



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

City Commission

Tuesday, October 17, 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 - 6:01 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 - Command Chaplin Scott Mason, NAS Key West

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as amended unanimously.

PRESENTATIONS

City Attorney's Report

**City Manager's Report
- FEMA Update**

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 *September 29, 2017 (Special)

Attachments: [Minutes](#)

Approved

- 2 *October 3, 2017 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

- 3 *Authorizing We Cycle, Inc. conduct the annual Zombie Bicycle Ride Event starting at East Martello Towers and ending on the 100, 200 and 300 Block of Duval Street on Sunday, October 22, 2017 from 6:00 P.M. to Midnight: Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200 & 300 Blocks of Duval Street on Sunday, October 22, 2017 from 6:00 P.M. to Midnight.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 17-254

- 4 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Wonderdog Studios for a Tutu Costume Dance Party at the Waterfront Brewery 201 William Street during the hours of 7:00 P.M. to 2:00 A.M. on Tuesday, October 24, 2017.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 17-255

- 5 *Authorizing MultiRace, LLC/Southernmost Marathon & Half Key West to conduct a full and 1/2 Marathon on Friday, December 1, 2017 from 8:00 A.M. to 10:00 P.M. (Registration) & Saturday, December 2, 2017 from 4:00 A.M. to 2:00 P.M. and Sunday, December 3, 2017 from 7:00 A.M. to 11:00 A.M.; Authorizing the closure of Simonton Street from Front Street to Lagerheads including certain street closures thereof during the event; Granting an exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances from 4:00 A.M. to 2:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 17-256

- 6 *Authorizing the Wesley House Family Services, Inc. to conduct its Annual "Valentine's Day Fundraiser" at the Curry Mansion located at 511 Caroline Street on Wednesday, February 14, 2018 from 8:00 A.M. to 11:30 P.M; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street from Duval Street to Simonton Street and Ann Street from Greene Street to Caroline Street from 8:00 A.M. to 11:30 P.M; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 11:30 P.M; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 17-257

- 7 *Authorizing the Key West Police Department to apply for and accept a Grant Award from the Florida Department of Transportation (FDOT) Traffic Safety Office in the amount of \$50,000.00; Authorizing necessary budget amendments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [FDOT Motorcycle Grant](#)

Passed

Enactment No: Res 17-258

- 8 *Approving a Work Order under the City's Environmental Engineering Services Contract with Tetra Tech Inc. in a total amount not to exceed \$40,000.00 for Rest Beach Stabilization Redesign and Bidding Services, including an updated Topographical Survey, following Hurricane Irma; Authorizing any necessary budget transfers/amendments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Tetra Tech Post Irma Proposal](#)

Passed

Enactment No: Res 17-259

- 9 *Rescinding Resolution 17-216; Approving the attached Agreement between the State of Florida Department of Economic Opportunity (DEO), the County of Monroe, City of Key West, Islamorada, Village of Islands, City of Layton, 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 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 Manager Scholl

Attachments: [Resolution](#)
 [Agreement](#)
 [Attachment to Agreement \(2nd Reading LDR to Transfer BPAS Units\)](#)

Passed

Enactment No: Res 17-260

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

Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Dantes Key West for an Official Event of Fantasy Fest at 951 Caroline Street between the hours of Noon to 6:00 P.M. on Thursday, October 26, 2017.

Sponsors: City Manager Scholl

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

A motion was made by Commissioner Payne, seconded by Commissioner Kaufman, that the Resolution be Denied. 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

11

Authorizing the Key West Business Guild Inc. to conduct the Headdress Ball at the Truman Waterfront Amphitheater on Thursday, October 26, 2017 from 8:00 P.M. to 11:00 P.M.; (Set up Wednesday, October 25, 2017 and tear down Friday, October 27, 2017); 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](#)

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 17-261

12

Ratifying an Emergency Procurement approved by the City Manager as allowed under Section 2-797 (2) of the Code of Ordinances, for necessary temporary repairs to the Pedestrian Bridge at Mallory Square resulting from Hurricane Irma by D.L. Porter Constructors, Inc. in an amount not to exceed \$49,252.17; Authorizing any necessary budget amendments; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Request for Quotation](#)
[D.L.Porter, Inc. Proposal](#)
[Keystar Proposal](#)
[DN Higgins, Inc.Proposal](#)

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 17-262

13

Authorizing a Rent Deferment for Commercial Tenants of the City of Key West affected by Hurricane Irma for the months of October and November 2017, upon individual request by Tenants in good standing which meet specific criteria set forth in the memorandum of Doug Bradshaw, Director Port and Marine Services, dated October 5, 2017; Directing City Staff to analyze and provide recommendations to the City Manager with regard to Rent Deferment requests; Authorizing the City Manager to approve and execute addendum to Lease for Rent Deferments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Key West Bight Upland Tenants](#)
[Key West Bight Marina Tenant](#)
[General Fund Tenants](#)
[City Marina at Garrison Bight commercial tenant charges](#)
[Key West Bight Management Board recommendation](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Payne, that the Resolution be Postponed to November 8. The motion carried by the following vote:

No: 2 - Commissioner Kaufman and Commissioner Romero

Absent: 2 - Commissioner Lopez and Commissioner Weekley

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

14

Acknowledging the need to promptly remedy the dangerous nature of Crosswalks on North Roosevelt Boulevard; Directing the City Manager and City Staff to remedy such hazardous Crosswalk conditions as quickly as possible; Authorizing a Budget Amendment of up to \$300,000.00 from the FY 17-18 Street Paving appropriation for the Design and Placement of Red Light Pedestrian Activated Light Systems at the Crosswalks along North Roosevelt Boulevard, and the removal of Crosswalks deemed unnecessary, including but not limited to, the Crosswalk closest to Kennedy Drive, in coordination with the Florida Department of Transportation (FDOT); Acknowledging assurances from FDOT Personnel that such funds expended for the improvement of Crosswalk Safety on North Roosevelt Boulevard will be reimbursed by the State of Florida; Directing the City Manager to facilitate the reimbursement of such funds.

Sponsors: Commissioner Kaufman

Attachments: [Resolution](#)

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

No: 3 - Commissioner Romero, Commissioner Wardlow and Mayor Cates

Absent: 2 - Commissioner Lopez and Commissioner Weekley

Yes: 2 - Commissioner Kaufman and Commissioner Payne

Enactment No:

15

QUASI-JUDICIAL HEARING - SECOND READING:**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 DataTable](#)
[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 Wardlow, seconded by Commissioner Payne, that the Resolution be Postponed to December 5. 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

ORDINANCES - SECOND READING (Public Hearing)

- 16 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 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 17-11

- 17 An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 323 of the Police and Fire Pension Plan to Adjust Provisions for Military Service Buybacks/Reemployment; Adding Provisions for Prior Police Service Buybacks; Adding Provisions for Prior Fire Service Buybacks; 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 passed by an unanimous vote.

Enactment No: Ord 17-12

18

An Ordinance of the City of Key West, Florida, amending Chapter 1 of the Comprehensive Plan entitled "Future Land Use Element" by amending Policy 1-1.16.1, entitled "Maintain a Building Permit Allocation Ordinance," amending Policy 1-1.16.2, entitled "Building Permit Allocation Ordinance and Affordable Housing," amending Policy 1-1.16.3, entitled "Permit Allocation System Ratio by Structure Type," and by adding Policy 1-1.16.5 entitled "Transfer Of Building Permit Allocations;" by amending Chapter 2 entitled "Transportation Element," by amending Policy 2.16.4 to properly reflect as Policy 2-1.6.4, and revising the reference to the number of allocated units; Amending Chapter 3 of the Comprehensive Plan entitled "Housing," by amending Policy 3-1.1.4, entitled "Building Permit Allocation System;" Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Comprehensive Plan Report](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion passed by an unanimous vote.

Enactment No: Ord 17-13

19

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 Kaufman, seconded by Commissioner Payne, 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 17-14

20

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 Kaufman, seconded by Commissioner Payne, 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 17-15

DISCUSSION

21 Cruise Ship Disembarkation Fees

Sponsors: Commissioner Kaufman

Attachments: [Resolution 17-188](#)

Discussed

22 Save our Affordable Rentals

Sponsors: Commissioner Romero

Discussed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:35 P.M.