



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, August 6, 2019

5:00 PM

City Hall

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 (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE TWENTY-FOUR (24) HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 5:04 P.M.

ROLL CALL

Absent 1 - Commissioner Weekley

Present 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow and Mayor Johnston

INVOCATION - Elizabeth Weinstock, The Southernmost Reverend

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The Agenda was approved unanimously as changed.

PROCLAMATIONS

1 CHI & National Health Center Week

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

- 2 Join the Plastic Free Keys Initiative!
Barry Wray, Presenter

Attachments: [Presentation](#)

Received and Filed

- 3 Transit Development Plan Final Report
-Rod Delostrinos & Tindale Oliver, Presenters

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

- 4 July 11, 2019

Attachments: [Minutes \(Workshop\)](#)

Approved

- 5 *July 16, 2019 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

- 6 *Re-appointing J. Robert Dean to the Housing Authority of the City of Key West Board of Commissioners.

Attachments: [Resolution](#)
 [J. Robert Dean Certification of Appointment](#)
 [J. Robert Dean Resume](#)

Passed

Enactment No: Res 19-218

- 7 *Requesting Monroe County and the State of Florida join the City of Key West in efforts to eradicate invasive iguanas on public property in the City of Key West.

Attachments: [Resolution](#)

Passed

Enactment No: Res 19-219

- 8 *Granting a Special Event Permit pursuant to section 6-86 of the Code of Ordinances for a Samuels House, Inc. Fundraiser at the Southernmost House 1400 Duval Street during the hours of 7:00 p.m. to 10:00 p.m. on Saturday September 14, 2019.

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

Passed

Enactment No: Res 19-220

- 9 *Authorizing the Key West Business Guild, Inc. to conduct the 37th Annual Headdress Ball at the Truman Waterfront Amphitheatre on Thursday, October 24, 2019 from 8:00 p.m. to 11:00 p.m.; Set up Wednesday, October 23, 2019; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the Sale and Consumption of alcoholic beverages within an enclosed area.

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

Passed

Enactment No: Res 19-221

- 10 *Authorizing the United States Navy to hold their annual Veterans Day Parade on Duval Street from 4:00 p.m. to 8:00 p.m. on Saturday, November 9, 2019; Authorizing the closure of certain streets or portions thereof for said parade from 4:00 p.m. to 8:00 p.m. Waiving all fees for required City Services.

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

Passed

Enactment No: Res 19-222

- 11 *Approving the submission of the attached City of Key West Department of Transportation 10-year transit development plan (TDP 2020-2029) major update for submission to the Florida Department of Transportation for review and compliance determination.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Key West TDP Draft Report \(Large File\)](#)

Passed

Enactment No: Res 19-223

12

*Approving the attached negotiated “Design Services Proposal” between the City and K2M Design, Inc. for architectural services for tasks 1 through 4 of the Frederick Douglass Gym extension project in an amount not to exceed \$236,093.00 in accordance with negotiated terms and terms specified in RFQ 19-001; Authorizing the City Manager to execute necessary documents on behalf of the City of Key West, upon consent of the City Attorney; Authorizing any necessary budget amendments and transfers; Providing for an effective date.

Attachments:[Resolution](#)[Executive Summary](#)[K2M Negotiated Proposal](#)[Resolution 19-150](#)[Sample Contract](#)[RFQ 19-001 Full Document \(Large File\)](#)[K2M RFQ Response](#)[Horn RFQ Response](#)[Hayes RFQ Response](#)[Evaluation Matrix](#)[Resolution 18-038](#)[Zyscovich Visioning Plan \(Large File\)](#)**Passed**

Enactment No: Res 19-224

13

*Approving a task order under the City's General Utilities contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$52,661.12 for South Street ADA sidewalk drainage improvements; Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [CTS Task Order](#)
 [Contract-General Utilities Services](#)
 [Resolution 18-322](#)

Passed

Enactment No: Res 19-225

14

*Awarding the Bid of Charley Toppino & Sons, Inc. received in response to Invitation to Bid (ITB) #19-020 for TS1102 Lower Keys Bus Aprons; Authorizing the City Manager to execute a contract in substantial conformance with the bid proposal; providing for an effective date.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Toppino Bus Apron Bid](#)
 [Invitation to Bid #19-020 \(Large File\)](#)
 [Resolution 15-008 SRS master agreement](#)
 [FTA grant](#)

Passed

Enactment No: Res 19-226

- 15 *Authorizing pursuant to Section 2-771 (3) (c) of the code of ordinances the disposal of surplus and obsolete city-owned vehicles, equipment and improvements, set forth in the attached "Vehicle List".

Attachments: [Resolution](#)
 [Executive Summary](#)
 [FDEP Inspection](#)
 [Vehicle List](#)

Passed

Enactment No: Res 19-227

- 16 *Authorizing a purchasing exception pursuant to Section 2-797 (1) and 2-797 (4) (b) of the code of ordinances, to allow an increase not to exceed \$35,000 in cumulative expenditures during the FY 18-19 to Pat's Pump and Blower (from \$19,500.00 to \$54,500.00); Authorizing necessary budget transfers.

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

Passed

Enactment No: Res 19-228

- 17 *Ratifying an Emergency Procurement dated July 8, 2019 by the City Manager, as provided for under Section 2-797 (2) of the Code of Ordinances, Authorizing a work change directive in an amount not to exceed \$26,164.00 for additional work necessary for the aluminum hatch replacement at Pump Station D (from \$19,945.12 to \$46,109.12); Authorizing necessary budget transfers; Providing for an effective date.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order Proposal](#)
 [Change Order](#)
 [Emergency Declaration](#)
 [Resolution 15-292](#)
 [Resolution 18-322](#)
 [Contract Agreement](#)

Passed

Enactment No: Res 19-229

- 18 *Ratifying an emergency procurement dated July 10, 2019 approved by the City Manager as provided for under Section 2-797 (2) and 2-797 (4) of the Code of Ordinances, for Stewart & Stevenson Power Products, LLC in an amount not to exceed \$31,199.02 to rent a diesel generator for the Key West Police Department; Authorizing necessary budget transfers.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Declaration Letter of Emergency](#)
 [Stewart & Stevenson Invoices](#)
 [Stewart & Stevenson Quote](#)
 [Aggreko Rental Quote](#)
 [Sunbelt Rental Quote](#)

Passed

Enactment No: Res 19-230

19

*Ratifying emergency change order #1 pursuant to section 2-845 of the Code of Ordinances to Tetra Tech, Inc. in an amount not to exceed \$19,278.00 for additional services during construction of aquarium seawall repair; Authorizing necessary budget transfers/amendments; Authorizing the City Manager to execute necessary documents; Providing for an effective date.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Tetra Change Order 1 - CM Signed](#)
 [Tetra Statement of Work-Signed](#)
 [Res 18-248 Tetra Svcs During Const](#)
 [Res 14-359 Gen Env Svcs](#)
 [Res 17-299 Gen Env Svcs Extension](#)
 [Pac Contract-Signed](#)
 [Pac Chg Order 1 - Add 63 Days](#)
 [Res 18-342 Pac Aquarium Award](#)

Passed

Enactment No: Res 19-231

20

*Approving the attached “Interlocal Agreement between the Florida Keys Aqueduct Authority and the City of Key West” for paving the city portion of College Road; Authorizing any necessary budget adjustments and transfers; providing for an effective date.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Interlocal Agreement with FCAA](#)
 [FCAA Bid Documents](#)
 [Bid Tabulation](#)

Passed

Enactment No: Res 19-232

- 21 *Approving the attached Memorandum of Understanding between Monroe County School District (MCSD) and the City of Key West to enable the MCSD Fire Academy at Key West High School and the Key West Fire Department to provide Fire Fighting Training to students during the 2019-2020 school year; Approving any necessary budget adjustments.

Attachments: [Resolution](#)
 [2019-2020 Fire Academy Exec Sum](#)
 [MOU KW Fire Department 6.25.2019](#)

Passed

Enactment No: Res 19-233

- 22 *Approving the Transfer of Mobile Vendor License (MVL) #564 from David W. Del Rosso to Jesse Blackmer due to hardship.

Attachments: [Resolution](#)
 [Request for MVL transfer Del Rosso](#)

Passed

Enactment No: Res 19-234

- 23 *Approving a proposed settlement agreement in the case of Cathy Pierce v. City of Key West (Case No.: 2018-CA-142-K) in the amount of \$40,000.00; Authorizing the City Manager to execute all documents consistent with the settlement agreement, upon the advice and consent of the City Attorney; Providing for an effective date.

Attachments: [Resolution](#)
 [Mediation Agreement](#)
 [Settlement Summary](#)

Passed

Enactment No: Res 19-235

- 24 *Extending the Duval Promenade Pilot Program, also known as Mall on Duval, through February 17, 2020; Authorizing the City Manager to execute any necessary documents upon review and consent of the City Attorney.

Attachments: [Resolution](#)
 [Res No 19-116](#)
 [Carl Fischer Presentation](#)
 [Public Comment](#)
 [Public Comment](#)
 [Public Comment](#)
 [Public Comment](#)
 [Public Comment](#)
 [Public Comment](#)
 [Objection Article in Konk Life](#)

Postponed to August 20, 2019

Approval of the Consent Agenda

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

- 25 Provide for Sunset of the Truman Waterfront Advisory Board (TWAB) effective August 6, 2019; Acknowledging the service of the TWAB Members; Providing for an effective date.

Attachments: [Resolution](#)

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

Enactment No: Res 19-236

26

Approving the attached Professional Management Services Agreement between the City of Key West and Rams Head Promotion of Key West, LLC for Key West Amphitheater Venue Management Services; authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Attachments:[Resolution](#)[Executive Summary](#)[Agreement](#)[Res 19-117 Award RFQ 19-003](#)[Rams Head RFQ 19-003](#)[Rams Head Corporate Filing](#)[KW Amp Projections](#)

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 Weekley

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

Enactment No: Res 19-237

27

Authorizing the City Manager to execute a satisfaction of lien in the cases of Rishi and Reshma Gidwani, property owners of 3609 Northside Drive through their representative, Gary the Carpenter.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Special Magistrate's Findings and Orders](#)
 [Lien](#)
 [Lien Mitigation Form](#)
 [Special Magistrate's Findings and Orders](#)
 [Lien](#)
 [Lien Mitigation Form](#)
 [Special Magistrates Findings and Orders](#)
 [Amended Findings and Orders](#)
 [Lien](#)
 [Lien Mitigation Form](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed with a payment of \$93,400.00. The motion carried by the following vote:

Absent: 1 - Commissioner Weekley

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

Enactment No: Res 19-238

28

Designating the Truman Waterfront Amphitheater as "The Coffee Butler Key West Amphitheater".

Attachments: [Resolution](#)
 [Public Comment](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed as amended to reflect Lofton "Coffee" Butler signage. The motion carried by the following vote:

Absent: 1 - Commissioner Weekley

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

Enactment No: Res 19-239

Meeting went into Recess - 7:33 P.M. Reconvened - 7:50 P.M.

29

Setting goals to make Key West free from single use plastic products; Providing for an effective date.

Attachments: [Resolution](#)
 [Miami Herald Article](#)

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

Absent: 1 - Commissioner Weekley

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

Enactment No: Res 19-240

30

QUASI JUDICIAL HEARING:

Major Development Plan and Landscape Modification / Waiver - 5220, 5224, 5228, & 5230 College Road (RE# 00072082-002200, 00072082-002100, 00072080-002200, & 00072082-002400) - A Major Development Plan and Landscape Modification / Waiver application for permanent residential development of 103 workforce affordable housing units on properties located within the High Density Residential College Road District (HDR-1) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments:[Resolution](#)[Executive Summary](#)[*Large File* Plans \(updated 8.1.19\)](#)[Planning Board Resolution 2019-47](#)[Staff Report](#)[Package \(Large File\)](#)[Traffic Study - May 2019 \(Large File\)](#)[Comments from the DRC](#)[Noticing Package](#)[Presentation](#)

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

Enactment No: Res 19-241

31

QUASI JUDICIAL HEARING:**Major Development Plan and Conditional Use -****2407-2409 North Roosevelt Boulevard (RE#****00002280-000100 and RE# 00002280-000101) - A**

request for Major Development Plan and Conditional Use Approval to develop a Marina (30 Liveaboard Vessels / 40 Recreational Vessels) and a 1-story Marina Clubhouse on properties located within the Conservation (C) Zoning District pursuant to the Land Development Regulations of the City of Key West, Florida.

Attachments:[Resolution](#)[Executive Summary](#)[KWFD Comment Regarding Inadequate Firefighting Apparatus Turn
Around Area](#)[Revised Staff Report for the Planning Board](#)[Package \(Large File\)](#)[Traffic Study](#)[Initial Traffic Review Comments](#)[Traffic Study Response to Traffic Consultant's Comments](#)[Utilities Comments](#)[Floodplain Comments](#)[Noticing Package](#)[Marina Facilities Management Plan](#)[Hurricane Management Plan](#)[Applicant's Site Data, Parking, and Trip Generation Summary](#)[Email from applicant regarding the dock master's office](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Public Comment](#)[Letter from Dr. Walker's Attorney](#)[Public Comment](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Resolution be Postponed. The motion passed by a unanimous vote.

Enactment No: PB Resolution 2019-33

ORDINANCES – FIRST READING

32

An Ordinance of the City of Key West, Florida, Amending Chapter 70 of the Code of Ordinances entitled Traffic and Vehicles by amending Article IV - Parking Stopping and Standing, Division 6, Employee Assistance Parking Permit Program in Historic District, Amending Section 70-255 to adjust employee assistance parking decal fees; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

A motion was made by Commissioner Lopez, seconded by Commissioner Hoover, that the Ordinance be Passed to Second Reading on August 20, 2019. The motion passed by a voice vote of 5 to 1 with Commissioner Kaufman voting no.

33

An Ordinance of the City of Key West, Florida, Amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Article IV - "Parking Stopping and Standing", Division 7, "Employee Parking Lot Permit Program in Historic District", Amending Section 70-261 to adjust the designated lots for this permit program; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

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

A motion was made by Commissioner Lopez, seconded by Commissioner Kaufman, that the Ordinance be Passed to Second Reading on August 20, 2019. The motion passed by a unanimous vote.

ORDINANCES - SECOND READING (Public Hearing)

34

An Ordinance of the City of Key West, Florida amending Chapter 86 of the Land Development Regulations, entitled "General Provisions, Section 86-9, entitled "Definition of Terms" and Chapter 108, entitled "Planning and Development", Section 108-997, entitled "Period of Allocation and Ranking/Review of Applications"; pursuant to Chapter 90, Article VI, Division 2; providing for severability; providing for Repeal of Inconsistent Provisions; providing for an effective date.

Attachments:[Resolution](#)[Executive Summary](#)[Ordinance](#)[Staff Report](#)[Sustainability Board's Friendly Amendment to Cistern Demotion in BPAS](#)[Text Amendment Language Recommendation from the SAB](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Hoover, that the Ordinance be Adopted. The motion passed by a unanimous vote.

Enactment No: Ord 19-18

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT - 9:32 P.M.**