



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, February 20, 2019

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 PM**

#### ROLL CALL

**Absent** 1 - Commissioner Weekley

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

**INVOCATION - Sub-Deacon Gary Schott, St. Peter's Episcopal Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### PRESENTATIONS

- 1                    Holiday Awards
  - Key West High School Conchettes - Mayor's Cup
  - Key West Pinebellies - Vice Mayor's Cup
  - Sugarloaf Sharks Cheerleading - Commissioner's Cup

Received and Filed
  
- 2                    30 Year Service Award - Captain Wayne Owen, Key West Fire Department

Received and Filed

3 Strategic Planning - Kimberly Matthews

Sponsors: Mayor Johnston

Postponed to March 5, 2019

4 Florida Department of Transportation Cow Key Channel Bridge Update

Received and Filed

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**

5 \*February 5, 2019 (Regular)

Attachments: [Minutes](#)

**RESOLUTIONS**

6 \*Authorizing A.H. of Monroe County, Inc. to conduct the Annual Taste of Key West at Mallory Square Plaza & Parking Lot on Monday, April 15, 2019 from 6:00 P.M. to 9:00 P.M. (set up starting at 8:00 A.M.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 19-049

- 7 \*Authorizing Exclusive Destination Management, Inc. to conduct a concert at the Truman Waterfront Amphitheatre on Saturday, August 24, 2019 from 5:00 P.M. to 9:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 19-050

- 8 \*Authorizing a One-Year extension pursuant to Section 11.2 of the Agreement between the City and Tidal Basin Government Consulting, LLC (Tidal Basin); Authorizing the City Manager to negotiate and execute necessary documents, upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Contract](#)  
[Proposal CDR Maguire](#)  
[Proposal IEM](#)  
[Proposal Tidal Basin](#)  
[Ranking](#)

**Passed**

Enactment No: Res 19-051

- 9                   \*Approving a Task Order under the City's Emergency Management Consulting Services Contract with Tidal Basin Government Consulting, LLC, in a total amount not to exceed \$28,195.00 for Consulting Services to procure FEMA Grant Funding for the Tide Valves and Outfall Improvements Project; Authorizing necessary budget amendments and transfers; Authorizing the City Manager to execute any necessary documents.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Task Order](#)  
                          [LMS Ranking Committee Scoring](#)  
                          [\\*Large File\\* Resolution 18-072](#)  
                          [Resolution 18-205](#)

**Passed**

Enactment No: Res 19-052

- 10                   \*Approving a Task Order under the City's Emergency Management Consulting Services Contract with Tidal Basin Government Consulting, LLC in a total amount not to exceed \$23,995.00 for Consulting Services to procure FEMA Grant Funding for the Force Main Relocation Directional Bore Project; Authorizing necessary budget amendments and transfers; Authorizing the City Manager to execute any necessary documents.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Task Order](#)  
                          [LMS Ranking Committee Scoring](#)  
                          [\\*Large File\\* Resolution 18-072](#)  
                          [Resolution 18-205](#)

**Passed**

Enactment No: Res 19-053

- 11 \*Approving a one-year extension of the contract approved in Resolution No. 17-106 between the City and Charley Toppino and Sons, Inc. for Right of Way Improvements; Authorizing the City Manager to enter into a one-year contract extension in substantial conformance with the contract documents, upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[CTS 2017 Contract](#)  
[CTS Extension Request](#)  
[CTS Draft Contract Extension](#)  
[Higgins Email](#)  
[Resolution 17-106](#)

**Passed**

Enactment No: Res 19-054

- 12 \*Authorizing the City Manager to negotiate an Agreement with Charley Toppino & Sons, Inc. in response to Request for Proposals No. 002-19, for “Professional and Related Services As-needed Emergency Management Debris Staging Area”; Authorizing the City Manager to execute the Agreement, upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[RFP 002-19 As-Needed Emergency Management Debris Staging Area](#)  
[CKW Staging Area Bid - Charley Toppino & Sons](#)

**Passed**

Enactment No: Res 19-055

- 13                   \*Authorizing the purchase of two (2) Ford F-250s in a total amount not to exceed \$72,334.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA18-FEL26.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Parks and Recreation Department.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Quote](#)  
                          [Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-056

- 14                   \*Authorizing the purchase of one (1) Ford F-250 in a total amount not to exceed \$35,386.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA18-VEL26.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by Truman Waterfront.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Quote](#)  
                          [Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-057

15                   \*Authorizing the purchase of one (1) Ford F-250 in a total amount not to exceed \$39,432.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff’s Association and Florida Association of Counties Bid No. FSA18-VEL26.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Public Works Department.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Quote](#)  
                              [Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-058

16                   \*Authorizing the purchase of one (1) Ford F-350 in a total amount not to exceed \$46,856.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff’s Association and Florida Association of Counties Bid No. FSA18-VEL26.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Public Works Department.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Quote](#)  
                              [Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-059

17                   \*Authorizing the purchase of one (1) Ford Transit Utility High Roof Cargo Van in a total amount not to exceed \$39,341.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff’s Association and Florida Association of Counties Bid No. FSA18-VEL26.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Facilities Maintenance Team (FMT).

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Quote](#)  
                              [Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-060

18                   \*Authorizing the purchase of one (1) Ford F-250 in a total amount not to exceed \$39,476.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff’s Association and Florida Association of Counties Bid No. FSA18-VEL26.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Facilities Maintenance Department.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution](#)  
                              [Quote](#)  
                              [Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 19-061



- 19                   \*Authorizing the City Manager to enter into an Agreement with Ted J. McBurnett Estate, through its Representative Attorney David Paul Horan, as property owner of 1007 Thomas Street, permitting a Release of Lien upon payment by the owners of the amount of \$9,750.00.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Finding and Order](#)  
                          [Lien Mitigation Offer](#)

**Passed**

Enactment No: Res 19-062

- 20                   \*Awarding the bid of Life Extension Clinics, Inc. d/b/a Life Scan Wellness Centers of Tampa Florida in response to ITB #19-005: Hazardous Materials (Haz-Mat) Physicals for a period of up to three years at a first year cost of \$620.00 per Candidate (\$628.00 Year Two, \$636.00 Year Three), Authorizing the City Manager to execute an Agreement upon consent of the City Attorney.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Life Scan Contract](#)  
                          [Life Scan Insurance](#)

**Passed**

Enactment No: Res 19-063

- 21                   \*Partially rescinding Resolution 16-347 with regard to the nomination, request for allocation and distribution of funds for a Workforce and Affordable Housing Project 1116 Truman Avenue by Habitat for Humanity of Key West and the Lower Florida Keys, Inc. to the Monroe County Land Authority for funding in the amount of \$400,000.00; Partially rescinding Resolution 17-362 with regard to the distribution of funds for a Workforce and Affordable Housing Project at 1116 Truman Avenue.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Concurrent Resolution Proposed](#)  
                          [Email From Habitat to Release Funds](#)  
                          [Resolution 16-347](#)  
                          [Resolution 17-162](#)

**Passed**

Enactment No: Res 19-064

- 22                   \*Nominating to the Monroe County Land Authority for funding in the amount of \$400,000.00, for the property known as 5220, 5224, 5228, 5230 College Road for the purpose of constructing Workforce Housing.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Exec Summary](#)  
                          [Concurrent Resolution \(proposed\)](#)

**Passed**

Enactment No: Res 19-065

- 23                    \*Ratifying an Emergency Procurement dated January 29, 2019 approved by the City Manager as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a Task Order in an amount not to exceed \$44,877.17 for Charley Toppino & Sons, Inc. to replace a 10” effluent riser pipe at Pump Station A; Authorizing any necessary budget transfers.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Task Order Proposal](#)  
                                  [Emergency Declaration](#)  
                                  [Resolution 18-322](#)

**Passed**

Enactment No: Res 19-066

- 24                    \*Ratifying an Emergency Procurement dated February 7, 2019 approved by the City Manager as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a Task Order in an amount not to exceed \$108,778.92 for Charley Toppino & Sons, Inc. to repair the generator end of the Wastewater Treatment Plant Back Up Generator; Authorizing any necessary budget transfers.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Task Order](#)  
                                  [Emergency Declaration](#)  
                                  [Original Task Order](#)  
                                  [Resolution 18-322 General Utilities Services](#)

**Passed**

Enactment No: Res 19-067

- 25 \*Ratifying an Emergency Change Order pursuant to Section 2-845 of the Code of Ordinance to Coral Construction Company in an amount not to exceed \$12,150.00 for the purchase and installation of railing cable and hardware to complete the 10th Street Pocket Park Walkway; Authorizing necessary budget transfers/amendments; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Emergency Change Order Memo](#)  
[Change Order 01](#)  
[Change Order 01 Invoice](#)  
[Resolution 18-140 Awarding to Coral Const](#)

**Passed**

Enactment No: Res 19-068

#### Approval of the Consent Agenda

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

- 26 Adopting Amended Rules of Procedure for City Commission Meetings; Providing that this Resolution supercedes prior resolutions regarding rules of procedure for City Commission Meetings.

**Sponsors:** Mayor Johnston

**Attachments:** [Resolution](#)  
[Resolution 10-021](#)  
[Resolution 08-063](#)  
[Resolution 98-331](#)

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

**Absent:** 1 - Commissioner Weekley

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

Enactment No: Res 19-069

27

**QUASI-JUDICIAL HEARING:**

Approving an easement of 304 square feet, more or less, to address the encroachment of existing brick pavers, a four foot picket fence with gates, the second floor eaves on the side of the principle structure, a six foot fence with gates, and landscaping including one Green Buttonwood Tree which encroaches onto the Packer Street and Johnson Lane Right-of-Way located at 908 Packer Street, Key West, Florida (RE #00021550-000000); Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Easement Agreement](#)  
[\\*Large File\\* Application](#)  
[Specific Purpose Survey](#)  
[Liability Insurance](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Kaufman, that the Resolution be Postponed to March 5, 2019. The motion passed by a unanimous vote.**

28

**QUASI-JUDICIAL HEARING:**

Granting Minor Development Plan approval pursuant to Sections 108-91.a.1(b) and 108-196(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the construction of a two-story commercial structure and a two-story two-family residential structure on property located at 1028-1030 Truman Avenue (RE #00033280-000000) within the Historic Neighborhood Commercial District-Truman/Simonton (HNC-1) Zoning District.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Revised Plans](#)  
[\\*Large File\\* Application Package](#)  
[Planning Board Resolution 2018-46](#)  
[Staff Report for the Planning Board](#)  
[Planning Board Meeting Noticing Package](#)  
[Public Comment](#)  
[Re-Inspection Receipt](#)  
[Extension Notice](#)

A motion was made by Commissioner Davila, seconded by Commissioner Hoover, that the Resolution be Postponed to March 5, 2019. The motion passed by a unanimous vote.

29

**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 Kaufman, seconded by Commissioner Lopez, that the Resolution be Postponed. The motion passed by a unanimous vote.

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 8:31 P.M.**