



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, April 5, 2016

6:00 PM

Old 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:03 P.M.

ROLL CALL

Present 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Fr. John Baker, Basilica St. Mary's Star of the Sea

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as changed without objection.

COMMENDATIONS

- 1 Commendations for City of Key West Alpha Night Team and Emergency Medical Team, MCSO Deputy David Lariz and Citizen David Lee Smith

Sponsors: Commissioner Payne and Mayor Cates

Attachments: [Commendation](#)

Received and Filed

PROCLAMATIONS

- 2 Fair Housing

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

3 125th Anniversary of Custom House

Sponsors: Commissioner Kaufman

Attachments: [Proclamation](#)

Received and Filed

4 Arbor Day

Sponsors: Commissioner Romero

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

City Attorney's Report

City Manager's Report

- Ambassadors 26th Graduating Class
- Affordable Housing

5 Affordable Housing

Attachments: [BAHAMA VILLAGE CONCEPT SITE DESIGN](#)
 [Key West Affordable Housing](#)

Received and Filed

6 Parking Garage Status

Sponsors: City Manager Scholl

Attachments: [Parking Garage Status](#)

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

7 *March 16, 2016 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

8 *Re-appointing Suzanne Sullivan to the Tree Commission.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 16-106

9 *Appointing Constance Gilbert to the Art in Public Places Board.

Sponsors: Commissioner Weekley

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

Passed

Enactment No: Res 16-107

10 *Authorizing a \$2,500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) to the Key West High School Operation Graduation Program, pursuant to Florida Statutes Section 932.7055.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Operation Graduation Donor Letter](#)

Passed

Enactment No: Res 16-108

11 *Rejecting all bids received in response to Invitation to Bid (ITB) #012-16 for Replacement of Fencing at Clayton Sterling Baseball Complex, pursuant to Section 2-834(4) of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk Bid Tabulation](#)
[Island Fence Bid](#)
[D N HIGGINS Bid](#)

Passed

Enactment No: Res 16-109

- 12** *Approving issuance of a Task Order to Black & Veatch Corporation for financial consulting to develop wholesale wastewater agreements for the City of Key West in an amount not to exceed \$87,000.00; Authorizing necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order from Black & Veach](#)
[Resolution 15-162](#)
[Master Agreement](#)

Passed

Enactment No: Res 16-110

- 13** *Awarding the bid of Douglas N. Higgins, Inc., in response to ITB 018-16 for White Street Pier Paving in the amount of \$137,600.00; Authorizing the City Manager to execute a contract upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk's Bid Tabulation](#)
[D.N. Higgins Proposal *Large File*](#)
[Charlie Toppino Proposal](#)
[City Bid Documents ITB #018-16](#)

Passed

Enactment No: Res 16-111

- 14** *Awarding the bid of Shoreline Foundation, Inc. for repairs and improvements at Zero Duval Seawall and Mallory Square T-Pier, in an

amount not to exceed \$1,418,469.00 in accordance with the terms specified in ITB 002-16; Authorizing the City Manager to execute a contract on behalf of the City of Key West in substantial conformance with documents contained in the bid package, upon advice and consent of the City Attorney; Authorizing a waiver of Code of Ordinances Section 2-845, to authorize the City Manager to allocate an unforeseen conditions allowance as necessary.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Bid Tabulation](#)
[Recommendation of Award](#)
[Cost Estimate](#)
[ITB-002-16 \(large file\)](#)
[Shoreline Proposal](#)
[DN Higgins Proposal](#)
[American Bridge Proposal](#)
[Inland Construction Proposal](#)
[Orion Marine Proposal](#)
[Resolution 12-168](#)
[Resolution 14-266](#)
[Resolution 15-138](#)
[Sec. 2-845](#)

Passed

Enactment No: Res 16-112

15

*Confirming George B. Wallace as an Assistant City Attorney pursuant to the Key West City Charter.

Sponsors: City Attorney Smith

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

Passed

Enactment No: Res 16-113

16

*Approving the attached Report of Court Ordered Mediation in the case of Harmon v. FDOT, City of Key West et al (Case 2012-CA-437-K); Authorizing the City Manager and the City Attorney to execute necessary documents.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
 [Letter from Attorney Burke](#)
 [Court Ordered Mediation Agreement](#)

Passed

Enactment No: Res 16-114

17

*Approving the Settlement Agreement and Release in the case of ADA 24 Hours Plus, LLC v. City of Key West (Case 14-CA-2005-000451); Authorizing the City Manager and the City Attorney to execute necessary documents.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
 [Summary by Michael Burke](#)
 [Settlement Agreement](#)
 [Release](#)

Passed

Enactment No: Res 16-115

Approval of the Consent Agenda

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

18

Setting aside all Building Permit Allocations during the next application period exclusively for Affordable Housing; Directing the City Manager and the City Attorney to develop regulations to ensure future allocations are used for Affordable Housing.

Sponsors: Commissioner Kaufman and Mayor Cates

Attachments: [Resolution](#)

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

No: 1 - Commissioner Romero

Yes: 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne,
 Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-116

19

Directing the City Manager to investigate and present specific options to the City Commission to increase Affordable and Workforce Housing Units by responsibly increasing density and height in select locations.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
[Resolution 15-031](#)

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

Yes: 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-117

20

Directing the City Manager to study and report on vehicle speeds on Southard Street and to make traffic control recommendations to protect the health and safety of residents and visitors.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
[Petition Signatures](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed as amended including South Street and United Street. The motion carried by the following vote:

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-118

21

Approving and authorizing the City Manager to execute the attached Agreement between the City of Key West, Florida, and the Conch Republic Independence Celebration, A.H. of Monroe County, Inc., the Key West Cultural Preservation Society, Bourbon Street Pub, Inc., Petronia St. Neighborhood Association, Inc., for the 2016 Conch Republic Independence Celebration from April 22, 2016 through May 1, 2016; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Agreement](#)
 [World's Longest Parade](#)
 [*Large File* CPS Arts & Craft Fair](#)
 [*Large File* Bourbon Street Pub Drag Races](#)
 [*Large File* Bourbon Street Pub Bed Races](#)
 [Exhibits A - D](#)
 [Advertisement](#)

The Meeting went into recess and reconvened at 9:30 p.m.

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

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-119

22

Authorizing Hospice of Florida Keys, Inc. to conduct the Queen Mother Pageant on Monday, May 9, 2016 at La Te Da 1125 Duval Street from 12:00 Noon to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 1100 block of Duval Street from 12:00 Noon to 11:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 7:00 P.M. to 10:30 P.M. (sound check at 4:00 p.m. to 5:00 P.M.); Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Application *Large File*](#)
 [Advertisement](#)

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

Enactment No: Res 16-120

23

Ratifying the attached Interlocal Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for funding in the amount of up to \$2,000,000.00 for the Truman Waterfront Park Amphitheater and Public Parking Project; Approving a First Amendment to Agreement to approve an extension of the termination date to September 30, 2017.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Inter-local Grant Award Agreement](#)
 [1st Amendment](#)
 [Time Extension Request Letter](#)
 [Resolution 15-344](#)

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

No: 1 - Commissioner Romero

Yes: 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-121

24

Authorizing pursuant to Section 2-797(4)(b) of the Code of Ordinances the purchase of Back File Scanning Services from Advanced Processing and Imaging, Inc. (API) in an amount not to exceed \$47,726.32; Authorizing the City Manager to execute an agreement upon the advice and consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Advanced Processing & Imaging, Inc. \(API\) Proposal](#)
 [Docufree Proposal](#)
 [Resolution 13-079](#)

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

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-122

25

Awarding the bid of Douglas N. Higgins, Inc. in response to ITB 010-16 For Sailfish Pier Replacement at the City Marina at Garrison Bight in the amount of \$1,042,000.00; Authorizing necessary budget transfers; Authorizing the City Manager to execute a contract upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [ITB #010-16 Project Manual](#)
 [ITB #010-16 Plans](#)
 [Addendum #1](#)
 [Bid Tabulation](#)
 [Higgins Proposal](#)
 [Kearns Proposal](#)
 [Shoreline Proposal](#)
 [Mandatory Pre-Bid Sign in Sheet](#)

Withdrawn

26

Approving the attached "Second 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](#)
 [Second Amendment to Lease](#)
 [Resolution 77-062 Lease and Extension](#)

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

No: 1 - Commissioner Kaufman

Yes: 6 - Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-123

27

Approving the attached "First Amendment to Lease Agreement" between the City and Florida Keys Mosquito Control District for the Parking Lot on property adjacent to 5224 College Road.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Lease Amendment](#)
 [Resolution 02-124 Lease](#)

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

No: 1 - Commissioner Kaufman

Yes: 6 - Commissioner Lopez, Commissioner Payne, Commissioner Romero,
Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-124

28

Authorizing the City Manager to enter into negotiations with the Monroe County Health Department (MCHD) to relocate the MCHD to the Douglass Band Room Property.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Supporting Documents](#)
[Minutes Except From January 20, 2016](#)
[Black Educators Memorial Proposal](#)

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

No: 1 - Commissioner Kaufman

Yes: 6 - Commissioner Lopez, Commissioner Payne, Commissioner Romero,
Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-125

It was moved by Commissioner Lopez and seconded by Commissioner Weekley to extend the meeting beyond 11:00 P.M. The motion carried by the following vote:

No: 1 - Commissioner Romero

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

29

Authorizing the City's Community Development Office to submit a Grant Application to the U.S. Department of Housing and Urban Development for renewal funding of Housing Opportunities for Persons with AIDS (HOPWA) Program with the City of Key West as "Applicant" and AIDS Help, Inc. as "Sponsor".

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Community Development Office Memo](#)
[HUD Notice](#)

A motion was made by Commissioner Weekley, seconded by Commissioner

Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 16-126

RECESS MEETING AT 11:17 P.M.