



# 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, May 17, 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 Weekley

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

#### INVOCATION - Lieutenant Jason Dart, Chaplain Coast Guard Sector Key West

#### PLEDGE OF ALLEGIANCE TO THE FLAG

#### APPROVAL OF AGENDA

*Agenda was accepted as amended.*

#### COMMENDATIONS

- 1 Key West Fire Department Chief David Fraga
- Sponsors:** Mayor Cates and Commissioner Wardlow
- Attachments:** [Commendation](#)
- Received and Filed

#### PROCLAMATIONS

- 2 Maritime Day
- Sponsors:** Mayor Cates

Attachments:     [Proclamation](#)

Received and Filed

3                   National Boating Safety Week

Sponsors:       Mayor Cates

Attachments:     [Proclamation](#)

Received and Filed

4                   Motorcycle Safety Awareness Month

Sponsors:       Mayor Cates

Attachments:     [Proclamation](#)

Received and Filed

5                   Williams Syndrome Awareness Month

Sponsors:       Mayor Cates

Attachments:     [Proclamation](#)

Received and Filed

**PRESENTATIONS**

6                   Assisted Living - Manuel Castillo, Executive Director Key West  
Housing Authority

Sponsors:       Commissioner Kaufman

**This Presentation was Postponed until June 7, 2016.**

**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**

7 \*May 3, 2016 (Regular)

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

**Passed**

## RESOLUTIONS

8 \*Authorizing Literacy Volunteers of America-Monroe County, Inc. to conduct its annual Caribbean Street Fair on Saturday, July 23, 2016 from 10:00 A.M. to 10:00 P.M; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Front and Angela Streets between the hours of 10:00 A.M. to 10:00 P.M; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-163

9 \*Approving the attached "Contract Employee Employment Agreement" for Larry Beaver as Executive Director of the Citizens Review Board.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-164

10 \*Approving the allocation of funds for SunGard OneSolution Financial System training and travel by Sungard personnel on sole source basis in accordance with City Code Section 2-797 (1).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Resolution 14-144](#)

**Passed**

Enactment No: Res 16-165

- 11 \*Approving the allocation of funds for SunGard OneSolution Public Sector training and travel by Sungard personnel on a sole source basis in accordance with City Code Section 2-797 (1).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Resolution 15-303](#)  
[One Solution Police Dept. \(OSPD\) Exhibit 2](#)

**Passed**

Enactment No: Res 16-166

- 12 \*Ratifying the City Manager's approval of Task Order No. 5 for Arcadis U.S., Inc., in an amount not to exceed \$19,750.00 to provide Flood Mitigation Financial Consulting Services (Phases 2 & 3).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order #5](#)

**Passed**

Enactment No: Res 16-167

- 13 \*Approving the attached "Memorandum of Understanding" between the Utility Board of the City of Key West ("Keys Energy") and the City of Key West for funding support in the amount of \$240,000.00 towards the construction of two solar arrays on parking structures at the Josephine Parker City Hall at the Historic Glynn R. Archer School.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Burke Construction Group, Inc. proposal](#)  
[Resolution 14-348](#)  
[Resolution 15-169](#)  
[Draft Memorandum of Understanding](#)

**Passed**

Enactment No: Res 16-168

- 14 \*Approving a Task Order under the City's General Services Contract with D.N. Higgins, Inc., in a total amount not to exceed \$53,559.37 to

repair sewer lateral trench settlement along Eaton Street and one lane of paving.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Work Order](#)  
[Resolution 15-292](#)  
[\\*Large File\\* Resolution 15-296](#)

**Passed**

Enactment No: Res 16-169

15

\*Authorizing pursuant to Sections 2-797 (4) (b), best interests of the City and 2-844 (a)(b) brand name specifications of the Code of Ordinances, the purchase of twenty-four (24) Zebra E-Traffic Citation printers and accessories for the enhancement and upgrade of the Police Department's electronic traffic ticket writing system from Barcodes Inc. in the amount of \$24,928.80.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Zebra ZQ500](#)  
[Zebra Printer Brand Name Memo](#)  
[Barcodes Inc. quote](#)  
[CDW-G quote](#)  
[Gov Connection quote](#)

**Passed**

Enactment No: Res 16-170

16

\*Authorizing the authority to execute and submit grant documentation through the Transportation Electronic Award Management System (TEAM) to the Federal Transit Authority (FTA), Federal Highway Administration (FHWA), the Florida Department of Transportation (FDOT) and U.S. Department of Transportation (USDOT) to the City Manager Jim Scholl, Key West Department of Transportation Director Norman Whitaker and alternate designees Project and Grants Manager Carolyn Haia and the Assistant City Manager Greg Veliz and Finance Director Mark Finigan; Authorizing City Attorney Shawn Smith, Chief Assistant City Attorney Ronald Ramsingh and Assistant City Attorney George Wallace to affirm the authority of the City and its designees to apply for and accept grant funding.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 14-203](#)

**Passed**

Enactment No: Res 16-171

17 \*Approving the City Clerk Performance Evaluation.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[City Clerk Evaluation form](#)  
[Commissioner Kaufman's Evaluation](#)  
[Commissioner Lopez's Evaluation](#)  
[Commissioner Payne's Evaluation](#)  
[Commissioner Romero's Evaluation](#)  
[Commissioner Wardlow's Evaluation](#)  
[Mayor Cates's Evaluation](#)

This item was Postponed to June 7 meeting.

#### Approval of the Consent Agenda

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

18 Approving Change Order No. 5 in the amount of \$343,300.00 from Burke Construction Group, Inc. for Solar Arrays at the Josephine Parker City Hall at Historic Glynn R. Archer School construction project; Authorizing the use of project contingency funds and funds provided through a Memorandum of Understanding by Keys Energy; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Burke Construction Group, Inc. proposal](#)  
[Resolution 14-348](#)  
[Resolution 15-169](#)  
[Draft Memorandum of Understanding](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following

**vote:****Absent:** 1 - Commissioner Weekley**Yes:** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

Enactment No: Res 16-172

**ORDINANCES – FIRST READING****19**

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, proposing that Section 3.01 of the Key West Charter be amended to provide for At-Large Election of District City Commissioners; Setting the Primary Election of August 30, 2016, as the date of Referendum; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Kaufman**Attachments:** [Ordinance](#)  
[Letter from Commissioner Kaufman](#)  
[Letter from Former Commissioner Teri Johnston](#)  
[Letter from Elliot Baron](#)  
[E-mail from Bert Bender](#)  
[Letter from Bert Bender](#)  
[2nd Letter from Bert Bender](#)  
[Letter from Mary & Richard Grusin](#)  
[Letter from John G. Miller](#)  
[Letter from Annette Mobley](#)  
[Letter from Chris Stone](#)**This item was Withdrawn by Commissioner Kaufman****20**

An Ordinance of the City of Key West, Florida, Amending Chapter 18 entitled "Businesses," Article VIII entitled "Off-Premise Canvassing" by amending Section 18-415 entitled "Restrictions in Historic District" by adding the area known as the Southernmost Point to the prohibited areas; 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 Clayton Lopez, seconded by Commissioner Sam Kaufman, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.**

- 21 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 Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to June 7. The motion passed by an unanimous vote.**

Enactment No: 2016-19

- 22 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 Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to June 7. The motion passed by an unanimous vote.**

Enactment No: 2016-20

- 23 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 Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to June 7. The motion passed by an unanimous vote.**

Enactment No: 2016-18

**24**

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 Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to June 7. The motion passed by an unanimous vote.**

Enactment No: 2016-17

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

**25**

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 Margaret Romero, seconded by Commissioner Clayton Lopez, that the Ordinance be Adopted. The motion passed by an unanimous vote.**

Enactment No: Ord 16-06

26

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 Clayton Lopez, seconded by Commissioner Billy Wardlow, that the Ordinance be Adopted. The motion passed by an unanimous vote.**

Enactment No: Ord 16-07

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

#### ADJOURNMENT

7:39 P.M.