



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, April 4, 2017

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

**Absent** 1 - Commissioner Payne

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

**INVOCATION - Pastor Terri Hill, Key West United Methodist Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

#### APPROVAL OF AGENDA

The Agenda was approved unanimously; adding a Proclamation, removing from Consent Agenda Items #9 and #22 and withdrawing Item #28.

#### PROCLAMATIONS

**1** 45th Anniversary of the Florida Association of City Clerks

**Sponsors:** Mayor Cates

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

Received and Filed

**2** Fair Housing and Development Month

**Sponsors:** Mayor Cates

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

Received and Filed

**3** Motorcycle Safety Awareness Month

**Sponsors:** Mayor Cates

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

**4** Leadership Monroe County

**Sponsors:** Mayor Cates

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

Received and Filed

**5** Arbor Day

**Sponsors:** Mayor Cates

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

Received and Filed

**6** Phyllis Allen Day

**Sponsors:** Commissioner Lopez and Mayor Cates

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**

7 \*March 21, 2017 (Regular)

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

**Approved**

**RESOLUTIONS**

8 \*Appointing Kathryn Norris to the Key West Contractors Examining Board.

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 17-092

9 \*Recognizing the Florida Association of City Clerks for celebrating its 45th Anniversary.

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 17-093

10

\*Approving and authorizing the City Manager to execute the attached Agreement between the City of Key West, Florida and the Conch Republic Independence Celebration, A. H. of Monroe County, Inc., the Key West Cultural Preservation Society, Bourbon Street Pub, Inc., Petronia St. Neighborhood Association, Inc. for the 2017 Conch Republic Independence Celebration from April 21, 2017 through April 30, 2017; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Agreement](#)  
[World's Longest Parade](#)  
[Key West Cultural Preservation Society Street Fair](#)  
[Drag Races](#)  
[Bed Races](#)  
[Exhibits](#)  
[Advertisement](#)

**Passed**

Enactment No: Res 17-094

11

\*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Rotary Club of Key West, Inc. for a Moon Splash Reggae Concert at Higgs Beach, 1200 Atlantic Boulevard, between the hours of 2:00 P.M. to Midnight on Saturday, April 22, 2017.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 17-095

- 12                   \*Authorizing Bauer Restaurant, Inc. dba Key West Songwriters Festival to conduct a Songwriters Festival on Saturday, May 13, 2017 during the hours of 6:00 A.M. to Midnight (Set Up 6:00 A.M.); Authorizing the closure of the 100 and 200 block of Duval Street including Greene Street from Ann to Fitzpatrick from 6:00 A.M. to 12:00 Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.M. to 10:30 P.M.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 17-096

- 13                   \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for the Phekoo/Chewning Wedding Ceremony and Reception at the Hemingway House at 907 Whitehead Street during the hours of 6:00 P.M. to 1:00 A.M. on Thursday, May 17, 2018.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 17-097

- 14                   \*Ratifying and approving a Purchasing Exception as allowed under Section 2-797(4)(b) of the City's Code of Ordinances, Best Interests of the City, for procurement of Consulting Services from Early Alert, Inc. to provide Level 1 and Level 2 Professional Emergency Management Support Services; Authorizing the City Manager to execute any necessary documents.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Exhibit A](#)  
                              [Consulting Agreement](#)

**Passed**

Enactment No: Res 17-098

- 15** \*Authorizing pursuant to Code of Ordinances 2-797(4)(b), Best Interests of the City and 2-844 Brand Name Specifications, the purchase of four (4) 2017 Harley Davidson Police Road King Motorcycles from Alligator Alley Harley Davidson for use by the Key West Police Department in an amount not to exceed \$77,398.20.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Key West Police Chief Lee's memo](#)  
[Alligator Alley Harley Davidson Quote](#)  
[Peterson's Harley Davidson Quote](#)

**Passed**

Enactment No: Res 17-099

- 16** \*Approving the purchase of two (2) 30-inch Repair Clamps from Ferguson Enterprises, Inc. in an amount not to exceed \$30,626.43 on a Sole Source Basis pursuant to Section 2-797(1) of the Code of Ordinances for repair purposes at the Waste Water Treatment Plant.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Ferguson Quote](#)  
[OMI Memo](#)

**Passed**

Enactment No: Res 17-100

- 17** \*Approving the attached "Amendment (1st Amendment) to Agreement" to the Interlocal Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for the Smathers Beach Restrooms Project ID #1651, to extend the termination date to March 31, 2018.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[1st Amendment](#)  
[Time Extension Request Letter](#)  
[Agreement - Smathers Beach Restrooms](#)

**Passed**

Enactment No: Res 17-101

18

\*Approving Change Order No. 5 to D. L. Porter Constructors, Inc. in an amount not to exceed \$39,679.00 for Resurfacing the Basketball Floor of the Frederick Douglass Community Center Project, pursuant to Section 2-797(4)b of the Code of Ordinances; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Surface America Quote](#)  
[Premier Quote](#)  
[City's Code of Ordinance Section 2-797 \(4\) b](#)  
[\\*Large File\\* Resolution 16-198](#)  
[\\*Large File\\* Specifications and Pictures](#)

**Passed**

Enactment No: Res 17-102

19

\*Approving the issuance of a Task Order to Black & Veatch Management Consulting, LLC for Financial Consulting to develop a Sewer Rate Model for the FY 2018 Budget for the City of Key West in an amount not to exceed \$24,000.00; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order](#)  
[\\*Large File\\* Resolution 15-162](#)  
[Cost of Service](#)  
[Executed Contract](#)

**Passed**

Enactment No: Res 17-103

20

\*Approving Task Order 01-2017-SW for Arcadis U.S., Inc. in an amount not to exceed \$23,000.00 to provide a Solid Waste Rate Study for preparation of the City's 2018 Solid Waste Billing.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order](#)  
[\\*Large File\\* Resolution 15-162](#)  
[Executed Contract](#)

**Passed**

Enactment No: Res 17-104

21

\*Approving Task Order 02-2017-STM for Arcadis U.S., Inc., in an amount not to exceed \$23,000.00 to provide a Rate Study for preparation of the City's 2018 Stormwater Billing.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order](#)  
[\\*Large File\\* Resolution 15-162](#)  
[Executed Contract](#)

**Passed**

Enactment No: Res 17-105



22

\*Awarding the Bid of Charley Toppino and Sons, Inc. and the bid of D.N. Higgins, Inc. for Right of Way Improvements 2017, in accordance with the terms specified in ITB 17-017, including unit pricing (a total amount not to exceed budgeted funds of \$2,500,000.00); Authorizing the City Manager to enter into a Contract with each contractor in substantial conformance with the Contract Documents contained in the bid package and upon advice and consent of the City Attorney; Authorizing a budget transfer.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[City Clerk Bid Tabulation Memo](#)  
[\\*Large File\\* D.N. Higgins proposal](#)  
[Charley Toppino & Sons, Inc. proposal](#)  
[\\*Large File\\* City Bid No. 17-017](#)  
[Addendum No. 1](#)

**Passed**

Enactment No: Res 17-106

23

\*Approving the attached Joint Participation Agreement (JPA) between the City and the Florida Department of Transportation (FDOT) for funding for the Truman Annex Seawall Refurbishment Project in an amount not to exceed \$256,365.00 (FDOT Financial Project No. 44126319401); Authorizing necessary budget transfers; Authorizing the City Manager to execute the attached JPA.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Joint Participation Agreement NOAA Seawall Project](#)

**Passed**

Enactment No: Res 17-107

24

\*Awarding the bid of Ebsary Foundation Company in response to City of Key West Request for Proposals (RFP) No. 004-17 for Truman Annex/NOAA Seawall Design - Construction (Project TR1503) in an amount not to exceed \$1,163,575.00; Directing the City Manager to negotiate and execute a contract in substantial conformance with the RFP; Approving the use of Owner Direct Purchase pursuant to Section 2-797(4), Best Interests of the City, of the Code of Ordinances to eliminate sales tax fees on selected project materials; Approving necessary budget transfers.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bid Tabulation](#)  
[Evaluation Panel Member Technical Proposals Ranking Comparison 170310](#)  
[Proposal Ranking & Summary](#)  
[Engineer Recommendation](#)  
[Ebsary Foundation](#)  
[Blue Goose](#)  
[Charley Toppino and Sons](#)  
[Inland Construction and Engineering](#)  
[Shoreline Foundation](#)  
[Proposal Presubmittal Questions](#)  
[RFP 004 17](#)  
[Addendum 1](#)  
[Addendum 2](#)  
[Addendum-3](#)  
[Addendum 4](#)  
[Resolution 15-333](#)  
[Ebsary Certification Forms](#)  
[\\*Large File\\* Blue Goose Letter 4-3-17](#)

**Passed**

Enactment No: Res 17-108

- 25** \*Ratifying and approving a Contract Agreement between the City and M.T. Causley, Inc. for Florida DBPR Licensed Professional Substitute Staffing on a Sole Source Basis pursuant to Section 2-797(1) of the Code of Ordinances; Approving necessary budget transfers and amendments to increase funding by \$25,000.00; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* MT Causley, LLC. Contract](#)

**Passed**

Enactment No: Res 17-109

- 26** \*Rejecting the bid received in response to Invitation to Bid (ITB) #17-013 for TS1102 Lower Keys Bus Aprons, pursuant to Section 2-834(4) of the Code of Ordinances.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[City Clerk Bid Tabulation Memo](#)  
[Staff Evaluation](#)  
[\\*Large File\\* Bid Proposal](#)  
[\\*Large File\\* ITB 17-013 TS1102 Lower Keys Bus Aprons](#)

**Passed**

Enactment No: Res 17-110

### **Approval of the Consent Agenda**

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

- 27** Supporting the development of City Policies and Regulations for the Construction and Redevelopment of Multigenerational Parks in the City of Key West.

**Sponsors:** Commissioner Lopez

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

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-111

**28**

Authorizing the City of Key West to enter into a Revocable License Agreement for use of City Property with Safe Waters Swim School, LLC, to allow for infant swim resource classes in a portion of the Martin Luther King Jr. Community Pool from 2:00 P.M. to 6:00 P.M. from April 24 through June 15, 2017, upon additional terms and conditions contained in the Agreement.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Revocable License Agreement](#)  
[Letter From Callie Harris](#)  
[Letter From Dr. Melanie Youschak](#)  
[Letter From Homestead Police Chief Alexander Rolle](#)  
[Letter From Michelle Nutter and Dawn Tapscott](#)  
[National Drowning Statistics - Infant Swim](#)  
[Parent Letters - Infant Swim](#)

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

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-112

29

Approving the attached "Lease Agreement" for a parcel on College Road; Concurrently approving the attached "Operating Agreement for City of Key West Overnight Temporary Shelter (KOTS)" between the City and the Southernmost Homeless Assistance League, Inc. (SHAL); Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Lease Agreement](#)  
[Exhibit A](#)  
[Operating Agreement](#)  
[SHAL-KOTS Construction](#)  
[SHAL-KOTS Financial](#)  
[SHAL-KOTS Planning](#)

Withdrawn

30

**QUASI-JUDICIAL HEARING: EASEMENT 227 DUVAL STREET**

Approving an easement of 21 square feet along the Caroline and Duval Street Right-of-Ways, to address an area to maintain and renovate an existing kiosk and fence located at 227 Duval Street (RE #00001320-000000), Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Easement Agreement](#)  
[Executive Summary](#)  
[Application](#)  
[Certificate of Liability](#)

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

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-113

31

**QUASI-JUDICIAL HEARING:****MAJOR DEVELOPMENT PLAN 111 OLIVIA STREET**

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 for the reconstruction of 9,300 square feet of nonresidential floor area as part of the renovation and repair of the Frederick Douglass Community Center on property located at 111 Olivia Street (RE #00014720-000000, AK #1015091) within the Historic Neighborhood Commercial - Bahama Village (HNC-3) and Historic Medium Density Residential (HMDR) Zoning Districts.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Planning Board Resolution 2015-13](#)  
[\\*Large File\\* Application](#)

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

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-114

**ORDINANCES – FIRST READING**

32

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances, entitled “Planning and Development” by amending Section 108-991 “Development Not Affected by Article,” to provide that units determined to exist prior to April 1, 2010, must have been permissible under current or previous zoning requirements; 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](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on May 2, 2017, amending Section d on page 4 per the City Attorney’s changes. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Payne

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

**33**

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances, entitled "Zoning" by amending Section 122-1466 by adding the Definition of Annual Household Income; by Amending Section 122-1469 (1) to Provide for Retirement or Disability; by Amending Section 122-1469 (10) Eliminating the One Year Residency Requirement and Providing for Other Evidence of Qualification; by Amending Section 122-1469 (13) to Revise Income Determination; 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](#)

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

**Absent:** 1 - Commissioner Payne

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

**34**

An Ordinance of the City of Key West, Florida, amending Chapter 3: Housing Element, Policy 3-1.1.8 Sub-part 3 of the Comprehensive Land Use Plan by eliminating the 12-Month Residency Requirement; 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](#)

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

**Absent:** 1 - Commissioner Payne

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

35

An Ordinance of the City Commission of Key West, Florida invoking the Zoning in Progress Doctrine; Relating to Medical Cannabis Activities; Adopting Findings of Fact; Providing Definitions; Establishing a temporary moratorium for a period of 270 days from the effective date of this Ordinance on the growing, cultivation, processing, manufacturing, dispensing, distribution and sale of Medical Cannabis, Low-THC Cannabis, derivative products and related activities; Directing City Staff to develop proposed Land Development Regulations and other recommendations regarding such Cannabis-Related Activities; Providing for an effective date retroactive to February 23, 2017; for Zoning in Progress Purposes.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution 2017-03](#)  
[\\*Large File\\* Staff Report](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on May 2, 2017. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Payne

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

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

**ADJOURNMENT - 8:49 P.M.**