



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, June 16, 2020

5:00 PM

N/A

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 - 5:04 P.M.

ROLL CALL

Absent 1 - Commissioner Davila

Present 6 - 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 Key West Bight Preservation Society (Tenants Association)
- Barry Gibson

Attachments: [Bight Presentation](#)

Received and Filed

- 2 Army Corps Coastal Storm Risk Study Update

Attachments: [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

3 *June 2, 2020

Attachments: [Minutes](#)

Passed

RESOLUTIONS

4 *Approving a Task Order under the City's General Utilities Services Contract with D.N. Higgins, Inc. in a total amount not to exceed \$75,652.17 for liveaboard water main replacement at City Marina; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Proposal](#)
[Contract](#)
[Res #18-322](#)
[Res #15-292](#)

Passed

Enactment No: Res 20-101

- 5 *Approving the attached License Agreement between the City of Key West and the Housing Authority of the City of Key West for the use of a portion of Fort Street and Amelia Street.

Attachments: [Resolution](#)
 [Fort Street Executive Summary-2020](#)
 [License Agreement](#)
 [Exhibit A to License Agreement](#)

Passed

Enactment No: Res 20-102

- 6 *Ratifying Emergency Change Order Number 1 approved by the City Manager on June 8, 2020 in the amount of \$124,529.33, as provided for under Section 2-845 and 2-797(2) of the Code of Ordinances, to Charley Toppino & Sons, Inc. for additional tasks related to the Duval Street Improvements Project; Authorizing necessary budget adjustments and transfers; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Emergency CO](#)
 [Change Order History](#)
 [CO#1-CTS](#)
 [CTS Contract](#)
 [Res 17-106](#)
 [Res 19-054](#)

Passed

Enactment No: Res 20-103

- 7 *Approving the attached "State of Florida Department of Transportation Public Transportation Grant Agreement" (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for emergency relief CARES Act funding 100% federal share through FTA 5311 Rural Areas Program funding (Contract G1M61/Financial Project Number 447463-1-84-01) in an amount of up to \$1,568,601.00; Authorizing necessary budget transfers and adjustments.

Attachments: [Resolution](#)
[Executive Summary](#)
[PTGA \(G1M61\)](#)
[Resolution 19-334 Designation of Authority](#)

Passed

Enactment No: Res 20-104

- 8 *Authorizing the purchase for the fire department of one (1) 2020 Braun Express Plus ambulance from Ten-8 Fire Equipment, Inc., pursuant to government contract (FL Sheriffs' Association/FL Association of Counties Contract FSA 20-VEF14.01), pursuant to Section 2-797(3) of the Code of Ordinances in a total amount not to exceed \$185,758.00 (inclusive of prepayment performance bond); Authorizing necessary budget transfers and adjustments.

Attachments: [Resolution](#)
[Executive Summary](#)
[Key West Braun Proposal 6-2-20](#)
[FSA 20-VEF14.01 Ambulance Specs 01](#)
[FSA 20-VEF14.01 Terms and Conditions](#)
[FSA Specification Group Ambulance type 1](#)
[FSA20-VEF14.01 Contract Award Letter](#)
[Key West Braun Options List](#)
[Rescue 4 Trade-in docs](#)

Passed

Enactment No: Res 20-105

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.

9

Supporting the petitions for Administrative Hearing submitted on June 4, 2020 by Florida Keys Aqueduct Authority (FKAA) and the Florida Keys Fishing Guides Association (FKFGA) to address the April 13, 2020 Notice of Intent by the Florida Department of Environmental Protection (FDEP) to issue a permit to Florida Power & Light (FPL) to operate wastewater treatment and effluent disposal facilities (known as the cooling canals) at the Turkey Point Power Plant; Authorizing the City Attorney to expend available resources if necessary in support of FKAA's position.

Attachments: [Resolution](#)
[Petition FKAA v. FPL FDEP Stamped Copy](#)
[FKFGA Petition](#)
[FKAA Press Release 6-4-20](#)
[Monroe BOCC Turkey Point FKAA Petition Item 6420 Agenda](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed with language added to direct city clerk to send copy of passed Resolution to the Mayor and each Commissioner of Miami-Dade County and the South Florida Regional Planning Council. Also requesting a presentation from Florida Keys Aqueduct Authority addressing the subject. The motion passed by unanimous vote.

Enactment No: Res 20-106

10

Approving and authorizing the repair of the roof at 3420 Northside Drive by Trademark Builder, LLC as described in the attached price quote dated November 16, 2019, in an amount not to exceed \$56,300.00 in the best interests of the City, pursuant to Section 2-797 (4) (b) of the Code of Ordinances; Authorizing any necessary budget adjustments; Authorizing the City Manger or designee to execute any necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Trademark Builders LLC Proposal](#)
 [K2 Summit Proposal](#)
 [Roofing by Ruff Inc Proposal](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Hoover, that the Resolution be Postponed to July 21, 2020. The motion passed by unanimous vote.

11

Ratifying an Emergency Change Order dated June 8, 2020 approved by the City Manager as provided for under Section 2-797(2) and Section 2-845 of the Code of Ordinances in a total amount of \$32,626.00 to the "Proposal for a Voluntary Source Removal College Road Affordable Housing Project Between Tetra Tech, Inc. and The City of Key West" (Petroleum Contamination Remediation); Approving any necessary budget adjustment; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Attachments:[Resolution](#)[Executive Summary](#)[Emergency Change Order](#)[Tetra CO History](#)[Tetra Petroleum CO Proposal](#)[Res 19-332 CR Affordable Housing Petroleum Remediation](#)[Resolution 19-086 Approval of Affordable Housing Project](#)[Res 20-039 General Service Environmental Services](#)

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 20-107

12

Quasi-Judicial Hearing: Easement Agreement - 312 Catherine Street (RE # 00026430-000100)- A request for an Easement Agreement in order to maintain the existing boundary fence encroaching 530.00-square feet, more or less, onto Catherine Street right-of-way on property located within the Historic High Density Residential (HHDR) 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](#)
 [Staff Presentation](#)
 [Agreement](#)
 [Specific Purpose Survey](#)
 [Insurance](#)
 [*Large File* Package](#)

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

Absent: 1 - Commissioner Davila

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

Enactment No: Res 20-108

13

Quasi-Judicial Hearing: Easement Agreement - 413 Greene Street (RE # 0000620-000000) - A request for an Easement Agreement in order to repair and maintain three (3) existing second-floor balconies encroaching a combined total of 171.0-square feet, more or less, onto the Greene Street and Fitzpatrick Street rights-of-way abutting property located within the Historic Residential Commercial Core-Duval Street Gulfside (HRCC-1) Zoning District at 413 Greene Street, Key West, Florida (RE# 0000620-000000); Pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West; Providing fees and conditions; Providing for an effective date.

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

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

Absent: 1 - Commissioner Davila

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

Enactment No: Res 20-109

ORDINANCES – FIRST READING

14

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances, entitled "Traffic and Vehicles" by amending Section 70-1 by adding the definition of "Right-of-Way"; amending Section 70-116 to clarify prohibited uses of Rights-of-Way; Providing penalties; Providing additional enforcement measures and procedures; By amending Section 70-117 to clarify and provide for penalties; Providing additional enforcement measures and procedures; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

Attachments: [Ordinance](#)
 [Public Comment - Item 14](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading with language added to Section 5 (ii) stating explicitly that there could be an exception made by police or parking department and that the residents' obligation would be to contact them. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

Absent: 1 - Commissioner Davila

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

15

Request for Postponement:

An Ordinance of the City of Key West, Florida, amending the boundaries of the Official Zoning Map categories of the Historic Medium Density Residential (HMDR) and the Historic Neighborhood Commercial District (HNC-3) pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
[Executive Summary](#)
[Presentation](#)
[Planning Board Resolution 2020-02](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[Request to Postpone](#)
[Letters of Objection from surrounding neighbors](#)
[Neighbors' Objection to Commission Proceedings](#)
[Letter from Todd Santoro](#)
[Letter from Robert Walsh](#)
[Letter from Marci Rose](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to July 21, 2020. The motion passed by unanimous vote.

16

Request for Postponement:

An Ordinance of the City of Key West, Florida, amending the City's Comprehensive Plan, Chapter 1, entitled "Future Land Use Element", amending boundaries of the Historic Residential (HR) and Historic Commercial (HC); Pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations; 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](#)
[Presentation](#)
[Planning Board Resolution 2020-01](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[Request to Postpone](#)
[Letters of Objection from surrounding neighbors](#)
[Neighbors' Objection to Commission Proceeding](#)
[Presentation on Flum Amendment.pdf](#)
[Letter from Todd Santoro](#)
[Letter from Robert Walsh](#)
[Letter from Marci Rose](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to July 21, 2020. The motion passed by unanimous vote.

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT - 8:09 P.M.**