



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final - Final

### City Commission

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Tuesday, June 20, 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 - 6:02 P.M.**

#### **ROLL CALL**

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

**INVOCATION -Deacon Peter Batty, The Basilica of St. Mary's Star of the Sea**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **APPROVAL OF AGENDA**

*The Agenda was approved as amended.*

#### **PRESENTATIONS**

**1** Temporary Protective Status (TPS) Update for Haitians

**Sponsors:** Commissioner Kaufman

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

**Received and Filed**

**2** Recommendations for the Truman Waterfront Park Amphitheater

**Sponsors:** City Manager Scholl

**Attachments:** [Presentation](#)  
[Summary](#)  
[St. Augustine letter of support](#)  
[Capital letter of support](#)

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****3** \*June 6, 2017 (Regular)

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

Approved

**RESOLUTIONS****4** \*Appointing Will Langley to the Key West Bight Management District Board.

**Sponsors:** Mayor Cates

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

Passed

Enactment No: Res 17-167

- 5                   \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for the Brian Ford and Emma Hwang wedding ceremony and reception at the Hemingway House at 907 Whitehead Street during the hours of 6:00 P M. to Midnight on, January 14, 2018.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 17-168

- 6                   \*Awarding the Bid of Charley Toppino and Sons, Inc. for Pavement Markings, Striping & Roadway Signage, in accordance with the terms specified in ITB 17-014, in an amount not to exceed \$311,354.55; Authorizing the City Manager to execute necessary documents in substantial conformance with the contract documents contained in the bid package and upon advice and consent of the City Attorney.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [City Clerk Bid Tabulation memo](#)  
                              [Charley Toppino & Sons, Inc. Bid proposal](#)  
                              [Charley Toppino & Sons, Inc. Bid clarification](#)  
                              [\\*Large File\\* Weekley Asphalt Paving, Inc. Bid proposal](#)  
                              [Weekley Asphalt Paving, Inc. Bid update](#)  
                              [Weekley Asphalt Paving, Inc. Bid clarification](#)  
                              [City's ITB 17-014 documents](#)  
                              [City's Addendum #1](#)

**Passed**

Enactment No: Res 17-169

- 7                   \*Approving a Work Order under the City's Environmental Engineering Services Contract with Tetra Tech, Inc. in a total amount not to exceed \$86,035.00 for additional design costs and construction engineering inspection (CEI) services for the Rest Beach Stabilization Project to ensure proper installation of Seawall and that all provisions of contract documents are met.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Cost Proposal](#)  
                          [Draft construction drawings](#)  
                          [\\*Large File\\* Resolution 16-066](#)  
                          [Resolution 14-359](#)

**Passed**

Enactment No: Res 17-170

- 8                   \*Approving the Attached License Agreement between the City and the Housing Authority of the City of Key West for the use of a portion of Fort Street and Amelia Street.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Key West Housing Authority Resolution 17-2434](#)  
                          [License Agreement](#)

**Passed**

Enactment No: Res 17-171

### **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.

- 9 Expressing an intent to adhere as closely as possible to the goals of the original Paris Climate Agreement; To facilitate open communications and sharing of information with other Municipalities, Counties, States and Nations participating in the goals of the Paris Agreement; Supporting the efforts of political, social, business and education leaders who have stated their intention to continue their participation in the Paris Agreement despite the official withdrawal of the United States Government; Directing the City Clerk to submit copies of this Resolution to President Donald J. Trump, U.S. Senators Marco Rubio and Bill Nelson, U.S. Representative Carlos Curbelo, Holly Merrill Raschein, Florida State Senator Anitere Flores, The Florida League of Cities, The United States Conference of Mayors and the United Nations.

**Sponsors:** Commissioner Lopez and Commissioner Weekley

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

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

**No:** 2 - Commissioner Romero and Commissioner Wardlow

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

Enactment No: Res 17-172

- 10 Adopting the Attached 2017 City of Key West Work Force Housing Income, Sale and Rent Limits; Stating the Income Sale and Rent Limits are Based on Monroe County Annual Median Income (AMI) of \$68,700.00 for a family of four.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[2017 Work Force Housing Income Rent Sales Limits](#)

*A motion was made by Commissioner Payne, seconded by Commissioner Lopez, that the Resolution be Denied. After Discussion, the motion and second were withdrawn.*

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

**No:** 3 - Commissioner Kaufman, Commissioner Lopez and Commissioner Payne

**Yes:** 4 - Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 17-173

- 11 Authorizing the City of Key West, Florida, to enter into a Revocable License Agreement for nonpermanent use of City Property with Whoduz, Inc., to allow the operation of a Green Market at Bayview Park four times per month, upon additional terms and conditions contained in the Agreement (July 1, 2017 through June 30, 2018).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[2017-2018 Agreement](#)  
[2017 Organizational Documents](#)

**A motion was made by Commissioner Wardlow, 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 17-174

- 12 Approving and authorizing the execution of the attached Agreement between the City of Key West and the Phil Peterson's Key West Poker Run, LLC for Charity Motorcycle Bike Week on September 15 & 16, 2017; Authorizing the closure of Duval Street from Eaton Street to Front Street on Friday, September 15, 2017 and Saturday, September 16, 2017 from 9:00 A.M. to 12:00 Midnight; All cross streets shall remain open except Greene Street between Whitehead to Simonton Street and Caroline Street between Whitehead to Simonton Street; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Agreement](#)  
[Application](#)  
[Map](#)  
[Advertisement](#)  
[Letter From Randy Becker](#)  
[Letter From Barbara Ramey](#)  
[Letter From Porter Reeves](#)

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

**No:** 2 - Commissioner Kaufman and Commissioner Weekley

**Yes:** 5 - Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

Enactment No: Res 17-175

13

**QUASI-JUDICIAL HEARING: EASEMENT - 930 EATON STREET:**

Approving an Easement of 243 ± square feet along the Grinnell Street and Eaton Street Right-of-Ways, to address an area to maintain the existing building and overhang located at 930 Eaton Street (RE #00005470-000100), Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Postponement request](#)  
[Resolution](#)  
[Executive Summary](#)  
[Easement Agreement](#)  
[\\*Large File\\* Package](#)  
[Specific Purpose Survey](#)  
[Mailing labels](#)

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Resolution be Postponed to July 5 meeting. The motion passed by an unanimous vote.

14

**QUASI-JUDICIAL HEARING: EASEMENT AGREEMENT - 527**

**DUVAL STREET:** Approving an Easement of 376.31 ± square feet along the Duval Street Right-of-Ways, to address an area to maintain and renovate an existing awning with a Marquee located at 527 Duval Street (RE #00009650-000000), Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Easement Agreement](#)  
[\\*Large File\\* Planning Package](#)  
[Specific Purpose Survey](#)  
[Liability Insurance](#)  
[Address list](#)

A motion was made by Commissioner Weekley, 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 17-176

## ADMINISTRATIVE APPEALS

15

### QUASI-JUDICIAL HEARING: ADMINISTRATIVE APPEAL:

(Granting/Denying) the appeal of the Christian Science Society of Key West and (~~Upholding/Amending/Denying/Modifying~~) the Planning Board's approval in Resolution No. 2017-13 of the retail package sale of beer, wine ~~and liquor~~ on property located within 300 feet of a Church at 700 Eaton Street.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Appeal by Christian Science Society](#)  
[2017-13 Planning Board Resolution](#)  
[\\*Large File\\* Planning Application from Planning Board Meeting April 20, 2017](#)  
[\\*Large File\\* Letters from the Planning Board Meeting April 20, 2017](#)  
[Mailing Labels](#)

**A motion was made by Commissioner Payne to affirm the decision of the Planning Board with the modification of removing wine tastings and adding the condition it is specific to Beer and Wine sales only, seconded by Commissioner Wardlow, that the Appeal be Passed as amended. The motion carried by the following vote:**

**No:** 2 - Commissioner Kaufman and Commissioner Romero

**Recuse:** 1 - Commissioner Weekley

**Yes:** 4 - Commissioner Lopez, Commissioner Payne, Commissioner Wardlow and Mayor Cates

Enactment No: Res 17-177

## ORDINANCES – FIRST READING



16

An Ordinance of the City of Key West, Florida, amending the Comprehensive Plan Future Land Use Map (FLUM) category of the City of Key West for the promotion of affordable housing for property located at 5220, 5224, 5228 & 5230 College Road (RE # 00072082-002200, AK #8757883 ; RE # 00072082-002100, AK # 8757875 ; RE # 00072080-002200, AK # 1076155 ; RE # 00072082-002400, AK # 8757905); Amending the Future Land Use Map legend from Public Service (PS) to High Density Residential (HDR) and applying such designation to said property; Pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for transmittal to the State Land Planning Agency; Providing for the filing with the Secretary of State and for an effective date; And providing for the inclusion into the City of Key West Comprehensive Plan.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution 2017-23](#)

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

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

17

An Ordinance of the City of Key West, Florida, amending the Official Zoning Map Public Service (PS) to High Density Residential College Road (HDR-1) on property located at 5220, 5224, 5228 & 5230 College Road (RE # 00072082-002200, AK # 8757883 ; RE # 00072082-002100, AK # 8757875 ; RE # 00072080-002200, AK # 1076155 ; RE # 00072082-002400, AK # 8757905) pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for permitted uses, conditional uses, prohibited uses and dimensional requirements; Amending Chapter 122, Article IV, Division 1, providing amendments to the tables of uses and dimensional requirements for High Density Residential College Road (HDR-1) District; Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan Amendments; 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 2017-22](#)

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

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

18

An Ordinance granting a Franchise to Buggy Bus, Inc. D/B/A/ Old Town Trolley to operate city-wide sightseeing/shuttle operation; Providing terms and conditions, including the following: Providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing city inspection of sightseeing/shuttle vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees, and routes; Specifying default provisions and procedures for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of Franchisee; Indicating Franchise is not a waiver of other city requirements; Clarifying that no joint venture is created; Prohibiting discrimination; Providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorney's fees, waiver of Jury Trial and specifying venue in the event of Litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Supplement to Application](#)

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

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

19

An Ordinance granting a Franchise to Conch Tour Train, Inc. to operate city-wide sightseeing/shuttle operation; Providing terms and conditions, including the following: Providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing city inspection of sightseeing/shuttle vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the franchise; Providing consideration for grant of the franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the franchise; Providing for the establishment of rates, fees and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of franchisee; Indicating franchise is not a waiver of other city requirements; clarifying that no joint venture is created; Prohibiting discrimination; Providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorney's fees, waiver of jury trial and specifying venue in the event of litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent ordinance of the city commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Supplement to Application](#)

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

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

20

An Ordinance granting a Franchise to Cityview Trolley Tours of Key West, Inc. to operate city-wide sightseeing/shuttle operation; Providing terms and conditions, including the following: Providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be serviced; Authorizing City inspection of sightseeing/shuttle vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the Franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of franchisee; Indicating Franchise is not a waiver of other city requirements; Clarifying that no joint venture is created; Prohibiting discrimination; Providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorney's fees, waiver of Jury Trial and specifying venue in the event of litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[\\*Large File\\* Supplement to Application](#)

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

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

ADJOURNMENT -10:02 P.M.