



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, September 5, 2018

6:00 PM

City Hall

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**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 - 6:00 P.M.**

#### ROLL CALL

**Present** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

**INVOCATION - Rabbi Shimon Dudai, Congregation B’Nai Zion**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### PRESENTATIONS

**City Attorney's Report**

**City Manager's Report  
- BPAS Allocation Report**

1

**Attachments:**     [Draft Affordable BPAS](#)  
                                 [Itemized List of Revisions 6-16-16](#)

**Received and Filed**

**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                               \*August 21, 2018 (Regular)

**Attachments:**       [Minutes](#)

Approved

**RESOLUTIONS**

3                               \*Authorizing A.H. of Monroe County, Inc. to conduct a Royal Coronation Ball for the King & Queen of Fantasy Fest at the Truman Waterfront Amphitheatre on Friday, October 19, 2018 from 6:00 P.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Sponsors:**           City Manager Scholl

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

Passed

Enactment No: Res 18-262

- 4                   \*Authorizing MultiRace, LLC to conduct their Annual Triathlon on Saturday, December 1, 2018 throughout City Streets; Authorizing certain street closures thereof during the event and closing Atlantic Boulevard except residents during the event; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 5:00 A.M. to Noon; Authorizing the closure of the 400 block of Southard Street for the Awards Ceremony from 4:00 P.M. to 6:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 18-263

- 5                   \*Authorizing Frederick Douglass School Black Educators Project, Inc. to conduct a Trilogy Music Fest at the Truman Waterfront Amphitheatre on Saturday, March 9, 2019 from 5:00 P.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 18-264

- 6                   \*Approving a Task Order under the City's General Utilities Contract with Charley Toppino & Sons, Inc., in a total amount not to exceed \$67,014.18 for a new driveway cut at City Marina at Garrison Bight; Authorizing necessary budget transfers.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Task Order Proposal](#)  
                          [Location Sketch](#)  
                          [\\*Large File\\* Resolution 15-292](#)  
                          [Toppino Contract](#)

**This matter was Postponed to September 20, 2018.**

- 7                   \*Authorizing the Key West Police Department to accept a 2018-2019 High Visibility Pedestrian and Bicycle Safety Enforcement (HVE) Funding Grant from the Florida Department of Transportation (FDOT) via a contract administered by the University of North Florida's Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management (IPTM) in the amount of \$16,643.73; Authorizing any necessary budget transfers; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [FDOT HVE Grant Application 2018](#)  
                          [2019 Highway Safety Matrix](#)  
                          [2018-19 FDOT HVE Grant Chief's Letter](#)  
                          [HVE Letter of Agreement and Contract](#)  
                          [HVE Notification of Approval Letter](#)

**Passed**

Enactment No: Res 18-266

- 8                   \*Authorizing the City Manager to enter into an Agreement with Gregory Oropeza on behalf of Michael Ferrell, property owner of 2522 Staples Avenue, permitting a Release of Lien upon payment by the owners of the amount of \$1,295.00.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Special Magistrate Findings and Order](#)  
                          [Lien Mitigation Form](#)  
                          [Deed](#)  
                          [Lien](#)

**Passed**

Enactment No: Res 18-267

- 9                   \*Authorizing a procurement of Professional Services pursuant to Section 2-797(3) of the Code of Ordinances, Procurements under Government Contract, from Tindale Oliver & Associates, Inc. (Tindale) to prepare the City's FDOT-Compliant 10-year Transit Development Plan (TDP), in an amount not to exceed \$130,000.00 to commence in FY 18-19.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Executed Contract River to Sea & Tindale Oliver](#)  
                          [Key West TDP Scope](#)  
                          [FDOT Contract Amendment River to Sea & Tindale Oliver](#)  
                          [RFP Transit Planning River to Sea](#)  
                          [\\*Large File\\* Tindale Oliver Proposal to RFP Transit Planning](#)

**Passed**

Enactment No: Res 18-268

10

\*Authorizing the City Manager to negotiate pursuant to Section 2-797(4)(b) of the Code of Ordinances, Exempt Contractual Services, the City's Property and Casualty Insurance Program for 2018-19 by Public Risk Management of Florida (PRM) as submitted by World Risk Management (WRM) in the amount of \$1,038,485.00; Authorizing acceptance of World Risk Management as the Agent/Broker for the City's Casualty Insurance Program for policy year 2018/2019; 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 \$71,947.00 from Public Risk Insurance Agency (PRIA) to include: Great American for Marine Operators Legal Liability Coverage (\$24,016.00), Outer Mole Excess Liability Coverage (\$9,500.00), Wharfingers Liability Coverage (\$17,575.00), Hull Coverage (\$10,027.00); Vessel Pollution Coverage (\$4,061.00); AIG for AD&D Coverage (\$6,768.00); Authorizing the acceptance of Public Risk Insurance Agency (PRIA) as the Agent/Broker for the City's Ancillary Policies; Upon completion of negotiations, Authorizing the City Manager to execute all documents consistent therewith upon the advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Ben Few Renewal Strategy for 2018-19 Term](#)  
[Interisk Renewal Strategy for 2018-19 Term](#)  
[Direct Solicitation for Proposal - FY 2018 2019 - FINAL](#)  
[PRM P & C - Key West Proposal 18-19](#)  
[PRIA Ancillary - Key West Proposal 18-19](#)  
[Ben Few Insurance Evaluation](#)  
[Interisk Insurance Evaluation](#)

**Passed**

Enactment No: Res 18-269

- 11                   \*Rejecting all bids received in response to Invitation to Bid (ITB) #18-035, for Road Surveillance and Monitoring Duval Street, Mallory Square and the Outer Mole, pursuant to Sections 2-834(3) and (4) of the Code of Ordinances.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Bid Tabulation](#)  
                          [\\*Large File\\* PSX Proposal](#)  
                          [\\*Large File\\* Broadwave Proposal](#)  
                          [IFSSI Proposal](#)  
                          [ITB #18-035](#)  
                          [Addendum #1](#)  
                          [Addendum #2](#)  
                          [Resolution 18-093](#)  
                          [Resolution 18-142](#)

**Passed**

Enactment No: Res 18-270

- 12                   Accepting the attached "Report on the Activities and Recommendations of the Parking and Alternative Transportation Group".

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Final Report Parking and Alternative Transportation Group](#)  
                          [Parking & Alternative Transportation Group Resolution 2018-02](#)

**Postponed to September 20, 2018**

13

**\*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 Passco Ocean DST 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:** [Request to Postpone](#)  
[Resolution](#)  
[Executive Summary](#)  
[Development Agreement](#)  
[Authorization](#)  
[\\*Large File\\* Exhibit A - Legal Description](#)  
[Exhibit B - Deed](#)  
[Exhibit C - Site Plan Approved 6-15-17 Planning Board Meeting](#)  
[Exhibit D - Site Data Table](#)  
[Exhibit E - Planning Board Resolutions 2015-26 & 2017-06](#)  
[Exhibit F - Planning Board Resolution 2017-24](#)  
[Exhibit G - Planning Board Resolution 2017-25](#)  
[Exhibit H - Commission Resolution 17-217](#)  
[Exhibit I - Commission Resolution 18-](#)  
[Exhibit J - Deed Restriction](#)  
[Exhibit K - Traffic Study - February 2017](#)  
[Exhibit L - Avigation Easement](#)  
[Planning Board Meeting June 15 - Staff Report](#)  
[Planning Board Meeting June 15 Noticing Package](#)  
[Letter From Peter Ryan](#)

**Postponed to November 7, 2018**



14

**QUASI-JUDICIAL HEARING:****EASEMENT AGREEMENT FOR 800 FLEMING STREET**

Approving an easement of 934.45 ± square feet along both the William and Fleming Streets Right-of-ways, to address an area to maintain an existing two story wrap around porch located on the second and third floors and an overhang located at 800 Fleming Street (RE #00008360-000100), Key West, Florida; Providing fees and conditions.

**Attachments:**     [Resolution](#)  
                              [Easement Agreement](#)  
                              [Liability Insurance](#)  
                              [Specific Survey](#)  
                              [Application](#)

Postponed to September 20, 2018

15

**\*QUASI JUDICIAL HEARING:****MAJOR DEVELOPMENT PLAN - MALLORY SQUARE**

Granting a Major Development Plan pursuant to Section 108-91.a.2(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida and adjacent property on property located at Mallory Square (RE #00072082-001100, #00072082-001400 and #0072082-003700) within the Historic Public and Semipublic Services (HPS) Zoning District.

**Sponsors:**        City Manager Scholl

Postponed to October 2, 2018

**Approval of the Consent Agenda**

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

16

Directing the City Manager to report to the City Commission on or before October 16, 2018, about affordable housing concerns and plans, including the following subjects: (1) A plan to use the 300 affordable workforce housing units being allocated to the City by the State of Florida; (2) The status of whether the County will accept the unit allocation by the State and the potential for the City to gain additional units from the County's allocation; (3) After consultation with the Key West Housing Authority, the preparation of a plan, including timeframes, for building at the Poinciana Housing site; (4) Solicit advice from the Bahama Village Redevelopment Advisory Committee on a plan to place affordable housing units on the designated set-aside acreage at Truman Waterfront; (5) Update on potential plans for building on City and School Board property at Trumbo Road, after consulting with the Monroe County School Board and Superintendent; (6) The status of remaining BPAS units yet to be allocated, and any plans to set aside units for these larger affordable housing projects.

**Sponsors:** Commissioner Kaufman

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

**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 18-271

- 17 Authorizing Irish Oak Barrel, LLC to conduct a Grand Opening & street closure on Saturday, September 29, 2018 from 6:00 P.M. to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Southard Street between Duval Street & Bahama Street on Saturday, September 29, 2018 from 4:00 P.M. to Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.M. to 11:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

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

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

Enactment No: Res 18-272

#### **ORDINANCES – FIRST READING**

- 18 An Ordinance of the City of Key West, Florida amending Chapter 122 entitled “Zoning”; Article V entitled “Supplementary District Regulations”; Division 10 entitled “Work Force Housing”; new Section 122-1473 entitled “Affordable Workforce Liveaboard Vessels” of the Land Development Regulations; 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 2018-24](#)  
[Package](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Postponed to September 20, 2018. The motion passed by a unanimous vote.**

**ORDINANCES - SECOND READING (Public Hearing)**

- 19                   An Ordinance of the City of Key West, Florida amending Chapter 82 of the Code of Ordinances entitled "Waterways" by amending Section 82-37, to amend certain provisions related to Liveaboard Vessels and the Building Permit Allocation System (BPAS); Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:**           Commissioner Kaufman

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

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Ordinance be Adopted as amended as indicated in the Executive Summary. The motion passed by a unanimous vote.**

Enactment No: Ord 18-17

- 20                   An Ordinance of the City of Key West, Florida, amending Chapter 90, Division 5 of the Code of Ordinances, entitled "Tree Commission" by amending Section 90-172 titled "Composition", to provide for direct appointments to the Tree Commission; Amending Section 90-173 "Terms of Office," to provide for terms parallel with City Commissioners; Amending Section 90-174 "Removal of Members" to provide notice of vacancies to City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Ordinance](#)

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

Enactment No: Ord 18-18

21

An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances, entitled "Resource Protection" by amending Article VI entitled "Tree Protection", Section 110-331 titled "Issuance", to provide for unfulfilled tree removal permits to be forwarded to the Special Magistrate; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Urban Forestry Staff Report](#)  
[Planning Board Resolution 2018-35](#)  
[Tree Commission Resolution 18-002](#)

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

Enactment No: Ord 18-19

22

An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances, entitled "Tree Protection" by amending Article VI entitled "Permit", Section 110-331 Titled "Issuance", to incentivize the Planting of Specific Canopy Trees at a rate of 4:1 replacement inches for dicot trees that are removed and 4.25:1 for replanting with a Royal Poinciana; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Staff Report](#)  
[Planning Board Resolution 2018-34](#)  
[Tree Commission Resolution 18-001](#)  
[Public Comment](#)

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

Enactment No: Ord 18-20

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 7:40 P.M.**