report. The motion passed by unanimous vote.**

Enactment No: Res 20-147

**ORDINANCES - FIRST READING**

19

An Ordinance amending Chapter 74 of the Code of Ordinances entitled "Utilities" by amending Article V, "Stormwater System" to provide for the health, safety and general welfare of the citizens of the City of Key West, Florida, through the regulation of non-storm water discharges to the storm drainage system; Amending Section 74-361 to provide additional definitions; Adding section 74-388 to create a "National Pollutant Discharge Elimination System," by providing for purposes, intent and prohibitions; Adding section 74-389 titled "Suspension of MS4 Access"; Adding section 74-390 titled "Industrial or Construction Activity Discharges"; Adding Section 74-391 titled "Monitoring of Discharges"; Adding section 74-392 to require the use of best management practices; Adding Section 74-393 titled "Notification of Spills"; Adding Section 74-394 providing for enforcement; Adding Section 74-395 providing for Appeal of Notice of Violation; Adding Section 74-396 providing for enforcement measures after Appeal; Adding Section 74-397 providing for cost of abatement of the violation; Adding Section 74-398 providing for injunctive relief; Adding Section 74-399 providing for violations deemed a public nuisance; Adding Section 74-400 providing for criminal prosecution; Adding Section 74-401 providing that remedies are not exclusive; 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 Lopez, that the Ordinance be Passed to Second Reading. The motion passed by unanimous vote.

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

20

An Ordinance pursuant to section 8.01 of the Key West Charter, proposing that Section 8.03 of the Key West Charter be amended to permit non ad valorem bonding in the event of a public emergency upon a supermajority vote of the City Commission; Setting the General Election date of November 3, 2020 as the date of referendum; rescinding ordinance 20-05 (which proposed an identical referendum for the election of August 18, 2020); providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

**Attachments:**    [Ordinance - Referendum](#)  
                              [Ordinance 20-05](#)

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

Enactment No: Ord 20-10

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 6:07 P.M.**