



# 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, September 20, 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 Ozzie Vater, Fifth Street Baptist Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

#### PROCLAMATIONS

**1** Southernmost Soccer Association U12 Boys Travel Team Day

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

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

#### PRESENTATIONS

**City Attorney's Report**

**City Manager's Report**

2 Truman Waterfront Amphitheater

**Attachments:** [\\*Large File\\* Presentation](#)

**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**

3 \*September 7, 2016 (Regular)

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

**Approved**

4 \*September 8, 2016 (Special)

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

**Approved**

**RESOLUTIONS**

5 \*Re-appointing Frank P. Toppino to the Housing Authority of the City of Key West Board of Commissioners.

**Sponsors:** Mayor Cates

**Attachments:** [Resolution](#)  
[Request for Re-Appointment](#)  
[Certification of Appointment](#)

**Passed**

Enactment No: Res 16-265

- 6** \*Authorizing Master Chief Jim King to conduct a Welcome Reception for Retired US Colonel Gary West who is riding a bike from Maine and ending at Bayview Park on Saturday, October 1, 2016 from 11:00 A.M. to 2:00 P.M.; Pursuant to terms and conditions set forth by the City Manager. Authorizing the closure of Jose Marti Drive from Truman Avenue to Virginia Street from 11:00 A.M. to 2:00 P.M.

**Sponsors:** Commissioner Kaufman and City Manager Scholl

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

**Passed**

Enactment No: Res 16-266

- 7** \*Authorizing the Key West Gator Club as an affiliate of the University of Florida Alumni Association, Inc. to conduct a full and 1/2 Marathon on Friday, October 7, 2016 from 12:00 P.M. to 9:00 P.M. and Saturday, October 8, 2016 from 4:00 A.M. to 2:00 P.M.; Authorizing the closure of Front Street from Duval Street and Simonton Street including Simonton Street Beach area; Authorizing certain street closures thereof during the event; Granting an exemption from the Noise Control Ordinances from 4:00 A.M. to 2:00 P.M.. Authorizing the Sale and Consumption of Alcoholic Beverages within the enclosed area. Pursuant to Terms and Conditions set forth by the City Manger.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-267

- 8 \*Authorizing We Cycle, Inc. to conduct the annual Zombie Bicycle Ride Event starting at East Martello Towers and ending on the 100, 200 and 300 Block of Duval Street on Sunday, October 23, 2016, from 7:00 P.M. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200 & 300 Block of Duval Street on Sunday, October 23, 2016 from 7:00 P.M. to Midnight.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-268

- 9 \*Accepting the attached Grant award package for Grant No. EMW-2016-PU-00529 from the Department of Homeland Security / FEMA 2016 Port Security Grant Program (PSGP) in the amount of \$275,592.00 for the purchase of a new patrol boat (City match of 25% - \$91,865.00); Authorizing any necessary budget amendments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Application](#)  
[Award package](#)

**Passed**

Enactment No: Res 16-269

- 10 \*Approving the attached "Contract Amendment" to Contract #22776, Urban and Community Forestry Grant, between the Florida Department of Agriculture and Consumer Services and the City of Key West, providing for a no-cost six month time extension to March 31, 2017; Authorizing the City Manager to execute necessary documents on behalf of the City.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Contract Amendment](#)  
[\\*Large File\\* Contract](#)  
[Resolution 15-192](#)

**Passed**

Enactment No: Res 16-270

- 11 \*Approving the Proposed Settlement Agreement in Robert and Joan Kocher v. City of Key West, in the amount of \$98,000.00; Authorizing the City Manager to Execute Settlement Documents upon the Advice and Consent of the City Attorney.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-271

- 12 \*Appointing Erin Stover Sickmen to the Art in Public Places Board.

**Sponsors:** Commissioner Weekley

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

**Passed**

Enactment No: Res 16-272

### 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.

- 13** Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Viva Saloon 903 Duval Street for a "Day of the Dead" party during the hours of 7:00 P.M. to ~~2:00 A.M.~~ 12 Midnight on Wednesday, October 26, 2016.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed as Amended with the event ending at 12 Midnight. 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 16-273

- 14** Supporting in concept the siting of a U.S. Navy Triton Unmanned Aircraft System at Naval Air Station Key West; Urging Navy personnel to consider the use of vacant Navy housing at Sigsbee Park and other locations, to minimize impact to the Affordable Housing stock in Key West and the Lower Keys.

**Sponsors:** Commissioner Wardlow

**Attachments:** [Resolution](#)  
[Navy Press Release](#)  
[\\*Large File\\* Navy Draft Environmental Assessment Report](#)

*A motion was made by Commissioner Payne, seconded by Commissioner Kaufman, to amend the Resolution by removing Section 2. The motion carried by the following vote:*

*Yes: Commissioners Kaufman, Payne, Romero and Weekley*

*No: Commissioners Wardlow, Lopez and Mayor Cates*

**A motion was made by Commissioner Wardlow, seconded by Commissioner Kaufman, 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 16-274

- 15** Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Fausto's Food Palace, LLC for a "90th Year Anniversary Party" during the hours of 4:00 P.M. to 7:00 P.M. on Saturday, October 15, 2016 at 522 Fleming Street.

**Sponsors:** City Manager Scholl

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

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

Enactment No: Res 16-275

- 16** Accepting the recommendation of the Key West Bight Management District Board by authorizing the siting of a surface parking lot at 609 Greene Street; Directing City Staff to solicit design proposals from qualified consultants.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Preliminary Concept](#)  
[Key West Bight Management District Board meeting minutes](#)  
[KB1035 CIP](#)  
[Resolution 14-325](#)

**A motion was made by Commissioner Kaufman, 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 16-276

- 17 Approving the use of Deepwater Horizon Settlement Funds in an amount not to exceed \$148,800.00 for construction / permitting fees for the new FKSPCA Animal Shelter on College Road; Authorizing necessary budget transfers.

**Sponsors:** Commissioner Kaufman and City Manager Scholl

**Attachments:** [Resolution](#)  
[Supporting Information](#)  
[Resolution 15-279](#)

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

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

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

Enactment No: Res 16-277

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

- 18 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 add a Civil Penalty for Violation of Section 70-497 Bus Parking Restricted; 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 Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Ordinance be Adopted. The motion passed by an unanimous vote.**

Enactment No: Ord 16-17

- 19 An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article II, entitled "Nuisances," Division 3 "Use of Beaches on City Property" by amending the Title of Division 3; By amending Section 26-96, "Definitions"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Attorney Smith

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

**A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Adopted. 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: Ord 16-18

- 20 An Ordinance of the City of Key West, Florida amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article II, entitled "Nuisances," Division 4 "Use of Parks on City Property" by amending the Title of Division 4; By amending Section 26-96, "Definitions"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Attorney Smith

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

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

Enactment No: Ord 16-19

21

An Ordinance of the City of Key West, Florida, amending Chapter 2 entitled "Administration," Article VI entitled "Code Enforcement", by amending Section 2-636 entitled "Staff Support and Legal Counsel to the Special Master"; By amending Section 2-639 entitled "Presentation of City's Case"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Attorney Smith

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

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

Enactment No: Ord 16-20

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 8:34 P.M.**