



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final - Final

### City Commission

---

Tuesday, August 16, 2016

6:00 PM

Old 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**CALL MEETING TO ORDER - 6:02 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Wardlow

**Present** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Weekley and Mayor Cates

**INVOCATION - Lt. Ethan Everts, Command Chaplain NAS Key West**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

#### COMMENDATIONS

1 Gary Dunick

**Sponsors:** Mayor Cates, Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

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

**Received and Filed**

#### PROCLAMATIONS

**2** Key West Lady Conchs 2016 12u Travel Softball Team Day

**Sponsors:** Mayor Cates, Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and City Attorney Smith

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

Received and Filed

**3** National Chef's Appreciation Week

**Sponsors:** Mayor Cates

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

Received and Filed

**PRESENTATIONS**

**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** \*August 2, 2016 (Regular)

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

Approved

**RESOLUTIONS**

- 5** \*Urging the Florida Legislature to amend Section 775.085 of the Florida Statutes to include enhanced penalties for felonies and misdemeanors committed against Law Enforcement Officers, Firefighters, Emergency Services Personnel and Code Enforcement Officers due to their employment status.

**Sponsors:** Commissioner Weekley

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

**Passed**

Enactment No: Res 16-239

- 6** \*Urging Federal and State Elected Officials to collaborate with Local Officials and First Responders to enhance the safety of our community by limiting the availability and use of Military grade, high capacity magazine assault weapons to Law Enforcement Agencies; Urging the U.S. Congress to reinstate a Federal assault weapons ban; Urging the Florida Legislature to allow Local Governments to impose an assault weapons ban; Directing City Lobbyists to lobby for the passage of Legislation to impose an assault weapons ban, and strengthen regulations regarding assault weapons.

**Sponsors:** Commissioner Weekley

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

**Passed**

Enactment No: Res 16-240

- 7                    \*Approving the attached "Amendment to the Traffic Signal Maintenance and Compensation Agreement", including "Attachment 1 revised terms and conditions for the Traffic Signal and Compensation Agreement" to the "State of Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement, Contract ARU46".

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Amendment](#)  
                              [\\*Large File\\* Attachment 1](#)  
                              [Resolution 16-181](#)  
                              [Resolution 15-224](#)  
                              [Original Agreement](#)  
                              [Exhibit A for Fiscal Year 2016/2017](#)

**Passed**

Enactment No: Res 16-241

#### **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.**

- 8                    Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances to Katherine Wyatt and Laurence Watson for a Wedding ceremony and reception at the Hemingway House at 907 Whitehead Street during the hours of 10:00 P.M. to 11:00 P.M. on Sunday, May 7, 2017.

**Sponsors:**            City Manager Scholl

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

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

**Absent:**    1 -    Commissioner Wardlow

**Yes:**     6 -    Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-242

9

Supporting the stated renegotiation of goals of the newly-formed "Committee To Rescue Our Hospital" (CTROH).

**Sponsors:** Commissioner Kaufman

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

*A motion was made by Commission Lopez to amend the Therefore Clause by adding before the word revert...."The City Attorney prior to this" and after the word revert...."Come back to the Commission with options that would include the possibility of an oversight Committee", seconded by Commission Kaufman. The motion carried by the following vote:*

**Absent:** 1 - Commissioner Wardlow

**Yes:** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Weekley and Mayor Cates

*A motion was made by Commissioner Romero to include the language "City Attorney to report back to the Commission what their authority of influence is, range of input and limitations", seconded by Commissioner Kaufman, that the Resolution be amended. The motion carried by the following vote:*

**Absent:** 1 - Commissioner Wardlow

**Yes:** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Weekley and Mayor Cates

*A motion was made by Commissioner Romero to remove the Asterik "Insist that the Hospital District Board perform all of the functions delegated to it by the Enabling Act". The motion died due to a lack of a second.*

**A motion was made by Commissioner Payne to amend the Therefore Clause after the word Investigate...."Whether legal action is appropriate after reporting options to the City Commission in order to", seconded by Commissioner Kaufman, that the Resolution be Passed as amended. The motion carried by the following vote:**

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Wardlow

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-243

The Mayor recessed the Meeting at 8:45 P.M.

The Mayor reconvened the Meeting at 8:54 P.M.

Due to illness, Commissioner Lopez left the meeting.

A motion was made by Commissioner Weekley, seconded by Commissioner Payne to Table all Ordinances Second Reading Public Hearing Items to be heard after the Presentation.

The motion passed unanimously.

- 10 Directing the City Attorney to search out specilzed legal counsel to render land use and takings litigation opinion(s) concerning Truman Harbor.

Sponsors: Commissioner Payne

Attachments: [Resolution](#)  
[Letter from Barbara Ramey](#)

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

**No:** 1 - Commissioner Romero

**Absent:** 2 - Commissioner Lopez and Commissioner Wardlow

**Yes:** 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-244

## PRESENTATIONS

- 11 FDA report on Genetically Modified Mosquitos

Sponsors: City Manager Scholl

Received and Filed

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman to remove all Ordinances Second Reading Public Hearing Items off the Table to be heard.

The motion passed unanimously.

## ORDINANCES - SECOND READING (Public Hearing)

12

An Ordinance of the City of Key West, Florida, amending Chapter 10 of the Code of Ordinances entitled "Animals" by creating Article VI, entitled "Restrictions on Retail Pet Sales and Pet Mills" by creating Section 10-254, "Definitions"; Section 10-255, "Prohibitions"; Section 10-256 "Exemptions"; Section 10-257 "Certificate of Source"; Section 10-258, "Penalty"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Kaufman

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

**A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Ordinance be Adopted. The motion carried by the following vote:**

**Absent:** 2 - Commissioner Lopez and Commissioner Wardlow

**Yes:** 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Weekley and Mayor Cates

Enactment No: Ord 16-13

13

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" Article X "Division 1. Generally" by adding Section 70-496 - Definitions; Adding Section 70-497 - Bus Parking Restricted; Amending Article X, Division 2, Section 70-521 to Amend Provisions Restricting Bus Tours in the Historic District; Repealing Section 70-522, titled "Parking Restricted," and replacing it with a new Section 70-522 to provide for Identification and Marking; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Tour Bus Access Map - 908 CAROLINE](#)  
[Letters from Filipe Correa Tours To You](#)  
[Letter From Nicola Cervone Xcursionsusa](#)

*A motion was made by Commissioner Romero to remove the monthly fee. The motion died due to lack of a second.*

**A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion carried by the following vote:**

**Absent:** 2 - Commissioner Lopez and Commissioner Wardlow

**Yes:** 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Weekley and Mayor Cates

Enactment No: Ord 16-14

14

An Ordinance of the City of Key West, Florida, pursuant to Section 1.08 of the City Charter, calling for a referendum authorizing the City of Key West to acquire those portions of real property located at 101 Geraldine Street, 100 Angela Street and 709 Fort Street, more particularly described as Parcel Identification numbers 13950, 13960, 13970 and which currently contain 3 existing buildings, from the Utility Board of the City of Key West, commonly referred to as Keys Energy Services, for use by the City of Key West for functions consistent with city operations, for no monetary remuneration; Authorizing the city clerk to take all necessary action to place this measure on the ballot for November 8, 2016; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Structural / Environmental Condition Assessment and Repairs Estimate](#)  
[Final Cost Estimate](#)  
[\\*Large File\\* Final Structural Assessment Report](#)  
[\\*Large File\\* Final Environmental Report](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 1 - Commissioner Romero

**Absent:** 2 - Commissioner Lopez and Commissioner Wardlow

**Yes:** 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Weekley and Mayor Cates

Enactment No: Ord 16-15



15

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances entitled Planning and Development by amending existing Section 108-995 to set aside all available Building Permit Allocations during the July 1, 2016 - June 30, 2017 Allocation Period exclusively for Affordable Housing; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution 2016-37](#)  
[Planning Board Staff Report and Documentation](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 1 - Commissioner Romero

**Absent:** 2 - Commissioner Lopez and Commissioner Wardlow

**Yes:** 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Weekley and Mayor Cates

Enactment No: Ord 16-16

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

**ADJOURNMENT - 10:28 P.M.**