



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, July 3, 2018

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 - 6:03 P.M.**

#### ROLL CALL

**Absent** 1 - Mayor Cates

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

**INVOCATION - Pastor Larry Schenk, Peace Covenant Presbyterian Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### PROCLAMATIONS

#### 1 Restore America's Parks Day

**Sponsors:** Commissioner Lopez

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

Received and Filed

#### PRESENTATIONS

**City Attorney's Report****City Manager's Report****- Florida Preservation Award 2018 – Key West Historic Seaport****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                                   \*June 19, 2018 (Regular)

**Attachments:**     [Minutes](#)

**Approved**

**RESOLUTIONS**

3                                   \*Naming “Lake McKillip” after John Leigh McKillip.

**Sponsors:**       Commissioner Payne

**Attachments:**     [Resolution](#)  
                          [Lake McKillip with Home](#)  
                          [Request](#)  
                          [Letter from Mayor Cates](#)

**Passed**

Enactment No: Res 18-202

- 4                   \*Accepting and approving the ranking by the Audit Evaluation Committee of the proposals received in response to RFP No. 008-18 for Independent Auditing Services; Authorizing the City Manager to negotiate and execute a contract with the highest-ranked proposer, Keefe, McCullough & Co., LLP, upon consent of the City Attorney.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Request for Proposal #008-18 Independent Auditing Services](#)  
                          [Addendum No. 1](#)  
                          [Addendum No. 2](#)  
                          [\\*Large File\\* Cherry Bekaert](#)  
                          [\\*Large File\\* Clifton, Larson, Allen](#)  
                          [\\*Large File\\* Keefe McCullough](#)  
                          [\\*Large File\\* Mauldin & Jenkins](#)  
                          [\\*Large File\\* Marcum](#)  
                          [\\*Large File\\* S. Davis & Associates](#)  
                          [Audit Committee Ranking Sheets](#)

**Passed**

Enactment No: Res 18-203

- 5                   \*Approving an extension of the attached Interlocal Agreement between the City and Monroe County Sheriff's Office for shared use of 800 MHz Bandwidth, for an additional four years, retroactive to October 1, 2017 through September 30, 2021.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [MCSO ILA Extension Letter](#)  
                          [Resolution 14-305](#)  
                          [Resolution 14-007](#)  
                          [Resolution 10-353](#)  
                          [Resolution 06-012](#)

**Passed**

Enactment No: Res 18-204

- 6                   \*Authorizing the City Manager to apply for FEMA Hazard Mitigation Grant Program (HMGP) Funding and/or Community Development Block Grants (CDBG) Funding for several City Infrastructure Projects identified herein, in the amount of \$28,688,956.00 (75%) with a local match not to exceed \$9,562,985.00.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Attachment A - HMGP Project List](#)

**Passed**

Enactment No: Res 18-205

- 7                   \*Authorizing pursuant to Sections 2-797(3)(c) of the Code of Ordinances the purchase of three (3) TWIC Readers with Accessories from Quality Innovations, Inc. in the amount of \$32,528.76, pursuant to GSA Purchasing Contract #GS-35F-499GA; Authorizing necessary budget transfers within the Ports Budget.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [SecureGate Ports Proposal GSA Quote](#)  
                              [GSA Contract](#)  
                              [Coast Guard Ruling](#)  
                              [TWIC Reader Funds](#)

**Passed**

Enactment No: Res 18-206

- 8                    \*Ratifying the attached "Customized Training Agreement" between Career Source South Florida and the City of Key West, in a total grant award amount of \$29,678.00 for partial funding of Police Academy Basic Law Enforcement Tuition; Authorizing a necessary budget amendment to accept the funding to offset expenses for Police Academy Tuition of approximately \$47,100.00, with the difference to be funded by the City Manager Contingency Fund.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Customized Training Agreement](#)  
                              [Letter of Agreement with FKCC](#)

**Passed**

Enactment No: Res 18-207

- 9                    \*Approving the attached Settlement Agreement in the case of Lloyd Pecoo v. City of Key West (Case No.: 2017-CA-452-K); Authorizing the City Manager and the City Attorney to execute necessary documents consistent with the Settlement Agreement.

**Sponsors:**            City Attorney Smith

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Settlement Agreement](#)  
                              [Crash Report](#)

**Passed**

Enactment No: Res 18-208

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

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

- 10                    Rescinding the Authorization for the creation of parking spaces on the 100 block of Simonton Street.

**Sponsors:**            Commissioner Wardlow

**Attachments:**        [Resolution](#)  
                              [Resolution 15-263 Parking 100 Block Simonton Street](#)  
                              [Letter from Paul Menta](#)

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

**No:**    3 -    Commissioner Kaufman, Commissioner Romero and Commissioner Weekley

**Absent:** 1 -    Mayor Cates

**Yes:**    3 -    Commissioner Lopez, Commissioner Payne and Commissioner Wardlow

- 11                    Authorizing the Key West Business Guild, Inc. to conduct the 36th Annual Headdress Ball at the Truman Waterfront Amphitheatre on Thursday, October 25, 2018 from 8:00 P.M. to 11:00 P.M. (Set up Wednesday, October 24, 2018 and tear down on Friday, October 26, 2018); 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](#)  
                              [Release and Indemnification](#)

**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 18-209

12

Authorizing Ohwook Productions, Inc. to conduct the 2nd Annual Americana Folk Country Music Festival at the Truman Waterfront Amphitheatre on January 30, 2019 to February 2, 2019 from 3:00 P.M. to 12:00 A.M. and a street closure on the 200 block of Duval Street for a kickoff party on Tuesday, January 29, 2019 from 6:00 P.M. to 10:00 P.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 6:00 P.M. to 10:00 P.M. on Tuesday, January 29, 2019.

**Sponsors:** City Manager Scholl

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

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

**Absent:** 1 - Mayor Cates

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

Enactment No: Res 18-210

13

Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for the Dungan/Griebel Wedding Ceremony and Reception at the Hemingway House at 907 Whitehead Street during the Hours of 6:00 P.M. to 11:00 P.M. on Saturday, November 16, 2019.

**Sponsors:** City Manager Scholl

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

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

Enactment No: Res 18-211

14

**PUBLIC HEARING**

Relating to the Collection and Disposal of Solid Waste in Key West, Florida; Describing the method of Assessing Solid Waste Costs against Assessed Property located within the City of Key West; Determining the Solid Waste Cost and the Solid Waste Service Assessments; Directing the preparation of an Assessment Roll; Authorizing a public hearing and directing the provision of notice thereof.

**Sponsors:** City Manager Scholl

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

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

**Absent:** 1 - Mayor Cates

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

Enactment No: Res 18-212



15

**QUASI-JUDICIAL HEARING:  
EASEMENT 530 WILLIAM STREET**

Approving an easement of 174.88 square feet, more or less, to address the encroachment of an existing portion of an historic concrete retaining wall, a four-foot high picket fence with gates, a portion of brick pavers, a portion of concrete slab, as well as landscaping which encroaches onto the Southard Street Right-of-Way located at 530 William Street, Key West, Florida (RE #00008520-000000); Providing fees and conditions.

**Sponsors:** City Manager Scholl

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

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

**Absent:** 1 - Mayor Cates

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

Enactment No: Res 18-213

16

**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 Passco Ocean DST 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 - 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 H - Commission Resolution 17-217](#)  
[Exhibit I - Commission Resolution 18-](#)  
[Exhibit J - Deed Restriction](#)  
[Exhibit K - Traffic Study - February 2017](#)  
[Exhibit L - Avigation Easement](#)  
[Planning Board Meeting June 15 - Staff Report](#)  
[Planning Board Meeting June 15 Noticing Package](#)  
[Letter From Peter Ryan](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Kaufman, that the Resolution be Postponed to September 5, 2018. The motion passed by a unanimous vote.

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**PROPOSED ADD-ON**

Authorizing the City Manager to enter into an Agreement with FNMA c/o Richard Guice, Real Estate Asset Management, Property Owner(s) of 3727 Flagler Avenue, permitting a Release of Lien upon payment by the owners of the amount of \$10,200.00.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Certificate of Title](#)

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

Enactment No: Res 18-214

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

18

An Ordinance of the City of Key West, Florida amending Chapter 86 entitled "General Provisions"; Section 86-9 entitled "Definition of Terms"; and Chapter 122 entitled "Zoning"; Article V entitled "Supplementary District Regulations"; Division 10 entitled "Work Force Housing"; Section 122-1466 entitled "Definitions" of the Land Development Regulations; 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](#)  
[Draft Ordinance](#)  
[Current 2018 Income Rental Limits at 30%](#)  
[Sample - Workforce Income/Rent Limits](#)

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

Enactment No: Ord 18-13

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 8:07 P.M.**