



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, March 5, 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 FOR AGENDA ITEMS MUST BE RECEIVED (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-** Rev. Sarah Fowler

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### PROCLAMATIONS

#### 1 Transit Operator Appreciation Month

**Sponsors:** Mayor Johnston, Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

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

Received and Filed

#### PRESENTATIONS

2 Strategic Planning - Kimberly Matthews

Sponsors: Mayor Johnston

Received and Filed

3 Spread the Word to End the Word - Monroe County Special Olympics

Sponsors: Commissioner Lopez

Attachments: [Action Kits](#)

Received and Filed

4 Bicycle Pedestrian Master Plan

Sponsors: Mayor Johnston, Commissioner Davila, Commissioner Hoover, Commissioner Weekley and Commissioner Kaufman

Attachments: [KW Bicycle and Pedestrian Master Plan 2019](#)  
[KW Bike Ped Master Plan Appendix](#)

Received and Filed

5 Transit Development Plan Overview - Rod Delostrinos and Tindale Oliver

Sponsors: City Manager Scholl

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

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 \*February 20, 2019 (Regular)

Attachments: [Minutes](#)

Approved

**RESOLUTIONS**

7 \*Authorizing Mote Marine Laboratory, Inc. to conduct a "Florida Keys Ocean Festival" at the Truman Waterfront 38 East Quay Road (Eco Discovery) on Saturday, April 13, 2019 from 10:00 a.m. to 5:00 p.m. (Set up Friday, April 12, 2019); pursuant to terms and conditions set forth by the City Manager; Authorizing the use of the Truman Waterfront Fields next to the Eco Discovery from 10:00 a.m. to 5:00 p.m; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 19-071

- 8 \*Authorizing the Key West Business Guild, Inc. to conduct a Pride Street Fair on Saturday, June 8, 2019 from 10:00 a.m. to 10:00 p.m. (Set up at 7:00 a.m.) on the 700 & 800 blocks of Duval Street and a Parade on Sunday, June 9, 2019 from 5:00 p.m. to 7:00 p.m. starting at the Truman Waterfront, taking a left on Whitehead Street, right on Front and right on Duval Street, ending at South and Duval Streets; pursuant to terms and conditions set forth by the City Manager; authorizing the Sale and Consumption of Alcoholic Beverages within the enclosed area; Granting an exemption from the noise control ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application](#)  
[Approval Sheet from KWPD](#)

**Passed**

Enactment No: Res 19-072

- 9 \*Authorizing the Key West Police Athletic League, Inc. to conduct a Mango Fest at Bayview Park on Saturday, June 29, 2019 from 10:00 a.m. to 6:00 p.m.; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the Sale and Consumption of Alcoholic Beverages within the enclosed area.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 19-073

- 10                   \*Approving the attached “Municipality Election Services Agreement” (2019) with the Monroe County Supervisor of Elections; Authorizing necessary budget transfers; Authorizing the City Manager and the City Clerk to execute the Agreement.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Agreement](#)  
                              [Ordinance 19-02](#)  
                              [Budget](#)

**Passed**

Enactment No: Res 19-074

- 11                   \*Approving a Task Order from Perez Engineering and Development, Inc. in the amount of \$34,490.00 for professional civil engineering and design services to improve hydraulic conditions in the Salt Ponds at Government Road (Project ST38031902); Authorizing any necessary budget transfers; authorizing the City Manager to execute any necessary documents.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 17-207](#)  
                              [Task Order 19-01](#)  
                              [Fee Schedule](#)  
                              [Perez Engineering Services Agreement](#)

**Passed**

Enactment No: Res 19-075

- 12 \*Approving Task Order 4-19-Engineering for CH2M Hill, Inc. in an amount not to exceed \$98,794.08 for general engineering services to prepare a pavement management and assessment report; authorizing necessary budget transfers; authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[CH2M Hill Task Order](#)  
[Resolution 17-207](#)  
[CH2M Hill ESA](#)

**Passed**

Enactment No: Res 19-076

- 13 \*Approving issuance of Task Order No. 3 to Black & Veatch Corporation for design of the sludge conveyor belt, VFD and scale replacement project in an amount not exceed \$38,566.00; Approving issuance of Task Order No. 4 for design, bid and pre-award services for the addition of a third effluent pump, VFD and the evaluation of an improved HVAC system within the pump VFD room at the Richard A. Heyman Environmental Protection Facility in an amount not to exceed \$127,866.00.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Sludge Conveyor Task Order](#)  
[Effluent Injection Pump Task Order](#)  
[Resolution 17-207](#)  
[Black & Veatch Engineering Services Agreement](#)

**Passed**

Enactment No: Res 19-077

- 14 \*Approving a Work Order under the City's right-of-way improvement contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$122,328.93 for Angela Street improvements from Emma Street to Thomas Street including Americans with Disabilities Act (ADA) access improvements; authorizing necessary budget transfers.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Work Order](#)  
[Resolution 17-106](#)  
[Resolution 19-054 ROW Contract Extension](#)  
[Contract & Bonds](#)  
[CTS 2019 Extension Signed](#)  
[ITB 17-017 ROW Executed](#)

**Passed**

Enactment No: Res 19-078

- 15 \*Approving the purchase of six Hach Flo-Dar meters from the Avanti Company in an amount not to exceed \$89,081.97 on a sole source basis pursuant to section 2-797(1) for brand name items in accordance with 2-844 of the Code of Ordinances for the Navy wastewater flow connection points.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proposal](#)  
[Sole Source Letter](#)

**Passed**

Enactment No: Res 19-079

- 16 \*Approving a temporary exemption to certain provisions of the Sound Control Ordinance, pursuant to Section 26-199 of the Code of Ordinances, for One Call Construction, for overnight construction seven days a week from March 6, 2019 through June 5, 2019, Monday through Friday between the hours of 8:00 A.M. and 2:00 A.M., Saturday between the hours of 9:00 A.M. and 2:00 A.M., and Sunday between the hours of 9:00 A.M. and 2:00 A.M. on the property located at 130 Duval Street; Providing conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Request](#)  
[Ordinance No. 26-193 and 26-199](#)

**Passed**

Enactment No: Res 19-080

- 17 \*Awarding pursuant to Section 2-797(3)b, 2-797(4) and 2-798 of the Code of Ordinances the bid of Keys Motors, LLC in an amount not to exceed \$19,150.00 for one Ford Escape with accessories for use by the Key West Port and Marina Services Department.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Quote](#)  
[Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-081



- 18 \*Awarding pursuant to Section 2-797(3)b, 2-797(4) and 2-798 of the Code of Ordinances the bid of Keys Motors, LLC in an amount not to exceed \$24,354.00 for one Ford F-150 truck with accessories for use by the Key West Public Works Department.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Quote](#)  
[Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-082

- 19 \*Awarding pursuant to Section 2-797(3)b, 2-797(4) and 2-798 of the Code of Ordinances the bid of Keys Motors, LLC in an amount not to exceed \$22,573.00 for one Ford Transit Connect van for use by the Key West Public Works Department.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Quote](#)  
[Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-083

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

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

20

Expressing appreciation to the Florida Department of Transportation (FDOT) for considering the concerns of the City of Key West with respect to the Cow Key Channel Bridge Project; Requesting that FDOT provide a formal summary about the feasibility of building a second bridge from 5th Avenue on Stock Island to the Navy Hospital Property in Key West; Requesting FDOT to assess the potential for alternative roadway/bridge locations to enter/exit the City of Key West.

**Sponsors:** Commissioner Kaufman

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

**A motion was made by Commissioner Kaufman, 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 19-084

21

Accepting the Key West Bicycle and Pedestrian Master Plan; Directing city staff to work toward implementing the "Short term 1-4 Years" (Phase I) recommendations contained in the Key West Bicycle and Pedestrian Master Plan; Directing the Sustainability Board to provide an annual Bicycle Action Plan in its Annual Report.

**Sponsors:** Mayor Johnston, Commissioner Davila and Commissioner Hoover

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Master Plan Phases](#)  
[KW Bicycle and Pedestrian Master Plan 2019](#)  
[Appendix](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, 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 19-085

22

Authorizing the City Manager to proceed with proposed development of College Road Affordable Housing Rental Complex Project and funding plan as described in the Executive Summary attached to this Resolution; Authorizing the City Manager to execute necessary contract documents upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[College Road Proforma A2 2-28-19](#)  
[College Road Proforma C 2-12-19](#)  
[City of Key West-KWHA 03.01.2019](#)  
[Addendum 03.01.19](#)  
[Exhibit A Property Description](#)

**A motion was made by Commissioner Wardlow, seconded by Commissioner Kaufman, 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 19-086

23

**QUASI-JUDICIAL HEARING:**

Approving an easement of 304 square feet, more or less, to address the encroachment of existing brick pavers, a four foot picket fence with gates, the second floor eaves on the side of the principle structure, a six foot fence with gates, and landscaping including one Green Buttonwood Tree which encroaches onto the Packer Street and Johnson Lane Right-of-Way located at 908 Packer Street, Key West, Florida (RE #00021550-000000); Providing fees and conditions.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez to deny the easment. The motion failed by the following vote:**

**No: 4 - Commissioner Davila, Commissioner Hoover, Commissioner Wardlow, Mayor Johnston**

**Yes: 3- Commissoenr Kaufman, Commissioner Lopez, Commissioner Weekley**

**A motion was made by Commissioner Davila, seconded by Commissioner Hoover, that the Resolution be Passed as amended with the addition of signage indicating public parking. The motion carried by the following vote:**

**No: 3 - Commissioner Kaufman, Commissioner Lopez and Commissioner Weekley**

**Yes: 4 - Commissioner Davila, Commissioner Hoover, Commissioner Wardlow and Mayor Johnston**

Enactment No: Res 19-087

24

**QUASI-JUDICIAL HEARING:**

Granting Minor Development Plan approval pursuant to Sections 108-91.a.1(b) 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 commercial structure and a two-story two-family residential structure on property located at 1028-1030 Truman Avenue (RE #00033280-000000) within the Historic Neighborhood Commercial District-Truman/Simonton (HNC-1) Zoning District.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Revised Plans](#)  
[\\*Large File\\* Application Package](#)  
[Planning Board Resolution 2018-46](#)  
[Staff Report for the Planning Board](#)  
[Planning Board Meeting Noticing Package](#)  
[Public Comment](#)  
[Re-Inspection Receipt](#)  
[Extension Notice](#)  
[Parking Director Opinion](#)  
[Planning Department Coordination](#)  
[Site Plan - No Curb Cut](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Wardlow, 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 19-088

**ORDINANCES – FIRST READING**

- 25 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Section 2-773, "Cone of Silence" to add a provision if only one vendor has responded to a solicitation; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on March 20, 2019. The motion carried by the following vote:**

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

- 26 An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending Article VI entitled "Mobile Vendors", Section 18-325 "Transferability" to afford equal rights to Registered Domestic Partners as provided for spouses; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Johnston, Commissioner Wardlow, Commissioner Kaufman, Commissioner Davila, Commissioner Hoover, Commissioner Lopez and Commissioner Weekley

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

**A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading to March 20, 2019. The motion passed by unanimous vote.**

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

27

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, to create a new Article XII, to be titled the “Workforce Affordable Housing Initiative”, for the purpose of implementing Comprehensive Plan Objective 1-1.17, authorizing the acceptance of 300 “Affordable-Early Evacuation Pool” BPAS Units; Pursuant to Chapter 90, Article VI, Division 2; Providing for definitions, findings, purpose and intent, applicability, application, review of application, and monitoring; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Press Release](#)  
[Planning Board Meeting Minutes 10.18.18](#)  
[Comment - Richard Grosso](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, 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 19-05

28

An Ordinance of the City of Key West, Florida, amending the City's Comprehensive Plan, adding Objective 1-1.17 and associated policies to Chapter 1, "Future Land Use Element"; Objective 1-1.17 shall be known as the "Workforce-Affordable Housing Initiative" providing for an additional 300 affordable allocations to an allocation pool to be identified as the "Affordable-Early Evacuation Pool", 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; and Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Press Release](#)  
[Minutes from the Planning Board Meeting on 10.18.18](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Kaufman, 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 19-06



29

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses," by amending "Article XIII - Cosmetics," Section 18-701, to provide definitions; Amending Section 18-704 to provide for notice for unlicensed cosmetology and specialty salons; Amending Section 18-705 to provide additional requirements; and Amending 18-706 to clarify penalties for violation; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Johnston, Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

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

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez to amend the Ordinance to include a consent form. The motion passed by the following vote:**

**No: 3- Commissioner Davila, Commissioner Hoover, Commissioner Weekley**

**Yes: 4- Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Mayor Johnston**

**A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman to amend the Ordinance to reflect any intimidation or coercion utilized to induce a signature on the consent form shall constitute a violation of this Ordinance. The motion passed by the following vote:**

**No: 0**

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted as Amended. 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 19-07

## CITIZEN COMMENTS

## COMMISSION COMMENTS

ADJOURNMENT - 8:51 p.m.