



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, December 4, 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 - 6:00 P.M.

ROLL CALL

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

INVOCATION - Pastor Gary Faith, Grace Lutheran Church

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PROCLAMATIONS

1 National Homeless Persons' Memorial Day

Sponsors: Commissioner Kaufman

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

2 Elisa Levy, Strategic Planning

Sponsors: City Manager Scholl

Received and Filed

City Attorney's Report

City Manager's Report

- Honoring Chief Donie Lee

- Honoring Dorothy Todd, Information Technology

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

3 *November 20, 2018 (Regular)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

4 *Authorizing Krewe of Key West Corp to conduct a Costume Ball at the Truman Waterfront Amphitheatre on February 23, 2019 from 6:30 P.M. to 11:30 P.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](#)
[Additional Documents](#)

Passed

Enactment No: Res 18-362

- 5 *Approving the attached “Public Transportation Grant Agreement” (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for Section 5311 Grant Program Funding Assistance for FY 2018-19 for Operating Expenses of the Fixed Route Bus Transit System in Key West in an amount not to exceed \$466,649.00 (50% of the program cost of \$933,298.00) [FDOT Financial Project Number 434896-1-84-01, Contract #G1268]; Authorizing the City Manager or designee to execute necessary documents and necessary budget amendments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 17-146](#)
[Public Transportation Grant Agreement](#)

Passed

Enactment No: Res 18-363

- 6 *Approving the attached “Public Transportation Grant Agreement” (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for State Transit Block Grant Program Funding Assistance FY 2018-19 for operating expenses of the Fixed Route Bus Transit System in Key West in an amount up to \$220,253.00 (50% of the program cost of \$440,506.00) [FDOT Financial Project Number 432936-4-84-01, Contract #G1345]; Authorizing the City Manager to execute necessary documents and necessary budget amendments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 17-146](#)
[Public Transportation Grant Agreement](#)

Passed

Enactment No: Res 18-364

- 7 *Approving the attached Public Transportation Grant Agreement (PTGA) for FY 19 between the Florida Department of Transportation (FDOT) Commuter Assistance Grant Program and the City of Key West for State Commuter Operating Assistance Funding (Contract G1356) for the Lower Keys Shuttle in a reimbursement amount of up to \$616,340.00 (Total Project Cost \$1,232,680.00).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Public Transportation Grant Agreement](#)
[Resolution 17-146](#)

Passed

Enactment No: Res 18-365

- 8 *Approving the attached “First Amendment to Contract” to the “Agreement for Operations, Maintenance, and Management Services for the City of Key West, Florida, Wastewater Facilities between the City and Operations Management International, Inc. (OMI); Authorizing a five-year renewal, pursuant to Section 4.1 of the Agreement; Authorizing the City Manager to execute necessary paperwork upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution No 13-304](#)
[OMI Contract 2014](#)
[Contract Exhibits A-G](#)
[First Amendment to Contract](#)

Passed

Enactment No: Res 18-366

- 9 *Approving a Task Order to Artibus Design, LLC for the Design of Smathers Beach Bathroom West in an amount not to exceed \$35,565.00; 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.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order](#)
[Artibus Agreement](#)
[Resolution 17-207](#)
[TDC agreement](#)

Passed

Enactment No: Res 18-367

- 10 *Approving the attached Concession Agreement for the Wildlife Center at 1801 White Street (Indigenous Park) between the City of Key West and Key West Wildlife Center, Inc.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Concession Agreement](#)
[Corporate Filings](#)
[KW Wild Bird Center Resolution 14-047](#)

Passed

Enactment No: Res 18-368

11

*Approving a request for Interpretation of District Boundaries pursuant to Section 122-94(7) of the Land Development Regulations of the Code of Ordinances of the City of Key West, for property located at 830 Emma Street (RE #00014720-000000, AK #1015091) within the Historic Neighborhood Commercial District (HNC-3) and Historic Medium Density Residential (HMDR) Zoning Districts as entirely within the Historic Neighborhood Commercial District (HNC-3); Providing findings; Providing for appeal and rendering to Florida Department of Economic Opportunity pursuant to Chapter 73C, F.A.C.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[HMDR Code](#)
[HNC 3 Code](#)
[Section 122-94](#)
[Zoning Map](#)

Passed

Enactment No: Res 18-369

- 12 *Authorizing pursuant to Section 2-797(1) and 2-797(3) the purchase of a Vactor 2100 Plus Combination Sewer Cleaning (CSC) Machine in an amount not to exceed \$336,429.21, plus a \$50,000.00 trade-in allowance for two City-owned Vactor Vehicles, from Environmental Products of Florida through the National Joint Powers Alliance (Sourcewell) RFP #122017; Authorizing the City Manager to execute necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[NJPA Vactor Quote](#)
[City of Key West Sourcewell Member](#)
[Sewer Vacuum RFP 122017](#)
[NJPA Contract](#)
[Vactor Sole Source Letter](#)

Passed

Enactment No: Res 18-370

- 13 *Authorizing the purchase of three (3) Ford Explorers plus accessories in a total amount not to exceed \$82,164.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association Bid No. 18-VEL26.0 for Fire/Rescue Vehicles and Other Fleet Equipment Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Fire Department and EMS Division.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Duval Ford Proposal](#)
[FSA Awards](#)
[FSA Duval+Ford+LLC Lightbar Packages](#)
[FSA Lightbar+Information](#)

Passed

Enactment No: Res 18-371

14

*Authorizing the purchase for the Fire Department of four (4) Stryker Power-Pro XT EMS Stretchers plus Accessories from Stryker EMS Equipment, by Piggybacking on Seminole County Contract IFB-602336-15/TLR, pursuant to Government Contract, pursuant to Section 2-797(3) of the Code of Ordinances in a total amount not to exceed \$79,344.00; Authorizing necessary budget transfers to use "Assistance to Firefighters Grant" Funding and City Funding to complete the purchase.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Stryker Quote](#)
[Seminole IFB-602336-15](#)
[Seminole Bid Tab](#)
[*Large File* Seminole Award](#)
[Approval to Piggyback](#)
[Resolution 18-313 Acceptance of AFG Award](#)
[AFG Award Package 2018](#)

Passed

Enactment No: Res 18-372

- 15 *Authorizing on a Sole Source Basis pursuant to Section 2-797(1) for Brand Name Items in accordance with 2-844 of the Code of Ordinances and Section 2-797(4)(b) of the Code of Ordinances the attached proposal of Alligator Alley Harley Davidson in the total amount of \$28,556.88 (inclusive of trade-in) for the purchase of two 2019 Harley Davidson Road King Motorcycles for use by the Key West Police Department Traffic Unit; Authorizing Trade-in of two used 2015 Harley Davidson Road King Motorcycles pursuant to Section 2-771(c) of the Code of Ordinance.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Harley Davidson Road King Specs](#)
 [Harley Davidson Brand Name Memo](#)
 [Alligator Alley Motorcycle Quote](#)
 [Peterson's Quote REVISED](#)

Passed

Enactment No: Res 18-373

- 16 *Authorizing the purchase of a three-year service contract renewal from Physio-Control, Inc. for five (5) Lifepak 15 Cardiac Monitors plus accessories as a brand name product, on a Sole Source Basis pursuant to Section 2-797(1) for Brand Name Items, pursuant to City Code Section 2-844(a) and (b) for the Key West Fire Department in an amount not to exceed \$23,209.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Service Plan Quote](#)
 [Sole Source Letter](#)

Passed

Enactment No: Res 18-374

Approval of the Consent Agenda

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

- 17 Creating a Landfill/Environmental Advisory Task Force, providing for mission and duties, providing for procedures and sunset.

Sponsors: Commissioner Kaufman and Commissioner Wardlow

Attachments: [Resolution](#)
 [Uniform Procedures Advisory Boards](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Hoover, that the Resolution be Passed amending to change the responsibility to the Sustainability Advisory Board and reporting quarterly to the City Commission. The motion carried by the following vote:

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

Enactment No: Res 18-375

- 18 Approving the attached Lease Agreement between the City and Garrison Bight Marina, Inc. for the unimproved upland parcel located at 711 Eisenhower Drive; Authorizing the City Manager or designee to execute any necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Draft Lease](#)
 [Personal Guaranty](#)
 [Corporate filings.html](#)

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 Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 18-376

19

**QUASI-JUDICIAL HEARING:
EASEMENT - 130 DUVAL STREET**

Approving an easement in order to maintain an existing elevated covered balcony embed plate for flood panels that extends 164.5 ± square feet onto the Duval Street Right-of-Way together with six elevated air conditioning units that extend 178.5 ± square feet onto the 12 foot alley west of parcel Right-of-Way on property located within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) Zoning District at 130 Duval Street (RE #00000550-000000), pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Easement Agreement](#)
[*Large File* Application](#)
[Boundary and Specific Purpose Surveys](#)
[Insurance](#)
[Floodplain Comments](#)
[Keys Energy Comments](#)
[Urban Forestry Comments](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed based upon a finding that it is consistent with the Land Development Regulations as well as the City's Comprehensive Plan. The motion carried by the following vote:

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

Enactment No: Res 18-377

20

**QUASI-JUDICIAL HEARING:
EASEMENT - 1120 CURRY LANE**

Approving an easement of 132 square feet, more or less, to address the encroachment of two steps to the front porch, two palm trees, and brick pavers which encroach onto the Curry Lane Right-of-way located at 1120 Curry Lane, Key West, Florida (RE #00006950-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Easement Agreement](#)
[*Large File* Application](#)
[Survey](#)
[Boundary Survey](#)
[Liability Insurance](#)
[Utilities Comments](#)
[Floodplain Comments](#)

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

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

Enactment No: Res 18-378

21

**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 Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to January 15, 2019. The motion passed by a unanimous vote.

22

**QUASI-JUDICIAL HEARING:
VACATION OF CITY PROPERTY**

Approving the vacation of an alleyway in the dimensions of 10 feet in width and 133 feet in depth and continuing for a distance of 5 feet in width and 14.9 feet in depth, at 225 Olivia Street, between Thomas Street and Baptist Lane; Providing conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* Application](#)
[Boundary Survey](#)
[Utilities Email 6.20.18](#)
[Floodplain Comments](#)
[Keys Energy Comments](#)
[Utilities Comments](#)
[Petition to Vacate Alleyway](#)
[Objection - Mr. and Mrs. Mingo](#)
[Parking Department Comments](#)
[Police Department Comments](#)
[Urban Forestry Comments](#)
[FIRE DEPARTMENT COMMENTS - REVISED](#)

A motion was made by Commissioner Weekley, seconded by Mayor Johnston, having passed the gavel to the Vice Mayor, that the Resolution be Passed vacating the property with a finding of no public purpose. The motion carried by the following vote:

No: 3 - Commissioner Kaufman, Commissioner Lopez and Commissioner Wardlow

Yes: 4 - Commissioner Davila, Commissioner Hoover, Commissioner Weekley and Mayor Johnston

Enactment No: Res 18-379

ORDINANCES – FIRST READING

23

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by creating Article VII entitled "Sunscreen"; Section 26-223 entitled "Sale of Sunscreen Products; Penalties"; Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

Sponsors: Commissioner Hoover and Commissioner Weekley

Attachments: [Ordinance](#)
[Executive Summary](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Opposition Letter](#)
[CHPA Opposition Letter](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Ordinance be Postponed to January 15, 2019. The motion carried by the following vote:

No: 2 - Commissioner Wardlow and Commissioner Weekley

Yes: 5 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez and Mayor Johnston

24

An Ordinance of the City of Key West, Florida, pursuant to Section 1.08 of the City Charter, calling for a referendum authorizing the City of Key West to purchase the real property located at 3420 Northside Drive, Key West, Florida and commonly referred to as the Citizen's Building from Cooke Communications, LLC, for use by the Community Services Department of the City of Key West or other City of Key West Departments; Authorizing the City Clerk to take all necessary action to place this measure on a Special Ballot for April 16, 2019; Authorizing the City to borrow funds to be utilized for the acquisition; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive Summary](#)
[Proposed Ordinance](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on January 2, 2019. The motion carried by the following vote:

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

25

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", creating Section 110-261 to be titled "Heritage Trees", to provide for the creation of a Heritage Tree Program; Providing for repeal of inconsistent provisions, Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Urban Forestry Manager's Report](#)
[Planning Board Resolution 2018-66](#)
[Tree Commission Resolution 18-003](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on January 2, 2019. The motion carried by the following vote:

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

Enactment No: PB Res 2018-66

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 9:35 P.M.