



# 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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Wednesday, February 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

6:06 P.M.

#### ROLL CALL

**Absent** 2 - Commissioner Weekley and Mayor Cates

**Present** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero and Commissioner Wardlow

#### INVOCATION - Lt. Ethan Everts, Command Chaplain NAS Key West

#### PLEDGE OF ALLEGIANCE TO THE FLAG

#### APPROVAL OF AGENDA

Agenda was accepted as amended.

#### PRESENTATIONS

- 1 Key West Police Department 20 Year Service Award -  
Officer Robert Currul

Sponsors: City Manager Scholl

Received and Filed

- 2 State of the City - Mayor Cates

Sponsors: Mayor Cates

Attachments: [Report](#)

Postponed to March 1, 2016 meeting

**City Attorney's Report**

**City Manager's Report**

**- Transient Rental Enforcement Discussion**

**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                                   \*February 1, 2016 (Workshop)

Attachments:     [Minutes](#)

**Passed**

4                                   \*February 2, 2016 (Regular)

Attachments:     [Minutes](#)

**Passed**

**RESOLUTIONS**

5                                   \*Authorizing A.H. of Monroe County, Inc. to conduct their 21st Annual Taste of Key West at the Truman Waterfront East Quay Wall on Monday, April 18, 2016 from 6:00 P.M. to 9:00 P.M. (Set up starting at 8:00 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; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 5:00 P.M. to 10:00 P.M.

Sponsors:           City Manager Scholl

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

**Passed**

Enactment No: Res 16-059

- 6 \*Authorizing Bauer Restaurant, Inc. DBA Key West Songwriters Festival on Saturday, May 7, 2016 during the hours of 6:00 A.M. to Midnight (set up 6:00 A.M.); Authorizing the closure of the 100 and 200 Block of Duval Street including Greene Street from Ann to Fitzpatrick from 6:00 A.M. to 12:00 Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 4:00 P.M. to 10:00 P.M.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-060

- 7 \*Accepting the attached 2015 Emergency Shelter Grant Agreement #KPZ40 from the State of Florida Department of Children and Families in the amount of \$14,569.87; Authorizing a budget adjustment in the amount of \$14,569.87 to reflect receipt of grant funding to the General Fund; Authorizing the City Manager to execute contract upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Contract KPZ40](#)  
[\\*Large File\\* 2015 ESG application](#)

**Passed**

Enactment No: Res 16-061

- 8 \*Approving the attached form of "Charterboat Dockage Agreement - City Marina at Garrison Bight" (five-year term); Approving an annual rent adjustment of CPI.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Charterboat Agreement 2016 Final](#)  
[Previous Lease as Amended](#)  
[Rate Comparison](#)

**Passed**

Enactment No: Res 16-062

- 9 \*Authorizing a two-year extension of the contract between the City and Arnold's Towing & Marine Repair Inc., for towing services.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Supporting document](#)

**Passed**

Enactment No: Res 16-063

- 10 \*Authorizing the approval of Task Order No. 4 to EDSA, Inc. for Affordable Housing Planning; Poinciana and College Road Sites, in an amount not to exceed \$40,000.00; Authorizing the use of funds from the Affordable Housing Trust Fund; Authorizing execution of the Task Order.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 15-042](#)  
[Task Order #4](#)

**Passed**

Enactment No: Res 16-064

**Approval of the Consent Agenda**

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

- 11 Approving a Work Order under the City's General Services Contract with D.N. Higgins, Inc. in a total amount not to exceed \$322,677.39 for mill and pave of 10th and 12th Streets between Flagler Avenue and Patterson Avenue, and Patterson Avenue between 10th and 12th Streets.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)

**A motion was made by Commissioner Richard Payne, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 16-065

- 12 Approving a Work Order under the City's Environmental Engineering Services Contract with Tetra Tech, Inc. in a total amount not to exceed \$172,327.00 for design, permitting and construction document preparation to support permanent armoring of the Rest Beach Shoreline; Authorizing necessary Budget Transfers for the Work Order and for permitting fees.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proposal](#)  
[Resolution 14-359](#)  
[Photograph - High Tide](#)

**A motion was made by Commissioner Billy Wardlow, seconded by Commissioner Margaret Romero, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 16-066

13

Rejecting the proposal received from Centennial Bank in response to Request for Proposal #16-004 for Peary Court Financing, pursuant to Section 2-834 (3) of the Code of Ordinances.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[RFP #16-004 Peary Court Financing](#)  
[Addendum #1](#)  
[City of Key West Bank List](#)  
[City Clerk RFP Tabulation](#)  
[\\*Large File\\* Centennial Bank Proposal](#)  
[Centennial Bank Clarification #1](#)  
[Centennial Bank Clarification #2](#)

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

**Absent:** 2 - Commissioner Weekley and Mayor Cates

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero and Commissioner Wardlow

Enactment No: Res 16-067

14

**QUASI-JUDICIAL HEARING: MAJOR MODIFICATION to a MAJOR DEVELOPMENT PLAN 5711 COLLEGE ROAD**

Granting Major Modification to a Major Development pursuant to Sections 108-91.B.2 (B), 108-91.C.3. (A) and 122-1017 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the construction of 23,784 square feet of gross non-residential floor area for the new Florida Keys SPCA offices and Animal Shelter on property located at 5711 College Road (Re # 00063450-000000; AK # 1063886) within the Public and Semipublic Services (PS) Zoning District.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Planning Board Package](#)  
[Planning Board Resolution 2015-58](#)  
[Authorization Form](#)  
[Verification Forms](#)

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

**Absent:** 2 - Commissioner Weekley and Mayor Cates

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero and Commissioner Wardlow

Enactment No: Res 16-068

**15 QUASI-JUDICIAL HEARING: MAJOR DEVELOPMENT PLAN 2319 & 2401 N. ROOSEVELT BLVD.**

Granting Major Development plan pursuant to Sections 108-91.B.2 (A) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the reconstruction of 75 transient residential dwelling units on property located at 2319 and 2401 North Roosevelt Boulevard (RE #00001990-000000, 00002000-000000, 00002080-000100, 00002260-000000; AK# 1002097, 1002101, 1002364, 8849401) within the Commercial General (CG) Zoning District.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Planning Board Package](#)  
[Planning Board Resolution 2015-59](#)

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

**Absent:** 2 - Commissioner Weekley and Mayor Cates

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero and Commissioner Wardlow

Enactment No: Res 16-069

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

**16** An Ordinance of the City of Key West, Florida, amending Chapter 26, entitled "Environment," Article III, entitled "Litter," by amending Section 26-161 entitled "Definitions," by adding a definition of public or semi-public areas; Adding Section 26-165 entitled "Unlawful Deposit of Cigarette Butts"; Adding Section 26-166 entitled "Penalties"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Kaufman and Mayor Cates

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Letter from Bobby Moore](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Ordinance be Postponed to March 1 meeting. The motion carried by the following vote:**

**Absent:** 2 - Commissioner Weekley and Mayor Cates

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero and Commissioner Wardlow

17

An Ordinance of the City of Key West, Florida, Amending Chapter 26 entitled "Environment", by adding Article VI entitled "Unmanned Aircraft" to provide privacy and safety protections; Adding Section 26-300, Purpose and Intent; Adding Section 26-301, Definitions; Adding Section 26-302, Prohibitions; Adding Section 26-303, Penalty; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[\\*Large File\\* Exhibit A](#)

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

**Absent:** 2 - Commissioner Weekley and Mayor Cates

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero and Commissioner Wardlow

Enactment No: Ord 16-02

18

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article IV, entitled "Sound Control" by amending Section 26-191 to amend the definition of the term "Commercial District" by adding the HNC-3 Zoning District; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

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

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

**Absent:** 2 - Commissioner Weekley and Mayor Cates

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero and Commissioner Wardlow

Enactment No: Ord 16-03

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**8:16 P.M.**