



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, September 17, 2019

5:00 PM

City Hall

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Revised September 16, 2019

**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 (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.**

**CALL MEETING TO ORDER - 5:01 P.M.**

#### ROLL CALL

**Absent** 1 - Mayor Johnston

**Present** 6 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Vice Mayor Kaufman

**INVOCATION - Denise McLeod, Trinity Presbyterian Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA - The agenda was approved as amended.**

#### PROCLAMATIONS

1 Fire Prevention Week

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

Received and Filed

2 National POW/MIA Recognition Day

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

Received and Filed

**COMMENDATIONS**

3 Key West Cares

**Attachments:** [Key West Cares](#)

Received and Filed

**PRESENTATIONS**

4 Recognizing High School Interns

Received and Filed

5 Health in All Policies - Community Health Improvement Plan  
Monroe County Priority Issue  
By: Bridget Kerner, MS

Postponed

6 Mount Trashmore Report

**Attachments:** [Resolution - Stock Island Landfill Interim Report](#)  
[Interim Report for Stock Island Landfill](#)  
[FDEP Inspection 05-06-19](#)  
[Landfill Closure Documentation 2010](#)  
[Landfill Reclamation Evaluation 2019](#)  
[FDEP Certification of Completion of Long Term Care Report 2016](#)  
[History of Waste - Citizen Article 2019](#)  
[Stock Island Landfill Presn](#)  
[Kaufman Landfill Letter](#)  
[Monica Haskell - Letter to board](#)

Postponed

## City Attorney's Report

## City Manager's Report

## 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 \*September 3, 2019 (Special)

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

8 \*September 4, 2019 (Regular)

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

## RESOLUTIONS

9 \*Authorizing Multirace, LLC/Southernmost Marathon & Half Key West to conduct a full and ½ Marathon on Friday, October 11, 2019 from 9:00 A.M. to 10:00 P.M. (registration) & Saturday, October 12, 2019 from 5:00 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 Ordinances pursuant to Section 6-86 of the Code of Ordinances from 5:00 A.M. to 2:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

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

**Passed**

Enactment No: Res 19-280

- 10                   \*Authorizing We Cycle, Inc. to conduct the Annual Zombie Bicycle Ride event starting at the East Martello Towers and ending on the 100, 200 & 300 block of Duval Street on Sunday, October 20, 2019, from 6:00 P.M. to Midnight; pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200, 300 blocks of Duval Street on Sunday, October 20, 2019 from 6:00 P.M. to Midnight.

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

**Passed**

Enactment No: Res 19-281

- 11                   \*Authorizing Key West Track & Field Club, Inc. conduct The Annual Pole Vault Competition on Saturday, January 11 & Sunday, January 12, 2020, from 8:00 A.M. to 8:00 P.M. (setting up on Thursday, January 9, 2020 and practice on Friday, January 10, 2020 at the Key West Truman Waterfront East Quay Wall; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcohol beverages within an enclosed area.

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

**Passed**

Enactment No: Res 19-282

- 12                    \*Authorizing Lori A. Rouse request to conduct a wedding at the Truman Waterfront Green Lawn on Saturday, February 22, 2020 from 5:30 P.M. to 10:00 P.M. (access morning to set up); Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed are.

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

**Postponed**

- 13                    \*Approving the attached “Amendment to the Public Transportation Grant Agreement” (PTGA) between the Florida Department of Transportation (FDOT) Commuter Assistance Grant Program and the City of Key West for the FY 2020 State Commuter Operating Assistance Funding (Contract G1356) for the Lower Keys Shuttle in a reimbursement amount of up to \$616,340.00 (50% of the total project cost).

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Amendment Public Transportation Grant Agreement](#)  
                              [Resolution 15-101 \(LKS Agreement\)](#)

**Passed**

Enactment No: Res 19-283

14

\*Approving and Accepting the attached Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for funding in the amount of up to \$620,000.00 per fiscal year for beach maintenance multi-year project (contract ID #2324); Approving any necessary budget adjustments; Authorizing the City Manager to execute the agreement upon consent of the City Attorney; Terminating TDC Contract ID #1531 (Beach Cleaning), upon execution and approval of Contract ID #2324.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Grant Award Agreement](#)  
                              [Application](#)

**Passed**

Enactment No: Res 19-284

15

\*Approving a task order to Artibus Design, LLC for the design of permanent repairs for the Fleming Key Utility Bridge in an amount not to exceed \$74,520.00; Authorizing the City Manager to execute necessary documents in substantial conformance with the task order, upon consent of the City Attorney; Authorizing any necessary budget transfers and amendments.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Task Order](#)  
                              [Resolution 17-207](#)

**Passed**

Enactment No: Res 19-285

16

\*Awarding the bid of Charley Toppino and Sons, Inc. received in response to invitation to bid (ITB) #19-015 for Dennis Street Storm Water Pump Station Project (ST38021601) in an amount not to exceed \$2,767,806.00; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute a contract in substantial conformance with the bid proposal, upon consent of the City Attorney.

**Attachments:**[Resolution](#)[Executive Summary](#)[ITB 19-015 Contract Documents](#)[ITB 19-015 Drawings 1 of 3](#)[ITB 19-015 Drawings 2 of 3](#)[ITB 19 -015 Drawings 3 of 3](#)[Easement](#)[DN Higgins Bid](#)[DN Higgins Bid Extention](#)[Charley Toppino & Sons Bid](#)[Charley Toppino & Sons Bid Extention](#)**Postponed**

17

\*Awarding the bid of Key Honey Contracting, LLC received in response to Invitation to Bid (ITB) #19-022 for Pump Stations Rehab (Project SE1504) and Generator Pump Station E (Project SE5031803) in an amount not to exceed \$2,221,046.00. Inclusive of three Bid Alternates; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute a contract in substantial conformance with the Bid Proposal, upon consent of the City Attorney.

**Attachments:**[Resolution](#)[Executive Summary](#)[ITB 19-022 Contract Documents](#)[ITB 19-022 Drawings](#)[DN Higgins Bid](#)[Key Honey Contracting, LLC Bid](#)[Kiewit Bid](#)[Reynolds Contruction LLC Bid](#)**Passed**

Enactment No: Res 19-286



18

\*Authorizing the placement of the City's Property and Casualty Insurance Program for the 2019-20 by Public Risk Management of Florida (PRM) as submitted by World Risk Management (WRM) in the amount of up to \$1,258,508.00, pursuant to Section 2-797(4)(b) of the Code of Ordinances, Exempt Contractual Services; Authorizing acceptance of World Risk Management (WRM) as the Agent/Broker for the City's Casualty Insurance Program for the policy year 2019/2020; Approving pursuant to Section 2-797(4)(b) of the Code of Ordinances the placement of the City's Ancillary Policies in the amount of \$80,654.00 to include: Westchester Fire Insurance for aircraft (drone) coverage provided by WRM (\$1,732.00); Public Risk Insurance Agency (PRIA) to include: Great American for Marine Operators Legal Liability Coverage (\$24,016.00), Outer Mole Excess Liability Coverage (\$9,500), Wharfingers Liability Coverage (\$17,757.00), Hull Coverage (\$10,027.00); Vessel Pollution Coverage (\$4,061.00); AIG for AD&D Coverage (\$7,204.00); Commerce & Industry for Storage Tank Liability (\$6,357.00); Authorizing the acceptance of Public Risk Insurance Agency (PRIA) as the Agent/Broker for the City's ancillary policies, with the exception of drone coverage; Authorizing the City Manager to execute all documents consistent therewith upon the advice and consent of the City Attorney.

**Attachments:**[Resolution](#)[Executive Summary](#)[Key West 2019 - 2020 PC Renewal Proposal FINAL 8-21-19](#)[PRIA ANCILLARY PROPOSAL 2019-2020](#)[City of Key West - 2019 UAV Quote](#)[Ben Few & Company Insurance Renewal Recommendation for 19-21](#)[Interisk Insurance Renewal Recommendation for 19-21](#)**Passed**

Enactment No: Res 19-287

- 19                   \*Authorizing a submission to the Florida Department of Transportation (FDOT) of a Grant Application for Right-of-Way Beautification Grant for the U.S. 1 entrance to Key West (The Triangle), in the amount of up to \$105,306.00 for this grant cycle.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)  
                          [FDOT Letter of Authorization to Apply](#)  
                          [Grant Evaluation Form](#)

**Passed**

Enactment No: Res 19-288

- 20                   \*Ratifying emergency procurements for the repair of The Southernmost Breasting Dolphin at Mallory Square Pier, as provided for under Section 2-797(2) of the Code of Ordinances, in a total amount of \$721,211.58.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)  
                          [Emergency Procurement Construction](#)  
                          [Emergency Procurement Trelleborg](#)  
                          [Emergency Procurement PAC](#)  
                          [Emergency Procurement CH2M-Terramar-PAC](#)

**Passed**

Enactment No: Res 19-289

- 21                    \*Ratifying an emergency procurement for the repair of Wahoo Pier by Maritime Resources, LLC, as provided for under Section 2-797(2) of the Code of Ordinances, in a total amount of \$45,800.00; Authorizing necessary budget transfers.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Emergency Declaration](#)  
                              [Inspection](#)  
                              [Scope of Work](#)  
                              [Dock Repair Invoice](#)

**Passed**

Enactment No: Res 19-290

- 22                    \*Approving a change to Resolution 19-220 for a Samuels House, Inc. fundraiser at the Southernmost House 1400 Duval Street; Changing the date of the event from Saturday, September 14, 2019 during the hours of 7:00 P.M. to 10:00 P.M. to Saturday, October 12, 2019.

**Attachments:**     [Resolution](#)  
                              [Resolution 19-220](#)

**Passed**

Enactment No: Res 19-291

23

\*Authorizing the disposal of surplus city property known as two decommissioned fire trucks, (one 1997 Ford F477 Firetruck with VIN Number 1FDLF47F1VEA78581 and one 2000 Pierce Dash Fire Pumper VIN Number 4P1CT02XXYA000731) as donations to Green Turtle Cay and Abaco Island, Bahamas pursuant to Section 2-771 (3) (c) of the Code of Ordinances; Authorizing the City Manager to execute necessary paperwork for purposes of this project; Providing a condition; Authorizing the City Manager to execute necessary documents to accomplish the purpose of this project.

**Attachments:**     [Resolution](#)

**Passed**

Enactment No: Res 19-292

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

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

24

Approving a task order under the City's General Utilities Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$175,000.00 for Atlantic Boulevard multi-use path drainage and safety enhancements; Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [General Utilities Services Contract CTS](#)  
                              [Resolution 18-322](#)

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

Enactment No: Res 19-293

25

Approving Change Order No. 3 to Pedro Falcon Electrical Contractors, Inc. for the Glynn Archer Gymnasium renovations, in an amount not to exceed \$17,464.68; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents, upon consent of the City Attorney.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Executed Construction Change Directive](#)  
                              [RCO #11 Accessible Means of Disconnect](#)  
                              [RCO #12 Gym Light Lens](#)  
                              [RCO #13 Interior Stucco](#)  
                              [RCO #14 ORCO Card Reader](#)  
                              [Falcon RCO Wrap Up](#)  
                              [Resolution 19-169](#)

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

Enactment No: Res 19-294

26

Approving the attached “Keys Overnight Temporary Shelter (KOTS) and Essential Governmental Employee Housing Interlocal Agreement” between Monroe County and the City of Key West, Florida; Providing that documents for the formal transfer of property will be brought to the Commission for final approval.

**Attachments:**     [Resolution](#)  
                              [Exec Summary](#)  
                              [Interlocal Agreement](#)  
                              [Exhibit A](#)  
                              [Declaration of Affordable Restrictions](#)

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

**Absent:**    1 -    Mayor Johnston

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

Enactment No: Res 19-295

27

Awarding the bid of Charley Toppino and Sons, Inc. for Truman Waterfront Park Phase 1B (Building 1287 and Field), in accordance with the terms specified in ITB 19-026, in an amount not to exceed \$4,765,712.00, inclusive of alternates 1, 2, 4, 5, 6, 9, 12 & 13; Authorizing the city manager to negotiate and enter into a contract in substantial conformance with the contract documents contained in the bid package and upon advice and consent of the City Attorney; Authorizing any necessary budget transfers and amendments.

**Attachments:**[Resolution](#)[Executive Summary](#)[Bid Tab Memo ITB 19-026](#)[Bid Tabulation Spreadsheet](#)[\\*Large File\\* ITB 19-026 TWP Phase 1B](#)[ITB 19-026 TWP 1B Addendum 1](#)[Burke Proposal](#)[\\*Large File\\* CTS Proposal](#)[\\*Large File\\* DL Porter Proposal](#)[\\*Large File\\* Pedro Falcon Proposal](#)[\\*Large File\\* West Proposal](#)

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

Enactment No: Res 19-296

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

28

An Ordinance of the City of Key West, Florida, Amending Chapter 2 of the Code of Ordinances, entitled “Administration” to adjust the purchasing process for supplies and services of minimum dollar values necessary for the effective operation of City Government by Amending Article V. - Committees, Boards and Commissions, Division 10 entitled “Key West Bight Management District Board”, Section 2-553 to adjust the proposed timeframe for the Key West Bight Management District to adopt a proposed budget, and Amending Section 2-554 to adjust the requirement for City Commission approval of expenditures and budget transfers within Key West Bight to \$50,000.00; by Amending Article VII. - Financial Matters, Division 2 entitled “Budget” by amending Sections 2-736 through 2-739 to adjust the requirement for City Commission approval of expenditures and budget transfers to \$50,000.00; by amending Article VII “Financial Matters, Division 3 entitled “Personal property purchasing and procurement” Sections 2-766 through 2-845 to adjust the requirement for City Commission approval of expenditures to \$50,000.00 and by adding Section 2-800 to provide for quarterly reporting of purchases from \$20,000.01 to \$50,000.00; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

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

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

Enactment No: Ord 19-28

29

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 adjust the rate for an annual residential parking permit; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

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

**No:** 2 - Commissioner Davila and Commissioner Wardlow

**Absent:** 1 - Mayor Johnston

**Yes:** 4 - Commissioner Hoover, Commissioner Lopez, Commissioner Weekley and Vice Mayor Kaufman

Enactment No: Ord 19-29

30

An Ordinance of the City of Key West, Florida, Amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-186 to adjust Mallory Square parking rates; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

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

Enactment No: Ord 19-30



- 31                   An Ordinance of the City of Key West, Florida, Amending Chapter 2, Article III, Division 2 of the Code of Ordinances, entitled "City Manager" by adding section 2-143, entitled "City Manager Selection Process" to specify a process by which the City Commission selects a new City Manager; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**     [Ordinance](#)

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

Enactment No: Ord 19-31

- 32                   An Ordinance of the City of Key West, Florida, Amending Chapter 2, Article III entitled "Officers and Employees", by creating Division 3 of the Code of Ordinances, entitled "City Attorney"; adding Section 2-202, entitled "City Attorney Selection Process" to specify a process by which the City Commission selects a new City Attorney; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**     [Ordinance](#)

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

Enactment No: Ord 19-32

33

An Ordinance of the City of Key West, Florida, Amending Chapter 2, Article III entitled "Officers and Employees", by creating Division 4 of the Code of Ordinances, entitled "City Clerk"; adding Section 2-302, entitled "City Clerk Selection Process" to specify a process by which the City Commission selects a new City Clerk; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**     [Ordinance](#)

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

Enactment No: Ord 19-33

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 6:10 P.M.**