



# 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 1, 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 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 Rossi

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

### INVOCATION - Pastor Antoinette McPherson, Revelation House Ministries

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

*The Agenda was approved as changed without objection.*

### COMMENDATIONS

1 Sunset Key Cottages

**Sponsors:** Mayor Cates

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

Received and Filed

### PRESENTATIONS

**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**

2 \*August 18, 2015 (Regular)

Attachments: [Minutes](#)

**Approved**

**RESOLUTIONS**

3 \*Amending Resolution 15-233 to include the 800 Block of Emma Street during Goombay 2015 on Friday, October 23 and Saturday, October 24, 2015 from 12:00 Noon to 12:00 Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcohol beverages within the enclosed area; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 12:00 Noon to 12:00 Midnight.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)  
[Resolution 15-233](#)  
[Advertisement](#)

**Passed**

Enactment No: Res 15-262

- 4 \*Authorizing MultiRace, LLC to conduct the Annual Triathlon on Saturday, December 5, 2015 at Higgs Beach; Authorizing certain street closures thereof during the event and closing Atlantic Boulevard except to residents during the event; Granting an exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances from 4:00 A.M. to 2:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:** City Manager Scholl

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

**Postponed to September 15, 2015**

Enactment No:

- 5 \*Authorizing the creation of metered parking spaces on the 100 Block of Simonton Street.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proposed meter plan](#)  
[Ordinance 70-31](#)  
[Photo](#)  
[Development Plan for entrance](#)  
[Meter counts for surrounding area](#)

**Passed**

Enactment No: Res 15-263

- 6 \*Approving Change Order #2 to the Master Services Agreement for Bus Apron Design between the City and SRS Engineering Inc. in the amount of \$8,402.00 for additional survey and design services for ADA accessible alternate Bus Apron locations; Authorizing an amendment to PO #78741, and related Budget amendments; Authorizing any necessary grant adjustments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[SRS Engineering Fee proposal](#)  
[Resolution 14-121](#)  
[Resolution 15-008](#)  
[Resolution 92-283](#)

**Passed**

Enactment No: Res 15-264

- 7 \*Approving a one-year extension of the Major Development Plan, and Landscape and Buffer-Yard Waivers on property located at 1512 Dennis Street & 1515-1525 Bertha Street (RE# 00063400-000000, AK# 1063835 & RE# 00063400-000100; AK# 8850701), Key West, Florida.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 14-315](#)  
[Extension request letter](#)  
[Site Plans](#)  
[Final Landscape plan approval](#)  
[Planning Board Resolution 2014-40](#)

**Passed**

Enactment No: Res 15-265

- 8 \*Approving the Settlement in Roy Chavez vs. the City of Key West, Worker's Compensation OJCC Case No: 02-010630HHH in the amount of \$273,979.77; Authorizing the City Manager to execute all appropriate settlement documents with the advice and consent of the City Attorney.

**Sponsors:** City Attorney Smith

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Settlement Agreement and Waiver](#)  
[Memo from Assistant City Attorney Ramsingh](#)

**Passed**

Enactment No: Res 15-266

### 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.**

- 9 Requesting that the Monroe County School Board consider entering into negotiations with the City and the Boys & Girls Club of the Keys Area for the benefit of the youth of the Community.

**Sponsors:** Mayor Cates

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston for Discussion, that the Resolution be Passed. The motion Failed by the following vote:**

**No:** 3 - Commissioner Johnston, Commissioner Wardlow and Commissioner Yaniz

**Absent:** 1 - Commissioner Rossi

**Yes:** 3 - Commissioner Lopez, Commissioner Weekley and Mayor Cates

10

Approving one way, one lane traffic flow in an eastbound direction on Duncan Street between White Street and Florida Street.

**Sponsors:** Commissioner Johnston

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 12-280](#)  
[Resolution 15-208](#)  
[Traffic Directional Evaluation Report](#)  
[Map](#)  
[Petition Against One-way Duncan St](#)

**A motion was made by Commissioner Johnston, seconded by Commissioner Weekley for Discussion, that the Resolution be Passed. The motion Failed by the following vote:**

**No:** 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

**Absent:** 1 - Commissioner Rossi

**Yes:** 2 - Commissioner Johnston and Commissioner Weekley

11

Directing the use of Settlement proceeds from the BP Deepwater Horizon Oil Spill for Youth and Recreational Activities in the City of Key West.

**Sponsors:** Commissioner Yaniz

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

*A motion was made by Commissioner Yaniz, seconded by Commissioner Johnston, that the Resolution be Passed. After Discussion, Commissioner Weekley made a motion to Postpone the Item until it can be discussed during Special meeting.*

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to discuss at September 8 meeting. The motion carried by the following vote:**

**No:** 1 - Commissioner Yaniz

**Absent:** 1 - Commissioner Rossi

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

12

Urging the Citizens of Key West to adopt Sunday, November 1st as Halloween Trick or Treat night for the Children of Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Letter From Barbara Ramey](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Yaniz, for Discussion that the Resolution be Denied. The motion Failed by the following vote:**

**No:** 3 - Commissioner Johnston, Commissioner Weekley and Mayor Cates

**Absent:** 1 - Commissioner Rossi

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

13

The Mayor called for a recess at 8:20 pm  
The Mayor reconvened at 8:31 pm

Authorizing acceptance of the proposal from the Public Risk Management of Florida (PRM) submitted by Arthur J. Gallagher & Company in the amount of \$448,220.00 for the City's Property Insurance Program for Policy Year 2015/16; Authorizing acceptance of Arthur J. Gallagher & Company as the Agent Broker for the City's Property Insurance Program for Policy Year 2015/2016; Authorizing acceptance of the Proposal from Preferred Governmental Insurance Trust (PGIT) submitted by the Public Risk Insurance Company (PRIA) in the amount of \$303,985.00 for the City's Casualty Insurance Program for Policy Year 2015/2016; Authorizing acceptance of PRIA as the Agent/Broker for the City's Casualty Insurance Program for the Policy Years 2015/2016 and 2016/2017; Authorizing acceptance of proposals Received from Great American, and Commerce & Industry, as Submitted by PRIA for Outer Mole Excess Liability coverage (\$10,000), Marine Operators Legal Liability coverage (\$14,861), Wharfingers Liability coverage (\$24,208), Hull coverage (\$11,475), Vessel Pollution coverage (\$4,425) and Tank Storage coverage (\$2,423) respectively; Authorizing the City Manager to execute all documents consistent therewith.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Consultant Summary](#)  
[City's Request for Proposal #07-015](#)  
[Ranking forms](#)  
[\\*Large File\\* Arthur J. Gallagher response](#)  
[\\*Large File\\* PRIA RFP Response 15-16](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, to accept Staff recommendation of rejecting Liability, accepting Property and directing staff to negotiate the best cost for Liability and that the Resolution be Passed. The motion carried by the following vote:**

**No:** 1 - Commissioner Johnston

**Absent:** 1 - Commissioner Rossi

**Yes:** 5 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 15-267



14

**PUBLIC HEARING:**

Relating to the Collection and Disposal of Solid Waste in the City of Key West, Florida; Imposing Solid Waste Service Assessments against certain real residential property located within the City of Key West, Florida, Approving the Solid Waste Assessment Roll for Solid Waste Service Assessment Resolution.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proof of notice](#)  
[Affidavit of Mailing](#)  
[Certificate to Non-Ad Valorem Assessment Rolls](#)  
[Ordinance 13-09](#)

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

**Absent:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 15-268

15

**PUBLIC HEARING:**

Relating to the provisions of Stormwater Services; Imposing Stormwater Service Assessments against certain real property within the City of Key West; Approving the Stormwater Assessment Roll for the Stormwater Service Assessments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Public Notice](#)  
[Affidavit of Mailing](#)  
[Certificate to Non-Ad Valorem Assessment Rolls](#)  
[Ordinance 13-10](#)  
[Letter to Mayor Cates w-enclosure](#)

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

**Absent:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 15-269

**16 QUASI-JUDICIAL HEARING: Major Development Plan for 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

**Withdrawn**

**ORDINANCES – FIRST READING**

**17 QUASI-LEGISLATIVE HEARING:**

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 \(9.85 MB\)](#)  
[Letter from Eunice Melnick](#)  
[Letter From Linda Banks](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Ordinance be Denied on First Reading. The motion carried by the following vote:**

**No:** 1 - Commissioner Yaniz

**Absent:** 1 - Commissioner Rossi

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

18

**QUASI-JUDICIAL HEARING:**

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 \(10.0 MB\)](#)  
[Letter from Eunice Melnick](#)  
[Letter From Linda Banks](#)

**Withdrawn**

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

19

An Ordinance of the City of Key West, Florida, Amending Chapter 42 of the Code of Ordinances, entitled "Miscellaneous Offenses" by amending Section 42-1, to provide for Civil Penalties for the possession of cannabis (Marijuana) for amounts under 20 grams and possession of drug paraphernalia; Setting forth penalties and enforcement responsibilities for a violation; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Rossi

**Attachments:** [Ordinance](#)  
[Letter in opposition received August 17, 2015](#)

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

**Absent:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow,  
Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 15-12

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**9:39 P.M.**