



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

---

Tuesday, April 3, 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 - Deacon Peter Batty Basilica St. Mary's Star of the Sea**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### COMMENDATIONS

**1** Florida Green Certified Business - La Creperie French Café

**Sponsors:** Mayor Cates

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

Received and Filed

#### PROCLAMATIONS

**2** National Boys and Girls Club Week

**Sponsors:** Mayor Cates

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

Received and Filed

**3** Fair Housing and Community Development Month

**Sponsors:** Mayor Cates

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

Received and Filed

**4** Autism Awareness Month

**Sponsors:** Commissioner Romero and Commissioner Lopez

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

Received and Filed

**PRESENTATIONS****5** Green Building as Affordable Housing

**Sponsors:** Commissioner Kaufman

**Attachments:** [BPAS Friendly Amendments](#)

Received and Filed

**6** Reef Relief

**Sponsors:** Commissioner Weekley

Received and Filed

**City Attorney's Report**

**City Manager's Report**

**- Ambassador Class 29 Graduation**

**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 20, 2018 (Regular)

Attachments: [Minutes](#)

Approved

**RESOLUTIONS**

8 \*Approving and authorizing the City Manager to execute the attached Agreement between the City of Key West, Florida and the Conch Republic Independence Celebration, LLC, Standard Bar Management Company, LLC, the Key West Cultural Preservation Society, Bourbon Street Pub, Inc., Petronia St. Neighborhood Association, Inc., Florida Keys SPCA, and Michele's Foundation for the 2018 Conch Republic Independence Celebration from April 20, 2018 through April 29, 2018; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)  
[Agreement](#)  
[Longest Parade](#)  
[Cultural Preservation Street Fair](#)  
[Drag Races](#)  
[Mary Ellens Barks & Brews](#)  
[Exhibits](#)

**Passed**

Enactment No: Res 18-115

- 9                   \*Authorizing Bauer Restaurant, Inc. to conduct the 23rd Annual Key West Songwriters Festival Concert at the Truman Waterfront Amphitheatre on Sunday, May 13, 2018 from 8:00 A.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](#)  
                              [Release & Indemnification](#)

**Passed**

Enactment No: Res 18-116

- 10                  \*Authorizing Key West Business Guild, Inc. to conduct a Pride Street Fair on Saturday, June 9, 2018 from 10:00 A.M. to 11:00 P.M. (Set up at 7:00 A.M.) on the 700 & 800 blocks of Duval Street and a Parade on Sunday, June 10, 2018 from 5:00 P.M. to 7:00 P.M. starting on the Truman Waterfront, taking a left on Whitehead, right on Front and right on Duval Street ending on South and Duval Streets; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code or Ordinances during the event.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Application](#)  
                              [Release & Indemnification](#)  
                              [Signatures of No Objection](#)  
                              [Insurance](#)

**Passed**

Enactment No: Res 18-117

- 11                   \*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 2019 Budget for the City of Key West in an amount not to exceed \$24,600.00.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Task Order](#)  
                          [Resolution 17-004](#)  
                          [Resolution 15-162](#)  
                          [Contract](#)

**Passed**

Enactment No: Res 18-118

- 12                   \*Approving Task Order 02-2018-STM for Arcadis U.S. Inc., in an amount not to exceed \$21,110.00 to provide a Rate Study for preparation of the City's 2019 Stormwater Billing.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Task Order 02-2018-STM](#)  
                          [Master Agreement](#)  
                          [Resolution 15-162](#)

**Passed**

Enactment No: Res 18-119

- 13                    \*Approving Task Order 01-2018-SW for Arcadis U.S., Inc. in an amount not to exceed \$21,440.00 to provide a Solid Waste Rate Study for preparation of the City's FY 2019 Solid Waste Billing.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Task Order](#)  
                              [Master Agreement](#)  
                              [Resolution 15-162](#)

**Passed**

Enactment No: Res 18-120

- 14                    \*Approving a Task Order from AMEC Foster Wheeler Environment and Infrastructure, Inc. (AMEC) in an amount not to exceed \$34,291.12 for Engineering Design and Assessment Services for Stabilization of the Five (5) Site Buildings of the former Keys Energy Diesel Plant; Authorizing any necessary budget transfers.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [AMEC Proposal 03.08.18](#)  
                              [\\*Large File\\* Resolution 18-088](#)  
                              [Chief Building Official's Order](#)  
                              [\\*Large File\\* Environmental Summary 2016](#)  
                              [\\*Large File\\* Structural Condition Assessment 2016](#)  
                              [Site Survey](#)  
                              [AMEC Services Agreement](#)  
                              [Resolution 17-207](#)

**Passed**

Enactment No: Res 18-121

- 15                    \*Approving pursuant to Section 2-797(4)(b) of the Code of Ordinances the procurement of one Ford F-250XL four WD Diesel Crew Cab Pickup Truck with accessories from Keys Auto Sales, in an amount not to exceed \$40,277.00, for use by the Key West Police Department.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Supporting Documents](#)  
                              [Keys Auto Center Bid](#)  
                              [Sheriff Bid](#)  
                              [State Bid](#)

**Passed**

Enactment No: Res 18-122

- 16                    \*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 Tectum Acoustical Panels for the Frederick Douglass Gym in an amount not to exceed \$22,600.00.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Foundation Building Materials \(FBM\) Quote](#)  
                              [Marjam Supply Company Quote](#)  
                              [Manley DeBoer Quote](#)  
                              [Tectum Specifications](#)

**Passed**

Enactment No: Res 18-123

- 17                   \*Approving the attached form of Month-to-Month "Liveaboard Dockage Agreement" and accompanying "Marina Liveaboard Rules and Regulations" for Liveaboard Tenants of the City Marina at Garrison Bight.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Proposed Agreement](#)  
                          [Current Marina Live-Aboard Rules](#)  
                          [Resolution 03-362](#)

**Postponed to May 1, 2018**

- 18                   \*Approving a Task Order from Perez Engineering and Development, Inc. in the amount of \$27,760.00 for Professional Civil Engineering Services to obtain a Major Modification to the Environmental Resource Permit for Donald Canal Repair Project; Authorizing necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Task Order](#)  
                          [Resolution 17-207](#)

**Passed**

Enactment No: Res 18-124



19

\*Stating that the public purpose of establishing recreational restrictive covenants within a 0.29 acre Right-of-Way footprint of Atlantic Boulevard (the replacement property) in exchange for releasing said covenants within a proposed new 0.07 acre roadway Right-of-Way (the exchange property) is to facilitate realignment of Atlantic Boulevard for transition with the Monroe County Higgs Beach Park Project; All applicable restrictions contained in the original conveyance deed shall be applied to the replacement property, and neither the original property nor the proposed replacement are encumbered with other recreation, conservation, grant or any other type of restrictions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Relocation Purpose & Justification.pdf](#)  
[NPS Approval to Proceed](#)  
[NPS Land Exchange Information](#)  
[\\*Large File\\* EDSA Atlantic Blvd Relocation Drawings](#)  
[TY Lin Higgs Beach Park Drawings](#)  
[Survey Parcels A & B](#)  
[\\*Large File\\* Appraisal Parcels A & B](#)  
[NEPA-ESA wo Attachments](#)  
[Indigenous Park Quit Claim Deed](#)  
[\\*Large File\\* Title Review](#)

**Passed**

Enactment No: Res 18-125

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

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

20

Directing the City Manager to seek proposals of other plans to expedite the development and construction of Affordable Workforce Housing at the entire 2.62 acre parcel on College Road; Rescinding any and all prior Resolutions by the City Commission that authorize or advocate for use of the 2.62 acre parcel for any purpose other than Affordable Workforce Housing.

**Sponsors:** Mayor Cates

**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

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

Enactment No: Res 18-126

21

### **QUASI-JUDICIAL HEARING:**

#### **1022 ROBERTS LANE EASEMENT**

Approving an easement of 128 square feet, more or less, to address the encroachment of a portion of a one story framed structure, a portion of a six-foot high wood fence, brick pavers, planters in front of the house, an electric meter, entryway steps, a gate, and a portion of pool equipment piping which encroaches onto the Cates Lane Right-of-Way located at 1022 Roberts Lane, Key West, Florida (RE #00010740-000000); Providing fees and conditions.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Easement Agreement](#)  
[\\*Large File\\* Application](#)  
[Certificate of Insurance](#)  
[Survey](#)

**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 18-127

22

**QUASI-JUDICIAL HEARING:**

**618 CATHOLIC LANE EASEMENT**

Approving an easement of 257 square feet, more or less, to address the encroachment of an existing portion of a pool, a four-foot high waterfall, an outdoor shower with deck, bamboo fencing, landscaping, and brick pavers which encroaches onto the Cates Lane Right-of-Way located at 618 Catholic Lane, Key West, Florida (RE #00010960-000000); Providing fees and conditions.

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Easement Agreement](#)  
                          [\\*Large File\\* Application](#)  
                          [Specific Purpose Survey](#)  
                          [Insurance](#)

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

Enactment No: Res 18-128

**ORDINANCES – FIRST READING**

23

An Ordinance of the City of Key West, Florida, amending Chapter 62, titled "Streets and Sidewalks" by adding Article VIII. Titled "Communications Facilities in Public Rights of Way" to the Key West Code of Ordinances; Adding Sections 62-401 through 62-421; Providing Findings & Intent; Providing Definitions; Providing for Registration of Communication Service Providers; Providing for Notice of Transfer, Sale or Assignment of Assets; Providing Rules, Regulations and General Conditions to Placement of Communications Systems and Facilities in the Public Right of Way (ROW); Providing for Duty to Notify City of Resellers; Providing Wireless Facilities Rules and Conditions; Providing for Revocation of Suspension of Permanent ROW Permits; Providing for Involuntary Termination of Registration; Providing for Appeals; Providing for Fees Applicable to those not Subject to Communications Services Tax; Providing for Existing Communications Facilities; Providing for Insurance; Providing for Indemnification; Providing for Construction Bond; Providing for Performance Bond; Providing for Security Fund; Providing Enforcement Remedies; Providing for Abandonment of a Communications Facility; Providing for Reservation of Rights and Remedies; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

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

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on May 1, 2018. The motion passed by a unanimous vote.

24

An Ordinance of the City Commission amending Chapter 1: Future Land Use Element, § 1-1, Goal 1-1, Objective 1-1.16, Policy 1-1.16.1 entitled “Maintain a Building Permit Allocation Ordinance”; Policy 1-1.16.3 entitled “Permit Allocation System Ratios by Structure Type”; and Chapter 3: Housing Element, § 3-1, Goal 3-1, Objective 3-1.1, Policy 3-1.1.4 entitled “Building Permit Allocation System of the Comprehensive Plan, Providing for severability; Providing for repeal of inconsistent provisions; Providing for the inclusion into the City of Key West Comprehensive Plan; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planing Board Resolution 2018-07](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading. The motion passed by a unanimous vote.

25

An Ordinance of the City Commission amending Chapter 108 entitled "Planning and Zoning", Article X entitled "Building Permit Allocation System", Division 1 entitled "Generally", Section 108-987 entitled "Purpose and Intent"; and Division 2 entitled "Building Permit Allocation System", Section 108-994 entitled "Established", Section 108-995. entitled "Reporting Requirements and Residential Allocation Schedule"; Section 108-997 entitled "Period of Allocation and Ranking/Review of Applications" and Section 108-998 entitled "Compact Infill Development and Mixed Use of Private Property" 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 2018-08](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Payne to approve the amendments that have been agreed to by the Planning Director as suggested by the Sustainability Advisory Board subject to final approval on second reading. The motion carried unanimously.

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman to amend the Ordinance to require cisterns as a prerequisite for a BPAS allocation. The motion carried by the following vote:

No: 2 - Commissioner Romero, Commissioner Wardlow

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

A motion was made by Commissioner Lopez, seconded by Commissioner Kaufman, that the Ordinance be Passed to Second Reading with the amendments as approved. The motion passed by a unanimous vote.

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

26

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](#)  
[Proposed Ordinance](#)  
[Planning Board Resolution 2017-66](#)  
[E-mail from Mr. Allen Tidball](#)

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

**No:** 1 - Commissioner Kaufman

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

Enactment No: Ord 18-07

27

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

Enactment No: Ord 18-08

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT - 8:51 P.M.**