



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, January 2, 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 - 6:00 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Hoover

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

**INVOCATION - Deacon Peter Batty, Basilica St. Mary's Star of the Sea**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA - The Agenda was approved without change unanimously.**

#### PROCLAMATIONS

**1 WITHDRAWN - Tu Tu Tuesday**

#### PRESENTATIONS

**City Attorney's Report**

**City Manager's Report**



- 4 \*Authorizing the Monroe County Commercial Fishermen, Inc. to conduct their 14th Annual Florida Keys Seafood Festival at Bayview Park including the softball fields on Saturday, January 19, 2019 from 11:00 A.M. to 8:00 P.M. and Sunday, January 20, 2019 from 11:00 A.M. to 5:00 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](#)

**Passed**

Enactment No: Res 19-002

- 5 \*Granting a Special Event Permit Pursuant to Section 6-86 of the Code of Ordinances for a Firework Display at the Pier House Resort & Spa, One Duval Street during the hours of 9:45 P.M. to 10:00 P.M. on Wednesday, May 16, 2019.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 19-003

- 6 \*Approving transfer of Mobile Vendor License (MVL) #20540 from Maureen Burge to Hua Zou due to hardship.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[MVL Transfer Request](#)

**Passed**

Enactment No: Res 19-004

- 7 \*Approving the attached "Agreement for Traffic Signal Maintenance" between Keys Energy Services and the City of Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[KEYS City Agreement for Traffic Signal Maintenance V2](#)  
[Schedule A and B](#)  
[Resolution 16-029 \\*Large File\\*](#)  
[Resolution 11-145](#)  
[Resolution 01-169](#)

**Passed**

Enactment No: Res 19-005

- 8 \*Approving award of the bid of Florida Keys Electric, Inc. In response to ITB 19-004 in a total amount not to exceed \$32,910.00, for Design-Build Construction Services for Outer Mole Entry Control Point Lighting Enhancements as authorized by the Navy; Approving necessary budget amendments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bid Tabulation](#)  
[Florida Keys Electric Bid Proposal](#)  
[Navy Authorization Letter](#)  
[ITB 19-004](#)  
[Resolution 14-034](#)

**Passed**

Enactment No: Res 19-006

- 9 \*Approving the attached Art in Public Places Board Selections of City Hall Pubic Art for the Josephine Parker City Hall at Historic Glynn R. Archer School in response to RFP #003-19; Authorizing the City Manager to negotiate if necessary, and execute agreements upon consent of the City Attorney between the City of Key West and the following four artists: J.H. Allen (targeted space #1 Wall Above Chairs in Front Lobby - \$28,000.00), Jim Salem (Wall Above Chairs Across from the City Clerk's Office (\$10,000.00), Ralph Gilbert targeted space #3, Two Walls Above Railings in the Hallway/Walkway to Breezeway to Rear Building - \$60,000.00), and Craig Berube Gray (targeted space #4 - Exterior Butterfly Garden Corner of United and Grinnell Streets - \$28,000.00).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Presentation - City Hall Recommendations](#)  
[RFP 003-19 Public Art City of KW City Hall](#)  
[Addendums 1-3 RFP 003-19](#)  
[Clerk Memo RFP 003-19 Interior Public Art for City Hall](#)  
[Clerk Memo RFP 003-19 Exterior Public Art for City Hall](#)  
[Clerk Memo RFP 003-19 Interior and Exterior Public Art for City Hall](#)  
[Summary of Evaluation Scoring](#)  
[J H Allen Contract](#)  
[R Gilbert Contract](#)  
[C Gray Contract](#)  
[J Salem Contract](#)

**Passed**

Enactment No: Res 19-007

- 10                    \*Awarding the bid of A. C. Schultes of Florida, Inc., in response to ITB 19-007 for Wastewater Treatment Plant (WWTP) Well Repair and Mechanical Integrity Test Project in the amount of \$51,600.00; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute a contract in conformance with the bid documents upon consent of the City Attorney.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Invitation to Bid](#)  
[FDEP MIT PLAN APPROVAL 2019](#)  
[AC Shultes Bid](#)  
[All Webb Bid](#)  
[Layne Christensen Bid](#)  
[Bid Tabulation](#)

**Passed**

Enactment No: Res 19-008

- 11                    \*Approving the attached “Interlocal Agreement for Engineering Design, Permitting and Construction Services for 1st Street/Bertha Street (Key West) Road Improvement Project” between Monroe County and the City of Key West; Authorizing necessary budget adjustments.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Inter-Local Agreement 1st and Bertha Street](#)

**Passed**

Enactment No: Res 19-009

- 12                   \*Approving and accepting the attached Grant Award Agreement with the Monroe County Tourist Development Council (TDC) to accept funding in the amount of up to \$35,000.00 for the Rest Beach Enhancements Project; Authorizing necessary budget amendments or transfers to accept the funding; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:**       City Manager Scholl

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

**Passed**

Enactment No: Res 19-010

- 13                   \*Approving and accepting the attached Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for funding in the amount of up to \$125,000.00 for Truman Waterfront Park Amphitheater Enhancements Project; Approving any necessary budget adjustments; Authorizing the City Manager to execute the Agreement upon consent of the City Attorney.

**Sponsors:**       City Manager Scholl

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

**Passed**

Enactment No: Res 19-011

- 14 \*Approving and accepting the attached Grant Award Agreement with the Monroe County Tourist Development Council (TDC) to accept funding in the amount of up to \$58,000.00 for the Charter Boat Row Sidewalk Replacement Project, and to assist with a Tourism Impact Study; Authorizing necessary budget amendments or transfers to accept the funding; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Grant Award Agreement](#)  
[Application](#)  
[Public Facilities category\\_flowchart](#)

**Passed**

Enactment No: Res 19-012

- 15 \*Approving a Task Order under the City's General Utilities Services Contract with D. N. Higgins, Inc. in a total amount not to exceed \$80,285.45 for Hurricane Irma Repairs to Reynolds Street Stormwater Outfall; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order](#)  
[Original Resolution 15-292](#)  
[Extension Resolution 18-322](#)  
[D.N. Higgins Contract](#)  
[D.N. Higgins Contract Addendum FEMA](#)

**Passed**

Enactment No: Res 19-013



- 16 \*Approving a Task Order under the City's General Utilities Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$43,226.40 for construction of an asphalt driveway and parking lot for the OMI Collection Crew Facility at the Richard A. Heyman Environmental Facility; Authorizing necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order](#)  
[Drawing](#)  
[Resolution 15-292](#)  
[Extension Resolution 18-322](#)  
[Charley Toppino and Sons, Inc. Contract](#)

**Passed**

Enactment No: Res 19-014

- 17 \*Authorizing the purchase of a replacement Allen-Bradley by Rockwell Variable Frequency Drive (VFD) and Control Panel from Rexel, Inc. on a Sole Source Basis, and in the Best Interests of the City, pursuant to Section 2-797(1) and 2-797(4)(b) of the Code of Ordinances, in a total amount not to exceed \$136,000.00.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Technical Specifications](#)  
[Proposal](#)  
[Sole Source Letter](#)

**Passed**

Enactment No: Res 19-015

18

\*Authorizing an Agreement for Third Party False Alarm Program Administrator Services between the City and Public Safety Corporation, pursuant to Section 2-797(4)(b) of the Code of Ordinances; Authorizing the City Manager to negotiate and execute the Agreement.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)  
[Executive Summary](#)  
[Agreement Signed 12-20-18](#)  
[Cry Wolf Key West Alarm Program Status](#)

**Passed**

Enactment No: Res 19-016

**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.**

19

**QUASI-JUDICIAL HEARING:****Extension 3800, 3820, 3824, 3840, 3850 and 3852 North Roosevelt Boulevard**

Granting an extension of an approved Amended and Restated Development Agreement for property at 3800, 3820, 3824, 3840 (1185 20th St), 3850 and 3852 North Roosevelt Boulevard (RE #00065540-000000, 00065530-000000, 00065550-000000, 00064950-000000, 00064940-000000, and 00065060-000000) in the General Commercial (CG) Zoning District pursuant to Chapter 90, Article IX and Section 122-416 through 122-420 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

**Sponsors:** City Manager Scholl

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

[Executive Summary](#)

[\\*Large File\\* Resolution 09-059](#)

[\\*Large File\\* Resolution 13-139](#)

[Planning Board Resolution 2013-24](#)

[\\*Large File\\* Planning Board Package](#)

**A motion was made by Commissioner Davila, seconded by Commissioner Kaufman, that the Resolution be Passed as amended, that a 2-year extension be allowed to utilize the remaining ten Affordable Rate BPAS units, building permits shall be obtained within two years of the date of this Resolution and if a building permit is not issued within that period the allocated units will revert to the City for reallocation. The motion carried by the following vote:**

**No:** 1 - Mayor Johnston

**Absent:** 1 - Commissioner Hoover

**Yes:** 5 - Commissioner Davila, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 19-017

20

**QUASI-JUDICIAL HEARING:****Major Development Plan and Conditional Use  
1515-1525 Bertha Street & 1512 Dennis Street**

Granting a Major Development Plan and Conditional Use pursuant to Section 108-91 B.2.(a) and Chapter 122 - Article III of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, for the construction of forty-seven (47) residential units and an administration building on property located at 1515-1525 Bertha Street and 1512 Dennis Street (RE #00063400-000100 and RE #00063400-000000) within the Commercial Limited (CL) Zoning District.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Planning Board Package](#)  
[\\*Large File\\* Traffic Study](#)  
[Conceptual Landscape Plan Approval](#)  
[Final Landscape Approval](#)  
[Public Comment](#)

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

**Absent:** 1 - Commissioner Hoover

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

Enactment No: Res 19-018

**ORDINANCES – FIRST READING**

21

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses," by amending "Article XIII - Cosmetics," Section 18-701, to provide definitions; Amending Section 18-704 to provide for notice for unlicensed cosmetology and specialty salons; Amending Section 18-705 to provide additional requirements; and Amending 18-706 to clarify penalties for violation; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Johnston, Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on January 15, 2019. The motion carried by the following vote:**

**No:** 1 - Commissioner Kaufman

**Absent:** 1 - Commissioner Hoover

**Yes:** 5 - Commissioner Davila, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

22

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses", Article X entitled "Peddlers" by amending Section 18-541 entitled "Definitions" amending the definition of a peddler; By creating Sec. 18-547 "Locations" creating prohibited locations; By amending Division 2 entitled "Permit", Sec. 18-576 entitled "Required" by clarifying to whom a permit can be issued and making permits non-transferable; By amending Sec. 18-578 entitled "Application" by requiring accurate identification and contact information and eliminating the requirement of disclosing criminal history and length of time that the permit holder will do business; by amending Sec. 18-579 entitled "Identification" by clarifying requirements of photo identification, by eliminating Sec. 18-580 entitled "Application Fee"; by eliminating Sec. 18-582 entitled "Fingerprints"; by amending Sec. 18-583 entitled "Fee" by clarifying the application and renewal fees and annual periods; by amending Sec. 18-584 entitled "Permit Duration" by clarifying penalties for lack of renewal; by amending Sec. 18-585 entitled "Display" by requiring all permits to be displayed on the peddler's person and providing for penalties for altered permits; By amending Sec. 18-586 entitled "Revocation" by providing for a hearing process before the City Manager prior to the revocation of a peddler's permit; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Lopez

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

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

**ORDINANCES - SECOND READING (Public Hearing)****23**

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 Lopez, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 19-01

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](#)  
[Building Inspection Report](#)  
[Survey](#)  
[Elevation Certificate](#)  
[ALTA 2016 Commitment](#)  
[Final Phase I Environmental Site Assessment](#)  
[Appendix A](#)  
[Appendix B](#)  
[\\*Large File\\* Appendix C](#)  
[Appendix D](#)  
[Appendix E](#)  
[Appendix F](#)  
[Appendix G](#)  
[Appraisal Report](#)

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

Enactment No: Ord 19-02

## DISCUSSION



**25**                      **Selecting Tree Commission Members by the City Commission**

**Sponsors:**            City Manager Scholl

**Discussed**

**Lots were drawn by each Commissioner with the following results:**

**Commissioner Davila - Sue Sullivan**

**Commissioner Hoover - Vacant Seat**

**Commissioner Kaufman - Niel Mellies**

**Commissioner Lopez - Tiffany Pelicier**

**Commissioner Wardlow - Denise Bravo**

**Commissioner Weekley - David Jackson**

**Mayor Johnston - Tonya Cabanas**

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 7:50 P.M.**