



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

City Commission

Wednesday, January 17, 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 - Pastor Jonathan Carey, Glad Tidings Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as amended unanimously

PROCLAMATIONS

1 SMART Ride Day

Sponsors: Mayor Cates, Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

City Attorney's Report

City Manager's Report

- KOTS

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

2 *January 3, 2018 (Regular)

Attachments: [Minutes](#)

RESOLUTIONS

3 *Strongly opposing Florida Senate Bill 1400, which, if passed, would preempt the Regulation and Licensing of Vacation Rentals to the State of Florida; Directing the City Clerk to provide copies of this Resolution to members of the Florida Legislature.

Sponsors: Commissioner Kaufman

Attachments: [Resolution](#)
 [Proposed Senate Bill 1400 2018](#)

Passed

Enactment No: Res 18-022

4 *Supporting House Bill 53/Senate Bill 232 establishing the Southeast Florida Coral Reef Ecosystem Conservation Area; Directing the City Clerk to provide copies of this Resolution to members of the Florida Legislature.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
[Proposed Florida House Bill 53](#)
[Proposed Senate Bill 232](#)
[South Florida Regional Planning Council Resolution 17-01](#)

Passed

Enactment No: Res 18-023

- 5 *Requesting the Florida Legislature to appropriate 100% of all monies available in State and Local Housing Trust Funds for Housing; Requesting the Governor to support full appropriation of the funds in State and Local Trust Funds for Housing; Directing the City Clerk to provide copies of this Resolution to members of the Florida Legislature.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
[South Florida Regional Planning Council Resolution 17-02](#)
[Article regarding Housing Trust Funds](#)

Passed

Enactment No: Res 18-024

- 6 *Appointing Commissioners Clayton Lopez and Jimmy Weekley, as well as City Clerk Cheryl Smith, to serve on the Canvassing Board for the Special Municipal Election (Referendum) of March 13, 2018.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Ordinance 17-16](#)

Passed

Enactment No: Res 18-025

- 7 *Authorizing Key West Photography Festival and the Key West Film Festival to conduct an event at Mallory Square starting on Thursday, February 8 through Sunday, February 11, 2018 from 10:00 A.M. to 9:00 P.M.; Authorizing Key West Photography Festival and the Key West Film Festival to place 4 containers for their photography exhibitions at the

Mallory Square; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)
[Site maps & placement of art containers](#)
[Sample of Art in Containers](#)
[Release form](#)
[E-mail](#)

Passed

Enactment No: Res 18-026

8

*Awarding the Bid of Faitella Enterprises, Inc. for the purchase of a trailer mounted pressure washer unit in accordance with the terms specified in ITB #18-007 in the amount of \$34,079.00.; Authorizing the City Manager to enter into a contract in substantial conformance with the contract documents contained in the Bid package on behalf of the City of Key West.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Bid Documents for ITB #18-007](#)
[City Clerk's Bid tabulation memo](#)
[Faitella Enterprises, Inc - Proposal](#)
[Industrial Cleaning Equipment and Supply- Proposal](#)

Passed

Enactment No: Res 18-027

9

*Approving the sole source procurement of \$43,200.00 for specialized consultant services from Lori Lehr, Inc. for assistance with increasing the communitywide discount for flood insurance costs via the Community Rating System (CRS).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Contract](#)
 [Consumer Rating System rating discount chart](#)

Passed

Enactment No: Res 18-028

10 *Approving Transfer of Mobile Vendor License (MVL) #12767 from Meike Zuechner to Indra Judith Fernandez Due to Hardship.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Request for MVL Transfer](#)

Passed

Enactment No: Res 18-029

11 *Approving the attached "Municipality Election Services Agreement" with the Monroe County Supervisor of Elections; Authorizing necessary budget transfers; Authorizing the City Manager and the City Clerk to execute the Agreement.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Budget](#)
 [Agreement](#)
 [Ordinance 17-16](#)

Passed

Enactment No: Res 18-030

Approval of the Consent Agenda

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

12 Directing the City Manager to report to the City Commission on the status of compliance with requirements for additional Soccer/Football Fields described in Table A5-4 of the "City

of Key West 2012 updates to the data and analysis for Ear Based Comprehensive Plan Amendments Appendix A" at or before the regular City Commission Meeting of February 21, 2018; Directing the City Manager to provide recommendations for potential sites for additional Soccer/Football Fields if necessary.

Sponsors: Commissioner Kaufman

Attachments: [Resolution](#)
[2012 Updates Appendix A](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, 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 18-031

13

Directing the City Manager to make recommendations to the City Commission on ways to advance construction of Affordable Housing.

Sponsors: Commissioner Payne

Attachments: [Resolution](#)

A motion was made by Commissioner Payne, seconded by Commissioner Weekley, 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 18-032

14

Authorizing the second of two extensions of the attached contract, for a term of six years, between the City and Waste Management, Inc. of Florida.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 11-040](#)
[Resolution 04-082](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Payne, to add the language "Our Waste Hauling would be taken and delivered as much as possible to a Waste to Energy Facility and the remaining Waste to the alternate contract approved disposal site with the priority being a Central LandFill with the gas recovery recycling credits" and that the Resolution as Amended be Passed. 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 18-033

15

Approving a Task Order under the City's General Utilities Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$149,329.00 for the trimming and disposal of Mangroves at the City's eight SFWMD permitted maintenance sites for Stormwater Management; Authorizing necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Task Order proposal](#)

[*Large File* Resolution 15-292](#)

[Agreement with Charley Toppino & Sons, Inc.](#)

[*Large File* Stormwater Management Maintenance Manual](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Kaufman, 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 18-034

16

Approving a partial release of lien for the property located at 252 Mars Lane, Geiger Key, FL.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Settlement Agreement](#)

[Exhibit A](#)

[Exhibit B](#)

A motion was made by Commissioner Payne, 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 18-035

17

Authorizing a Waiver of the One Percent Public Art Set-aside Requirement for the Florida Keys Society for the Prevention of Cruelty to Animals (FKSPCA) Animal Shelter Project on College Road, pursuant to Section 2-487(c)(1) c. of the Code of Ordinances.

Sponsors: Commissioner Kaufman

Attachments: [Resolution](#)
[January 8, 2018 Art in Public Places Advisory Board Minutes](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez to add the language "for future requests of non-profits be made in advance of future projects". After Discussion, Commissioner Lopez pulled his second motion. The motion failed for lack of second motion.

A motion was made by Commissioner Payne, seconded by Commissioner Lopez, that the waiver of percentage for Public Art set-aside requirement be set at 0.5 percentage and that the Resolution be Passed as amended. 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 18-036

18

**QUASI-JUDICIAL HEARING - SECOND READING:
Development Agreement 3900 South Roosevelt
Boulevard**

Pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, recommending approval of a Development Agreement on property located at 3900 South Roosevelt Boulevard (Re #00066180-000200) within the High Density Residential (HDR) Zoning District between Ocean Walk Key West Owner, LLC and the City of Key West for the construction of 56 New Market Rate Units and

24 New Affordable Units, for eighty (80) New Residential Dwelling Units.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Development Agreement](#)
[Authorization](#)
[*Large File* Exhibit A - Legal Description](#)
[Exhibit B - Special Warranty Deed](#)
[Exhibit C - Site Plan Approved 6-15-17 Planning Board Meeting](#)
[Exhibit D - Site Data Table](#)
[Exhibit E - Planning Board Resolutions 2015-26 & 2017-06](#)
[Exhibit F - Planning Board Resolution 2017-24](#)
[Exhibit G - Planning Board Resolution 2017-25](#)
[Exhibit J - Deed Restriction](#)
[Exhibit K - Traffic Study - February 2017](#)
[Exhibit L - Form of Avigation Easement](#)
[Planning Board Meeting June 15 - Staff Report](#)
[Planning Board Meeting June 15 Noticing Package](#)

A motion was made by Commissioner Payne, seconded by Commissioner Lopez, that the Resolution be Postponed to March 20, 2018. The motion carried by the following vote:

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

ORDINANCES – FIRST READING

19

An Ordinance of the City of Key West, Florida, Amending the Land Development Regulations on Property located at 5220, 5224, 5228 & 5230 College Road (RE # 00072082-002200, AK # 8757883 ; RE # 00072082-002100, AK # 8757875 ; RE # 00072080-002200, AK # 1076155 ; RE # 00072082-002400, AK # 8757905) Pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations, to Create a New High Density Residential College Road District (HDR-1) of the Code of Ordinances of the City of Key West, Florida; Providing for permitted uses, conditional

uses, prohibited uses and dimensional requirements; Providing for a residential density of 40 units per acre amending Chapter 122, Article IV, Division 1, providing amendments to the Tables of Uses and Dimensional Requirements for High Density Residential College Road (HDR-1) District; Providing for Concurrent and Conditional Adoption upon adoption of Comprehensive Plan Amendments; 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 2017-64](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be Passed to Second Reading. 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

20

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"; By amending Section 108-682 titled "Parking and Storage of Recreational Vehicles, Boats and Camping Vehicles in Multifamily Developments"; 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; To deregulate the requirement of providing screening of Boats, Trailers, Recreational and Camping Vehicles from public view throughout the City; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to February 21 meeting. The motion passed by an unanimous vote.

21

An Ordinance of the City of Key West, Florida, Amending Chapter 122 of the Code of Ordinances, Entitled "Zoning" by repealing Section 122-1336; by amending Section 122-1338, to amend the BPAS equivalency to .86 when a transient unit is transferred to a non-transient unit and to require removal of the transferred medallion and placement of same at the receiver site; Amending Section 122-1339 to permit the transfer of a Business Tax Receipt for transient use to an area where transient use is permitted without the accompanying transfer of the unit and to require removal of a transferred medallion and placement of same at the receiver site; Amending Section 122-1371 to clarify intent and to require return of the medallion upon termination of a Business Tax Receipt; 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 2017-65](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. 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

ORDINANCES - SECOND READING (Public Hearing)

22

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending "Article XIII - Cosmetics," Section 18-705, to require disclosure of the final cost of items and services prior to application of samples;

Amending Section 18-707 to provide that violation of off-premises canvassing provisions may result in permit suspension or revocation; 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 Lopez, seconded by Commissioner Wardlow, to add the following language in Section 18-707 in sub-paragraph (c) "An appeal to the City Commission shall be in accordance with the procedural elements set out in City Code of Ordinances Section 90-431 (1-6) and that the Ordinance be Adopted as amended. 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 18-02

23

An Ordinance of the City of Key West Florida amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-121 to adjust certain penalties for violation of Parking regulations; Repealing Section 70-127; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive Summary](#)
[Parking and Alternative Transportation Group Resolution 2018-01](#)

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

Enactment No: Ord 18-03

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 9:55 P.M.

