



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

---

Tuesday, May 2, 2017

6:00 PM

City Hall

---

**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 - 6:00 P.M.**

#### ROLL CALL

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

**INVOCATION - Rev. Denise McLeod, Pastor Trinity Presbyterian Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### COMMENDATIONS

1 Cristy Spottswood

**Sponsors:** Mayor Cates and Commissioner Kaufman

**Received and Filed**

#### PROCLAMATIONS

2 Letter Carrier Food Drive Day

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

3 Haitian Flag Day & Haitian Heritage Month

Sponsors: Mayor Cates and Commissioner Kaufman

Attachments: [Proclamation](#)

Received and Filed

4 Police Officers Memorial Day & Key West Police Week -  
POSTPONED

Sponsors: Mayor Cates

5 Motorcycle Safety Awareness Month

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

**PRESENTATIONS**

6 Bicycle Pedestrian Plan Public Participation Launch

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 \*April 4, 2017 (Regular)

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

**Approved**

**RESOLUTIONS**

8 \*Appointing William "Bill" John Lilley to the Key West Civil Service Board.

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 17-118

9 \*Re-appointing Mark Albury to the Key West Civil Service Board.

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 17-119

10 \*Authorizing Hospice of the Florida Keys, Inc. to conduct the Queen Mother Pageant on Monday, May 15, 2017 at La Te Da 1125 Duval Street from 12:00 Noon to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 1100 Block of Duval Street from 12:00 Noon to 11:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 7:00 P.M. to 10:30 P.M. (sound check at 4:00 P.M. to 5:00 P.M.); Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 17-120

- 11 \*Authorizing Literacy Volunteers of America-Monroe County, Inc. to conduct its Annual Caribbean Street Fair on Saturday, July 22, 2017 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. and 10:00 P.M.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 17-121

- 12 \*Approving transfer of Mobile Vendor License (MVL) #12787 from Nancy Quast to Chris Sheridan due to hardship.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Request to Transfer MVL](#)

**Passed**

Enactment No: Res 17-122

- 13 \*Approving a 95-Day Extension to Florida Keys Electric for the contract awarded in Resolution 16-144, and extended in Resolution 17-006, for Wahoo and Kingfish Piers Electrical Upgrades.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Extension Request](#)  
[Project Schedule](#)  
[Resolution 16-144](#)  
[Resolution 17-006](#)  
[Resolution 16-364](#)

**Passed**

Enactment No: Res 17-123

- 14 \*Approving the attached “DEP Agreement No. 44031, State of Florida Department of Environmental Protection, Division of Water Restoration Assistance Grant Agreement” (FY 16-17) between the State of Florida Department of Environmental Protection and the City of Key West, for Federal Funding for Key West Stormwater Improvements; Authorizing the City Manager to execute the necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[LP44031 Grant Agreement](#)  
[Resolution 13-067](#)  
[Resolution 13-235](#)

**Passed**

Enactment No: Res 17-124

- 15 \*Approving the attached “Amendment No. 2 to State Financial Assistance Agreement - City of Key West DEP Agreement No. LP44030” between the City and the State of Florida Department of Environmental Protection to reallocate the project budget within the grant for reimbursement funding of Florida Keys Wastewater Improvements; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Amendment No. 2](#)  
[Resolution 15-080 Grant Approval](#)  
[Resolution 16-146 Amendment No. 1](#)  
[Resolution 13-067 Mayfield Grant Interlocal](#)  
[Resolution 13-235 Amendment to Mayfield Grant Interlocal](#)

**Passed**

Enactment No: Res 17-125

- 16 \*Authorizing a \$500.00 Donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), pursuant to Florida Statutes Section 932.7055, to the Bethel African Methodist Episcopal Church to be used for facilitating the Success Through Empowerment Program (STEP).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Letter to Police Department \(STEP\)](#)  
[STEP Flyer](#)

**Passed**

Enactment No: Res 17-126

- 17 \*Awarding a Task Order for CDM Smith, Inc. in an amount not to exceed \$80,974.00 for Engineering Services for FDEP Permit Renewal and Wastewater Reuse Evaluation for the Richard A. Heyman Environmental Protection Facility.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order 1-17 WW CDM Smith](#)  
[CDM Contract](#)  
[Resolution 15-208](#)

**Passed**

Enactment No: Res 17-127

- 18 \*Ratifying the Emergency Procurement of new marine fenders and refurbishment of existing marine fenders from Trelleborg Marine Systems in an amount not to exceed \$160,100.00 of In-kind Funds on a Brand Name Sole Source Basis pursuant to Section 2-797(1) & (2) in accordance with 2-844 of the Code of Ordinances for the Navy Mole Pier; Authorizing necessary budget amendments/transfers.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Emergency Procurement Memo](#)  
[Brand Name Memo](#)  
[Budget Transfer](#)  
[In-kind Authorization Letter](#)  
[Trelleborg SeaGuard Proposal](#)  
[Navy Authorization Email](#)  
[Resolution 14-034 Public Benefit Lease](#)

**Passed**

Enactment No: Res 17-128

### Approval of the Consent Agenda

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

- 19 \*Directing the City Manager to cease negotiations for a Lease Agreement between the City and Tropical Soup Corporation for Parcels 1, 2, 3 and 4 at Mallory Square; Directing the City Manager to make recommendations to the City Commission/CRA for the best use of the property.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Resolution 10-167](#)

**Withdrawn**

20

Requesting the Florida Department of Transportation (FDOT) to take prompt action to address pedestrian safety by installing High Intensity Activated Crosswalk (HAWK) Beacons at certain North Roosevelt Boulevard/SR 5/US 1 (North Roosevelt) crosswalk locations; Requesting FDOT to place HAWK Beacons at future South Roosevelt Boulevard/SR A1A crosswalk locations; Requesting FDOT to enhance traffic movement at the intersection with South Roosevelt Boulevard/SR A1A; Urging the State of Florida to give priority to this project in the 2017-18 Budget Year.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* FDOT Pedestrian Study](#)  
[June 9 2016 Meeting Notes](#)  
[January 10 2017 Meeting Notes](#)  
[HAWK Beacon - Typical](#)

*It was moved by Commissioner Kaufman and seconded by Commissioner Payne to amend the resolution to include language urging the State to give priority to this project in the 2017-2018 budget year and/or for the City to proceed with project and request reimbursement from the Florida Department of Transportation. After discussion Commissioner Payne withdrew his second to the motion.*

*It was moved by Commissioner Kaufman and seconded by Commissioner Payne to amend the resolution to include language urging the State to give priority to this project in the 2017-2018 budget year.*

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

**A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, 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 17-129



21

**QUASI-JUDICIAL HEARING: Easement 600 White Street**

Approving an easement of 220.33 square feet along the Southard and White Street Right-of-Ways, to address an area to maintain and restore an existing two-story structure, second story balcony and first floor staircase located at 600 White Street (RE #00010290-000000), Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Easement Agreement](#)  
[Application](#)  
[Liability Certificate](#)  
[Surrounding 600 White Street](#)

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

Enactment No: Res 17-130

22

**QUASI-JUDICIAL HEARING: Major Development Plan and Landscape Modification / Waiver Extension 716-718 South Street**

Approving an extension to a Major Development Plan and Landscape Waiver for property located at 716-718 South Street, (RE #00036870-000000, AK #1037681), Key West, Florida.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Application - Request to Extend](#)  
[Resolution 16-022 716-718 South Street Extension](#)  
[\\*Large File\\* Additional Information](#)  
[Letter From Bonnie Koontz](#)  
[Letter From Dana Day](#)  
[Letter From William Koontz](#)

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

**No:** 1 - Commissioner Weekley

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

Enactment No: Res 17-131

**ORDINANCES - SECOND READING (Public Hearing)****23**

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances, entitled "Planning and Development" by amending Section 108-991 "Development Not Affected by Article," to provide that units determined to exist prior to April 1, 2010, must have been permissible under current or previous zoning requirements; 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](#)

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

**No:** 1 - Commissioner Payne

**Yes:** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 17-02

**24**

An Ordinance of the City Commission of Key West, Florida invoking the Zoning in Progress Doctrine; Relating to Medical Cannabis Activities; Adopting Findings of Fact; Providing Definitions; Establishing a temporary moratorium for a period of 270 days from the effective date of this Ordinance on the growing, cultivation, processing, manufacturing, dispensing, distribution and sale of Medical Cannabis, Low-THC Cannabis, derivative products and related activities; Directing City Staff to develop proposed Land Development Regulations and other recommendations regarding such Cannabis-Related Activities; Providing for an effective date retroactive to February 23, 2017; for Zoning in Progress Purposes.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution 2017-03](#)  
[\\*Large File\\* Staff Report](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, 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 17-03

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 8:07 P.M.**