



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, July 16, 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 (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.**

**CALL MEETING TO ORDER**

**ROLL CALL**

**Absent** 2 - Commissioner Hoover and Commissioner Lopez

**Present** 5 - Commissioner Davila, Commissioner Kaufman, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

**INVOCATION - Rev. Judith Elia, Unity of the Keys**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

The agenda was approved unanimously as amended.

**APPROVAL OF MINUTES**

1 \*June 18, 2019

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Minutes be Approved. The motion passed by a unanimous vote.

**COMMENDATION**

- 2                   Stuart Strickland  
  
                  Sponsors:       City Commission  
  
                  Received and Filed

**PROCLAMATIONS**

- 3                   Official Symbol of Kindness  
  
                  Sponsors:       City Commission  
  
                  Received and Filed
  
- 4                   8U & 14U Lady Conchs Softball Travel Teams' South  
                  Florida State Championships Day  
  
                  Sponsors:       Commissioner Davila, Mayor Johnston, Commissioner Hoover,  
                                  Commissioner Kaufman, Commissioner Lopez, Commissioner  
                                  Wardlow and Commissioner Weekley  
  
                  Received and Filed
  
- 5                   USS Billings Week  
  
                  Sponsors:       Mayor Johnston  
  
                  Received and Filed

**PRESENTATIONS**

- 6                   Recognizing Retirement for William Stafford (26 years)  
  
                  Sponsors:       City Manager Scholl  
  
                  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.**

**RESOLUTIONS**

- 7                    \*Reappointing Billy Davis to the Key West Civil Service Board.
- Sponsors:        Mayor Johnston
- Passed**
- Enactment No: Res 19-195
- 8                    \*Designating the Truman Waterfront Amphitheater as “The Coffee Butler Key West Amphitheater”
- Sponsors:        Commissioner Davila and Commissioner Kaufman
- Withdrawn**
- 9                    \*Requesting Monroe County and the State of Florida join the City of Key West in efforts to eradicate invasive iguanas on public property in the City of Key West.
- Sponsors:        Commissioner Lopez
- Postponed**
- 10                   \*Directing the City Manager to report to the City Commission on Sea Level Rise concerns and mitigation strategies in six months.
- Sponsors:        Commissioner Weekley and Commissioner Hoover
- Passed**
- Enactment No: Res 19-196
- 11                   \*Authorizing MZF Mile Zero Fights, LLC to conduct an MMA, Muay Thai and Boxing Fights on Saturday, August 17, 2019 from 4:00 P.M. to Midnight at the Truman Waterfront Amphitheater (Access Day Prior and after event); 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
- Passed**

Enactment No: Res 19-197

- 12 \*Authorizing Quepasa KW, Inc. to conduct the Pet Masquerade at the Truman Waterfront Amphitheater on Wednesday, October 23, 2019, from 4:30 P.M. to 9:30 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

**Passed**

Enactment No: Res 19-198

- 14 \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for the Cone/Elswick Wedding Ceremony and Reception at the West Martello Tower 1100 Atlantic Boulevard during the hours of 6:00 P.M. to Midnight on Saturday, February 8, 2020.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 19-199

- 15 \*Approving the attached Adendum 2 to the Commercial Contract between the City of Key West and the Housing Authority of the City of Key West for 5220, 5224, 5228 and 5230 College Road; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 19-200

- 18                    \*Approving and Authorizing the repair of the City Marina at Garrison Bight Boat Ramp by RDI-KW, LLC, as described in the attached price quote dated June 21, 2019, in an amount not to exceed \$31,400. 00 in the best interest of the City, Pursuant to Section 2-797 (4)(b) of the code of ordinances; Authorizing any necessary budget adjustments; Authorizing the City Manager or designee to execute any necessary documents upon consent of the City Attorney.

**Sponsors:**            City Manager Scholl

**Passed**

Enactment No: Res 19-201

- 20                    \*Authorizing the City of Key West to enter into a revocable license agreement for nonpermanent use of city property with Visualize Entertainment, Inc. to allow operation of Key West Outdoor Movies with vendors two times monthly for an eight-month period, upon additional terms and conditions contained in the agreement (October 2019 through May 2020).

**Sponsors:**            City Manager Scholl

**Postponed to August 20, 2019**

- 21                    \*Authorizing the City Manager to execute a Satisfaction of Lien in the case of Erwin Mayer, property owner and Marie Delus, mobile home owner of 1300 15 Court, Lot 11.

**Sponsors:**            City Manager Scholl

**Postponed to August 20, 2019**

- 22                    \*Authorizing the City Manager to enter into an agreement with Andrea Shaye Morgan, through her representative attorney Robert Cintron, as property owner of 621 Eaton Street, permitting a release of lien upon payment by the owners of the amount of \$20,000.00.

**Sponsors:**            City Manager Scholl

**Passed**

Enactment No: Res 19-202

- 23** \*Authorizing a design task order to Stantec Consulting Services, Inc. for Greene Street sidewalk and paving improvements from Whitehead Street to Elizabeth Street, in an amount not to exceed \$50,497.00; authorizing any necessary budget adjustments; authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 19-203

- 25** \*Ratifying an emergency procurement dated June 19, 2019 approved by the City Manager as provided for under section 2-797(2) and 2-797(4) of the code of ordinances, for Ring Power Corporation in an amount not to exceed \$72,738.00 to procure a caterpillar 350 KW 3-phase diesel generator for the Key West Police Department; authorizing any necessary budget transfers.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 19-204

- 26** \*Ratifying an emergency procurement dated June 28, 2019 by the City Manager, as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a task order in an amount not to exceed \$40,768.40 for engineering and design for repairs at the Fleming Key utility bridge to Artibus Design, LLC; authorizing any necessary budget transfers.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 19-205

- 28                    \*Approving the attached Emploment Agreement between the City of Key West and Gregory W. Veliz for the position of City Manager.

Sponsors:        City Manager Scholl

**Postponed to August 20, 2019**

- 34                    \*An Ordinance of the City of Key West, Florida amending Chapter 86 of the Land Development Regulations, entitled "General Provisions, Section 86-9, entitled "Definition of Terms" and Chapter 108, entitled "Planning and Development", Section 108-997, entitled "Period of Allocation and Ranking/Review of Applications"; 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

**Postponed**

- 36                    \*Urging that any reauthorization of the National Flood Insurance Program must include meaningful affordability protections for all policy holders, specifically a lower cap on annual increases; Directing the City Clerk to provide copies of this Resolution to certain legislators; Providing for an effective date.

Sponsors:        Mayor Johnston, Commissioner Weekley, Commissioner Wardlow, Commissioner Lopez, Commissioner Davila, Commissioner Kaufman and Commissioner Hoover

**Passed**

Enactment No: Res 19-206

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

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

- 13 Authorizing “Key West Half Marathon LLC” to conduct their 22nd Annual Key West Half Marathon and 5k Run on Saturday, January 18, 2020 12:00 Noon to 6:00 P.M. and Sunday, January 19, 2020 from 6:00 A.M. to noon at the Half Shell Raw Bar 231 Margaret Street; Authorizing certain street closures thereof during the event; Granting a special event permit pursuant to Section 6-86 of the Code of Ordinances from 6:30 A.M. to 7:30 A.M.; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 19-207

- 16 Approving the attached Amended Note, Mortgage, and Ground Lease (as to Key West Housing Authority) for Douglass Square Apartments, Extending the reporting and affordable restrictions until October 31, 2028; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 19-208

- 17 Approving transfer of mobile vendor license (MVL) #2018-000222 from James Patrick Carr (Dirty Water Dogs Key West, LLC) to Joseph A. Sweeney due to hardship.

**Sponsors:** City Manager Scholl

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

**No:** 1 - Commissioner Weekley

**Absent:** 2 - Commissioner Hoover and Commissioner Lopez

**Yes:** 4 - Commissioner Davila, Commissioner Kaufman, Commissioner Wardlow and Mayor Johnston



Enactment No: Res 19-209

- 19 Authorizing the City of Key West to enter into a revocable license agreement for nonpermanent use of city property with Jill Snodgrass, to allow the operation of a Key West Farmers Market at Truman Waterfront Park each Thursday, upon additional terms and conditions contained in the agreement (August 1, 2019 through July 30, 2020).

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 19-210

- 24 Denying the request for mitigation of lien by the estate of Charles Hoffman, through its personal representative attorney Albert Kelley, as property owner of 1420 Whalton Street, permitting a release of lien upon payment by the owners of the amount of \$8,750.00.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Gregory Davila, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 19-211

- 27 Relating to the collection and disposal of solid waste in Key West, Florida; Describing the method of assessing solid waste costs against assessed property located within the City of Key West; Determining the solid waste cost and the solid waste service assessments; Directing the preparation of an assessment roll; Authorizing a public hearing and directing the provision of notice thereof.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 19-212

29

QUASI-JUDICIAL: Minor Development Plan - 501 Front Street (RE # 00000100-000000) - A request for minor development plan approval to allow for the addition of 706-square-feet of new floor area to an existing structure located in the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Approved with the Planning Departments 5 conditions. The motion carried by the following vote:**

**No:** 1 - Mayor Johnston

**Absent:** 2 - Commissioner Hoover and Commissioner Lopez

**Yes:** 4 - Commissioner Davila, Commissioner Kaufman, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 19-213

**Commissioner Davila left at 6:35 PM.**

30

QUASI JUDICIAL HEARING: EASEMENT - 403-405  
CAROLINE STREET

Approving an Easement that extends a total of 180.0 square feet, more or less, to address the encroachment of an existing historic second-story balcony in order to maintain an overhang onto the Whitehead Street rights-of-way. The property is located at 403-405 Caroline Street (RE # 00001610-000000) within the Historic Residential/Office (HRO) Zoning District pursuant to Sections 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

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

**Absent:** 3 - Commissioner Davila, Commissioner Hoover and Commissioner Lopez

**Yes:** 4 - Commissioner Kaufman, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-214

#### **ORDINANCES – FIRST READING**

- 31** \*An Ordinance of the City of Key West, Florida, Amending Chapter 66, Article IV of the Code of Ordinances entitled "Business Tax" by amending Section 66-109 to provide for an adjustment in fees pursuant to Florida Statutes; Providing for Severability; Providing for repeal of inconsistent provisions.

**Sponsors:** City Manager Scholl

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

- 32** \*An Ordinance of the City of Key West, Florida, amending Table 1-1.1.5 and Policy 1-1.1.8, entitled "Allowed Uses in the Historic Residential Commercial Core" of the City's Comprehensive Plan; pursuant to Chapter 90, Article VI, Division III; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Sam Kaufman, that the Ordinance be Passed to Second Reading with the condition to include 40 units per acre. The motion passed by an unanimous vote.**

- 33                    \*An Ordinance of the City of Key West, Florida amending Chapter 122 of the land development regulations, entitled "Zoning", Article IV, entitled "Districts", Division 6 entitled "Historic Preservation Districts", Subdivision III, entitled "HRCC-2 Key West Bight District"; pursuant to Chapter 90, Article VI, Division 2; providing for severability; providing for repeal of inconsistent provisions.

**Sponsors:**            City Manager Scholl

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Sam Kaufman, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.**

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

- 35                    An Ordinance of the City of Key West, Florida amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by creating Article XIII entitled "Mobile Billboards" and by creating Sec. 70-802 entitled "Purpose"; By creating Sec. 70-803 entitled "Definitions"; By creating Sec. 70-804 entitled "Prohibitions"; By creating Sec.70-805 entitled "Exceptions"; by creating Sec. 70-806 entitled "Penalties"; Providing for severability; Providing for repeal of inconsistent provisions.

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Sam Kaufman, that the Ordinance be Adopted. The motion passed by an unanimous vote.**

Enactment No: Ord 19-17

- 37                    \*Extending the Duval Promenade Pilot Program, also known as Mall on Duval, through February 17, 2020; Authorizing the City Manager to execute any necessary documents upon review and consent of the City Attorney.

**Sponsors:**            Commissioner Weekley and Mayor Johnston

*NOT ADDED*

#### **CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 7:03 PM**