



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final - Final

### City Commission

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Tuesday, May 16, 2017

6:00 PM

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 305-809-3811 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 - 6:02 P.M.**

#### ROLL CALL

**Present** 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

**INVOCATION - Pastor Lawrence Schenk, Peace Covenant Presbyterian Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

#### PROCLAMATIONS

**1 National Maritime Day**

**Sponsors:** Mayor Cates

**Attachments:** Proclamation

**Received and Filed**

**2 Police Officers Memorial Day & Key West Police Week**

**Sponsors:** Mayor Cates

**Attachments:** Proclamation

**3 Boating Safety Week**

Sponsors: Mayor Cates

Attachments: Proclamation

Received and Filed

4 National Foster Parent Appreciation Month - **Withdrawn**

Sponsors: Mayor Cates

Received and Filed

5 Emergency Medical Services Awareness Week

Sponsors: Commissioner Romero

Attachments: Proclamation

Received and Filed

**PRESENTATIONS**

6 United Way A.L.I.C.E. Report

Sponsors: Commissioner Kaufman

Attachments: Presentation

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**

7 \*May 2, 2017 (Regular)

Attachments: Minutes

**RESOLUTIONS**

- 8 \*Expressing concerns related to certain provisions within the "Presidential Executive Order implementing an America-first offshore energy strategy"; Urging the Florida Legislature to identify and provide Florida's Laws, Goals and Policies against drilling in state waters to the Secretary of the U.S. Department of the Interior; Urging the U.S. Department of the Interior to apply Florida's Laws, Goals and Policies, by refusing to approve any oil or gas Lease(s) that could pose an adverse impact on Florida waters; Directing the City Clerk to provide this Resolution to President Donald J. Trump, Governor Rick Scott, U.S. Secretary of the Interior Ryan Zinke, Senator Nelson, Senator Rubio, Congressman Curbelo.

**Sponsors:** Commissioner Kaufman and Mayor Cates

**Attachments:** Resolution

**Passed**

Enactment No: Res 17-137

- 9 \*Authorizing NASKW to conduct the 75th Anniversary of the Battle of Midway on Monday, June 5, 2017 from 8:00 A.M. to 1:00 P.M. (Ceremony at 9:00 A.M. to 10:00 A.M.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the use of the Bayview Park Bandstand and surrounding area for the celebration.

**Sponsors:** City Manager Scholl

**Attachments:** Resolution

Application

Advertisement

**Passed**

Enactment No: Res 17-138

- 10 \*Authorizing Key West Business Guild, Inc, to conduct a Pride Street Fair on Saturday, June 10, 2017 from 10:00 A.M. to 10:00 P.M. on the 700 & 800 blocks of Duval Street and a parade on Sunday, June 11, 2017 from 5:00 P.M. to 7:00 P.M. starting at United and South, going down Duval to Eaton Street; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Granting an exemption from the noise control Ordinances pursuant to Section 6-86 of the Code of Ordinances during the event.

**Sponsors:** City Manager Scholl

**Attachments:**    Resolution  
                                  Application  
                                  Advertisement

**Passed**

Enactment No: Res 17-139

- 11                    \*Authorizing Key West Promotions, Inc. to conduct a Seafood Lobster Festival on Saturday, August 12, 2017, from 10:00 A.M. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200, 300, 400 & 500 blocks of Duval Street between Front and Southard Streets including the Greene Street intersection and Telegraph Lane & Charles Street from 10:00 A.M. to Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 10:00 A.M. to Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:**        City Manager Scholl

**Attachments:**    Resolution  
                                  Application  
                                  Advertisement

**Passed**

Enactment No: Res 17-140

- 12                    \*Authorizing Sunrise Rotary Foundation of Key West, Florida, Inc. the use of City property at 1405 Duval Street for a Brewfest Key West Festival on Saturday, September 2, 2017 from 3:00 P.M. to 8:00 P.M. (rain date of Sunday, September 3, 2017); Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

**Sponsors:**        City Manager Scholl

**Attachments:**    Resolution  
                                  Application  
                                  Advertisement

**Passed**

Enactment No: Res 17-141

- 13                    \*Accepting and adopting the "Monroe County Multi-Jurisdictional Program for Public Information" (PPI) in furtherance of the City's efforts to further reduce flood insurance rates communitywide via the Community Rating System (CRS); Thanking volunteer Committee Members Rebecca Horan with Atlantic-Pacific Insurance and Jay W. Hall with BB&T Bank for their participation.

**Sponsors:** City Manager Scholl

**Attachments:** Resolution  
Executive Summary

**Passed**

Enactment No: Res 17-142

- 14 \*Rescinding Resolution No. 17-011; Authorizing the purchase of eight (8) 2017 Ford Police Interceptor AWD SUV Utility marked Police Patrol Vehicles (\$33,657.75 each) from Garber Ford Fleet Sales, pursuant to Section 2-797 (3) of the Code of Ordinances, pursuant to Florida State Purchasing Contract 21500000-16-1, in the total amount of \$269,262.00 for use by the Key West Police Department.

**Sponsors:** City Manager Scholl

**Attachments:** Resolution  
Executive Summary  
GARBER-Interceptor SUV-PG  
DUVAL-Interceptor SUV-PG  
Alan Jay SuvPG Interceptor SUV Quote-NJPA Contract  
Interceptor Utility Information  
E-mail from City's Fleet manager  
Duncan declilne to quote e-mail  
State Contract Effectife Dates and awarded dealers  
Florida Sheriff's Contract effective dates and awarded dealers  
Resolution 17-011

**Passed**

Enactment No: Res 17-143

- 15 \*Rejecting all Bids received in response to Invitation to Bid (ITB) #17-004, for Dockmaster / Transient Restroom Building at City Marina at Garrison Bight pursuant to Section 2-834 (4) of the Code of Ordinances.

**Sponsors:** City Manager Scholl

**Attachments:**    Resolution  
                          Executive Summary  
                          City Clerk Bid Tabulation memo  
                          \*Large File\* DL Porter Proposal  
                          \*Large File\* Pedro Falcon Proposal  
                          City ITB #17-004 Bid Documents  
                          City ITB #17-004 Drawings  
                          \*Large File\* City Addendum No. 1  
                          Resolution 11-241

**Passed**

Enactment No: Res 17-144

- 16**                    \*Approving the purchase of flexi-pave material from K.B. Industries, Inc. in an amount not exceed \$35,000.00 on a sole source basis pursuant to Section 2-797 (1) for brand name items in accordance with 2-844 of the Code of Ordinances, for paving around tree and flora planter areas bordering certain streets within the Historic District, as described in the attached executive summary.

**Sponsors:**        City Manager Scholl

**Attachments:**    Resolution  
                          Executive Summary  
                          KB Industries Bid Proposal  
                          KB Industries memo

**Passed**

Enactment No: Res 17-145

- 17**                    \*Authorizing the authority to execute and submit grant documentation through the Transportation Electronic Award Management (TEAM) to the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), and to 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 Rodrigo G. Delostrinos, Jr., and alternate designees Project and Grants Manager Carolyn Haia, Assistant City Manager Greg Veliz and Finance Director Mark Finigan; Authorizing City Attorney Shawn Smith, Chief Assistant City Attorney Ron 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 16-171

**Passed**

Enactment No: Res 17-146

- 18**                    \*Approving the attached "Public Transportation Joint Participation Agreement" (JPA) for Contract GOL33 between the Florida Department of Transportation (FDOT) and the City of Key West in the amount of \$51,613.00 to be used to purchase necessary bus and bus facility equipment (Syncromatics RTPIS) (local match 20% via toll revenue credits); Authorizing the City Manager and/or Transit Director to execute necessary documents and budget amendments.

**Sponsors:**        City Manager Scholl

**Attachments:**    Resolution  
                          Executive Summary  
                          Resolution 16-171  
                          Joint Participation Agreement

**Passed**

Enactment No: Res 17-147

- 19**                    \*Approving the attached "Public Transportation Joint Participation Agreement" (JPA) for Contract GOL34 between the State of Florida Department of Transportation (FDOT) and the City of Key West in the amount of \$72,207.00 to be used to purchase security surveillance camera system for Park n Ride Garage (local match 20% via toll revenue credits); Authorizing the City Manager and/or Transit Director to execute necessary documents and budget amendments.

**Sponsors:**        City Manager Scholl

**Attachments:**    Resolution  
                          Executive Summary  
                          Resolution 16-171  
                          Joint Participation Agreement

**Passed**

Enactment No: Res 17-148

- 20**                    \*Naming the "Jonathan Wells Playing Field" at Cozumel Park

**Sponsors:**        Commissioner Wardlow

**Attachments:**    Resolution  
                              Executive Summary

**Passed**

Enactment No: Res 17-149

### 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.**

**21**

Affirming that the City is committed to ensure that all services will remain accessible to all residents, regardless of immigration status, ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability or religion; Affirming that the City shall not request or maintain information about, or investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry is required by a valid state or federal law; Encouraging the development of policies and practices that ensure interactions between new and long-time residents remain positive ones, thereby ensuring the community's social and economic vitality remains strong.

**Sponsors:**        Commissioner Weekley, Commissioner Lopez and Commissioner Payne

**Attachments:**    Resolution

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

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

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

Enactment No: Res 17-150

**22**

Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a Fundraiser at McCoy Indigenous Park and fireworks on the Edward B. Knight Pier (formally known as White Street Pier) July 4, 2017 (Set up July 2, 2017 starting at 7:00 A.M. through July 5, 2017); Authorizing Fireworks display off the Edward B. Knight Pier on July 4, 2017 from 9:00 P.M. to 10:00 P.M.; Granting an exemption from the Noise Control Ordinances during the July 4th Fireworks Celebration; Authorizing the Sale and Consumption of Alcoholic Beverages at McCoy Indigenous Park.

**Sponsors:**        City Manager Scholl



**Attachments:**    Resolution  
                               Application  
                               Advertisement

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed as Amended to include the language "and authorizing to the budget amount for the expenditures of the pyrotechnics". 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 17-151

23

Authorizing the City Manager to enter into an agreement with Wells Fargo Bank, NA, Property Owners(s) of 3714 Flagler Avenue, permitting a Release of Lien upon payment by the owners of the amount of \$10,550.00.

**Sponsors:**        City Manager Scholl

**Attachments:**    Resolution  
                               Executive Summary  
                               Certificate of Title  
                               Lien  
                               Power of Attorney  
                               Lien Release Form

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, 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 17-152

**ORDINANCES – FIRST READING**

24

**QUASI-JUDICIAL HEARING:** An Ordinance of the City of Key West, Florida, amending the Comprehensive Plan Future Land Use Map (FLUM) category of the City of Key West for property located at 200 Greene Street (RE # 00001630-000300 & 00001630-000500); Amending the Future Land Use Map from Historic Residential (HR) to Historic Commercial (HC) 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 transmittal to the State Land Planning Agency; Providing for the filing with the Secretary of

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State and for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

**Sponsors:** City Manager Scholl

**Attachments:** Ordinance  
Executive Summary FLUM  
Application  
Planning Board Letter  
\*Large File\* Planning Staff Report  
Noticing package  
Map used for surrounding property notices  
Mailer List  
Letter from Gregory Lloyd  
Letter from William Brown

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Denied based upon the findings that the applicant has failed to meet the showing that the change is consistent with the Comprehensive Plan & Land Development Regulations and that sufficient evidence exist that has been shown maintaining the existing zoning serves a legitimate public purpose. The motion carried by the following vote:

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

25

**QUASI-JUDICIAL HEARING:** An Ordinance of the City of Key West, Florida, amending the Official Zoning Map Historic Planned Redevelopment and Development (HPRD) to Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) on property located at 200 Green Street (RE #00001630-00300, RE # 00001630-000500) 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
  - Application
  - Planning Board Letter
  - \*Large File\* Planning Staff Report
  - Noticing package
  - Map used for surrounding property notices
  - Mailer List
  - Letter from Gregory Lloyd
  - Letter from Carina Borders Perez
  - Letter from William Brown

*Meeting went into Recess at 8:50 P.M*

*Meeting Reconvened 9:00 P.M.*

**A motion was made by Commissioner Lopez, seconded by Commissioner Payne, that the Ordinance be Denied based upon the findings that the applicant has failed to meet the showing that the change is consistent with the Comprehensive Plan & Land Development Regulations and that sufficient evidence exist that has been shown maintaining the existing zoning serves a legitimate public purpose. The motion carried by the following vote:**

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

**DISCUSSION**

**26** Discussion about Homebuyers Assistance Program.

**Sponsors:** Commissioner Kaufman

**Attachments:** City Code Section 2-708 Homebuyers Assistance Program

**Discussed**

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 9:27 P.M.**