



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, February 5, 2019

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 - 6:07 P.M.**

#### ROLL CALL

**Present** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

**INVOCATION - Pastor Terri Hill, Key West United Methodist Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA - The Agenda was approved as changed unanimously.**

#### PROCLAMATIONS

1 Keys to be the Change

**Sponsors:** Mayor Johnston

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

Received and Filed

#### PRESENTATIONS

- 2                    Holiday Awards
  - Key West High School Conchettes - Mayor's Cup
  - Sugarloaf Sharks Cheerleading - Commissioner's Cup

Not Received

**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**

- 3                    \*January 15, 2019 (Regular)

Attachments:    [Minutes](#)

Approved

**RESOLUTIONS**

- 4                    \*Recommending and endorsing the appointment of George Neugent to the South Florida Water Management District.

Sponsors:        Mayor Johnston and Commissioner Kaufman

Attachments:    [Resolution](#)

Enactment No: Res 19-032

5 \*Confirming member appointments to the Tree Commission.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Bravo Resume](#)  
[Jackson Resume](#)  
[Mellies Resume](#)  
[Pope Resume](#)  
[Stotts Resume](#)  
[Sullivan Resume](#)  
[Cabanas Resume](#)

Enactment No: Res 19-033

6 \*Approving a fundraiser for Aleleia (Lela) Butler at the Bill Butler Park on Friday, February 8, 2019 and Saturday, February 9, 2019 from 4:00 P.M. to Midnight; 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 Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

**Sponsors:** Mayor Johnston, Commissioner Lopez and Commissioner Kaufman

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

Enactment No: Res 19-034

- 7 \*Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a Corn Hole Tournament at the Bocce Fields on Saturday, February 16, 2019 from 10:00 A.M to 6:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Sponsors:** City Manager Scholl

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

Enactment No: Res 19-035

- 8 \*Authorizing Marques Butler Memorial Scholarship, Inc. to conduct a fundraiser at Wicker Field for the Annual Marques Butler Memorial Softball Tournament on Friday, February 22, 2019 through Sunday, February 24, 2019 from 7:00 A.M. to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 7:00 A.M. to 11:00 P.M. during the event; Authorizing the sale and consumption of alcoholic beverages on the date and during the hours stated above.

**Sponsors:** City Manager Scholl

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

Enactment No: Res 19-036

- 9 \*Authorizing the Conch Republic Independence Celebration, LLC to conduct a Free Community Concert at the Truman Waterfront Amphitheatre on Saturday, April 20, 2019 from 10:00 A.M. to 12:00 A.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Sponsors:** City Manager Scholl

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

Enactment No: Res 19-037

- 10 \*Approving the attached Art in Public Places Board selections of public art for the Truman Waterfront Park in response to RFP #005-19; Authorizing the City Manager to negotiate if necessary, and execute agreements upon consent of the City Attorney between the City of Key West and the following artists: Marlene Koenig (mural installation Restroom Building \$7,000.00), and Jim Galluci (two "Whisper Shade Benches" - \$35,520.00).

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bid Tabulation RFP 005-19](#)  
[Board Scoresheet Truman Waterfront Park](#)  
[Minutes January 22, 2019 Art in Public Places Advisory Board](#)  
[RFP 005-19 Public Art for Truman Waterfront Park](#)  
[Gallucci Contract](#)  
[Gallucci Project Summary](#)  
[Marlene Koenig Agreement](#)

Enactment No: Res 19-038

- 11 \*Approving the purchase of Flexi-pave Material from K.B. Industries, Inc. in an amount not to exceed \$97,100.00 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 renovation of Nelson English Park (\$65,700.00) and Paving around tree and flora planter areas (\$31,400.00).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[K.B. Industries, Inc. Quote- Nelson English](#)  
[K.B. Industries, Inc. Quote- City Planters](#)

Enactment No: Res 19-039

- 12 \*Approving the attached "Amendment No. 1 to Agreement No. LP44031" between the Florida Department of Environmental Protection (FDEP) and the City of Key West to add additional Florida Keys Stewardship Act Funding in the amount of \$529,000.00, for a maximum total of up to \$929,000.00 in support of construction of City of Key West Stormwater Improvements, and to extend the period of Agreement to June 30, 2021; Authorizing any necessary budget transfers; Authorizing the City Manager to execute the necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[LP44031 Amendment 1](#)  
[Resolution 17-124](#)  
[Resolution 18-047](#)

Enactment No: Res 19-040

- 13 \*Approving the attached “State of Florida Department of Environmental Protection Standard Grant Agreement No. LP44032” between the State of Florida Department of Environmental Protection and the City of Key West, for Florida Keys Stewardship Act Funding for Upgrade of Existing Wastewater Lift Stations (FY17-18 GAA Line Item 1593A) in an up to maximum amount of \$937,667.00; Authorizing any necessary budget transfers; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[LP44032 Grant Agreement](#)

**Passed**

Enactment No: Res 19-041

- 14 \*Approving and authorizing the City Manager to execute a time extension to July 30, 2020 and add one Senior Engineer Position for the Local Agency Program (LAP) Contract No. ANT08, South Roosevelt Boulevard Reconstruction Project (FM250548-4), for Metric Engineering; Approving any necessary budget amendments or transfers.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Metric Contract Extension](#)  
[LAP Agreement Time Extension until 07-30-20](#)  
[FDOT Approval to Add Senior Engineer](#)  
[Resolution 04-146](#)  
[Resolution 13-132](#)  
[FDOT Supporting Docs](#)

**Passed**

Enactment No: Res 19-042

**Approval of the Consent Agenda**

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

15

Requesting the Key West Sustainability Board to report to the City Commission on the efficacy of sunscreens that do not contain Oxybenzone and Octinoxate, and on other factors affecting the Coral Reef surrounding Key West ~~on or before February 5, 2020.~~

**Sponsors:** Commissioner Kaufman

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

A motion was made by Commissioner Davila, seconded by Commissioner Hoover, that the Resolution be Passed as amended removing "on or before February 5, 2020". The motion passed by a unanimous vote.

Enactment No: Res 19-043

16

Supporting Florida Senate Bill 88, which would repeal current state preemptions of local law relating to the regulation of polystyrene products, plastic bags, wrappings and containers; Authorizing the City Clerk to transmit certified copies of the resolution.

**Sponsors:** Commissioner Weekley

**Attachments:** [Resolution](#)  
[Senate Bill 88](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 19-044



17

Approving and authorizing the Key West Carnival, Corp to conduct a Goombay Festival on October 17, 18, 19 and 20, 2019 from Noon to 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 from 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](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow to table the item. The motion passed by a unanimous vote with Commissioner Lopez recused.**

**The item was removed from the table after the speakers were heard with a motion by Commissione Kaufman seconded by Commissioner Wardlow; the motion passed by a unanimous vote.**

**A motion was made by Commissioner Kaufman, seconded by Mayor Johnston, after having passed the gavel, that the Resolution be Passed to approve the item for the Goombay Festival with alternating years for both applicants. The motion failed by the following vote:**

**No:** 4 - Commissioner Davila, Commissioner Hoover, Commissioner Wardlow and Commissioner Weekley

**Recuse:** 1 - Commissioner Lopez

**Yes:** 2 - Commissioner Kaufman and Mayor Johnston

18

Approving and authorizing the Bahama Village Community Coalition, Inc. to conduct a Goombay Festival on October 18 & 19, 2019 from 10:00 A.M. to 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 from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances during the Festival.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commission Weekley, seconded by Commissioner Kaufman to table the item. The motion passed by a unanimous vote with Commissioner Lopez recused.**

**The item was removed from the table after the speakers were heard with a motion by Commissioner Weekley seconded by Commissioner Wardlow; the motion passed by a unanimous vote.**

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

**No:** 2 - Commissioner Kaufman and Mayor Johnston

**Recuse:** 1 - Commissioner Lopez

**Yes:** 4 - Commissioner Davila, Commissioner Hoover, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 19-045

- 19 Creating the Duval Promenade Pilot Program, a Pedestrian-only corridor on the 500, 600 and 700 blocks of Duval Street from Fleming Street to Petronia Street; Granting a Right of Way Use/Special Event Permit; Establishing specific dates and times for the Duval Promenade Pilot Program; Requiring participants to provide Hold Harmless Agreements and insurance with the City as an additional insured; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Letter of Support from Kurt Matarazzo](#)

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

**No:** 1 - Commissioner Wardlow

**Yes:** 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-046

- 20 Requesting the Monroe County Land Authority for funding in the amount of \$6,107,916.00, for the purpose of constructing workforce housing at College Road; Requesting additional funding in the amount of approximately \$2,000,000.00 when it becomes available on September 30, 2019.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[FL Housing Finance Corp Workshop Agenda 1-25-19](#)  
[Resolution 16-319 Monroe County Land Authority Funds for Acquisition and Construction](#)

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

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-047

**Meeting went into Recess and Reconvened at 8:28 P.M.**

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

21

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by creating Article VII entitled "Sunscreen"; Section 26-223 entitled "Sale of Sunscreen Products; Penalties"; Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

**Sponsors:** Commissioner Hoover and Commissioner Weekley

**Attachments:** [Ordinance](#)  
[Proposed Amendments by Commissioner Kaufman](#)  
[Executive Summary](#)  
[Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Letter of Opposition From Personal Care Products Council](#)  
[Letter of Opposition From CHPA - Gutierrez](#)  
[Letter of Opposition From Nicole Haynes McCoy](#)  
[Letter of Opposition](#)  
[\\*Large File\\* Letter of Support](#)  
[\\*Large File\\* Sugarload School Letters of Support](#)  
[Mitchelmore Opening Remarks](#)  
[Powerpoint Presentation - Mitchelmore](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted as amended changing the effective date to January 1, 2021. The motion carried by the following vote:**

**No:** 1 - Commissioner Davila

**Yes:** 6 - Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 19-03

**ORDINANCES – FIRST READING**

22

An Ordinance of the City of Key West, Florida amending Table 1-1.1.5 and Policy 1-1.1.10 entitled “Allowed Uses in Historic Public and Semi-Public” of the City’s Comprehensive Plan; Providing for repeal of inconsistent provisions; Providing 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](#)  
[Staff Report for Planning Board](#)  
[Planning Board Resolution 2018-44](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

23

An Ordinance to the City of Key West, Florida, amending Chapter 122 entitled "Zoning"; Article IV entitled "Districts"; Division 11 entitled "Historic Public and Semipublic Services District"; Subdivision I entitled "Historic Public and Semipublic Services District (HPS)"; Section 122-956 entitled "Intent"; Section 122-958 entitled "Conditional Uses"; and Section 122-960 entitled "Dimensional Requirements"; and Article V entitled "Supplementary District Regulations"; Division 2 entitled "Uses"; Section 122-1111 entitled "Table of Land Use by Districts"; and Division 3 entitled "Area Requirements"; Section 122-1151 entitled "Size and Dimension" 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](#)  
[Staff Report for Planning Board](#)  
[Planning Board Resolution 2018-45](#)

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

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

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

24

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses", Article X entitled "Peddlers" by amending Section 18-541 entitled "Definitions" amending the definition of a Peddler; by creating Sec. 18-547 "Locations" creating prohibited locations; by Amending Division 2 entitled "Permit", Sec. 18-576 entitled "Required" by clarifying to whom a Permit can be issued and making Permits non-transferrable; by Amending Sec. 18-578 entitled "Application" by requiring accurate identification, criminal background information, and contact information and length of time that the permit holder will do business; by Amending Sec. 18-579 entitled "Identification" by clarifying requirements of photo identification, by eliminating Sec. 18-580 entitled "Application Fee"; by eliminating Sec. 18-582 entitled "Fingerprints"; by Amending Sec. 18-583 entitled "Fee" by clarifying the application and renewal fees and annual periods; by Amending Sec. 18-584 entitled "Permit Duration" by clarifying penalties for lack of renewal; by Amending Sec. 18-585 entitled "Display" by requiring all permits to be displayed on the peddler's person and providing for penalties for altered permits; by Amending Sec. 18-586 entitled "Revocation" by providing for a hearing process before the City Manager prior to the revocation of a peddler's permit; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Lopez

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

**A motion was made by Commissioner Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Adopted as amended removing the words "or misdemeanor" on page 6. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 19-04

25

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses," by amending "Article XIII - Cosmetics," Section 18-701, to provide definitions; Amending Section 18-704 to provide for notice for unlicensed cosmetology and specialty salons; Amending Section 18-705 to provide additional requirements; and Amending 18-706 to clarify penalties for violation; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Johnston, Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to March 5, 2019. The motion passed by a unanimous vote.**

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

**ADJOURNMENT - 10:52 P.M.**