



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final - Final

### City Commission

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Thursday, September 20, 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 - 6:01 P.M.**

#### ROLL CALL

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

**INVOCATION - Pastor Joshua Dryer, Fifth Street Baptist Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

*The Agenda was accepted unanimously as amended.*

#### PROCLAMATIONS

##### 1 National Suicide Prevention Month

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

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

**Received and Filed**

##### 2 National POW/MIA Recognition Day

**Sponsors:** Mayor Cates

Attachments:     [Proclamation](#)

Received and Filed

**PRESENTATIONS**

3                    20 Year Service Recognition - Alan Averette  
Division Chief of Operations, Key West Fire Department

Sponsors:        City Manager Scholl

Received and Filed

4                    20 Year Service Recognition - Daniel Galvan  
Driver/Engineer, Key West Fire Department

Sponsors:        City Manager Scholl

Received and Filed

5                    20 Year Service Recognition - Lieutenant David Black  
Key West Police Department

Sponsors:        City Manager Scholl

Received and Filed

6                    20 Year Service Recognition - Dedrick Bethea  
Key West Bight Maintenance Foreman 2

Sponsors:        City Manager Scholl

Received and Filed

**City Attorney's Report**

**City Manager's Report**

7                    - Parking and Alternative Transportation Group: by Chairman McVeigh

Attachments:     [Presentation](#)

Received and Filed

**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**

8 \*September 5, 2018 (Regular)

Attachments: [Minutes](#)

Approved

**RESOLUTIONS**

9 \*Authorizing the United States Coast Guard to hold the annual Veterans Day Parade on Duval Street from 4:00 P.M. to 8:00 P.M. Saturday, November 10, 2018; Authorizing the closure of certain streets or portions thereof for said parade from 4:00 P.M. to 8:00 P.M.; Waiving all fees for required City Services.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Application](#)

Passed

Enactment No: Res 18-276

10 \*Sponsoring a Martin Luther King Celebration and March on Monday, January 21, 2019 between the hours of Noon to 6:00 P.M.; Authorizing the closure of certain streets for the March.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Application](#)

Passed

Enactment No: Res 18-277

- 11 \*Authorizing the Key West Art Center to conduct a Craft Festival Show on Saturday, January 26, 2019 and Sunday, January 27, 2019 during the hours of 10:00 A.M. to 5:00 P.M. (Set up at 5:00 A.M.) pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline from Telegraph to Whitehead Street on January 26, 2019 and January 27, 2019 from 5:00 A.M. to 8:00 P.M.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 18-278

- 12 \*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 Thursday, February 14, 2019 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](#)  
[Advisement](#)

**Passed**

Enactment No: Res 18-279

- 13 \*Authorizing the Key West Art Center to conduct an Art Show on Saturday, February 23, 2019 and Sunday,

February 24, 2019 during the hours of 10:00 A.M. to 5:00 P.M.; (Set up 5:00 A.M.) Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline between Telegraph & Whitehead on February 23, 2019 and February 24, 2019 from 5:00 A.M. to 8:00 P.M.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 18-280

- 14 \*Accepting the attached "Report on the Activities and Recommendations of the Parking and Alternative Transportation Group".

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Final Report Parking & Alternative Transportation Group](#)  
[Parking & Alternative Transportation Group Resolution 2018-02](#)

**Passed**

Enactment No: Res 18-281

- 15 \*Approving the attached "Public Transportation Grant Agreement" between the Florida Department of Transportation (FDOT) and the City of Key West, in an amount up to \$1,500,000.00 to provide up to 50% reimbursement of operating costs for the Duval Loop fixed route circulator in the City of Key West (Financial Project No. 438930-1-84-01; Contract No. G0Z32); Authorizing the City Manager to execute necessary documents and effectuate any necessary Budget amendments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Public Transportation Grant Agreement](#)

**Passed**

Enactment No: Res 18-282

16

\*To approve and authorize the Key West Police Department to apply for and accept a 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) - Local Solicitation, in the amount of \$11,411.00; Authorizing any necessary budget amendments.

**Sponsors:** City Manager Scholl

- Attachments:** [Resolution](#)  
[Executive Summary](#)  
[2018 Byrne Grant Local Allocations List](#)  
[2018 Byrne Memorial Local Abstract](#)  
[2018 Byrne Memorial Local Program Narrative](#)  
[2018 Byrne Memorial Worksheet and Narrative](#)  
[2018 Byrne Memorial Local Review Narrative](#)  
[2018 Byrne Memorial Disclosure of Pending Applications](#)  
[2018 Byrne Certifications & Assurances](#)  
[2018 Legal Cert of Compliance](#)  
[Financial Capability](#)

**Passed**

Enactment No: Res 18-283

17

\*Awarding the Bid of Kiewit Infrastructure South Co. (KIEWIT) in response to ITB #18-029 in a total amount not to exceed \$336,750.00, for Edward B. Knight Pier Span 1 Deck Replacement; Authorizing necessary budget transfers and amendments; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[City Clerk Bid tabulation memo](#)  
[Kiewit Infrastructure South Company bid agreement](#)  
[\\*Large File\\* City's ITB #18-029 documents](#)  
[\\*Large File\\* Kiewit Infrastructure South Company proposal](#)  
[\\*Large File\\* D.N. Higgins proposal](#)  
[Construction in progress \(CIP\) detail](#)

**Passed**

Enactment No: Res 18-284

- 18 \*Authorizing a purchasing exception pursuant to Section 2-797 of the Code of Ordinances, to allow a Change Order to Government Services Group in the amount of \$13,833.45 for mailing of Stormwater Assessment Program notices.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Government Services Group, Inc. Invoice](#)  
[Consulting Purchase Order](#)

**Passed**

Enactment No: Res 18-285

- 19 \*Approving the attached "Revocable Memorandum of Understanding for use of City Property" ("MOU") between the City of Key West and the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), the National Ocean Service (NOS) for the installation and maintenance of a Tidal Station.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[City of Key West and NOAA Memo of Understanding](#)  
[Exhibit A](#)  
[Recorded Easement](#)  
[Survey](#)

**Passed**

Enactment No: Res 18-286

20

\*Approving Transfer of Mobile Vendor License (MVL) #679 from Peter Killius (Pete's Meats) to James Patrick Carr due to hardship

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[MVL Transfer Request](#)  
[Killium MVL License](#)

**Passed**

Enactment No: Res 18-287

21

\*Approving pursuant to Section 50.91 of the Code of Ordinances the attached amendments to the Key West Civil Service Board Rules and Regulations.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[2018 Proposed Key West Civil Service Board Rules and Regulations](#)

**Passed**

Enactment No: Res 18-288

22

\*Approving pursuant to Section 2-797(4)(b) of the Code of Ordinances the Procurement of Bicycle Racks and Bollards from Grabar Manufacturing, Inc., in an amount not to exceed \$29,971.90.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Madrax/Grabar Quote](#)  
[GSA Advantage Quote](#)  
[RJ Thoman MFG Quote](#)

**Passed**

Enactment No: Res 18-289



- 23 \*Approving the attached Easement Agreement between the City and the School Board of Monroe County, Florida, a body corporate existing under the laws of the State of Florida, formally known as the Board of Public Instruction of Monroe County, Florida to allow for installation of a back-up generator and outfall pipe from Stormwater pump station at the corner of Dennis Street and Venetia Street, Key West, Florida.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Easement Agreement](#)  
[Exhibit A-1, A-2](#)  
[Exhibit B-1, B-2, B-3, B-4](#)  
[Facilities Planner Email](#)

**Passed**

Enactment No: Res 18-290

- 24 \*Approving the adjusted fees set forth in the attached "Cruise Ship Rate Sheet," to become effective on October 1, 2018.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Cruise Ship Tariff Report from July 16, 2018](#)  
[Fee Adjustment Letter](#)  
[Cruise ship rate sheet](#)

**Passed**

Enactment No: Res 18-291

- 25 \*Approving a Task Order under the City's General Utilities Contract with Charley Toppino & Sons, Inc., in a total amount not to exceed \$67,014.18 for a new driveway cut at City Marina at Garrison Bight; Authorizing necessary budget transfers.

**Sponsors:** City Manager Scholl

- Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Task Order Proposal](#)  
                              [Location Sketch](#)  
                              [\\*Large File\\* Resolution 15-292](#)  
                              [Toppino Contract](#)

**Postponed to October 2 meeting.**

Enactment No:

26

\*Approving the attached Settlement Agreement in the case of Patrick Hall and Michelle Hall v. City of Key West (Case No.: 2017-CA-315-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 Hall](#)

**Passed**

Enactment No: Res 18-292

**Approval of the Consent Agenda**

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

27

Directing the City Manager to revisit the recommendations set forth in the attached recommended Speed Limits Map submitted by the Parking and Alternative Transportation Group, and establish speed limits accordingly, to the greatest extent possible; Directing the City Manager to ensure that speed limit enforcement resources are allocated and implemented efficiently to ensure compliance.

**Sponsors:**        Commissioner Kaufman

**Attachments:**    [Resolution](#)  
[Recommended Speed limits Map](#)  
[Parking & Alternative Transportation Group Speed Limits Recommendation](#)  
[Ordinance Section 70-61](#)

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 18-293

28

Establishing a policy setting forth the percentage of Residential Parking Spaces per block, under the City's Residential Parking Program, Chapter 70, Article IV, Division 5 of the Code of Ordinances.

**Sponsors:**        Commissioner Kaufman

**Attachments:**    [Resolution](#)  
[Parking & Alternative Transportation Group Report](#)  
[Chapter 70, Division 5 - Residential Parking Ordinance](#)  
[Former Ordinance 99-23 with Exhibit A](#)

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

Enactment No: Res 18-294

29

Directing the City Manager to coordinate with Monroe County to reserve the Parking Lot behind the Courthouse (Thomas Street), and the Parking Lot surrounding the Gato Building, specifically for City and County Residents after 5:00 P.M.

**Sponsors:**        Commissioner Kaufman

**Attachments:**    [Resolution](#)  
[Parking & Alternative Transportation Group Report](#)

**This item was Withdrawn**

30

Directing the Sustainability Advisory Board to monitor progress and ensure that the City's initiatives to alleviate traffic congestion and parking challenges continue.

**Sponsors:**        Commissioner Kaufman

**Attachments:**     [Resolution](#)  
[Resolution 09-021](#)  
[Parking & Alternative Transportation Group Report](#)

**A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Jimmy Weekley, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 18-295

**31**

Authorizing a Policy that City Facilities may be named in Honor of City Officials and Employees only after five years or more years have passed from said Employee or Official's departure or retirement from City Employment or service; Providing an exception in instances when the Honoree is deceased.

**Sponsors:**     Commissioner Wardlow

**Attachments:**     [Resolution](#)

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

**No:** 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Cates

**Yes:** 1 - Commissioner Wardlow

Enactment No:

**32**

Authorizing MultiRace, LLC/Southernmost Marathon & Half Key West to conduct a full and 1/2 Marathon on Friday, October 5, 2018 from 8:00 A.M. to 10:00 P.M.(Registration) & Saturday, October 6, 2018 from 4:00 A.M to 2:00 P.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 Ordinance pursuant to Section 6-86 of the Code of Ordinances from 4:00-7:00 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](#)  
                              [Advertisement](#)  
                              [Certificate of Insurance](#)

A motion was made by Commissioner Jimmy Weekley to amend the noise exemption from 4:00 A.M. to 7:00 A.M., seconded by Commissioner Clayton Lopez, that the Resolution be Passed as amended. The motion passed by an unanimous vote.

Enactment No: Res 18-296

33

Awarding the Bid of Thyssenkrupp Elevator Corporation, for Park n Ride Elevator replacement inclusive of Bid Alternatives 1, 2 and 3 in an amount not to exceed \$278,322.00, in accordance with the terms and conditions specified in Invitation to Bid (ITB) #18-019; Authorizing any necessary Budget adjustments; Authorizing the City Manager to execute necessary documents upon the consent of the City Attorney.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [City's Bid package](#)  
                              [City Clerk Bid tabulation memo](#)  
                              [Bid Summary](#)  
                              [ThyssenKrupp proposal](#)  
                              [\\*Large File\\* Oracle proposal](#)  
                              [Resolution 18-046](#)

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

Enactment No: Res 18-297

34

Approving the attached form of yearly "Liveaboard Dockage Agreement" and "Marina Liveaboard Rules and Regulations" for Liveaboard Tenants of the City Marina at Garrison Bight.

**Sponsors:**        City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proposed Agreement](#)  
[Current Marina Liveaboard Rules](#)  
[Resolution 03-362](#)

A motion was made by Commissioner Weekley to defer the \$1.00 per foot assessment until October 1, 2019, seconded by Commissioner Wardlow, that the Resolution be Passed as amended. The motion carried by the following vote:

**No:** 1 - Commissioner Kaufman

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

Enactment No: Res 18-298

35

### **QUASI-JUDICIAL HEARING:**

#### **EASEMENT AGREEMENT FOR 800 FLEMING STREET**

Approving an easement of 934.45 ± square feet along both the William and Fleming Streets Right-of-ways, to address an area to maintain an existing two story wrap around porch located on the second and third floors and an overhang located at 800 Fleming Street (RE #00008360-000100), Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Easement Agreement](#)  
[Liability Insurance](#)  
[Specific Survey](#)  
[Application](#)  
[Declaration of Condominium of the William Fleming a Condominium](#)  
[Amendment to Declaration](#)

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

Enactment No: Res 18-299

### **ORDINANCES – FIRST READING**

36

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 Liveboard 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 Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

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

37

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](#)

*The Mayor called for a recess of the meeting at 8:30 P.M.*

*The Mayor reconvened the meeting at 8:40 P.M.*

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

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

38

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 Weekley amending the cost for decals be set at \$480.00 for four months, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

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

39

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinance 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 Kaufman, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

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



**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 9:05 P.M.**