



# 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 2, 2019

5:00 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 - 5:00 P.M.**

#### ROLL CALL

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

**INVOCATION - Rev. Denise McLeod, Trinity Presbyterian Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### PROCLAMATIONS

1 Earth Day - Arbor Day

**Sponsors:** City Commission

**Attachments:** [Proclamation](#)  
[Earth Day Flier](#)

**Received and Filed**

2 Danny J. Sine Mental Health Awareness Week

**Sponsors:** City Commission

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

Postponed

3 National Boys and Girls Club Week

**Sponsors:** City Commission

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

Received and Filed

4 Conch Republic Month

**Sponsors:** City Commission

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

Received and Filed

5 Sexual Assault Awareness Month

**Sponsors:** City Commission

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

Received and Filed

6 National Public Health Week

**Sponsors:** City Commission

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

Received and Filed

7 Child Abuse Prevention Month

**Sponsors:** City Commission

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

Received and Filed

8 Fair Housing and Community Development Month

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

**PRESENTATIONS**

**City Attorney's Report**

**DISCUSSION:**

**Key West Bight Management District Board Appointment  
Amendment**

**City Manager's Report**

**30-Year Service Award Retirement  
Lieutenant James Benkoczy KWPD**

**Ambassador Class 31 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**

9 \*March 20, 2019 (Regular)

Attachments: [Minutes](#)

Approved

**RESOLUTIONS**

- 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, LLC, The Key West Cultural Preservation Society, Bourbon Street Pub, Inc., Petronia Street Neighborhood Association, Inc. and Michele's Foundation for the 2019 Conch Republic Independence Celebration from April 20, 2019 through April 26, 2019; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Agreement](#)  
[Conch Republic Longest Rolling Parade](#)  
[Cultural Preservation Craft Fair](#)  
[Drag Races](#)  
[Insurance and approvals](#)  
[Key West Cultural Preservation Society Release](#)

**Passed**

Enactment No: Res 19-105

- 11 \*Authorizing the Key West Art & Historical Society, Inc. to conduct the Papiro Kinetic Parade & Concert at the Truman Waterfront Amphitheatre on Saturday, May 4, 2019 from 12:00 P.M. to 3:00 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](#)  
[Rental Fee and Recycling Fee](#)

**Passed**

Enactment No: Res 19-106

- 12                   \*Authorizing Sunset City Lessee, LLC DBA the Southernmost Beach Cafe the use of the City property at 1405 Duval Street for a concert benefitting the May Sands Montessori School on Tuesday, May 7, 2019 from 7:00 P.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages with the barricaded area.

**Sponsors:**       City Manager Scholl

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

**Passed**

Enactment No: Res 19-107

- 13                   \*Authorizing the Metropolitan Community Church and One Human Family to conduct the Queen Mother Pageant on Monday, May 13, 2019 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 8:00 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](#)

**Passed**

Enactment No: Res 19-108

- 14 \*Authorizing Sloppy Joe's Enterprises, Inc. to conduct an event for Hemingway Days on Saturday, July 20, 2019 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](#)

**Passed**

Enactment No: Res 19-109

- 15 \*Authorizing Sunrise Rotary Foundation of Key West, Inc. the use of City property at 1405 Duval Street for a Brewfest Key West Festival on Saturday, August 31, 2019 from 3:00 P.M. to 8:00 P.M. (Rain date of Sunday, September 1, 2019); Authorizing the sale and consumption of alcoholic beverages within the barricades area.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 19-110

- 16 \*Amending the Contract for General Engineering Services with Keith & Schnars by consenting to assign the contract to KCI Technologies, Inc.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 17-207 General Engineering Services](#)  
[Assignment & Assumption Agreement](#)

**Passed**

Enactment No: Res 19-111

- 17 \*Approving the attached “Interlocal Agreement Pursuant to Chapter 163, Florida Statutes, for Joint Use of Poinciana Elementary School, Horace O’ Bryant School and Gerald Adams Elementary School Sports and Recreational Facilities” between District School Board of Monroe County, Florida and the City of Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Inter-local Agreement](#)

**Passed**

Enactment No: Res 19-112

- 18 \*Approving a Task Order under the City’s General Utilities Services Contract with D. N. Higgins, Inc. in a total amount not to exceed \$32,304.30 for repairs to the Atlantic Boulevard multi-use path from Rest Beach to Bertha Street; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Atlantic Blvd Task Order](#)  
[Resolution 18-322](#)  
[General Utilities Services DN Higgins](#)

**Withdrawn**

- 19 \*Authorizing a \$500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), to the Key West High School Operation Graduation Program, pursuant to Florida Statutes Section 932.7055.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Operation Graduation Request Letter](#)

**Passed**

Enactment No: Res 19-113

- 20 \*Authorizing a \$1,500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), pursuant to Florida Statutes Section 932.7055, to Special Olympics Florida - Monroe County Program.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Special Olympics Request Letter](#)

**Passed**

Enactment No: Res 19-114



21

\*Approving a two-year extension of the contract awarded pursuant to Resolution No. 16-008 between the City and Seamar Divers, Inc. in response to ITB #001-16 (two inspections at \$7,547.59 each per year); Authorizing the City Manager to execute any necessary documents, upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Contract Extension CKW](#)  
[Resolution 16-008 Contract Award](#)  
[\\*Large File\\* Bid 001-16 Documents](#)  
[Bid Tabulation](#)

**Passed**

Enactment No: Res 19-115

#### **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.**

22

Extending the Duval Promenade Pilot Program, also known as Mall on Duval; a Pedestrian-only corridor on the 500, 600 and 700 blocks of Duval Street from Fleming Street to Petronia Street with possible expansion at the discretion of the City Manager; Allowing for street artists and performers in the Duval Promenade Pilot Program; Establishing specific dates and times for the extended Pilot Program; Authorizing the City Manager to execute necessary documents upon review and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 19-046](#)  
[Appendix A](#)  
[Appendix B](#)  
[Letter from From George Fontana](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, that the Resolution be Passed amending the last date of the Pilot Program to July 27, 2019 The motion carried by the following vote:**

**No:** 1 - Commissioner Wardlow

**Yes:** 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-116

23

Approving the evaluation panel ranking of the proposals received for Key West Amphitheater Venue Management Services in response to RFQ No. 19-003; Authorizing the City Manager to negotiate and execute a contract in substantial conformance with the terms and conditions contained in RFQ No. 19-003 upon the advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Evaluation Panel Ranking Sheet](#)  
[\\*Large File\\* Rams Head Promotions of Key West Proposal](#)  
["Large File" We've Got the Keys - AAG Live Proposal](#)  
[RFQ 19-003 KW Amphitheater Management](#)  
[Addendum 1](#)  
[Addendum 2](#)  
[Addendum 3](#)  
[Ranking Meeting Minutes](#)  
[Pre-Proposal Sign In Sheet](#)  
[Pre-Proposal Meeting Agenda](#)  
[4-Letters from We've Got the Keys - AAG Live](#)  
[2-Letters from Oh Wook Productions and Key West Songwriters Festival](#)  
[Letter from Rams Head Promotions for Key West, LLC](#)  
[Letter from Kenny Chesney](#)  
[9-Letters from RamsHead](#)  
[Letter from Frank Kirwin](#)  
[Letter from Shawn Stockman](#)  
[Letter from Steve Forbes](#)

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

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

**Yes:** 5 - Commissioner Davila, Commissioner Hoover, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-117

*Meeting went into Recess and Reconvened at 7:50 P.M.  
Commissioner Kaufman left the meeting.*

24

**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

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Plans](#)  
[\\*Large File\\* Application](#)  
[\\*Large File\\* Planning Board Approval \(Resolution 2016-51\)](#)  
[\\*Large File\\* Final Landscape Plan Approval](#)  
[Letter of Support](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to May 7, 2019. The motion passed by a unanimous vote, Commissioner Kaufman Absent.**

**ORDINANCES – FIRST READING**

25

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, entitled "Zoning", Division 10, entitled "Work Force Housing"; pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Staff Report for Planning Board Meeting](#)  
[Planning Board Resolution 2019-15](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on May 7, 2019. The motion carried by the following vote:**

**No:** 1 - Commissioner Lopez

**Absent:** 1 - Commissioner Kaufman

**Yes:** 5 - Commissioner Davila, Commissioner Hoover, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

26

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X, Division 1, Section 108-991, entitled "Development not affected by article"; Pursuant to Chapter 90, Article VI, Division 2; 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 no. 2019-01](#)  
[Staff Report](#)  
[Email from Owen Trepanier](#)  
[Email from Barbara Powell](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on May 7, 2019. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Kaufman

**Yes:** 6 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez,  
Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 8:00 P.M.**