



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

City Commission

Tuesday, August 15, 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

Absent 2 - Commissioner Lopez and Commissioner Weekley

Present 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

INVOCATION - Deacon Vaughn Sommers, Fifth Street Baptist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as amended.

PRESENTATIONS

City Attorney's Report

City Manager's Report

- Update on Hawks Missile Site

Attachments: [Preliminary Layout Recreational Facility](#)

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

- 1 *August 1, 2017 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

- 2 *Reappointing Billy Davis to the Key West Civil Service Board.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 17-203

- 3 *Approving the attached "First Amendment to Lease Agreement," for renewal of the Lease Agreement for three (3) pocket parks located in the 600 Block of Louisa Street, 3541 Flagler Avenue and 627 Grinnell Street between the Utility Board of the City of Key West and the City.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [First Amendment to Lease](#)
 [Insurance Certificate](#)
 [Resolution 13-001](#)

Passed

Enactment No: Res 17-204

- 4 *Approving Task Order No. 3-17 SWR from CH2M Hill Engineering, Inc. in an amount not to exceed \$271,600.00

for Wastewater Collection System G.I.S. (Geographic Information System) Database Development.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order 3-17 SWR CH2M Hill](#)
[*Large File* Request for Qualifications #12-005 Contract - CH2M Hill](#)
[*Large File* Resolution 15-208](#)

Passed

Enactment No: Res 17-205

- 5 *Approving Task Order 17-01.2 to William P. Horn, Architect, PA under the General Architectural Services Contract, for additional Interior Renovation Design for the Glynn Archer School Gymnasium in an amount not to exceed \$65,904.00; Authorizing the City Manager to execute necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order 17.01.2](#)
[*Large File* Resolution 14-307](#)

Passed

Enactment No: Res 17-206

- 6 *Approving Staff Ranking and Awarding Contracts on a Task Order Basis to nine bidders in response to Request for Qualifications No. 17-002 for General Engineering Services.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Committee Ranking](#)
 [City's RFQ 17-002 Documents](#)
 [Addendum No. 1](#)
 [Addendum No. 2](#)
 [Citizen Advertisement](#)
 [Ranking Committee Attendees](#)
 [City Clerk's Tabulation Memo](#)
 [*Large File* Amec Foster Wheeler Proposal](#)
 [*Large File* Artibus Design, LLC. Proposal](#)
 [*Large File* Black & Veatch Proposal](#)
 [*Large File* CH2M Proposal](#)
 [*Large File* David Douglas Associates, Inc. Proposal](#)
 [*Large File* EAC Consulting Proposal](#)
 [*Large File* Hans Wilson & Associates Proposal](#)
 [*Large File* Keith & Schnars Proposal](#)
 [*Large File* Marlin Engineering Proposal](#)
 [*Large File* Mathews Consulting Proposal](#)
 [*Large File* McClaren Technical Services, Inc. Proposal](#)
 [Perez Engineering & Development, Inc. Proposal](#)
 [*Large File* Stantec Response](#)
 [*Large File* T.Y. Lin International Proposal](#)

Passed

Enactment No: Res 17-207

7

*Authorizing the City to apply for and execute a Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Administration in response to 2017 National Urban & Community Forestry Grant Funding Opportunity #17-DG-11083112-001.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Grant application](#)
 [*Large File* Resolution 15-192](#)

Passed

Enactment No: Res 17-208

- 8 *Ratifying the attached "Customized Training Agreements" between Youth Co-Op, Inc./ Career Source South Florida and the City of Key West, in a total Grant Award amount of \$22,474.20 (\$18,478.80 and \$3,995.40) for partial funding of Police Academy Basic Law Tuition; Authorizing a necessary budget amendment to accept the funding.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Customized Training Agreement \\$3995.40](#)
 [Customized Training Agreement \\$18,478.80](#)
 [Florida Keys Community College Tuition Cost](#)

Passed

Enactment No: Res 17-209

- 9 *Approving the Attached Joint Stipulation for Settlement in the Case of Nancy Barta V. City of Key West (Case No.: 2015-CA-759-K); Authorizing the City Manager and the City Attorney to Execute Necessary Documents.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Barta Mediated Settlement Agreement.pdf](#)

Passed

Enactment No: Res 17-210

Approval of the Consent Agenda

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

- 10 Adopting the attached City of Key West Local Housing Assistance Plan pertaining to the Homebuyers Assistance Program of the City of Key West.

Sponsors: Commissioner Kaufman

Attachments: [Resolution](#)
 [City of KW Homebuyer Local Housing Assistance Plan](#)

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

Absent: 2 - Commissioner Lopez and Commissioner Weekley

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

Enactment No: Res 17-211

11

Authorizing a Budget Transfer of up to \$200,000.00 to the Homebuyers Assistance Program from the Affordable Work Force Housing Trust Fund (Fund 104).

Sponsors: Commissioner Kaufman

Attachments: [Resolution](#)
 [City's Code of Ordinance Sections 122-1468 & 2-708](#)

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 Lopez and Commissioner Weekley

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

Enactment No: Res 17-212

12

Authorizing Lone Palm Foundation, Inc. and IMCMV Key West Cafe, LLC. to conduct the Annual Parrot Heads in Paradise Street Party on Friday, November 3, 2017 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 alcohol beverages within the enclosed area.

Sponsors: City Manager Scholl

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

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

vote:**Absent:** 2 - Commissioner Lopez and Commissioner Weekley**Yes:** 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

Enactment No: Res 17-213

13

Authorizing Krewe of Key West Corp to conduct a costume ball at the Truman Waterfront Amphitheatre on February 3, 2018 from 8:00 P.M. to 12:30 A.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl**Attachments:** [Resolution](#)
[Application](#)
[Advertisement](#)

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

Absent: 2 - Commissioner Lopez and Commissioner Weekley**Yes:** 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

Enactment No: Res 17-214

14

Ranking the respondents to City of Key West Request for Proposals (RFP) No. 003-17 for City of Key West Bikeshare System; Directing the City Manager to negotiate a contract with the highest ranked firm for City Commission approval.

Sponsors: City Manager Scholl**Attachments:** [Resolution](#)
[Executive Summary](#)
[*Large File* Scoring Sheets by Ranking Committee](#)
[RFP Selection Committee Scoring and Ranking](#)
[*Large File* GOTCHA Proposal](#)
[*Large File* Social Bicycles Proposal](#)
[*Large File* Zagster Proposal](#)
[Letter from Evan Haskell](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Romero, that the Resolution be passed. The motion failed by the following vote:

No: 4 - Commissioner Romero, Commissioner Payne, Commissioner Wardlow and Mayor Cates

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 1 - Commissioner Kaufman

A motion was made by Commissioner Payne, seconded by Commissioner Romero, that all proposals are rejected. The motion was approved by the following vote:

No: 1 - Commissioner Kaufman

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 4 - Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

Enactment No:

15

Creating a Temporary "Parking Working Group and Alternative Transportation Group," and establishing the Membership and Term; Setting Forth the Working Group's Mission and Duties; Establishing the Working Group's Operations.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Group be called "Parking and Alternative Transportation Group; the Group shall sunset 180 days after its first meeting and the Resolution be Passed as amended. The motion carried by the following vote:

Absent: 2 - Commissioner Lopez and Commissioner Weekley

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

Enactment No: Res 17-215

16

Approving the attached Agreement between the State of Florida Department of Economic Opportunity, the County of Monroe, City of Key West, Islamorada, Village of Islands, City of Layton, City of Key Colony Beach and the City of Marathon for the Transfer and Distribution of BPAS Units from the City of Key West to Monroe County and the Transfer and Distribution of ROGO Allocations from Monroe County to Islamorada, Village of Islands, City of Layton, City of Key Colony Beach and the City of Marathon, pursuant to Section 380.032(3), Florida Statutes; Authorizing the City

Manager to execute necessary documents upon Consent of the City Attorney.

Sponsors: City Attorney Smith

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

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

Enactment No: Res. 17-216

17

QUASI JUDICIAL HEARING: EASEMENT AGREEMENT 930 EATON STREET

Approving an easement of 243 square feet along the Grinnell Street and Eaton Street Right-of-Ways, to address an area to maintain the existing building and overhang located at 930 Eaton Street (RE #00005470-000100), Key West, Florida; Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Request to Postpone](#)
[Resolution](#)
[Executive Summary](#)
[Easement Agreement](#)
[*Large File* Application](#)
[Specific Purpose Survey](#)
[Mailing](#)

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Billy Wardlow, that the Resolution be Postponed Indefinitely. The motion passed by an unanimous vote.

18

QUASI-JUDICIAL HEARING: MAJOR DEVELOPMENT - 3900 SOUTH ROOSEVELT BOULEVARD

Granting a Major Development 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 construction of 56 Market Rate Units and 24 Affordable Units on property located at 3900 South Roosevelt Boulevard (RE #00066180-000200) within the High Density Residential (HDR) Zoning District.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Revised Site Plan June 2017](#)
 [Revised Civil Plan July 2017](#)
 [*Large File* Landscape Plan](#)
 [Revised Buffer](#)
 [*Large File* Application](#)
 [*Large File* Site Plans](#)
 [Traffic Study](#)
 [CGA Traffic Study Comments](#)
 [Airport Coordination Letter](#)
 [Planning Board Meeting June 15 - Staff Report](#)
 [Planning Board Meeting June 15 -Noticing Package](#)
 [Planning Board Meeting June 15- Public Comment](#)

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

No: 1 - Commissioner Wardlow

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero and Mayor Cates

Enactment No: Res.17-217

19

QUASI-JUDICIAL HEARING: DEVELOPMENT AGREEMENT - 3900 SOUTH ROOSEVELT BOULEVARD

Pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, recommending approval of a Development Agreement on property located at 3900 South Roosevelt Boulevard (Re# 00066180-000200) within the High Density Residential (HDR) Zoning District between Ocean Walk Key West Owner, LLC and the City of Key West for the construction of 56 New Market Rate Units and 24 New Affordable Units, for eighty (80) New Residential Dwelling Units.

Sponsors: City Manager Scholl

Attachments:

Resolution

Development Agreement

Executive Summary

Large File Exhibit A - Legal Description

Exhibit B - Special Warranty Deed

Exhibit C - Site Plan Approved 6-15-17 Planning Board Meeting

Exhibit D - Site Data Table

Exhibit E - Planning Board Resolutions 2015-26 & 2017-06

Exhibit F - Planning Board Resolution 2017-24

Exhibit G - Planning Board Resolution 2017-25

Exhibit J - Deed Restriction

Exhibit K - Traffic Study - February 2017

Exhibit L - Form of Avigation Easement

Planning Board Meeting June 15 - Staff Report

Planning Board Meeting June 15 Noticing Package

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

No: 1 - Commissioner Wardlow

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero and Mayor Cates

Enactment No:

ORDINANCES – FIRST READING

20

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Sound Control," by amending Section 26-191 entitled "Definitions," by adding HRCC-4 to the Core Commercial District, and amending Section 26-192 of the Code of Ordinances entitled "Unreasonably Excessive Noise Prohibited" by providing for sound measurement requirements; 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 Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

No: 2 - Commissioner Payne and Commissioner Romero

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 3 - Commissioner Kaufman, Commissioner Wardlow and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

21

An Ordinance of the City of Key West, Florida, amending Chapter 34 of the Code of Ordinances entitled "Floods" by amending Section 34-125 to clarify the factors used by the Floodplain Administrator in determining repair and improvement value, in line with FEMA Guidelines; Amending Section 34-132 by adding "COASTAL A" to the definition of Special Flood Hazard Area; Clarifying the definition of "Substantial Improvement"; 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 Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Adopted. The motion carried by the following vote:

Absent: 2 - Commissioner Lopez and Commissioner Weekley

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

Enactment No: Ord 17-07

22

An Ordinance of the City of Key West, Florida, amending Chapter 3: Housing Element, Policy 3-1.1.8 Sub-part 3 of the Comprehensive Land Use Plan by eliminating the 12-Month Residency Requirement; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [DEO Letter](#)
 [Planning Board Resolution 2017-05](#)

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

No: 1 - Commissioner Romero

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Wardlow and Mayor Cates

Enactment No: Ord 17-08

23

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances, entitled "Zoning" by amending Section 122-1466 by adding the Definition of Annual Household Income; by Amending Section 122-1469 (1) to Provide for Retirement or Disability; by Amending Section 122-1469 (10) Eliminating the One Year Residency Requirement and Providing for Other Evidence of Qualification; by Amending Section 122-1469 (13) to Revise Income Determination; 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 2017-04](#)

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

No: 1 - Commissioner Romero

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Wardlow and Mayor Cates

Enactment No: Ord 17-09

24

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 the promotion of Affordable Housing for property located at 5220, 5224, 5228 & 5230 College Road (RE # 00072082-002200, AK # 8757883 ; RE # 00072082-002100, AK # 8757875 ; RE # 00072080-002200, AK # 1076155 ; RE # 00072082-002400, AK # 8757905); amending the Future Land Use Map legend from Public Service (PS) to High Density Residential (HDR) and applying such designation to said property; Amending Chapter 1 of the Comprehensive Plan entitled Future Land Use Element by Amending Table 1-1.1.5 under the High Density Future Land Use District to include the High Density Residential College Road (HDR-1) Zoning District it's density, intensity, uses and limitations; 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 the repeal of inconsistent provisions; Providing for transmittal to the state land planning agency; Providing for the filing with the Secretary of 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](#)
[Planning Board Resolution 2017-23](#)

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to September 6 meeting. The motion passed by an unanimous vote.

25

An Ordinance of the City of Key West, Florida, amending the Official Zoning Map Public Service (PS) to High Density Residential College Road (HDR-1) on property located at 5220, 5224, 5228 & 5230 College Road (RE # 00072082-002200, AK # 8757883 ; RE # 00072082-002100, AK # 8757875 ; RE # 00072080-002200, AK # 1076155 ; RE # 00072082-002400, AK # 8757905) 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 permitted uses, conditional uses, prohibited uses and dimensional requirements;

Amending Chapter 122, Article IV, Division 1, providing amendments to the tables of uses and dimensional requirements for High Density Residential College Road (HDR-1) District; Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan Amendments; 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 2017-22](#)

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to September 6 meeting. The motion passed by an unanimous vote.

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:52 P.M.