



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, September 7, 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 - 6:02 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Lopez

**Present** 6 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

**INVOCATION - Chaplain Jason Dart, Coast Guard Sector Key West**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

#### APPROVAL OF AGENDA

*It was moved by Commissioner Weekley and seconded by Commissioner Wardlow to approved the agenda to include the add-on ordinance; there were no objections.*

#### PRESENTATIONS

**1** 20 Year Service Award - Gregory Barroso, Key West Fire Department

**Sponsors:** City Manager Scholl

**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**

- 2                    \*August 11, 2016 (Special)  
  
                         Attachments:    [Minutes](#)  
  
                         **Approved**
  
- 3                    \*August 11, 2016 (Workshop)  
  
                         Attachments:    [Minutes](#)  
  
                         **Approved**
  
- 4                    \*August 16, 2016 (Regular)  
  
                         Attachments:    [Minutes](#)  
  
                         **Approved**

**RESOLUTIONS**

- 5                    \*Re-appointing Steve R. Henson to the Key West Bight Management District Board.  
  
                         Sponsors:        Mayor Cates  
  
                         Attachments:    [Resolution](#)  
   [Steve R. Henson BIO](#)  
   [Resolution 12-214](#)  
  
                         **Passed**  
  
                         Enactment No: Res 16-245

- 6 \*In support of expediting authorization, appropriation, implementation, and completion of Everglades Restoration Projects, especially those that enhance water storage and conveyance to restore water flow to the Florida Bay which is necessary to protect the ecological health of the Florida Bay, a critical part of the Everglades Ecosystem; Directing the City Clerk to provide copies of this resolution to certain legislative and administrative authorities.

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 16-246

- 7 \*Authorizing Mundaka, LLC to conduct a Grand Opening of Lucy's Retired Surfers Bar & Restaurant Saturday, September 24, 2016 from 11:00 A.M. to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of James Street between Grinnell & Margaret Street; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 A.M. to 11:00 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 16-247

- 8 \*Authorizing Exclusive Sports Marketing, Inc. of Florida to conduct a Key West Halloween 1/2 Marathon and 5K on Saturday, October 15, 2016 from 12:00 P.M. to 6:00 P.M. & Sunday, October 16, 2016 from 6:00 A.M. to 11:00 A.M.; Authorizing certain street closures thereof during the event; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:** City Manager Scholl

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

[Application](#)

[Advertisement](#)

**Passed**

Enactment No: Res 16-248

- 9 \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Whitney Matthews for a wedding ceremony and reception at Lagerheads Beach Bar & Grill during the hours of 6:00 P.M. to 12:00 A.M. on Saturday, October 22, 2016.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 16-249

- 10 \*Authorizing Lone Palm Foundation, Inc. to conduct the Annual Parrot Heads in Paradise Street Party on Friday, November 4, 2016 from 8:00 A.M. to 6:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 400 & 500 blocks of Duval Street; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 6:00 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 16-250

- 11 \*Approving Change Order #3 to the Master Services Agreement for Bus Apron Design between the City and SRS Engineering, Inc. in the amount of \$30,056.00 for additional plans processing and permitting services for Bus Apron Project No. TS 1102 (Lower Keys); Authorizing an amendment to PO #78741, and related budget amendments; Authorizing any necessary grant adjustments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proposal](#)  
[\\*Large File\\* Memorandum on Change Order No. 1](#)  
[Resolution 14-121](#)  
[Resolution 15-008](#)  
[Resolution 15-264](#)

**Passed**

Enactment No: Res 16-251

- 12 \*Approving Change Order #2 for Shoreline Foundation, Inc. for Repairs and Improvements at Zero Duval Seawall and Mallory Square T-Pier, in an amount not to exceed \$187,500.00 in accordance with the terms specified in ITB 002-16; Authorizing an Emergency Procurement for Repair of the Monopile Berthing Dolphin at Mallory Square T-Pier with FDOT Grant Funds (25% City Match); Authorizing necessary budget transfers/amendments; Authorizing the City Manager to execute necessary documents, upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Shoreline Proposal](#)  
[Grant Approval](#)  
[Resolution 16-112](#)

**Passed**

Enactment No: Res 16-252

- 13 \*Approving the attached Work Change Directive, allowing a 90-day contract extension for Pedro Falcon Electrical Contractors, Inc. for Administration Building Roof Repair at the Richard A. Heyman Environmental Protection Facility, Project No. SE-140; Authorizing the City Manager to execute necessary documents on behalf of the City of Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Work Change Directive](#)  
[Contract](#)  
[Resolution 15-312](#)

**Passed**

Enactment No: Res 16-253

- 14 \*Authorizing its option to renew the Agreement for Administrative Services with Employer Mutual (EMI)/Ascension, as the City's Insurance Program Third Party Claims Administrator for the policy period of 10/1/2016 - 9/30/2017; Authorizing the City Manager to execute all documents consistent therewith with the consent and advice of City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[First Amendment to Agreement](#)  
[Resolution 09-246](#)  
[Resolution 10-113](#)  
[Resolution 13-232](#)  
[Resolution 14-085](#)  
[Resolution 15-184](#)

**Passed**

Enactment No: Res 16-254

15

\*Authorizing acceptance of the renewal proposal from the Public Risk Management of Florida (PRM) submitted by Arthur J. Gallagher & Company in the amount of \$903,871.00 for the City's Property and Casualty Insurance Program for Policy Year 2016/2017; Authorizing acceptance of Arthur J. Gallagher & Company as the agent/broker for the City's Property and Casualty Insurance Program for Policy Year 2016/2017; Authorizing acceptance of proposals received from National Union Fire Insurance Company of Pittsburgh, P.A. for AD&D Coverage (\$5,568.00); Great American for Outer Mole Excess Liability Coverage (\$10,000.00), Marine Operators Legal Liability Coverage (\$25,286.00), Wharfingers Liability Coverage (\$18,500.00), Hull Coverage (\$10,555.00), Vessel Pollution Coverage (\$4,275.00); Commerce & Industry for Tank Storage Coverage (\$4,381.00); Lloyd's of London for Blanket Flood Coverage (\$150,000.00) as submitted by Arthur J. Gallagher & Company; Authorizing the City Manager to execute all documents consistent therewith.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 15-267](#)  
[Resolution 15-283](#)  
[Key West Final Proposal](#)  
[Public Risk Management of Florida Client Binding Document](#)  
[Arthur J Gallagher Client Authorization to Bind Coverage Documents](#)  
[Commerce & Industry Binding Documents](#)  
[Surprise Lines Notice & Acknowledgment](#)

**Passed**

Enactment No: Res 16-255

16 \*Authorizing the City of Key West to enter into a Revocable License Agreement for nonpermanent use of City Property with Visualize Entertainment, Inc., dba Key West Outdoor Movies, for the presentation of an outdoor movie twice per month at Bayview Park from October 2016 through May 2017, upon terms and conditions contained in the Agreement.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[License Agreement](#)  
[Corporate Filings](#)

**Passed**

Enactment No: Res 16-256

17 \*Authorizing the City of Key West to enter into a Revocable License Agreement for nonpermanent use of City Property with Whoduz, Inc., to allow the operation of a Green Market at Bayview Park four times per month, upon additional terms and conditions contained in the Agreement.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Revocable License Agreement](#)  
[2016 Corporate Filing](#)  
[Organizational Documents](#)  
[Resolution 15-103](#)

**Passed**

Enactment No: Res 16-257



- 18 \*Authorizing the City Manager to enter into an Agreement with the Estate of Joseph Lang, et al, Owners(s) of 205 Virginia Street, permitting a Release of Lien upon payment by the owners of the amount of \$89,657.85.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Mitigation Request Form](#)  
[Liens](#)  
[Emails](#)

**Passed**

Enactment No: Res 16-258

#### Approval of the Consent Agenda

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

- 19 A Resolution to clarify mission and responsibilities of members of the City of Key West Art in Public Places Board and to facilitate selection and placement of permanent art in and around the new City Hall, most specifically the tiger statue.

**Sponsors:** Commissioner Romero

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

*It was moved by Commissioner Wardlow and seconded by Commissioner Kaufman to postpone the item indefinitely. The motion and second were withdrawn.*

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Lopez

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

20 A Resolution to clarify mission and responsibilities of members of the City of Key West Art in Public Places Board and to facilitate selection of permanent art for the new City Hall.

**Sponsors:** Commissioner Romero

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

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Lopez

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

21 A Resolution to implement the City of Key West Art in Public Places Board Guidelines and immediately to facilitate decisions on selection and placement of permanent art in the new City Hall.

**Sponsors:** Commissioner Romero

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

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Lopez

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

22 Supporting the introduction of genetically-altered mosquitoes in the Florida Keys.

**Sponsors:** Commissioner Romero

**Attachments:** [Resolution](#)  
[Resoution 12-120](#)

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Lopez

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

23

**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 the Solid Waste Service Assessments; Confirming the Preliminary Assessment Resolution for Fiscal Year 2016-2017.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Letter to Property Owners](#)  
[Ordinance 13-09](#)

**A motion was made by Commissioner Payne, seconded by Commissioner Kaufman, that the Resolution be Postponed to September 8, 2016. The motion passed by a unanimous vote.**

24

**PUBLIC HEARING:**

Relating to the provision 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 for Fiscal Year 2016-2017.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Letter to Property Owners](#)  
[Ordinance 13-10](#)

**A motion was made by Commissioner Payne, seconded by Commissioner Weekley, that the Resolution be Postponed to September 8, 2016. The motion passed by a unanimous vote.**

25

**QUASI-JUDICIAL HEARING: EASEMENT 1413 GRINNELL STREET**

Approving an easement of 602.7 square feet, more or less, to address the encroachment of an existing wood fence which encroaches onto the Grinnell Street Right-of-Way located at 1413 Grinnell Street, Key West, Florida (RE #00039200-000000); Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Easement Agreement](#)  
[Executive Summary](#)  
[Application](#)

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

Enactment No: Res 16-259

26

**QUASI-JUDICIAL HEARING: EASEMENT 504 ANGELA STREET**

Approving an easement of 63.9 square feet, more or less, to address the encroachment of an existing overhang which encroaches onto the Angela Street Right-of-Way located at 504 Angela Street, Key West, Florida (RE #00015720-000000); Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Easement Agreement](#)  
[Executive Summary](#)  
[Application](#)

**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 16-260

**ORDINANCES – FIRST READING**

- 27 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-121 to add a Civil Penalty for Violation of Section 70-497 Bus Parking Restricted; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** City Manager Scholl
- Attachments:** [Ordinance](#)  
[Executive Summary](#)
- A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be passed to Second Reading on September 20, 2016. The motion passed by a unanimous vote.**
- 28 An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article II, entitled "Nuisances," Division 3 "Use of Beaches on City Property" by amending the Title of Division 3; By amending Section 26-96, "Definitions"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** City Attorney Smith
- Attachments:** [Ordinance](#)  
[Executive Summary](#)
- A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be Passed to Second Reading on September 20, 2016. The motion passed by a unanimous vote.**
- 29 An Ordinance of the City of Key West, Florida amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article II, entitled "Nuisances," Division 4 "Use of Parks on City Property" by amending the Title of Division 4; By amending Section 26-96, "Definitions"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** City Attorney Smith
- Attachments:** [Ordinance](#)  
[Executive Summary](#)
- A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be Passed to Second Reading on September 20, 2016. The motion passed by a unanimous vote.**

30

An Ordinance of the City of Key West, Florida, amending Chapter 2 entitled "Administration," Article VI entitled "Code Enforcement", by amending Section 2-636 entitled "Staff Support and Legal Counsel to the Special Master"; By amending Section 2-639 entitled "Presentation of City's Case"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Attorney Smith

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

**A motion was made by Commissioner Payne, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on September 20, 2016. The motion passed by a unanimous vote with Commissioner Kaufman recused.**

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

**ADJOURNMENT - 8:25 P.M.**