



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, May 3, 2016

6:00 PM

Old 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

#### CALL MEETING TO ORDER

6:00 P.M.

#### ROLL CALL

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

#### INVOCATION - Pastor Gary Faith, Grace Lutheran Church

#### PLEDGE OF ALLEGIANCE TO THE FLAG

#### APPROVAL OF AGENDA

*The agenda was approved as changed without objection.*

#### COMMENDATIONS

1 Green Commute Challengers and Southernmost Beach Resort

**Sponsors:** Mayor Cates

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

Received and Filed

#### PROCLAMATIONS

2 National Foster Care Month

**Sponsors:** Mayor Cates

Attachments:     [Proclamation](#)

Received and Filed

3                   Peace Officers Memorial Day & Key West Police Week

Sponsors:       Mayor Cates

Attachments:     [Proclamation](#)

Received and Filed

**PRESENTATIONS**

4                   Officer Kevin O’Connell 20 Year Recognition Award

Sponsors:       City Manager Scholl

Received and Filed

5                   Resident Waiver of EMS Transport Fees

Sponsors:       City Manager Scholl

Attachments:     [Executive Summary](#)  
                          [2015-2016 EMS Summary](#)  
                          [EMS Collection Data](#)  
                          [Resolution 15-137](#)  
                          [Summary of EMS](#)

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**

6                   \*April 5, 2016 (Regular)

Attachments:     [Minutes](#)

Approved

7 \*April 6, 2016 (Regular)

Attachments: [Minutes](#)

Approved

## RESOLUTIONS

8 \*Authorizing Key West Business Guild, Inc. to conduct a Pride Street Fair on Saturday, June 11, 2016 from 10:00 A.M. to 10:00 P.M. and Parade on Sunday, June 12, 2016 from 5:00 P.M. to 7:00 P.M.; Authorizing the closure of the 700 and 800 blocks of Duval Street from 7:00 A.M. to 11:00 P.M. and the Parade starting on the Truman Waterfront; 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 of Ordinances during the event.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)  
[Application\\* Large File \\*](#)  
[Advertisement](#)

Passed

Enactment No: Res 16-135

9 \*Authorizing Sloppy Joe's Enterprises, Inc. to conduct an event for Hemingway Days on Saturday, July 23, 2016 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 \\*Large Application\\*](#)  
[Advertisement](#)

Passed

Enactment No: Res 16-136

10 \*Authorizing Rick's & Dirty Harry's Entertainment Complex, Inc. to conduct a Seafood Lobster Festival on Saturday, August 13, 2016

from 10:00 A.M. to 12:00 Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200, 300, 400 & 500 blocks of Duval Street between Front and Southard Streets including the Greene Street Intersection and Telegraph Lane & Charles Street from 10:00 A.M. to 12:00 Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 12:00 Noon to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application \\*Large File\\*](#)  
[Advertisement](#)

**Passed**

Enactment No: Res 16-137

- 11 \*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, September 3, 2016 from 3:00 P.M. to 8:00 P.M. (Rain Date of Sunday, September 4, 2016); Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application \\*Large File\\*](#)  
[Advertisement](#)

**Passed**

Enactment No: Res 16-138

- 12 \*Approving and authorizing execution of the attached Agreement between the City of Key West and the Sunrise Rotary Foundation of Key West, Inc. for Charity Motorcycle Bike Week on September 16 & 17, 2016: Authorizing the closure of Duval Street from Angela Street to Front Street on Friday, September 16, 2016 and Saturday, September 17, 2016 from 10:00 A.M. to 12:00 Midnight; All cross streets shall remain open except Greene Street between Whitehead to Simonton Street and Caroline Street from Whitehead to Simonton Street; Authorizing the sale and consumption of alcoholic beverages within the barricaded area of the event; 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 \\*Large File\\*](#)  
[Advertisement](#)

**Passed**

Enactment No: Res 16-139

- 13**                    \*Appointing Rebecca Horan, G. Jay Hall and Scott G. Fraser to a Local Multi-jurisdictional Program for Public Information (PPI) Committee in furtherance of the City's efforts to reduce flood insurance rates communitywide via the Community Rating System ( CRS).

**Sponsors:**        City Manager Scholl

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

**Passed**

Enactment No: Res 16-140

- 14**                    \*Awarding the bid of International Consulting and Education Partners, LLC d/b/a Southeastern Medical Academy for Paramedic Training for up to 16 Key West Fire Department Personnel, in an amount not to exceed \$124,800.00 over a two year period, in accordance with the terms specified in ITB 015-16; Authorizing the City Manager to execute the attached "Consulting Agreement" on behalf of the City of Key West, upon advice and consent of the City Attorney; Authorizing necessary budget amendments.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[City Clerk Bid Tabulation](#)  
[Consulting Agreement](#)  
[Southeastern Medical Proposal](#)  
[\\*Large File\\* Barry University Proposal](#)  
[2015-2016 Monroe County Occupational License](#)  
[Florida Department of Health Approvals](#)  
[5386-License-1 CIE](#)  
[Paramedic Program LOU, IAFF Signed](#)

**Passed**

Enactment No: Res 16-141

- 15**                    \*Authorizing pursuant to Sections 2-797(3)(a)(b)(c) and 2-844(a)(b) of

the Code of Ordinances the purchase of twenty-six (26) Second Chance Level II and IIIA Ballistic Body Armor/Bullet Proof Vests from DGG Tactical and Uniform Supply in the amount of \$21,619.24, pursuant to State Contract for "Body Armor (Protective Vests)" #680-850-11-1.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Florida State Contract Safariland Approved Vendors](#)  
[Florida State Contract Approved Vest and Carrier List](#)  
[Florida State Contract Effective Dates](#)  
[Chief-Law Enforcement Supply Vest Quote](#)  
[DGG TASER Vest Quote](#)  
[E-mail to File re On Site Measurement Policy](#)  
[Lou's Police Distributors Vest Quote](#)

**Passed**

Enactment No: Res 16-142

16

\*Authorizing the Sole-source purchase of 40 Taser X26Ps with Taser CAM HD, associated accessories and a five-year Taser Assurance Plan (TAP), pursuant to City Ordinances Section 2-797(1)(a) and Section 2-844(a) & (b) from Taser International Inc. in an initial amount not to exceed \$68,041.04, plus shipping costs of \$679.38 and the return/destruction of 40 Taser X26E Tasers for TAP Credit; Authorizing payment for the Taser Assurance Plan (TAP) in the amount of \$12,279.20 annually for years two through five of the TAP Plan (\$49,113.89 over four years); Approving the use of Law Enforcement Trust Fund, Federal Forfeiture Account Funds for the purchase.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[TASER Quote - 40 Unit Purchase](#)  
[TASER Manufacturer Sole Source Letter](#)  
[TASER Signed Resolution 15-015](#)  
[TASER Terms and Conditions-TAP Program](#)  
[TASER Terms and Conditions-Direct Sales](#)  
[Sole Source](#)

**Passed**

Enactment No: Res 16-143

- 17 \*Awarding the bid of Florida Keys Electric, Inc. in response to Invitation to Bid (ITB) #005-16 for Kingfish and Wahoo Piers Electrical Upgrades at the City Marina at Garrison Bight in the total amount of \$567,890.00.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Florida Keys Electric Bid Proposal](#)  
[DN Higgins Bid Proposal](#)  
[City Bid #005-16 Documents](#)

**Passed**

Enactment No: Res 16-144

- 18 \*Approving Task Order No. 3-16 from CH2M Hill Engineering, Inc. in an amount not to exceed \$85,161.40 for Construction Engineering and Inspection Services for Repairs and Improvement at Zero Duval Seawall and the Mallory Square T-Pier; Authorizing any necessary budget amendments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order 3-16](#)  
[Resolution 12-168](#)  
[Resolution 12-280 \\*Large File"](#)  
[Resolution 14-266](#)  
[Resolution 15-138 \\*Large File\\*](#)  
[Resolution 15-208 \\*Large File\\*](#)  
[Resolution 16-112 \\*Large File\\*](#)

**Passed**

Enactment No: Res 16-145

- 19 \*Approving the attached "Amendment No. 1 to State Financial Assistance Agreement - City of Key West DEP Agreement No. LP44030" between the City and the State of Florida Department of Environmental Protection to approve a time extension to September 30, 2017 for Reimbursement Funding of Florida Keys Wastewater Improvements; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Amendment 1](#)  
[Attachment A-1](#)

**Passed**

Enactment No: Res 16-146

**20**

\*Approving the attached Settlement Agreement in the Case of Bernard & Lolita Mingo v. City of Key West (Case 2014-CA-1043-K); Authorizing the City Manager and the City Attorney to execute necessary documents.

**Sponsors:**    Smith

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Release of All Claims](#)  
[Settlement Agreement](#)

**Passed**

Enactment No: Res 16-147

### **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.**

**21**

Approving a one year extension of the contract for Merchant Services between the City of Key West and First State Bank of the Florida Keys, pursuant to Section 2-797(4)(b), Best Interests of the City.

**Sponsors:**    City Manager Scholl

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Resolution 11-111 Selection of First State Bank](#)  
[Resolution 11-146 / Contract with First State Bank](#)  
[Resolution 14-118 / 1st of 2 One Year Extensions](#)  
[Resolution 15-148 / 2nd of 2 One Year Extensions](#)  
[City of Key West Merchant Services Pricing](#)

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

Enactment No: Res 16-148



- 22 Authorizing and approving the replacement and relocation of a memorial plaque to Smathers Beach Access Point #6 to commemorate Diana Nyad's Historic Swim from Cuba to Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 14-221](#)

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

Enactment No: Res 16-149

- 23 Approving the attached Letter of Understanding between the City and International Association of Firefighters (IAFF) Local 1424 to memorialize their mutual agreement to change the existing benefits and terms of the IAFF Contract (2015-2018) to implement paramedic training through the Key West Fire Department; Authorizing the City Manager to execute necessary documents consistent therewith.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[LOU ARTICLE 17](#)  
[Signed LOU, Paramedic Program](#)  
[IAFF Approval E-mail](#)

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

Enactment No: Res 16-150

- 24 Approving a Temporary Exemption to certain provisions of the Sound Control Ordinance, pursuant to Section 26-199 of the Code of Ordinances, for Mingo & Company, LLC, for concrete demolition at 2508 North Roosevelt Boulevard (GFS Improvement Project); Providing conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Mingo Request for Noise Exemption](#)

**A motion was made by Commissioner Payne, seconded by Commissioner Romero, that the Resolution be Passed as amended by Commissioner Weekley to change the hours of the exemption from 7:00 p.m. to 10:00 p.m. 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: Res 16-151

25

Approving a three year contract between the City and Aramark Uniform Services, a Division of Aramark Uniform and Career Apparel, LLC, for the provision of City Staff Uniform Rentals, pursuant to Section 2-797(4)(b), Best Interests of the City.

**Sponsors:** City Manager Scholl

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

[Executive Summary](#)

[City Clerk's Bid Tabulation](#)

[City Bid Documents ITB #009-16](#)

[\\*Large File\\* ARAMARK Uniform & Career Approval, LLC Bid Proposals](#)

**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 16-152

26

Awarding the Bid of Douglas N. Higgins, Inc., in response to ITB 010-16 for Sailfish Pier Replacement at the City Marina at Garrison Bight in the amount of \$1,042,000.00; Authorizing necessary budget transfers; Authorizing the City Manager to execute a contract upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* City Bid Documents ITB #010-16](#)  
[\\*Large File\\* City Bid Documents ITB #010-16 plans](#)  
[Addendum #1](#)  
[Bid Tabulation](#)  
[\\*Large File\\* Higgins Proposal](#)  
[\\*Large File\\* Kearns Proposal](#)  
[\\*Large File\\* Shoreline Proposal](#)  
[Mandatory Pre-Bid Sign in Sheet](#)  
[DN Higgins Qualifications Clarification](#)  
[Notice of Bid Protest](#)  
[Kearns Bid Protest Letter](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Wardlow, 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 16-153

**27**

Approving a proposal from Calvin, Giordano & Associates, Inc. (CGA, Inc.) for four (4) additional workshops related to the update of the Land Development Regulations in an amount not to exceed \$26,750.00; Authorizing the City Manager to execute necessary documents upon the advice and consent of the City Attorney; Authorizing a necessary budget transfer.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Additional LDR Workshops Proposal](#)  
[2015 Agreement](#)  
[\\*Large File\\* Resolution 15-019](#)  
[\\*Large File\\* Calvin Giordano Proposal](#)

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

Enactment No: Res 16-154

**28**

Accepting the attached Bike Florida Share the Road Challenge Grant Agreement from the State of Florida Department of Transportation in

the amount of \$25,000.00 (City Match \$25,000.00); Authorizing necessary budget amendments to accept the Grant; Authorizing the City Manager to execute the Grant Agreement Contract upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bike Florida Letter of Agreement](#)  
[Bike Florida Application](#)  
[Press Release](#)

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

Enactment No: Res 16-155

29

Approving a Task Order for EDSA Inc., for additional services including a Traffic Study, Additional Conceptual Designs, and Additional Meetings for Indigenous Park in an amount not to exceed \$33,500.00; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Additional Services Request](#)  
[Resolution 13-058](#)

**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 16-156

30

Approving a Task Order from AMEC Foster Wheeler Environment and Infrastructure, Inc. (AMEC) in an amount not to exceed \$22,000.00 for pre-acquisition inspection of the former Key West Diesel Plant.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proposal](#)  
[Memorandum 10-23-15](#)  
[Resolution 12-280](#)  
[Resolution 15-208](#)

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

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

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

Enactment No: Res 16-157

**31**

Approving the attached "Memorandum Of Understanding between Monroe County School District (MCSC) and the City of Key West" to enable the MCSD Fire Academy at the Key West High School and the Key West Fire Department to provide Fire Fighting Training to Students.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[KWFD - KW High School Fire Academy MOU 2016](#)  
[MOU - Monroe County School Board KWFD Fire Academy 2-23-16](#)  
[Monroe County School Board Agenda Confirmation](#)  
[MOU, MCSD Approved](#)

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

Enactment No: Res 16-158

*Meeting went into Recess  
at 7:51 p.m.  
Meeting Reconvened at 8:02 P.M.*

**32**

Nominating the property located at 541 White Street, Commonly referred to as Peary Court, to the Monroe County Land Authority for funding for the purpose of acquiring an interest in the property in the form of Affordable Housing Deed Restrictions on all existing and future units on the property in perpetuity for the purpose of preserving and providing Affordable Workforce Housing.

**Sponsors:** Commissioner Weekley, Commissioner Payne, Commissioner Lopez and Mayor Cates

**Attachments:** [Resolution](#)  
[Letter From Allen Tidball](#)

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

**No:** 3 - Commissioner Kaufman, Commissioner Romero and Commissioner Wardlow

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

Enactment No: Res 16-159

33

Requesting that the Monroe County School Board consider entering into negotiations with the City and the Boys & Girls Club of the Keys Area for the benefit of the youth of the community.

**Sponsors:** City Manager Scholl

**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:** 1 - Commissioner Romero

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

Enactment No: Res 16-160

34

Approving the attached amended 2016 Meeting Schedule for the Key West City Commission, to change the time of regular meetings to 10:00 A.M.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Meeting Dates](#)  
[Letter From Allen Tidball](#)  
[Letter from Maureen Johnson](#)

**Withdrawn**

35

**QUASI-JUDICIAL HEARING:**

~~Granting/Denying~~ the appeal by Attorney Dustin S. Hunter as representative for property owner Natividad Villa Upholding/~~Amending/Denying~~ the Planning Board's denial in Resolution No. 2015-62 of an after-the-fact variance for 1324 20th

Terrace.

**Attachments:**    [Resolution](#)  
[Planning Board Resolution 2015-62](#)  
[Filed Appeal letter](#)  
[Transcript from Planning Board Meeting](#)  
[\\*Large File\\* Planning Board Packet](#)  
[Mailing Labels](#)  
[Letters Received December 2015 Planning Board - 1324 20th Terrace](#)  
[Letter From Carrie Olatin](#)

*A motion was made by Commissioner Kaufman, seconded by Commissioner Payne to grant the appeal. The motion failed by the following vote:*

*Yes: Commissioner Kaufman, Commissioner Payne and Commissioner Wardlow*

*No: Commissioner Lopez, Commissioner Romero, Commissioner Weekley and Mayor Cates*

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed, Denying the Appeal and Upholding the Planning Board's Denial for after-the fact variance. The motion carried by the following vote:**

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

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

Enactment No: Res 16-161

*Meeting went into Recess at 10:47 p.m.*

*Meeting Reconvened at 10:53 p.m.*

## **ORDINANCES – FIRST READING**

**36**

An Ordinance of the City of Key West, Florida, amending Chapter 2 entitled "Administration," Article VI entitled "Code Enforcement", by amending Section 2-631 entitled "Definitions", by changing references of Code Enforcement to Code Compliance; by amending Section 2-632 entitled "Findings and Purpose", by changing references of Code Enforcement to Code Compliance; by amending Section 2-633 entitled "Intent", by changing references of Code Enforcement to Code Compliance; by amending Section 2-634 entitled "Special Master", by changing references of Code Enforcement to Code Compliance; by amending Section 2-635 entitled "Powers and Duties of Special Master", by changing references of Code Enforcement to Code Compliance; by amending Section 2-636 entitled "Staff Support and Legal Counsel to the Special Master", by changing references of Code

Enforcement to Code Compliance, by clarifying the legal representation of the Special Magistrate and Code Compliance Staff; by amending Section 2-637 entitled "Enforcement and Procedure", by changing references of Code Enforcement to Code Compliance; by amending Section 2-638 entitled "Notices", by changing references of Code Enforcement to Code Compliance, by reflecting the requirements of F.S. 162.12(a); by amending Section 2-639 entitled "Presentation of City's Case", by changing references of Code Enforcement to Code Compliance, by clarifying the legal representation of Code Compliance Staff; by amending Section 2-640 entitled "Hearing; Testimony", by changing references of Code Enforcement to Code Compliance, by requiring minutes be taken pursuant to F.S. 286.011(2); by amending Section 2-641 entitled "Findings and Order", by changing references of Code Enforcement to Code Compliance; by amending Section 2-642 entitled "Appeals", by changing references of Code Enforcement to Code Compliance; by amending Section 2-643 entitled "Fine for Compliance or Repeat Violation; Costs of Repair", by changing references of Code Enforcement to Code Compliance; by amending Section 2-644 entitled "Maximum Amount of Fines", by changing references of Code Enforcement to Code Compliance, by clarifying fines per violation; by amending Section 2-645 entitled "Determination of Fines; Reduction of Fines; Additional Fees", by changing references of Code Enforcement to Code Compliance, by clarifying factors to levy fines and costs; by amending Section 2-646 entitled "Lien; Enforcement of Order", by changing references of Code Enforcement to Code Compliance; by amending Section 2-676 entitled "Definition", by changing references of Code Enforcement to Code Compliance; by amending Section 2-678 entitled "Authority to Issue Citation", by changing references of Code Enforcement to Code Compliance, by clarifying options of Code Officers on issuing citations; by amending Section 2-679 entitled "Violations; Procedure", by changing references of Code Enforcement to Code Compliance; by amending Section 2-680 entitled "Civil Penalty", by changing references of Code Enforcement to Code Compliance, by clarifying Civil Penalty Fine; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Resolution 07-010](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on May 17, 2016. The motion carried by the following vote:**



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

**37**

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article IV, entitled "Sound Control" by amending Section 26-194, "Citation Procedure and Penalties," to add a provision for complaints where the sound source is on public right of way; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Ordinance 10-21](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Passed to Second Reading on June 7, 2016. The motion passed by a unanimous vote.**

**38**

An Ordinance of the City of Key West, Florida, amending Section 34 of the Code of Ordinances entitled "Floods" by amending Section 34-125 to require property appraisals not older than one year and that design certifications and elevations include photographs; Amending Section 34-126 by adding Section 34-126(2)(b) to adopt "Appendix G" of the Florida Building Code and adding Section 34-126(3)(h) to limit enclosed areas below flood levels to a maximum of 299 Square Feet when used in conjunction with the Building Height Exception under Section 122-1149; Amending Section 34-132 to add Definitions for Flood Proofing, Dry Flood Proofing, Wet Flood Proofing, Public Restrooms in SFHAs, and to amend the Definitions of Special Flood Hazard Area, Structure, Substantial Damage and Substantial Improvement; Amending Section 34-133 by adding Section (3) to establish construction standards for certain Public Restrooms; Amending Section 34-139 by adding Section 34-139(2) regarding elevator cab default return above flood level; Providing for applicability; Providing for repeal of inconsistent provisions; Providing for severability; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[City Ordinance Section 34 on Floodplain Management](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be Passed to Second Reading on May 17, 2016. The motion passed by a unanimous vote.**

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

- 39** An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles", Article III, "Speed Limits," Division 2, "School Zones," by amending Section 70-87, to amend and update the designated school zones; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Florida Statutes 316.1895](#)  
[Florida Department of Transportation Index 17344](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted with the provision that a section be added should it be in conformity with Florida Statutes. The motion passed by a unanimous vote.**

Enactment No: Ord 16-05

**CITIZEN COMMENTS****COMMISSION COMMENTS****ADJOURNMENT**

**11:09 P.M.**