



# 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, July 7, 2015

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 at 305-809-1000 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

6:06 P.M.

### ROLL CALL

**Absent** 1 - Mayor Cates

**Present** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

### INVOCATION - Minister Kimberly Debus, One Island Family

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

*It was moved by Commissioner Johnston and seconded by Commissioner Yaniz to approve the agenda as changed.*

### COMMENDATIONS

1 Rodney Gullatte, Jr.

**Sponsors:** Commissioner Rossi

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

Received and Filed

### PRESENTATIONS

2 Summer Peace Camp at Frederick Douglass Center - Alison Morales

Sponsors: Commissioner Lopez

Postponed to August 4, 2015

3 Select City Human Resources Policies

Sponsors: City Manager Scholl

Attachments: [HR Procedures June 2015](#)

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**

4 \*June 16, 2015 (Regular)

Attachments: [Minutes](#)

Approved

**RESOLUTIONS**

5 \*Appointing Venessa McCaffrey to the Art in Public Places Board.

Sponsors: Commissioner Weekley

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

Passed

Enactment No: Res 15-219

- 6 \*Directing the City Manager and the City Attorney to negotiate a contract amendment with Waste Management of Florida, Inc. (WMI) to provide for twice per week solid waste collection services for residential units; Authorizing the City Manager to execute the amendment to contract.

**Sponsors:** Commissioner Yaniz

**Attachments:** [Resolution](#)  
[Price Form](#)  
[\\*Large File\\* Resolution 14-254 WMI First Amendment](#)  
[Letter From Alex Symington](#)  
[Letter From Jody Smith Williams](#)  
[Letter From Rick Boettger](#)  
[Letter From Arlo Haskell](#)  
[17 Letters for Twice Weekly Garbage Pick-up](#)

**Postponed to August 4, 2015**

- 7 \*Authorizing the Southernmost Beach Cafe the use of the Southernmost Beach at 1405 Duval Street on Friday, July 24, 2015 from 6:00 P.M. to 10:00 P.M. for a free Reggae Concert; Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.M. to 10:00 P.M.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 15-220

- 8 \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Just Save the Date, LLC for a rehearsal dinner at the Southernmost House during the hours of 7:00 P.M. to 11:00 P.M. on Friday, October 9, 2015.

**Sponsors:** City Manager Scholl

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

**Postponed to August 4, 2015**

- 9 \*Authorizing A. H. of Monroe County, Inc. to conduct the Coronation of the King & Queen of Fantasy Fest at the Southernmost Beach Cafe at 1405 Duval Street on Friday, October 23, 2015 from 9:00 A.M. to 12:00 Midnight; Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.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 15-221

- 10 \*Approving a one year extension of the contract for Banking Services between the City of Key West and First State Bank of the Florida Keys.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 12-194](#)  
[Contract](#)

**Passed**

Enactment No: Res 15-222

- 11 \*Approving and accepting the attached Amendment No. 001 to Research Agreement Number USM-GR04114-R/MG/CSP-35 between the University of Southern Mississippi (Southern Miss) and the City of Key West for a no cost extension; Authorizing the City Manager to execute Amendment No. 001 upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Amendment No. 001](#)  
[Resolution 14-288](#)

**Passed**

Enactment No: Res 15-223

- 12 \*Approving the attached "State of Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement, Contract No. ARU46".

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[New Agreement](#)  
[Resolution 11-004 FDOT Agreement A-Q764](#)  
[Resolution 11-145 Agreement with Keys Energy](#)

**Passed**

Enactment No: Res 15-224

- 13 \*Awarding the bid of Douglas N. Higgins, Inc. in response to ITB 15-005 for Mallory Square Electrical Upgrades in the amount of \$141,900.00.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bid Tabulation](#)  
[Bid Evaluation - Engineering](#)  
[Sign In Sheets](#)  
[\\*Large File\\* Higgins Bid](#)  
[\\*Large File\\* FKE Bid](#)  
[\\*Large File\\* ITB 15-005](#)  
[Addendum #1](#)  
[Addendum #2](#)

**Passed**

Enactment No: Res 15-225

- 14 \*Approving the Reclassification of one GIS Employee Position in the FY 14-15 Budget.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[GIS Administrator](#)  
[GIS Manager](#)

**Passed**

Enactment No: Res 15-226

- 15 \*Approving a Work Order under the City's General Services Contract with D.N. Higgins, Inc. in a total amount not to exceed \$35,932.25 for Sidewalk Improvements, including ADA Compliant Ramp at the corner of Southard Street and Bahama Street.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 13-314](#)  
[D N Higgins Proposal](#)  
[Drawings](#)

**Passed**

Enactment No: Res 15-227

- 16 \*Approving a Work Order under the City's General Services Contract with D.N. Higgins, Inc. in a total amount not to exceed \$32,978.07 for Sidewalk Improvements, including ADA Compliant Ramp Construction at the Northeast corner of Waddell Avenue and Alberta Street.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 13-314](#)  
[D N Higgins Proposal](#)  
[Location Map](#)

**Passed**

Enactment No: Res 15-228

- 17 \*Approving under the General Architectural Services Contract with Bender & Associates Architects, P.A., a Task Order for Architectural Engineering Design Services associated with the Frederick Douglass Band Room in an amount not to exceed \$35,000.00.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Resolution 14-307 Bender Agreement](#)  
[Bender & Associates Task Order Proposal](#)

**Passed**

Enactment No: Res 15-229

- 18 \*Amending General Park Rules in Chapter 26, Section 26-101(a), Exhibit A of the Code of Ordinances entitled "Environment"; Providing for a prohibition of standing or sitting on railings; Providing for a prohibition of standing or sitting on park monuments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Exhibit A](#)  
[Executive Summary](#)  
[Ordinance 12-04](#)

**Passed**

Enactment No: Res 15-230

- 19 \*Approving the proposed Settlement of Rosanne Woodruff v. the City of Key West 2012-CA-1281-K in an amount not to exceed \$30,000.00 for a trip and fall liability claim; Authorizing the City Manager to execute all Settlement document with the advice and consent of the City Attorney.

**Sponsors:** City Attorney Smith

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

**Passed**

Enactment No: Res 15-231

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

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

- 20 Approving Change Order No. 1 in the amount of \$31,733.00 to refurbish the Civil War Yellow Fever Memorial and Confederate Civil War Memorial adjacent to the Vietnam Veteran's Memorial; Directing staff to process payments and maintain documentation for this Change Order in accordance with previously passed Commission Resolutions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Change Order 1, Addendum 1, Atlas Proposal](#)  
[Resolution 13-177](#)  
[Resolution 14-105](#)  
[Resolution 14-068](#)  
[Resolution 15-143](#)  
[Objection Letter From Carlos Rojas](#)

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

Enactment No: Res 15-232

- 21 Approving and authorizing the Bahama Village Goombay Festival, Inc. to conduct a Goombay Festival on October 23 & 24, 2015 from 12:00 Noon to 12:00 Midnight; Authorizing the closure of Petronia Street between Duval Street and Fort Street including the Truman Waterfront Recreational Fields; Authorizing the consumption of alcoholic beverages within the barricaded area of the Festival; Granting an exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances during the Festival.

**Sponsors:** City Manager Scholl

**Attachments:** Resolution  
\*Large File\* Application  
Advertisement  
Maps

**Withdrawn**



- 22 Approving and authorizing the Key West Goombay Festival, Inc. to conduct a Goombay Festival on Friday, October 23 & 24, 2015 from 10:00 A.M. to 1:00 A.M.; Authorizing the closure of Petronia Street between Duval Street to Fort Street including the Truman Waterfront Recreational Fields; Authorizing the consumption of alcoholic beverages within the barricaded area of the Festival; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the Festival.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[\\*Large File\\* Application](#)  
[Advertisement](#)  
[Letter from Ken Sullivan](#)

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

**No:** 1 - Commissioner Yaniz

**Absent:** 1 - Mayor Cates

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 15-233

23 **QUASI-JUDICIAL HEARING: 119-159 SIMONTON STREET**

Approving a change to a condition of City Commission Resolution No. 08-131, which approved a Major Development Plan, to allow transient use of the 20 residential dwelling units on property located at 119-159 Simonton Street (RE #00000240-000000; AK #1000230) within the Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) Zoning District pursuant to Section 108-91.C.4, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Application Package](#)  
[Prior City Approvals](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Resolution be Postponed to August 4, 2015. The motion passed by a unanimous vote.**

**ADMINISTRATIVE APPEALS**

24

**QUASI-JUDICIAL HEARING:****ADMINISTRATIVE APPEAL: 2717 STAPLES AVENUE**

(Granting/Denying) the Appeal by T.D.J. Developments & Properties, Inc. (TDJ) (Upholding/Amending/Denying) the Planning Department's Lawful Unit Determination for 2717 Staples Avenue.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Appeal from Smith, Oropeza, Hawks](#)  
[Planning Department Determination](#)

*Meeting went into Recess*

*Meeting Reconvened*

**A motion was made by Commissioner Yaniz, seconded by Commissioner Wardlow, that the Administrative Appeal be Passed. The motion failed by the following vote:**

**No:** 3 - Commissioner Johnston, Commissioner Lopez and Commissioner Weekley

**Absent:** 1 - Mayor Cates

**Yes:** 3 - Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz

Enactment No: Res 15-234

**ORDINANCES – FIRST READING**

25

An Ordinance of the City of Key West, Florida, amending the Comprehensive Plan Future Land Use Map (FLUM) category from Historic Residential (HR) to Historic Commercial (HC) on property located at 801-807 Fleming Street (RE #00005930-000000; AK #1006157) 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 repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[\\*Large File\\* Planning Board Package \(9.85 MB\)](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Postponed to September 1, 2015. The motion passed by a unanimous vote with Commissioner Weekley responding No.**

- 26 An Ordinance of the City of Key West, Florida amending the Official Zoning Map from Historic Medium Density Residential (HMDR) to Historic Neighborhood Commercial - Old Town Northeast and Southeast (HNC-2) on property located at 801-807 Fleming Street (RE #00005930-000000; AK #1006157) 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 severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

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

[Executive Summary](#)

[\\*Large File\\* Planning Board Package \(10.0 MB\)](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Postponed to September 1, 2015. The motion passed by a unanimous vote with Commissioner Weekley responding No.

- 27 An Ordinance of the City of Key West, Florida, amending Chapter 62 of the Code of Ordinances entitled "Streets and Sidewalks" by amending Section 62-3, to add a fee for obstructing a parking meter; 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 Yaniz, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on August 4, 2015. The motion passed by a unanimous vote.

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

#### ADJOURNMENT

8:15 P.M.