



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final - Final

### City Commission

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Tuesday, June 21, 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

6:02 P.M.

#### ROLL CALL

**Absent** 1 - Commissioner Lopez

**Present** 6 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

#### INVOCATION - Reverend Terri Hill, Key West Methodist Church

#### PLEDGE OF ALLEGIANCE TO THE FLAG

#### APPROVAL OF AGENDA

*The Agenda was accepted as amended.*

#### PROCLAMATIONS

1 Alzheimer's and Brain Awareness Month

**Sponsors:** Mayor Cates

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

Received and Filed

#### PRESENTATIONS

2 30 Year Service Award - Toni Gage  
**Sponsors:** City Manager Scholl  
Received and Filed

4 30 Year Service Award - Pearline Lewis  
**Sponsors:** City Manager Scholl  
Received and Filed

**COMMENDATIONS**

3 Pearline Lewis  
**Sponsors:** Mayor Cates  
**Attachments:** [Commendation](#)  
Received and Filed

**PRESENTATIONS**

5 Mosquito Control District - Health Advisory  
**Sponsors:** Commissioner Kaufman  
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 \*June 7, 2016 (Regular)  
**Attachments:** [Minutes](#)  
Approved

**RESOLUTIONS**

- 7 \*Approving and authorizing the Key West Goombay Festival, Inc. to conduct a Goombay Festival on October 21 & 22, 2016 from 10:00 A.M. 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 of the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the Festival.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-189

- 8 \*Authorizing the "Key West Half Marathon, LLC" to conduct their 19th Annual Key West Half Marathon and 5K Run on Saturday, January 14, 2017 from 12:00 Noon to 7:00 P.M. and Sunday, January 15, 2017 from 7:00 A.M. to 12:00 Noon at the Half Shell Raw Bar 231 Margaret Street; Authorizing certain street closures thereof during the event; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-190

- 9 \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Olga Djomparin for a wedding ceremony and reception at the Hemingway House at 907 Whitehead Street during the hours of 5:00 P.M. to 11:00 P.M. on Sunday, November 17, 2017.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-191

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 15-222](#)  
[\\*Large File\\* Resolution 12-194](#)  
[Contract](#)  
[FSB One year extension](#)

**Passed**

Enactment No: Res 16-192

11

\*Approving an FY 15-16 Budget amendment to add expenditures for the 2015 Emergency Shelter Grant Agreement #KPZ40, from the State of Florida Department of Children and Families.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 16-061](#)

**Passed**

Enactment No: Res 16-193

12

\*Authorizing a Design Task Order to Stantec Consulting Services, Inc. for the City Marina at Garrison Bight Dolphin Pier replacement Design/Permitting Services project in an amount not to exceed \$67,809.00; Authorizing necessary budget transfers and amendments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Stantec Consulting Services, Inc. proposal](#)  
[\\*Large File\\* Resolution 15-208](#)

**Passed**

Enactment No: Res 16-194

13

\*Authorizing City Manager to execute the Attached Task Order No. 2004-02 Supplement 3, from Metric Engineering in an amount not to exceed \$60,287.92 for additional survey and right of way mapping to support the Local Agency Program (LAP) Project EN1406, South Roosevelt Boulevard Reconstruction Project (FM 250548-4); Approving any necessary Budget amendments or transfers; Approving a Change Order to PO 76734.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Metric Engineering Inc Task Order Supplement 3](#)  
[Resolution 15-294](#)  
[\\*Large File\\* Resolution 13-293](#)  
[Resolution 13-132](#)  
[Resolution 09-077](#)  
[Resolution 04-146](#)

**Passed**

Enactment No: Res 16-195

14

\*Authorizing pursuant to Code of Ordinances Sections 2-797(3)(b), Waiver of Formal Bid Procedures, 2-797(4)(B), Best Interests of the City and 2-844 Brand Name Specifications, the purchase of EMC Data Domain Backup components from GovConnection, Inc. for Key West City Hall and other City locations, in an amount not to exceed \$43,029.26.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[CDW-G proposal](#)  
[EMC proposal](#)  
[GovConnection proposal](#)

**Passed**

Enactment No: Res 16-196

15

\*Awarding the Bid of Charley Toppino and Sons, Inc. for Right of Way Improvements 2016 Contract, in accordance with the terms specified in ITB 014-16, including unit pricing (an amount not to exceed budgeted funds of \$1,314,403.00); Authorizing the City Manager to enter into a contract in substantial conformance with the contract documents contained in the bid package and upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Charley Toppino and Sons, Inc. proposal](#)  
[\\*Large File\\* DN Higgins proposal](#)  
[Bid proposal evaluation](#)  
[City Clerk's Bid tabulation](#)

**Passed**

Enactment No: Res 16-197

16

\*Awarding the Bid of D.L. Porter Constructors, Inc. for the Renovation of the Frederick Douglass Recreation Center in an amount not to exceed \$2,083,910.00 in accordance with the terms specified in ITB 022-16, inclusive of one deductive alternate (-\$25,000.00) for 4-inch fiberglass sandwich panel assemblies; Approving the use of owner direct purchase pursuant to Section 2-797 (4) of the Code of Ordinances to eliminate sales tax fees on selected project materials for the project, as set forth in Article 37, paragraph 1.10 of the project supplementary conditions, Authorizing the City Manager to execute a contract on behalf of the City of Key West; Authorizing necessary budget amendments and transfers.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* D.L. Porter proposal](#)  
[\\*Large File\\* Burke proposal](#)  
[City Clerk's Bid tabulation](#)  
[Proposal's Evaluation](#)  
[\\*Large File\\* ITB 022-16 A](#)  
[\\*Large File\\* ITB 022-16 B](#)  
[\\*Large File\\* ITB 022-16 C](#)  
[Resolution 13-059](#)  
[\\*Large File\\* Resolution 13-295](#)

**Passed**

Enactment No: Res 16-198

17 \*Appointing one member to the Citizen Review Board (CRB).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Omar Calleja Application](#)  
[Omar Calleja Sponsor Letter](#)  
[Nelson Jimenez Application](#)  
[Nelson Jimenez Sponsor Letter](#)  
[Rochelle Pearson-Major Application](#)  
[Rochelle Pearson-Major Sponsor Letter](#)  
[Leo Waters Application](#)  
[Leo Waters Sponsor Letter](#)

**This item was Postponed to August 2, 2016 meeting.**

18 \*Approving the attached "Release of Affordable Housing Restrictions" (Release) for Peary Court Property, located at 541 White Street; Providing conditions; Authorizing the City Manager to execute the release; Directing the City Clerk to record the release upon satisfaction of certain conditions, upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Release of Affordable Housing Restrictions](#)  
[Declaration of Affordable Rental Housing Restrictions](#)

**Passed**

Enactment No: Res 16-199

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

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

**19** Adopting the Attached 2016 City of Key West Work Force Housing Income, Sale and Rent Limits.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Agenda Submittal](#)  
[HUD Documentation System](#)  
[2016 Key West Workforce Income and Rental Limits](#)  
[2016 Key West Workforce Owner Occupied Income and Sales Limits](#)

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

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 16-200

**20** Clarification on Truman Waterfront Advisory Board (TWAB) role to authorize to reconsider recommendations previously submitted to the City Commission, with an Intent to modify, rescind or restate those recommendations; Requiring TWAB to follow Robert's Rules of Order when reconsidering a prior vote.

**Sponsors:** Commissioner Payne

**Attachments:** [Resolution](#)  
[Resolution 15-343](#)  
[Resolution 12-024](#)  
[Resolution 10-277](#)  
[Resolution 09-051](#)

**Withdrawn**

- 21 Approving the attached "Agreement" between Enterprise Florida, Inc. (EFI) for the Florida Defense Support Task Force (FDSTF) and the City of Key West for funding Truman Annex Seawall Refurbishment Project abutting the NOAA Facility and the Truman Annex Boat Ramp in an amount not to exceed \$150,000.00; Authorizing the City Manager to execute the Agreement.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Contract](#)  
[EFI Board of Directors List 5-23-2016](#)  
[Site Plan](#)

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

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

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 16-201

22 **QUASI-JUDICIAL HEARING: MAJOR DEVELOPMENT PLAN FOR 1664 DUNLAP DRIVE**

Granting Major Development Plan pursuant to Section 108-92.B.2(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the construction of a 108 unit Senior Living Facility on property located at 1664 Dunlap Drive (RE #00054250-000000; AK #1054879) within the Medium Density Residential District - 1 (MDR-1) Zoning District.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Application Package](#)  
[Planning Board Resolution 2016-24](#)

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

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 16-202

23

**QUASI-JUDICIAL HEARING: CONDITIONAL USE FOR 1664  
DUNLAP DRIVE**

Granting with conditions a Conditional Use approval for a Nursing Home, Rest Home and Convalescent Home use on property located with the Medium Density Residential District - 1 (MDR-1) Zoning District pursuant to Sections 122-62 and 122-278(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Application Package](#)  
[\\*Large File\\* Planning Board Resolution 2016-25](#)

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

Enactment No: Res 16-203

**ORDINANCES – FIRST READING**

24

An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances, entitled "Administration", Article II, Division 2 "Planning Board," by amending Section 90-61, to amend the requirements for special meetings from three to four members; By amending Section 90-62, to amend the requirement for a quorum from three to four members; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Attorney Smith

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

**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:**

**Absent:** 1 - Commissioner Lopez

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

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

25

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](#)  
[Letters of Objection](#)

**A motion was made by Commissioner Romero, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Ord 16-09

26

An Ordinance of the City Of Key West, Florida, amending Chapter 114 of the Land Development Regulations entitled "Signs" by amending Section 114-1 "Definitions" and amending Division 3 of Chapter 114 "Historic District"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Signage Corridors Overlay Plan to Accompany Ordinance](#)  
[Executive Summary](#)  
[\\*Large File\\* Planning Board Resolution 2016-17](#)  
[Planning Board Staff Report and Analysis](#)

*A motion was made by Commissioner Romero that the Resolution be passed. There was no second motion as Commissioner Kaufman made the following motion to Postpone:*

**A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Ordinance be Postponed to August 2 meeting. The motion carried by the following vote:**

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Lopez

**Yes:** 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

27

An Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission's Guidelines for Banners, flags, signage and lighting as referenced in Section 90-142 of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Attachment to Accompany Ordinance](#)  
[Executive Summary](#)  
[\\*Large File\\* Planning Board Resolution 2016-18](#)  
[Planning Board Staff Report and Analysis](#)  
[Current Guidelines for Signage](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Postponed to August 2 meeting. The motion carried by the following vote:**

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Lopez

**Yes:** 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

28

An Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission's Guidelines for New Construction as referenced in Section 90-142 of the Land Development Regulations; 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 2016-19](#)  
[Planning Board Staff Report & Analysis](#)  
[Current Additions and Alterations for New Construction Guidelines](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Romero, that the Ordinance be Adopted. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Ord 16-10

29

An Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission's Guidelines for Additions and Alterations as referenced in Section 90-142 of the Land Development Regulations; 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 2016-20](#)  
[Planning Board Staff Report & Analysis](#)  
[Current Additions and Alterations for New Construction Guidelines](#)

**A motion was made by Commissioner Romero, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Ord 16-11

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**8:53 P.M.**