



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, October 16, 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 - 6:00 P.M.**

#### ROLL CALL

**Present** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

**INVOCATION - Pastor Jonathan Carey, Glad Tidings Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### COMMENDATIONS

1

The Team at WWUS 104.1 FM US 1 Radio

**Sponsors:** Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

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

Received and Filed

#### PROCLAMATIONS

**2** World Polio Day

**Sponsors:** Mayor Cates

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

Received and Filed

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

- Water Heroes Award
- Key West Ambassador Graduation Class 30
- Workforce Housing

**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** \*September 26, 2018 (Special)

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

Approved

**4** \*October 2, 2018 (Regular)

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

Approved

**RESOLUTIONS**

- 5                   \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for a wedding ceremony and reception at the Hemingway House at 907 Whitehead Street during the hours of 10:00 P.M. to 11:00 P.M. on Sunday, May 26, 2019.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 18-316

- 6                   \*Approving the payment of Florida Ports Council Membership dues for FY 18/19 in the total amount of \$20,500.00.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [2018-19 Port Dues Invoice](#)

**Passed**

Enactment No: Res 18-317

- 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 for FY 18/19 in the amount of \$50,000.00; Authorizing necessary budget amendments.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [2019 FDOT MC Grant Application](#)  
                              [FDOT 2019 Highway Traffic Safety Matrix](#)  
                              [FDOT MC Grant Award Letter](#)

**Passed**

Enactment No: Res 18-318

- 8                   \*Authorizing cumulative expenditures during FY 18-19 to entities listed in Attachment "A" in excess of \$20,000.00.

**Sponsors:**       City Manager Scholl

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

**Passed**

Enactment No: Res 18-319

- 9                   \*Awarding the Bid of Ebsary Foundation Company in response to ITB #18-037 in a total amount not to exceed \$168,500.00 for Tarpon Pier Repair - Hurricane Irma Damage at City Marina at Garrison Bight; Approving necessary budget transfers; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [City Clerk Bid Tabulation Memo](#)  
                          [\\*Large File\\* Ebsary Proposal](#)  
                          [City Bid Documents #18-037](#)  
                          [Addendum #1](#)  
                          [Addendum #2](#)

**Passed**

Enactment No: Res 18-320

- 10                   \*Rejecting all bids received in response to Invitation to Bid (ITB) #18-038 for Wickers Field Athletic Trailers pursuant to Section 2-834(4) of the Code of Ordinances.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [\\*Large File\\* City Bid #18-038](#)  
                          [City Clerk Bid Tabulation memo](#)  
                          [\\*Large File\\* ABC Proposal](#)  
                          [\\*Large File\\* Burke Proposal](#)  
                          [\\*Large File\\* Seatech Proposal](#)

**Passed**

Enactment No: Res 18-321

- 11                   \*Renewing the General Utilities Services Agreements between the City of Key West and Charley Toppino and Sons, Inc. and Douglas N. Higgins, Inc.; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Charley Toppino & Sons, Inc. Agreement](#)  
                          [\\*Large File\\* Douglas N. Higgins, Inc Agreement](#)  
                          [\\*Large File\\* Resolution 15-292](#)  
                          [DN Higgins Extension Request](#)  
                          [Charley Toppino & Sons, Inc. Extension Request](#)

**Passed**

Enactment No: Res 18-322

### **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.

12

To provide for sunset of the Truman Waterfront Advisory Board (TWAB) effective on or before September 30, 2019; Acknowledging the service of TWAB members.

**Sponsors:** Commissioner Kaufman

**Attachments:** [Resolution](#)  
[Resolution 15-343](#)  
[Resolution 12-024](#)  
[Resolution 10-277](#)  
[Resolution 09-051](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed as amended with the additional language that at the discretion of the City Commission the Sunset date would be extended as necessary. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 18-323

13

Establishing the "Key West Parks and Recreation Advisory Board"; Providing for its composition, staffing and duties.

**Sponsors:** Commissioner Kaufman

**Attachments:** [Resolution](#)  
[Uniform Procedures for Advisory Boards](#)

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

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 18-324

14

Approving a three-year contract between the City and Historic Tours of America, Inc. (HTA) for the Cruise Ship Passenger Shuttle Service, pursuant to Section 2-797(1)(b), Sole Source Basis, and Section 2-797(4)(b), Best Interests of the City; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[HTA Shuttle Agreement 2018](#)  
[Historic Tours of America Letter](#)

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

Enactment No: Res 18-325

15

**QUASI-JUDICIAL HEARING:  
VACATION OF CITY PROPERTY**

Approving the vacation of an alleyway in the dimensions of 10 feet in width and 133 feet in depth and continuing for a distance of 5 feet in width and 14.9 feet in depth, at 225 Olivia Street, between Thomas Street and Baptist Lane; Providing conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Application](#)  
[Boundary Survey](#)  
[Utilities Email 6.20.18](#)  
[Floodplain Comments](#)  
[Keys Energy Comments](#)  
[Utilities Comments](#)  
[Petition to Vacate Alleyway](#)  
[Objection - Mr. and Mrs. Mingo](#)

A motion was made by Commissioner Weekley to approve the vacation of City property with a finding of no public purpose as stated by the Development Review Committee. The motion died for lack of a second.

A motion was made by Commissioner Hoover, seconded by Commissioner Kaufman, that the Resolution be Postponed to December 4, 2018. The motion carried by the following vote:

**No:** 1 - Commissioner Weekley

**Yes:** 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow and Mayor Cates

16

**QUASI JUDICIAL HEARING:****MAJOR DEVELOPMENT PLAN - MALLORY SQUARE**

Granting a Major Development Plan pursuant to Section 108-91.a.2(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida and adjacent property on property located at Mallory Square (RE #00072082-001100, #00072082-001400 and #0072082-003700) within the Historic Public and Semipublic Services (HPS) Zoning District.

**Sponsors:** City Manager Scholl

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to December 4, 2018. The motion passed by a unanimous vote.

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

17

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Article IV - "Parking Stopping and Standing", Division 5, "Residential Parking Permit Program", Section 70-249, to provide permit holders the right to park in the City's metered parking lots located at the Truman Waterfront for a period of time not to exceed four hours per day free of charge; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley and Commissioner Kaufman

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

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

Enactment No: Ord 18-22

- 18                   An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled “Traffic and Vehicles” by amending Section 70-187 to adjust Old Town Garage Parking Rates; 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 Davila, that the Ordinance be Adopted. The motion carried by the following vote:**

**Yes:**   7 -   Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 18-23

- 19                   An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled “Traffic and Vehicles, Article IV. Parking, Stopping and Standing, Division 3. Parking Lot Rates” by amending Sections 70-186 through 70-188, and adding Section 70-189, to adjust Parking Rates Throughout the City; 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 Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 18-24

**Meeting went into Recess at 8:34 P.M. and Reconvened at 8:41 P.M.**

20

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Article IV - "Parking Stopping and Standing", Division 6, "Employee Assistance Parking Permit Program in Historic District", to amend Section 70-253 to clarify that permit applies to metered parking in Commercial Historic District; Amending Section 70-254 to add that unpaid Key West Parking Citations render an applicant ineligible for program; Amending Section 70-255 to adjust Employee Assistance Parking Decal Fees; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Employee Assistance Ledger Report](#)

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

**Yes:** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 18-25

21

An Ordinance of the City of Key West, Florida amending Chapter 122 entitled "Zoning"; Article V entitled "Supplementary District Regulations"; Division 10 entitled "Work Force Housing"; new Section 122-1473 entitled "Affordable Workforce Liveaboard Vessels" 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 2018-24](#)  
[Package](#)

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

Enactment No: Ord 18-26

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT - 8:53 P.M.**