



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final - Final

### City Commission

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Tuesday, December 5, 2017

6:00 PM

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 305-809-3811 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** 1 - Commissioner Payne

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

**INVOCATION - Reverend Lenworth Haughton, St. Peter's Episcopal Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### PROCLAMATIONS

**1** 100th Anniversary of Naval Aviation in Key West

**Sponsors:** Mayor Cates

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

Received and Filed

**2 National Homeless Persons' Memorial Day**

**Sponsors:** Mayor Cates, Commissioner Kaufman and Commissioner Weekley

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

Received and Filed

**PRESENTATIONS****City Attorney's Report****City Manager's Report**

- 30 Year Award - Key West Police Department - Sergeant Robert Allen
- Presentation of Donation to AIPP from Proctors
- Old Island Restoration Foundation Grant – Parlin Meyer
- FEMA Update
- KOTS - Postponed
- Potential Affordable Workforce Housing Sites

**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 \*November 21, 2017 (Regular)**

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

Approved

**RESOLUTIONS****4 \*Directing City Staff to make recommendations regarding beneficial amendments to the City Roofing Code.**

**Sponsors:** Commissioner Payne

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

Postponed Indefinitely

- 5                   \*Authorizing Free Bus Transportation on December 23 and 24, 2017; And authorizing Free Parking in the Park N' Ride Garage from December 23 through and including December 25, 2017.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 17-295

- 6                   \*Approving a Temporary Exemption to certain provisions of the Sound Control Ordinance, Pursuant to Section 26-199 of the Code of Ordinances, for One Call Construction, for overnight construction/repairs on weekdays from December 11, 2017 through January 12, 2018 between the hours of 10:00 P.M. and 6:00 A.M. to the Hard Rock Cafe at 313 Duval Street, Key West; Providing conditions.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Request from One Call](#)  
                              [Permits Hard Rock](#)  
                              [Labels with Notice for neighbors](#)  
                              [26-199 Temporary Waiver Ordinance](#)

**Passed**

Enactment No: Res 17-296

- 7                   \*Approving pursuant to Section 7-797(4)(b) and 7-771(3)(c) of the Code of Ordinances the attached proposal of Murray Marine, Inc. to purchase a 20' 2018 Bluewave Bay Boat with engine and trailer for use by the Key West Police Department Marine Unit at a cost of \$5,000.00 plus the trade-in of two surplus vessels.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Murray Marine Order](#)  
                              [Brand Name](#)

**Passed**

Enactment No: Res 17-297

- 8                   \*Authorizing pursuant to Section 2-797(3) the purchase of a Caterpillar 430F2 Backhoe Loader Vehicle from Kelly Tractor Company for \$122,000.00 through piggybacking on the Florida Sheriff's Association and Florida Association of Counties Contract.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Sheriffs Contract - Backhoe](#)  
                              [Kelly Tractor Quote](#)  
                              [Backhoe 430F2](#)  
                              [Add Ons Price List](#)  
                              [Cooperative Purchasing Program with Monroe County Sheriff](#)

**Passed**

Enactment No: Res 17-298

- 9                   \*Renewing for two years the Environmental Engineering Services Agreements with Tetra Tech, Inc. and Atkins North America, Inc. originally awarded in Resolution 14-359.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Atkins Extension Request](#)  
                          [Atkins Extension Agreement](#)  
                          [Tetra Tech Extension Request](#)  
                          [Tetra Tech Extension Agreement](#)  
                          [Resolution 14-359](#)

**Passed**

Enactment No: Res 17-299

- 10                  \*Authorizing the second of two extensions of the attached contract, for a term of six years, between the City and Waste Management, Inc. of Florida.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Resolution 11-040](#)  
                          [Resolution 04-082](#)

**Postponed to January 17, 2018**

- 11                   \*Approving the execution of a Notice of Grant Award (NOGA), FM #439255-6-94-14 with the State of Florida Department of Transportation (FDOT) via Section 5339 Rural Bus and Bus Facilities Capital Funds in an amount of up to \$61,125.00 to be used to purchase necessary bus and bus facility equipment (trim unit, fareboxes, cash boxes and other equipment); Authorizing the City Manager and/or Transit Director to execute necessary documents and budget amendments.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Resolution 17-146](#)  
                          [Notice of Grant Award](#)

**Passed**

Enactment No: Res 17-300

- 12                   \*Approving the attached "Public Transportation Joint Participation Agreement" (JPA) between the Florida Department of Transportation (FDOT) and the City of Key West for Section 5311 Grant Program Funding Assistance for FY 2017-18 for operating expenses of the Fixed Route Bus Transit System in Key West in an amount not to exceed \$537,000.00 (50% of the program cost) [FDOT Financial Project Number 43294318401, Contract #GOS00]; Authorizing the City Manager to execute necessary documents and necessary budget amendments.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Resolution 17-146](#)  
                          [Joint Participation Agreement](#)

**Passed**

Enactment No: Res 17-301

- 13                    \*Ratifying an Emergency Procurement approved by the City Manager as allowed under Section 2-797(2) of the Code of Ordinances, for necessary damage assessment of the Aquarium Basin Seawall at Mallory Square resulting from Hurricane Irma by Tetra Tech, Inc. in an amount not to exceed \$22,384.00, under the City's Environmental Engineering Services Contract, as amended; Approving the addendum to the General Environmental Services Contract Agreement, to facilitate FEMA reimbursement; Authorizing any necessary budget amendments; Authorizing the City Manager to execute any necessary documents.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Tetra Task Order #1 Aquarium Seawall](#)  
                              [FEMA Addendum to Tetra GESC Agreement](#)  
                              [14-359 Environmental Eng Contracts](#)

**Passed**

Enactment No: Res 17-302

- 14                    \*Approving the City Attorney Performance Evaluation.

**Attachments:**        [Resolution](#)  
                              [Performance Evaluation Form](#)  
                              [Commissioner Kaufman Evaluation](#)  
                              [Commissioner Lopez Evaluation](#)  
                              [Commissioner Payne Evaluation](#)  
                              [Commissioner Romero Evaluation](#)  
                              [Commissioner Wardlow Evaluation](#)  
                              [Commissioner Weekley Evaluation](#)  
                              [Mayor Cates Evaluation](#)  
                              [2017 Evaluation Calculation](#)

**Passed**

Enactment No: Res 17-303

- 15                    \*Approving the attached “Third Amendment to Lease Agreement” between the City and the Florida Keys Mosquito Control District (formerly known as Monroe County Mosquito Control District) for the property located at 5224 College Road.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Third Lease Amendment](#)  
                              [Second Amendment to Lease](#)  
                              [Lease and Extension Resolution 77-62](#)

**Passed**

Enactment No: Res 17-304

- 16                    \*Approving the attached “Second Amendment to Lease Agreement” between the City and the Florida Keys Mosquito Control District for the Parking Lot on property adjacent to 5224 College Road.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [2nd Lease Amendment Parking](#)  
                              [16-124 First Amendment to Lease](#)  
                              [Parking Lot Lease 02-124](#)

**Passed**

Enactment No: Res 17-305

### **Approval of the Consent Agenda**

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

17

Sponsoring a Hurricane Irma Benefit Event supporting recovery of the Lower Keys to the North of the City, at the Truman Waterfront Park and Amphitheater on Sunday, December 17, 2017, from Noon to 8:00 P.M.; Providing terms and conditions; Authorizing the sale and consumption of alcoholic beverages in an enclosed area.

**Sponsors:** Mayor Cates

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

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-306

18

Authorizing Impact Events, LLC to conduct a concert at the Truman Waterfront Amphitheatre on Sunday, December 31, 2017 from 4:00 P.M. to 9:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages with an enclosed area.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application](#)  
[Sister Season Fund Letter of Request](#)  
[Sister Season Fund IRS 501 C Certificate](#)  
[Sister Season Fund Tax Exempt Certificate](#)  
[Non Refundable User Fee](#)

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-307

**19**

Authorizing the purchase of 500 Mity-Lite Swiftset Chairs for the Truman Waterfront Amphitheater from Mity-Lite, Inc. in an amount not to exceed \$28,869.42, through General Services Administration Contract GS-03F-041DA, pursuant to Section 2-797 (3) of the Code of Ordinances; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Mity Lite Quote](#)  
[Mity Lite GSA Contract](#)  
[Truman Waterfront Park Amphitheatre Seating RFP](#)  
[Swift Set Chair Price](#)

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

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-308

20

~~Awarding the~~ **Rejecting all bids based on the best interest of the City** ~~bid of Charley Toppino and Sons, Inc. in response to City of Key West Request for Proposals (RFP) No. 003-18 for Hurricane Irma - Vegetative Debris Burn (Project HU171002) in an amount not to exceed \$892,150.00; Authorizing necessary budget transfers; Authorizing the City Manager to negotiate and execute a contract in substantial conformance with the RFP, upon consent of the City Attorney.~~

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[RFP Evaluation](#)  
[Individual Evaluation sheets](#)  
[Clerk Bid Tabulation](#)  
[\\*Large File\\* Paynes Environmental Proposal](#)  
[CTS Proposal](#)  
[TFR Enterprises Proposal](#)  
[RFP 003-18](#)  
[RFP 003-18 Addendum 1](#)  
[RFP 003-18 Addendum 2](#)  
[Current Vegetative Debris Pile Photo](#)  
[Debris Burn Site Aerial](#)  
[Debris Burn Site Map](#)  
[FDEP Emergency Authorization](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Resolution be amended and Passed as follows: Rejecting all bids based on the best interest of the City. The motion carried by the following vote:**

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-309

21

**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](#)  
[Executive Summary](#)  
[Development Agreement](#)  
[Authorization](#)  
[\\*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 Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to January 17, 2018. The motion passed by a unanimous vote.

22

**QUASI-JUDICIAL HEARING:****Easement 919-921 Duval Street**

Approving an easement of 347 ± square feet, more or less, to maintain a wood framed awning, second floor porch molding and stepped parapet molding which encroaches onto the Duval Street right-of-way located at 919-921 Duval Street (RE #00017780-000000), Key West, Florida; Providing fees and conditions.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Easement Agreement](#)  
                              [\\*Large File\\* Application](#)  
                              [Liability Insurance](#)

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

Enactment No: Res 17-310

*Meeting Recessed at 8:32 P.M. and Reconvened at 8:40 P.M.*

23

**QUASI-JUDICIAL HEARING:****Major Development 725 Duval Street**

Granting a Major Development Plan pursuant to Section 108-91.A.2.(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the interior renovations and related site work to divide the first floor into four separate commercial units and construct seven new residential units on the second and third floors on property located at 725 Duval Street (RE #00015920-000000) within the Historic Residential Commercial Core (HRCC-1) Zoning District.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Approved COA and Decision letter](#)  
[725 Duval Final Landscape approval](#)  
[Planning Board Resolution 2016-62](#)  
[Planning Board Resolution 2016-61](#)  
[Planning Board Resolution 2016-16](#)  
[\\*Large File\\* MDP Package](#)  
[Noticing Package](#)

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

**Absent:** 1 - Commissioner Payne

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

Enactment No: Res 17-311

24

Approving the attached Lease between the City and the Key West Botanical Garden Society, Inc. d/b/a Key West Tropical Forest and Botanical Garden for the operation of the Key West Botanical Garden.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Lease](#)  
[Attachment A - Survey](#)  
[Attachment B - Resolution 04-018](#)  
[Attachment C - Resolution 11-164](#)  
[Attachment D - Management Plan](#)  
[Attachment E - Ordinance 06-11](#)  
[Attachment F - Resolution 15-365](#)  
[Attachment G](#)  
[Resolution 06-180](#)  
[Resolution 07-159](#)  
[Resolution 13-283](#)  
[2018 Insurance](#)

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

Enactment No: Res 17-312

## **ORDINANCES – FIRST READING**

25

An Ordinance of the City of Key West, Florida, amending Chapter 108, Article X, Division 2, by amending existing Section 108-997, entitled "Period of Allocation and Ranking/Review of Applications" of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Staff Report](#)  
[Planning Board Resolution 2017-46](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Kaufman, that the Ordinance be Passed to Second Reading January 3, 2018. The motion passed by a unanimous vote.

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

26

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, to provide for a Referendum to increase the maximum height exclusively for Affordable Workforce Housing in the HDR-1 Zoning District to 40 feet; Setting March 13, 2018, as the date of the Election concerning the Referendum; Providing for severability; Providing for inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Cates

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

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

**No:** 1 - Commissioner Romero

**Absent:** 1 - Commissioner Payne

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

Enactment No: Ord 17-16

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 adjust certain penalties for violation of Parking Regulations; 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 Lopez, that the Ordinance be Withdrawn. The motion passed by a unanimous vote.

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

#### ADJOURNMENT - 9:15 P.M.