



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, May 5, 2020

5:00 PM

City Hall

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.

Instructions on how to watch and/or participate in the Virtual Meeting

Attachments: [Virtual Meeting Instructions](#)

CALL MEETING TO ORDER - 5:01 PM

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 changed.

PRESENTATIONS

1 Budget Process for FY 20-21

Attachments: [FY20-21 Budget Schedule](#)

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

2 *April 7, 2020

Attachments: [Minutes](#)

Passed

3 *April 21, 2020 - Special Meeting

Attachments: [Minutes](#)

Passed

RESOLUTIONS

4 Ratifying an Emergency Procurement signed April 9, 2020 by the City Manager, as provided for under Section 2-797(2) of the Code of Ordinances for a work order under the City's Right-of-Way Improvement Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$279,332.36 for 20th Street improvements from Donald Avenue to 18th Terrace (Phase II).

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Purchasing Exemption](#)
 [CTS Work Order](#)
 [Resolution 17-106](#)
 [Resolution 19-054](#)
 [CTS 2019 extension](#)
 [ROW ITB 17-017 executed](#)

Passed

Enactment No: Res 20-074

- 5 *Ratifying an Emergency Procurement dated April 24, 2020 approved by the City Manager as provided for under Section 2-797(2) of the Code of Ordinances, Authorizing a Task Order in an amount not to exceed \$125,037.79 for Charley Toppino & Sons, Inc. to replace three effluent pipes and the wet well liner at pump station "D"; Authorizing any necessary budget transfers.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Emergency declaration and Task Order](#)

Passed

Enactment No: Res 20-075

- 6 *Ratifying Emergency Procurements approved by the City Manager in a memo dated April 28,2020, as provided for under Section 2-797(2) of the Code of Ordinances, Authorizing the purchase of food and related supplies in an amount not to exceed \$50,000.00 from SYSCO Corporation to be distributed to community aid organizations for preparation and distribution to citizens of Key West during the Coronavirus Pandemic; Authorizing pursuant to Section 2-797(4) (b) of the Code of Ordinances - Best Interests of the City, Procurements for additional food and related supplies to be provided to local Non-profit Organizations from SYSCO Corporation in an amount up to \$143,144.17 (Inclusive of emergency procurement authorized concurrently in this Resolution); Directing staff to work with community aid organizations to ensure needs are addressed; Authorizing any necessary budget transfers and adjustments.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Declaration](#)

Passed

Enactment No: Res 20-076

- 7 *Rejecting the bids received in response to Invitation to Bid (ITB) #19-011 for Repainting Port Ops Pedestrian Bridge (Navy in-kind project), pursuant Sec. 2-834(4) of the Code of Ordinances.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Bid Tabulation](#)
 [ITB 19-011](#)
 [RECO Letter & package](#)

Passed

Enactment No: Res 20-077

Approval of the Consent Agenda

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

- 8 Approving the Task Order from Perez Engineering and Development, Inc. in the amount of \$461,170.00 for Professional Engineering, Design and Technical Services to install Tide Valves for the Stormwater Outfalls Phase I Project (Project ST38021901); Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [KW Tide Valves Task Order 20-04](#)
 [KW Tide Valves Fee Task Order 20-04](#)
 [Resolution 20-006](#)
 [Resolution 17-207 General Engineering Services](#)
 [Perez Engineering Services Agreement](#)
 [Perez Engineering Addendum](#)

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

Enactment No: Res 20-078

9

WITHDRAWN BY APPLICANT

Approving Transfer of Mobile Vendor License (MVL)
#2019-000584 from Joseph A. Sweeney to Thomas F.
Ahrensfeld due to hardship.

Attachments: [Resolution](#)
 [Request for MVL Hardship Transfer](#)
 [MVL License](#)

A motion was made by Commissioner Hoover, seconded by Vice Mayor Kaufman, that the Resolution be Postponed to May 19, 2020. The motion carried by the following vote:

No: 2 - Commissioner Lopez and Commissioner Weekley

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

10

Authorizing a One Dollar (\$1.00) Fare on the Duval Loop;
Authorizing Free Transportation for Residents with ID
Indicating a Key West Residence.

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

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez that the Resolution be amended to include that the Resolution be revisited by the Commission within six months from the recommencement of the Duval Loop. The motion passed by the following vote:

No: 1- Commissioner Wardlow and Commissioner Davila - Yes

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

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

No: 2 - Vice Mayor Kaufman and Commissioner Weekley

Yes: 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez,
Commissioner Wardlow and Mayor Johnston

Enactment No: Res 20-079

11

Authorizing a Rent Deferment for up to two months, with an up to two-year repayment period for Commercial Tenants of the City of Key West affected by the COVID-19 emergency for the months of April and May 2020, upon individual request by tenants in good standing which meet specific criteria set forth in the memorandum of Doug Bradshaw, Director of Port and Marine Services, dated April 24, 2020; Directing City Staff to analyze and provide recommendations to the City Manager or Designee to Approve and Execute Addendums to Lease for Rent Deferments.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Comment from Michael Cash \(Key West Artworks\)](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Hoover that the Resolution be Amended to increase the deferral term to three months. The motion passed by a unanimous vote.

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

No: 2 - Vice Mayor Kaufman and Commissioner Weekley

Yes: 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Mayor Johnston

Enactment No: Res 20-080

12

Awarding the Bid from Douglas N. Higgins, Inc., in response to ITB 20-001 for the Deep Well Injection Pump and HVAC Project at the Richard A. Heyman Environmental Protection Facility in the amount of \$827,000.00; Authorizing necessary budget adjustments and transfers; Authorizing the City Manager to Execute a Contract in conformance with the bid documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Bid Documents](#)
 [Design Drawings](#)
 [Bid Specifications](#)
 [DN Higgins Bid](#)

A motion was made by Vice Mayor Sam Kaufman, seconded by Commissioner Mary Lou Hoover, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 20-081

13

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.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Purchasing Exemption Signed 4-23-20](#)
 [Executed 2nd Amendment](#)
 [K2M Proposal](#)
 [K2M Contract Executed](#)
 [Res 19-224 K2M Design Contract](#)
 [Res 20-028 Amendment 1 K2M](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Postponed to a date not certain. The motion carried by the following vote:

No: 2 - Vice Mayor Kaufman and Commissioner Weekley

Yes: 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Mayor Johnston

ORDINANCES – FIRST READING

14

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](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Vice Mayor Sam Kaufman, that the Ordinance be Postponed to the June 2, 2020 City Commission Meeting. The motion passed by an unanimous vote.

15

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](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to the June 2, 2020 City Commission Meeting. The motion passed by an unanimous vote.

ORDINANCES - SECOND READING (Public Hearing)

16

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 Election of August 18, 2020 as the date of Referendum; Providing for Severability; providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)

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

Enactment No: Ord 20-05

17

An Ordinance of The City Of Key West, Florida, amending the Future Land Use Map of the City Of Key West Comprehensive Plan for properties located at 918 Fort Street (Re # 00001630-000801), 727 Fort Street (Re # 00013990-000000), 101 Geraldine Street (Re # 00013970-000000), 709 Fort Street (Re # 00013960-000000), 100 Angela Street (Re # 00013950-000000), 105 Geraldine Street (Re # 00013910-000000), 110 Angela Street (Re # 00013900-000000), 111 Geraldine Street (Re # 00013870-000000), 112 Angela Street (Re # 00013860-000000), 109 Geraldine Street (Re # 00013830-000000), and 114 Angela Street (Re # 00013820-000000); Amending The Future Land Use Map Legend from Historic Public / Semi-Public, Historic Commercial, and Historic Residential to Historic Commercial; and to add a new Future Land Use Map Zoning Subdistrict designation of "Historic Neighborhood Commercial Bahama Village Truman Waterfront" (HNC-4) and applying such designation to said properties; Pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code Of Ordinances of the City Of Key West, Florida; Providing for severability; providing for the repeal of inconsistent provisions; Providing for transmittal to the State Land Planning Agency; Providing for the filing with the Secretary Of State and for an effective date; and Providing for the inclusion into The City Of Key West Comprehensive Plan.

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Resolution 2019-85](#)
[Presentation](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to the May 19, 2020 City Commission Meeting. The motion passed by an unanimous vote.

18

An Ordinance of the City Of Key West, Florida, amending the Official Zoning Map and the Official Zoning Map Legend to create a new zoning subsection to be named The Historic Neighborhood Commercial District Bahama Village Truman Waterfront (HNC-4) on property located at 918 Fort Street (Re # 00001630-000801), 727 Fort Street (Re # 00013990-000000), 101 Geraldine Street (Re # 00013970-000000), 709 Fort Street (Re # 00013960-000000), 100 Angela Street (Re # 00013950-000000), 105 Geraldine Street (Re # 00013910-000000), 110 Angela Street (Re # 00013900-000000), 111 Geraldine Street (Re # 00013870-000000), 112 Angela Street (Re # 00013860-000000), 109 Geraldine Street (Re # 00013830-000000), and 114 Angela Street (Re # 00013820-000000) Pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code Of Ordinances of the City Of Key West, Florida; Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan Future Land Use Map (FLUM) Amendments; providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [Planning Board Resolution 2019-86](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to the May 19, 2020 City Commission Meeting. The motion passed by an unanimous vote.

19

An Ordinance of the City of Key West, Florida, amending Comprehensive Plan Policy 1-1.1.4, entitled “Affordable Housing and Compact Development Incentives,” to add a revised FLUM, amending Comprehensive Plan Table 1-1.1.5, to add an additional subdistrict under Historic and Commercial Future Land Use District, and amending Comprehensive Plan Policy 1-1.1.9, entitled “Allowed Uses in Historic Neighborhood Commercial,” to add a fifth corridor and a fourth HNC Subdistrict to allow for up to 40 dwelling units per acre; Pursuant to Chapter 90, Article VI, Division 3; Providing for repeal of inconsistent provisions; Providing for an effective date; and Providing for the inclusion in the City of Key West Comprehensive Plan.

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [Planning Board Resolution 2019-87](#)

A motion was made by Vice Mayor Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Ordinance be Postponed to the May 19, 2020 City Commission Meeting. The motion passed by an unanimous vote.

20

An Ordinance of The City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, entitled "Zoning," Article IV, entitled "Districts," Division 8 entitled "Historic Neighborhood Commercial Districts," to create a new zoning district entitled the "Historic Neighborhood Commercial District Bahama Village Truman Waterfront" (HNC-4), providing amendments to Section 122-92, entitled "Future Land Use Map Designations and Zoning Districts," Section 122-1111, entitled "Table of Land Use by Districts," Section 122-1112, entitled "Table of Permitted and Conditional Commercial Retail Uses by Districts," and Section 122-1151, entitled "Size and Dimension," Providing for intent, permitted uses, conditional uses, prohibited uses, and dimensional requirements; Providing for residential density of up to 40 units per acre; 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](#)
 [*Large File* Planning Board Resolution 2019-88](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to May 19, 2020. The motion passed by an unanimous vote.

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:15 PM