



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, August 21, 2018

6:00 PM

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 305-809-3811 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 - 6:02 P.M.

ROLL CALL

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

INVOCATION - Vice-Mayor Clayton Lopez

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as changed unanimously

PROCLAMATIONS

1 Women's Equality Day

Sponsors: Mayor Cates and Commissioner Kaufman

Received and Filed

PRESENTATIONS

- 2 20 Year Service Recognition - Roberto Llagostera,
Pool/Facility Supervisor for Community Services

Sponsors: City Manager Scholl

Received and Filed

- 3 50 Year Service Recognition - Mary Canalejo, Executive
Administrative Assistant, Key West Police Department

Sponsors: City Manager Scholl

Received and Filed

- 4 Solid Waste Master Plan update

Sponsors: City Manager Scholl

Received and Filed

City Attorney's Report

City Manager's Report

- Key West Police Department Promotions:

Sergeant Randy Smith to Lieutenant
Detective Mark Siracuse to Sergeant

**- Recognizing outgoing Commissioners Payne and Romero
and Mayor Cates**

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

- 5 *August 7, 2018 (Regular)

Approved

RESOLUTIONS

- 6** *Re-appointing John G. Parks, Jr. to the Housing Authority of the City of Key West Board of Commissioners.

Sponsors: Mayor Cates

Passed

Enactment No: 18-241

- 7** *Re-appointing Roosevelt Sands, Jr. to the Housing Authority of the City of Key West Board of Commissioners.

Sponsors: Mayor Cates

Passed

Enactment No: Res 18-242

- 8** *Approving the City Clerk Performance Evaluation.

Sponsors: Commissioner Romero

Passed

Enactment No: Res 18-243

- 9** *Designating the Plaza located in the Clayton Sterling Complex as "The Richie Garcia Baseball Plaza".

Sponsors: Commissioner Wardlow

Passed

Enactment No: Res 18-244

- 10** *Approving transfer of Mobile Vendor License (MVL) #23372 from Che Andre to Kathleen Hemmesch due to hardship.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 18-245

- 11 *Approving the attached Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for funding in the amount of up to \$586,000.00 for the Smathers Beach Restrooms Facility-West Project.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 18-246
- 12 *Approving the attached Second Amendment to Lease between the City of Key West and Tropical Shell and Gifts, Inc. for the Key West Aquarium property.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 18-247
- 13 *Approving a Task Order for construction Phase Services for the Aquarium Seawall repair Project by Tetra Tech, Inc. in a total amount not to exceed \$113,207.00, under the City's Environmental Engineering Service Contract, as amended; Authorizing any necessary budget transfers/amendments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 18-248

- 14 *Authorizing the Key West Fire Department to accept an Emergency Medical Services (EMS) Matching Grant (ID Code M6056) from the Florida Department of Health (FDOH) EMS Trust Fund in the amount of \$142,283.00; Authorizing necessary Budget amendments; Authorizing the City Manager or designee to execute necessary documents.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 18-249

- 15 *Authorizing an agreement for Public Emergency Medical Transportation (PEMT) Program Services between the City and Advance Data Processing, Inc., a subsidiary of Intermedix Corporation (ADP Intermedix), pursuant to Section 2-797 (3) and 2-797 (4) of the Code of Ordinances; Authorizing City Staff to negotiate an agreement in substantial conformance with Volusia County RFQ 17-SQ-68BB; Authorizing the City Manager to execute the Agreement.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 18-250

- 16 *Awarding the Bid of Pedro Falcon Electrical Contractors, Inc. for the Glynn Archer Gymnasium Renovations, in an amount not to exceed \$1,899,008.00 in accordance with the terms specified in ITB 18-028; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute a contract on behalf of the City of Key West in conformance with the Bid documents, upon consent of the City Attorney.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 18-251

- 17 *Ratifying an emergency procurement approved by the City Manager as allowed under section 2-797 (2) of the Code of Ordinances, of ITB 18-026 for Mallory Square Wharf refurbishment by D.L. Porter Contractors, Inc. in an amount not to exceed \$298,613.00; Authorizing any necessary budget amendments; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 18-252

Approval of the Consent Agenda

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

- 18 Requesting the Mosquito Control District Board to enhance efforts to spray Naled only upon proper notice to the public as to time and place, and only at times with the least likelihood of exposure to people, especially children and pets.

Sponsors: Commissioner Kaufman

A motion was made by Commissioner Kaufman, seconded by Commissioner Wardlow, 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 18-253

19

Authorizing the naming of the City Hall Commission Chambers at 1300 White Street as the "Craig Cates City Commission Chambers" at the "Josephine Parker City Hall at Historic Glynn R. Archer School".

Sponsors: Commissioner Lopez

Mayor Cates recused himself and passed the gavel to Vice-Mayor Lopez.

A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Resolution be Passed as amended to name the City Hall Commission Chambers as the "Craig Cates City of Key West Commission Chambers". The motion failed by the following vote:

No: 3 - Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

Recuse: 1 - Mayor Cates

Yes: 3 - Commissioner Kaufman, Commissioner Lopez and Commissioner Payne

20

Amending pursuant to the Section 110-327(7)(a) of the Code of Ordinances, the standard donation (in-lieu fee), to increase replacement inches for Canopy Trees from \$150.00 per caliper inch to \$200.00 per caliper inch; to increase replacement inches for Royal Poinciana Trees from \$150.00 per calipher inch to \$225.00 per calipher inch.

Sponsors: City Manager Scholl

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Resolution Pass as amended to include language on page 1 "Whereas, the Royal Poinciana 'was recognized as the official tree for the City of Key West by Resolution 18-172 passed May 15, 2018 and' is 'also' considered a canopy tree", and in Section 1 adding "other than the Royal Poinciana" is hereby adjusted from \$150.00 per caliper inch to \$200.00 per caliper inch. "In the case of a Royal Poinciana, the standard donation [in-lieu fee] set forth in Section 110-327 (7) (a) of the Code of Ordinances shall be \$225.00 per caliper inch". 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 18-254

- 21 Approving the attached Lease between the City and Southernmost House, LTD. for property located in the 1400 Block of Duval Street.

Sponsors: City Manager Scholl

A motion was made by Commissioner Payne, seconded by Commissioner Wardlow, that the Resolution be Passed as amended to Include "All permits must be applied within 60 days of the execution of this agreement". The motion carried by the following vote:

No: 2 - Commissioner Kaufman and Commissioner Weekley

Yes: 5 - Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

Enactment No: Res 18-255

Mayor Cates called for a 10 minute recess at 9:00 P.M.

- 22 Approving the attached Lease between the City and Sunset City, LLC for property located in the 1400 Block of Duval Street.

Sponsors: City Manager Scholl

A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Resolution Pass amending 1.5.2, the commencement date for the new consumption area be changed to upon execution of the lease and the 6.5 percent is to begin accruing immediately and such consumption area would be eliminated should the park not be completed. 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 18-256

23

Authorizing the purchase for the Fire Department of one (1) New Horton Ambulance from Rev RTC, pursuant to Government Contract, pursuant to Section 2-797 (3) of the Code of Ordinances in a Total amount not to exceed \$204,987.00 (inclusive of prepayment/loyalty discounts); Authorizing necessary budget transfers to use grant funding to complete the purchase.

Sponsors: City Manager Scholl

A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Resolution be Passed as amended to increase the budget amount by \$17,000.00. The motion carried by the following vote:

No: 1 - Mayor Cates

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

Enactment No: Res 18-257

24

PUBLIC HEARING:

Relating to the Collection and Disposal of Solid Waste in the City of Key West, Florida; Imposing Solid Waste Service Assessments against certain real residential property located within the City of Key West, Florida, approving the Solid Waste Assessment Roll for the Solid Waste Service Assessments; Confirming the preliminary assessment Resolution for Fiscal Year 2018-2019.

Sponsors: City Manager Scholl

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

Enactment No: Res 18-258

25

PUBLIC HEARING:

Relating to the provision of Stormwater Services; Imposing Stormwater Service Assessments against certain real property within the City of Key West; Approving the Stormwater Assessment Roll for the Stormwater Service Assessments for Fiscal Year 2018-2019.

Sponsors: City Manager Scholl

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

Enactment No: Res 18-259

ORDINANCES – FIRST READING

26

An Ordinance of the City of Key West, Florida amending Chapter 82 of the Code of Ordinances entitled “Waterways” by amending Section 82-37, to amend certain provisions related to Liveaboard Vessels and the Building Permit Allocation System (BPAS); Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Kaufman

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, that the Ordinance be Passed as amended to Second Reading on September 5, 2018 adding in Section 82-37 the word "not" in the sentence "Bay Bottom shall "Not" be recognized as the same as upland property for the purpose of density; To add the sentence in Section 82-37 "Liveaboard vessels shall only be located in Marinas duly approved for liveaboards and the number of liveaboard vessels shall not exceed the number of approved slips per City, FDEP and USACE Environment Resource Permit". The motion passed by a unanimous vote.

Enactment No: Ord 18-17

27

An Ordinance of the City of Key West, Florida, amending Chapter 90, Division 5 of the Code of Ordinances, entitled "Tree Commission" by amending Section 90-172 titled "Composition", to provide for direct appointments to the Tree Commission; Amending Section 90-173 "Terms of Office," to provide for terms parallel with City Commissioners; Amending Section 90-174 "Removal of Members" to provide notice of vacancies to City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on September 5, 2018. 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: Ord 18-18

28

An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances, entitled "Resource Protection" by amending Article VI entitled "Tree Protection", Section 110-331 titled "Issuance", to provide for unfulfilled tree removal permits to be forwarded to the Special Magistrate; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on September 5, 2018. The motion passed by a unanimous vote.

Enactment No: Ord 18-19

29

An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances, entitled "Tree Protection" by amending Article VI entitled "Permit", Section 110-331 Titled "Issuance", to incentivize the Planting of Specific Canopy Trees at a rate of 4:1 replacement inches for dicot trees that are removed and 4.25:1 for replanting with a Royal Poinciana; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Ordinance be Passed as amended to Second Reading on September 5, 2018 adding the following Whereas: "the City Commission for the City of Key West passed a Resolution number 18-172 on May 15, 2018 that recognized the Royal Poinciana as the official tree of the City of Key West; and" to add in Section 110-331 (1)(d) "A credit of 4:1 shall be given to the Homeowner/Applicant for using (Bursera simaruba) Gumbo Limbo, (Delonix regia) Royal Poinciana, (Ficus aurea) Strangler Fig, (Ficus citrifolia) Shortleaf Fig, (Manilkara zapota) Sapodilla, (Melicoccus bijugatus) Spanish Lime, (Piscidia piscipula) Jamaica Dogwood, and (Swietenia mahagoni) Mahogany trees on replacement values for dicot trees" and to add in Section 110-331 (1)(e) A credit of 4.25:1 shall be given to the Homeowner/Applicant for using (Delonix regia) Royal Poinciana trees on replacement values for dicot trees. The motion passed by a unanimous vote.

Enactment No: Ord 18-20

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 10:32 P.M.