



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Wednesday, September 16, 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 unanimously approved as amended.

PROCLAMATIONS

1 Constitution Week

Attachments: [Proclamation](#)

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 *September 1, 2020

Attachments: [Minutes](#)

Passed

RESOLUTIONS

3 *Approving the attached "Amendment One to Local Option Gas Tax Sharing Interlocal Agreement" between and among the City of Key West, the City of Key Colony Beach, the City of Layton, the City of Marathon, Islamorada, Village of Islands and Monroe County, Florida.

Attachments: [Resolution](#)
 [Amendment One to ILA- Local Option Gas Tax Sharing Final](#)
 [Resolution 09-108](#)

Passed

Enactment No: Res 20-175

4 *Approving the proposed Settlement Agreement in Aloma McCoy v City of Key West, Monroe County Circuit Court Case No. 2018-CA-1404-K in the amount of \$97,421.63; Authorizing the City Manager to execute all settlement documents upon the advice and consent of the City Attorney.

Attachments: [Resolution](#)
 [Case Summary](#)
 [Release and Settlement](#)
 [Settlement Agreement](#)

Enactment No: Res 20-176

- 5 *Authorizing the placement of the City's Property and Casualty Insurance Program for 2020-2021 by Public Risk Management of Florida (PRM) as submitted by World Risk Management (WRM) in the amount of \$1,465,968.00, pursuant to Section 2-797(4)(b) of the Code of Ordinances, Exempt Contractual Services; Authorizing acceptance of World Risk Management as the Agent/Broker for the City's Casualty Insurance Program for policy years 2020-2021; Approving pursuant to Section 2-797(4)(b) of the Code of Ordinances the placement of the City's Ancillary Policies in the amount of \$93,052.00 through Public Risk Insurance Agency (PRIA) to include: Westchester Fire Insurance for Aircraft (Drone) Coverage provided by WRM (\$3,043.00); Great American for Marine Operators Legal Liability Coverage (\$15,316.00), Outer Mole Excess Liability Coverage (\$10,450.00), Wharfingers Liability Coverage (\$14,269.00), Hull & Machinery Coverage (\$15,547.00), Vessel Pollution Coverage (\$6,025.00); ACE American Insurance Company (Chubb) for AD&D Coverage (\$7,550.00); Commerce & Industry for Storage Tank Liability (\$6,511.00); Indian Harbor Insurance Company for Pollution Liability (\$14,341.00); Authorizing acceptance of Public Risk Insurance Agency (PRIA) as the agent/broker for the City's Ancillary Policies, with the exception of Drone Coverage (WRM); Authorizing the City Manager to execute all documents consistent therewith with the consent and advice of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary Property Casualty 2020-2021](#)
 [Ben Few Prop Cas Insurance Renewal Recommendation for 20-21](#)
 [INTERISK 2020-2021 Insurance Renewal Evaluation](#)
 [Key West 2020 - 2021 P&C Renewal Proposal](#)
 [Key West Ancillary Coverage Proposal 20-21](#)
 [Key West Premium Comparison 20-21 Revised 9-3-20](#)

Passed

Enactment No: Res 20-177

- 6 *Authorize a \$2,000.00 Grant for State Forfeiture Funds pursuant to Florida Statutes Section 932.7055, to Autism Society of the Keys (ASK).

Attachments: [Resolution](#)
 [Executive Summary ASK](#)
 [Autism Society of the Keys](#)

Passed

Enactment No: Res 20-178

- 7 *Authorizing a \$2,500.00 Grant from State Forfeiture Funds pursuant to Florida Statutes Section 932.7055, to Trinity Wesleyan Methodist Church.

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

Passed

Enactment No: Res 20-179

- 8 *Approving the attached "Interlocal Agreement for CARES Act Funding" (ILA) between Monroe County Board and the City of Key West in an amount not to exceed \$165,600.00; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute the ILA upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Interlocal Agreement](#)
 [COVID 19 incurred expenses](#)

Passed

Enactment No: Res 20-180

Approval of the Consent Agenda

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

9

Renaming and dedicating the Confederate Civil War Pavilion at Bayview Park as "The One Human Family Pavilion".

Attachments:[Resolution](#)[One Human Family Proclamation](#)[OHF Fingers on the Hand](#)[The Miami Herald - Jan 6 1924](#)[The Miami News - Jan 7 1924](#)[Miami Herald Feb 15 1924](#)[KKK Parade - Key West Citizen Feb 19 1924](#)[KKK Bayview - Key West Citizen May 6 1946](#)[The Miami Herald - March 5 1992](#)[Pensacola News Journal - March 9 1992](#)[Florida Today March 22 1992](#)[Email from VLM](#)

A motion was made by Vice Mayor Kaufman, 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 20-181

10

Approving the attached "Landscape Maintenance and Installation Agreement Between Monroe County and the City of Key West" (Agreement) for landscaping in certain areas within the Flagler Avenue median; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute the Agreement upon consent of the City Attorney.

Attachments:[Resolution](#)[Executive Summary](#)[Interlocal Agreement - Flagler Landscaping](#)[Res 20-072 Flagler Median Landscaping](#)

A motion was made by Commissioner Hoover, seconded by Commissioner Weekley, 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 20-182

11

Authorizing a Local Agency Program (LAP) Supplemental Agreement #6 between the City of Key West and FDOT in the amount of \$461,660.76 for additional design services associated with Project 250548-4: US-1/S. Roosevelt from Bertha to Smathers Beach (FM# 250548-4); Authorizing any necessary budget transfers or adjustments.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [LAP Supplemental Agreement #6](#)
 [Scope of Services](#)
 [Staff Hours and cost estimate](#)
 [Resolution 08-122](#)
 [Resolution 13-293](#)
 [Resolution 15-294](#)
 [Resolution 18-070](#)
 [Resolution 19-124](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Davila, 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 20-183

12

Providing for a temporary deferment of impact fees due to COVID-19 for vendors and alcohol beverages now licensed as restaurants after July 1, 2020, under Chapter 509, Florida Statutes.

Attachments: [Resolution](#)

Withdrawn

13

An Appeal of the Decision of the Floodplain Administrator of the City of Key West, Substantial Improvement Determination (rendered on August 12, 2020), with respect to the property located at 1413 Flagler Avenue, Key West, Florida (RE# 0040730-000000), filed by Nikki Pappas, Esq. on behalf of the Appellant, 1409-1413, LLC.

Attachments: [Appeal](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to October 6, 2020. The motion passed by unanimous vote.

ORDINANCES – FIRST READING

14

An Uncodified Ordinance of the City of Key West, Florida, amending Ordinance 20-08 to mandate that individuals wear a face covering in public with certain exceptions; Declaring the Ordinance to be an emergency measure; providing for penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective and sunset date.

Attachments: [Ordinance](#)
[Executive Summary](#)
[Public Comment - Jackson](#)
[Public Comment - Anderson](#)
[Public Comment - Johnson](#)
[Public Comment - Petition Info](#)
[Public Comment - Holtz](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, that the Ordinance be Amended at Page 6, under Section 2(c) to read, "A business establishment shall not include a private, closed event". 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

A motion was made by Commissioner Weekley, seconded by Commissioner Davila, that the Ordinance be Amended at Page 9, under Section 4 to create a new Subsection (14) to read, "During organized sports activities which are following their sanctioning body guidelines". 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

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

Enactment No: Ord 20-14

15

An Ordinance of the City of Key West, Florida, amending Chapter 62 of the Code of Ordinances entitled "Streets and Sidewalks" by amending Article V, entitled "Newsracks" amending the amount of permitted newsracks on sidewalks adjacent to Duval Street; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that the Ordinance be Passed to Second Reading with an amendment to strike 1st sentence of Section 1(b). 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

16

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 indefinitely. The motion passed by unanimous vote.

17

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 indefinitely. The motion passed by unanimous vote.

DISCUSSION

18

Goals and Objectives for City Manager Greg Veliz

Attachments:[Goals and Objectives](#)

Discussed

ORDINANCES

19

PROPOSED ADD-ON:

An Uncodified Ordinance of the City of Key West, Florida, to mandate that certain business establishments who wish to allow seating at bar counters for their patrons adhere to social distancing requirements; Declaring the Ordinance to be an emergency measure; Providing for penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective and sunset date.

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [Public Comment - Faber](#)

Add-on was not approved.

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT - 7:52 P.M.**