



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

City Commission

Tuesday, March 20, 2018

6:00 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 FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 6:01 P.M.

ROLL CALL

Present 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Pastor Michael Curry, 5th Street Baptist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as amended unanimously.

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

- 1 March 6, 2018 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

- 2 *Appointing Father Arthur Dennison to the Key West Civil Service Board.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 18-100

- 3 *Urging the State of Florida to allow replenishment and replanting of new growth Australian Pines, in order to maintain the shade canopy at Fort Zachary Taylor Historic Park.

Sponsors: Mayor Cates

Attachments: [Resolution](#)

Passed

Enactment No: Res 18-101

- 4 *Expressing opposition to offshore oil and gas drilling and exploration, including seismic airgun blasting, due to the risk these activities pose to Florida's environment, beaches, marine resources and local economies; Directing the City Clerk to provide this Resolution to President Donald J Trump, Governor Rick Scott, U.S. Secretary of the Interior Ryan Zinke, Senator Nelson, Senator Rubio, Congressman Curbelo.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
 [Seismic Fact Sheet](#)

Passed

Enactment No: Res 18-102

- 5 *Approving the payment of Florida Ports Council Membership dues for FY 17/18 in the total amount of \$20,500.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Florida Ports Council](#)

Passed

Enactment No: Res 18-103

- 6 *Approving the attached "Lease Termination Agreement" between the City of Key West and Paradise Bike Tours, LLC to terminate the Lease for space at 922 Caroline Street (Park N Ride).

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Lease Termination Agreement](#)
 [*Large File* Lease](#)
 [Tenant Termination Request](#)

Passed

Enactment No: Res 18-104

- 7 *Awarding the Bid of Pedro Falcon Electrical Contractors, Inc. for the Rebid: Transient Restroom/Dockmaster Building - City Marina at Garrison Bight Project, in an amount not to exceed \$1,917,953.00 in accordance with the terms specified in ITB 18-010; Authorizing necessary budget amendments; Authorizing the City Manager to execute a contract on behalf of the City of Key West in conformance with the bid documents, upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [City Clerk's Bid tabulation memo](#)
 [Bid tabulation spreadsheet](#)
 [*Large File* Pedro Falcon proposal](#)
 [*Large File* DL Porter proposal](#)
 [*Large File* McTeague proposal](#)
 [*Large File* Burke proposal](#)
 [*Large File* Tron Construction proposal](#)
 [Contract Documents](#)
 [*Large File* Drawings](#)
 [*Large File* Addendum #1](#)
 [Resolution 11-241](#)
 [*Large File* Resolution 17-144](#)
 [Resolution 17-185](#)

Passed

Enactment No: Res 18-105

- 8 *Establishing an Audit Committee pursuant to Florida Statutes Section 218.391; Appointing members to the Audit Committee.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 18-106

- 9 *Accepting a public art donation from Lee and Sandra McMannis of an original metal sculpture by John Martini titled "Orange Head" to be installed at City Hall; Authorizing the expenditure of \$2,000.00 from Art in Public Places Funds for installation of the sculpture by the artist.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Orange Head Picture and Emails](#)
 [Martini Installation](#)
 [Orange Head Site Location](#)
 [Minutes March 13, 2017 Art in Public Places Advisory Board](#)

Passed

Enactment No: Res 18-107

10

*Supporting the March 24, 2018 "March for our Lives - Key West".

Sponsors: Commissioner Wardlow, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Cates

Attachments: [Resolution](#)

Passed

Enactment No: Res 18-108

Approval of the Consent Agenda

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

11

Urging the Monroe County Board of County Commissioners (BOCC) to ensure that bricks and mortar funding through the Tourist Development Council (TDC) is not decreased, as the Florida Keys continue to recover from Hurricane Irma.

Sponsors: Mayor Cates

Attachments: [Resolution](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Resolution be amended and passed with the added language "maximize the transfer of brick and mortar dollars to advertising by 14% for this Fiscal Year for one time only". The motion carried by the following vote:

No: 1 - Mayor Cates

Yes: 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 18-109

12

Authorizing Gray Robinson, P.A. to request that the United

States Navy open discussions to establish protocols to be used for the City to obtain authorization for access and use of the Truman Harbor Maritime Properties.

Sponsors: Commissioner Payne

Attachments: [Resolution](#)
[Future Pier Uses Attachment](#)

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

No: 1 - Commissioner Romero

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

Enactment No: Res 18-110

13

Authorizing The Compassionate Care Hospice Foundation, Inc. to conduct the Queen Mother Pageant on Monday, May 14, 2018 at La Te Da 1125 Duval Street from 7:00 A.M. to 10:30 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 1100 Block of Duval Street from 7:00 A.M. to 10:30 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 7:00 P.M. to 10:30 P.M.; (Sound Check at 4:00 P.M. to 5:00 P.M.); Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

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

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

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 18-111

14

Authorizing Sloppy Joe's Enterprises, Inc. to conduct an event for Hemingway Days on Saturday, July 21, 2018 from

12:00 Noon to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

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

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

Enactment No: Res 18-112

15

Approving the attached Third Amendment to Agreement ID #1212 (The Interlocal Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for the Truman Waterfront Park Amphitheater and Public Parking Project) to extend the Termination Date to June 30, 2018.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[3rd Amendment](#)
[Time Extension Request Letter](#)
[1st Amendment](#)
[2nd Amendment](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 18-113

16

Recommending the City Manager to expeditiously re-evaluate and amend the compensation, title and job description of the vacant Bicycle/Pedestrian Coordinator position to "Multimodal Transportation Coordinator"; Recommending that the City Manager make efforts to hire a qualified person for that position in a timely manner.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Potential Transportation Coordinator Duties](#)
 [Sustainability Advisory Board Minutes from 2-8-18](#)
 [PAAT Group Minutes from 1-25-18](#)

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

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 18-114

Mayor Cates recessed the meeting at 7:35 P.M.

Mayor Cates reconvened the meeting at 7:45 P.M.

Commissioner Kaufman left the meeting at 7:45 P.M.

17

QUASI-JUDICIAL HEARING - SECOND READING:

Development Agreement 3900 South Roosevelt Boulevard
Pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, recommending approval of a Development Agreement on property located at 3900 South Roosevelt Boulevard (Re #00066180-000200) within the High Density Residential (HDR) Zoning District between Ocean Walk Key West Owner, LLC and the City of Key West for the construction of 56 New Market Rate Units and 24 New Affordable Units, for eighty (80) New Residential Dwelling Units.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Development Agreement](#)
 [Authorization](#)
 [*Large File* Exhibit A - Legal Description](#)
 [Exhibit B - Special Warranty Deed](#)
 [Exhibit C - Site Plan Approved 6-15-17 Planning Board Meeting](#)
 [Exhibit D - Site DataTable](#)
 [Exhibit E - Planning Board Resolutions 2015-26 & 2017-06](#)
 [Exhibit F - Planning Board Resolution 2017-24](#)
 [Exhibit G - Planning Board Resolution 2017-25](#)
 [Exhibit J - Deed Restriction](#)
 [Exhibit K - Traffic Study - February 2017](#)
 [Exhibit L - Form of Avigation Easement](#)
 [Planning Board Meeting June 15 - Staff Report](#)
 [Planning Board Meeting June 15 Noticing Package](#)

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Richard Payne, that the Resolution be Postponed to June 19 meeting. The motion passed by an unanimous vote.

ORDINANCES – FIRST READING

18

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances, entitled “Planning and Development” by amending Section 108-680 titled “Recreational Vehicle and Boats”; By amending Section 108-681 titled “Camping Vehicles and Equipment”; And by amending Section 108-683 titled “Exceptions”, to require Residents of the Single Family and Medium Density Residential Districts to store Recreational and Camping Vehicles in the side or rear yards; 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 2017-66](#)
 [E-mail from Mr. Allen Tidball](#)

A motion was made by Commissioner Richard Payne, seconded by Commissioner Clayton Lopez, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.

19

An Ordinance of the City of Key West, Florida, amending Chapter 46 of the Code of Ordinances, entitled "Pensions and Retirement Plans" by amending Section 46-323(a) of the Code of Ordinances to provide updated provisions of the Internal Revenue Code with regard to Military Service Credit Issues Definition of Eligible Retirement Plan under the Internal Revenue Code; Amending Section 46-326(f)(1)(b) of the Code of Ordinances to provide an updated Definition of Eligible Retirement Plan under the Internal Revenue Code; Amending Section 46-326(f)(1)(c) of the Code of Ordinances to provide an updated definition of Distributee under the Internal Revenue Code; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Letter of No Impact](#)

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Richard Payne, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:55 P.M.