



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Wednesday, August 19, 2020

5:00 PM

VIRTUAL MEETING

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 approved unanimously as amended.

PROCLAMATIONS

1 Peter H. Batty Day

Sponsors: Mayor Johnston, Vice Mayor Kaufman, Commissioner Hoover, Commissioner Wardlow and City Manager Veliz

Received and Filed

2 Women's Equality Day

Sponsors: Mayor Johnston

Received and Filed

PRESENTATIONS

3 COVID-19 Directives - Bill Lay

Sponsors: Commissioner Weekley

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

4 *July 22, 2020 (Workshop)

Passed

5 *August 4, 2020 (Regular Meeting)

Passed

RESOLUTIONS

6 *Reappointing Frank Balbuena, Sr. to the Key West Contractors Examining Board

Sponsors: Mayor Johnston

Passed

Enactment No: Res 20-148

7 *Reappointing Domingo Castellanos to the Key West Contractors Examining Board

Sponsors: Mayor Johnston

Passed

Enactment No: Res 20-149

- 8 *Reappointing Richard J. Milelli, P.E. to the Key West Contractors Examining Board

Sponsors: Mayor Johnston

Passed

Enactment No: Res 20-150

- 9 *Reappointing Kathryn Norris to the Key West Contractors Examining Board

Sponsors: Mayor Johnston

Passed

Enactment No: Res 20-151

- 10 *Reappointing Raymond Vazquez to the Key West Contractors Examining Board.

Sponsors: Mayor Johnston

Passed

Enactment No: Res 20-152

- 11 **Withdrawn**

*Urging the Monroe County Board of County Commissioners to expedite the receipt and distribution of "CARES Act" Funds allocated for Housing Assistance; Recommending that the county partner with a local non-profit it deems qualified to expedite the distribution of "CARES Act Housing Assistance".

Sponsors: Vice Mayor Kaufman

- 12 *Urging residents and visitors to complete and return their census survey to the U.S. Census Bureau through the Census.gov webiste.

Sponsors: Commissioner Weekley

Passed

Enactment No: Res 20-153

- 13 *Transferring the City's contract approved in Resolution 19-025 for design and architectural services with William P. Horn, Architect, PA for architectural services for College Road Workforce Housing to the Key West Housing Authority; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Veliz

Passed

Enactment No: Res 20-154

- 14 *Approving award of the bid of Ebsary Foundation Company (Ebsary) in response to ITB 20-011 in a total amount not to exceed \$677,250.00, for the design-build contract for a Small Craft Berthing Facility at NAS Key West Port OPS location, as authorized by the Navy; Approving necessary budget amendments.

Sponsors: City Manager Veliz

Passed

Enactment No: Res 20-155

- 15 *Approving Change Order #2 to the Task Order under the City's Right of Way Contract with Charley Toppino and Sons, Inc. for Duval Street Improvements Project in an amount not to exceed \$39,665.77; Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Veliz

Passed

Enactment No: Res 20-156

- 16 *Approving the attached "Federally-Funded Subaward and Grant Agreement" for FEMA Hazard Mitigation Grant Program (HMGP) funds for Project Number 4337-386-R / Agreement Number H0461 Harris Avenue and 10th Street Neighborhood Drainage Project Phase I in the amount of \$502,462.50 Federal / \$167,487.50 City Match (FAIN: FEMA-DR-4337-FL); Authorizing the City Manager 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 any necessary budget amendments.

Sponsors: City Manager Veliz

Passed

Enactment No: Res 20-157

- 17 *Authorizing pursuant to Section 2-797(3) the purchase of a 14 Yard Dump Truck from Kenworth of South Florida in an amount not to exceed \$137,293.00 through the Florida Sheriff's Association and Florida Association of Counties Contract for Cab & Chassis Trucks and other Fleet Equipment #FSA19-VEH17.0; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager Veliz

Passed

Enactment No: Res 20-158

- 18 *Ratifying an Emergency Procurement dated July 16, 2020 and approved as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a Task Order in an amount not to exceed \$84, 682.71 for Key Honey Contracting, LLC to replace approximately 70 linear feet of pipe and fittings at Pump Station E; Authorizing any necessary budget transfers.

Sponsors: City Manager Veliz

Passed

Enactment No: Res 20-159

- 19 *Ratifying an Emergency Procurement Approved by the City Manager on April 23, 2020, as provided for under Section 2-797(2) and 2-845 of the Code of Ordinances, Approving the attached "Second Amendment to Task Order for the design of Frederick Douglass Gym Expansion between the City and K2M Design, Inc." for additional tasks for the Frederick Douglass Gym Extension Project in an amount not to exceed \$29,160.00; Authorizing the City Manager to execute necessary documents on behalf of the City of Key West, upon consent of the City Attorney; Authoring any necessary budget amendments and transfers.

Sponsors: City Manager Veliz

Passed

Enactment No: Res 20-160

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.

- 20 Appointing Charles Waite to the Key West Contractors Examining Board.

Sponsors: Mayor Johnston

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

Recuse: 1 - Commissioner Hoover

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

Enactment No: Res 20-161

21

Authorizing the commencement of the Conflict Resolution Procedures of Section 164, Florida Statutes with the Florida Keys Mosquito Control District ("District") in an effort to resolve the outstanding issue of the cost of remediation of contamination discovered at the former Mosquito Control property located at 5224 College Road; Authorizing the City Manager to execute any statutorily required notices and to proceed as set forth in said statute.

Sponsors: City Attorney Smith

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 20-162

22

Authorizing a Local Agency Program (LAP) Agreement between the City of Key West and FDOT in the amount of \$999,409.00 for the Southard Street Resurfacing and Sidewalks Project between Duval Street and Thomas Street (FM# 435497-2); Authorizing necessary budget transfers or adjustments.

Sponsors: City Manager Veliz

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

Enactment No: Res 20-163

23

Accepting and approving the committee ranking of firms submitting responses to Request for Qualifications (RFQ) No. 20-001: Duval Street Revitalization Plan; Authorizing the City Manager to negotiate and execute a contract with the first-ranked firm, KCI Technologies, Inc., upon consent of the City Attorney; Authorizing any necessary budget transfers/amendments.

Sponsors: City Manager Veliz

Meeting went into Recess

Meeting Reconvened

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

No: 1 - Commissioner Wardlow

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

Enactment No: Res 20-164

24

Authorizing a \$310.52 Annual Solid Waste Residential User Fee Charge and a \$160.13 Tipping Fee for the City's Solid Waste Annual Rate Resolution for FY2021.

Sponsors: City Manager Veliz

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, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 20-165

25

Public Hearing - Authorizing a \$111.03 Annual Stormwater Utility ESU User Fee Charge for the City's Stormwater Annual Rate Resolution for FY2021.

Sponsors: City Manager Veliz

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

- 26 **QUASI-JUDICIAL HEARING: EASEMENT - 3720 Sunrise Lane (RE # 00071950-000000)** - Approving an Easement Agreement for proposed encroachments totaling 150.0 square feet, more or less, to reconstruct one (1) boat lift onto City owned Sunrise Canal abutting property located within the Single-Family (SF) Zoning District, pursuant to Section 2-938(b)(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

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

Enactment No: Res 20-166

- 27 **Development Agreement** - Granting preliminary authorization to enter into the Development Agreement process and pursue negotiations with the property owner for the property located at 1900 North Roosevelt Blvd. (RE# 00051820-000000) and 1910 North Roosevelt Blvd. (RE# 00051840-000000) pursuant to Section 90-679 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

A motion was made by Commissioner Weekley, seconded by Commissioner Hoover, that the Resolution be Postponed to September 1, 2020. The motion carried by the following vote:

Recuse: 1 - Commissioner Davila

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

ORDINANCES - FIRST READING

28

An Ordinance of the City of Key West, Florida, amending Chapter 106 of the Code of Ordinances, entitled "Performance Standards", Article II, Division 2 entitled "Outdoor Displays", by amending Sections 106-51, 106-52, 106-53, adding a new Section 106-55 to provide for appeals, and renumbering former Sections 106-55 and 106-56; Amending Chapter 90 of the Land Development Regulations entitled "Administration", Section 90-428 entitled "Final Decisions of Historic Architectural Review Commission"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading with the scrivener's error on page 9 corrected for the final reading. The motion carried by the following vote:

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

ORDINANCES - SECOND READING (Public Hearing)

29

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.

Sponsors: City Manager Veliz

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

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

Enactment No: Ord 20-11

DISCUSSION

30 Plexiglass Barrier Policy

Sponsors: Mayor Johnston

Discussed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:31 P.M.