



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, October 3, 2017

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 Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Pastor Jonathan Carey, Glad Tidings Church

PLEDGE OF ALLEGIANCE TO THE FLAG

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

COMMENDATIONS

1 Jerika Eilzabeth Rudolph

Sponsors: Mayor Cates and Commissioner Payne

Attachments: [Commendation](#)

Received and Filed

PROCLAMATIONS

2 Fire Prevention Week

Sponsors: Mayor Cates and Commissioner Wardlow

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS**City Attorney's Report****City Manager's Report**

- 20 Year Award – Brenda Sellers Key West Police Department
- Postponed
- FDOT HAWK System Implementation For Crosswalks

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 *August 15, 2017 (Regular)**

Attachments: [Minutes](#)

Approved

4 *September 25, 2017 (Special)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

- 5 *Urging the Florida Legislature to enact legislation that would make texting while driving a primary offence; Directing the City Clerk to transmit copies of this resolution to the Governor of the State of Florida, President of the Florida Senate, Speaker of the Florida House of Representative, and the Monroe County Legislative Delegation.

Sponsors: Mayor Cates, Commissioner Weekley and Commissioner Kaufman

Attachments: [Resolution](#)

Passed

Enactment No: Res 17-226

- 6 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Conch Republic Seafood Company at 631 Greene Street for the Parrot Head Kick Off during the hours of 7:00 P.M. to 11:00 P.M. on Wednesday, November 1, 2017.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 17-227

- 7 *Authorizing the United States Coast Guard to hold the Annual Veterans Day Parade on Duval Street from 4:00 P.M. to 8:00 P.M. Saturday, November 11, 2017; Authorizing the closure of certain streets or portions thereof for said parade from 4:00 P.M. to 8:00 P.M.; Waiving all fees for required city services.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 17-228

8

*Ratifying pursuant to Section 2-797(2) of the Code of Ordinances the acceptance of the renewal proposal from Public Risk Management of Florida (PRM) as submitted by World Risk Management (WRM) in the amount up to \$985,983.00 for the City's Casualty Insurance Program for Policy Year 2017/2018; Authorizing acceptance of World Risk Management as the agent/broker for the City's Casualty Insurance Program for Policy Year 2017/2018; Ratifying the acceptance of the City's Ancillary policies proposals in the amount of \$82,652.34 from Public Risk Insurance Agency (PRIA) to include: Great American for Marine Operators Legal Liability Coverage (\$22,472.00), Outer Mole Excess Liability Coverage (\$8,684.00), Wharfingers Liability Coverage (\$16,066.00), Hull Coverage (\$9,165.00), Vessel Pollution Coverage (\$3,620.00); and Commerce & Industry for Tank Storage Coverage plus Terrorism (\$4,544.95); AIG for AD&D Coverage (\$5,558.15); XL-Indian Harbor for Pollution/Tank Liability Coverage (\$12,542.25); Authorizing the acceptance of Public Risk Insurance Agency (PRIA) as the agent/broker for the City's Ancillary Policies; Authorizing the City Manager to execute all documents consistent therewith with the consent and advice of City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[PRM Property & Casualty Renewal](#)
[Property & Casualty Binding Authority PY 2018](#)
[Ancillary Policies PY 2018](#)
[PRIA Property & Casualty Renewal](#)
[SIVER - Insurance Program Review](#)
[INTERISK - Insurance Program Review](#)

Passed

Enactment No: Res 17-229

- 9 *Approving the attached "Contract Employee Employment Agreement" between Christopher Schlichter and the City of Key West.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Contract](#)

Passed

Enactment No: Res 17-230

- 10 *Approving the attached "Memorandum of Understanding Between Monroe County School District (MCSD) and the City of Key West" to enable the MCSD Fire Academy at the Key West High School and the Key West Fire Department to provide Fire Fighting Training to students during the 2017-2018 school year.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [2017 MOU Monroe County School District and City of Key West](#)

Passed

Enactment No: Res 17-231

- 11 *Approving an adjustment to City of Key West Historic Architectural Review Commission (HARC) / Planning Department Fees.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Proposed Fee Schedule](#)
 [Resolution 13-056](#)

Passed

Enactment No: Res 17-232

- 12 *Approving the attached Revocable License Agreement with Key West Woman's Club, Inc. for use of property adjacent to 319 Duval Street.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Revocable License Agreement](#)
 [Resolution 12-178](#)
 [Resolution 06-147](#)
 [Correspondence](#)

Passed

Enactment No: Res 17-233

- 13 *Authorizing the purchase of one (1) Ventrac 4500 Series Tractor and Accessories Tilt Mower from Jacobsen South Florida in an amount not to exceed \$33,464.55 through State of Florida Contract #22101000-15-1, pursuant to Section 2-797(3) and 2-797(4) of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Ventrac Quote](#)
 [Certification of Contract](#)

Passed

Enactment No: Res 17-234

- 14 *Authorizing its option to renew the Agreement for Administrative Services with Employers Mutual, Inc. (EMI)/Ascension, as the City's Insurance Program Third Party Claims Administrator for the policy period of 10/1/2017 - 9/30/2018; Authorizing the City Manager to execute all documents consistent therewith, upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Resolution 09-246](#)
 [Resolution 10-113](#)
 [Resolution 13-232](#)
 [Resolution 14-085](#)
 [Resolution 15-184](#)
 [Resolution 16-254](#)
 [First Amendment to Agreement](#)
 [Base Contract Agreement](#)

Passed

Enactment No: Res 17-235

- 15 *Authorizing the expenditure of an additional \$30,000.00, pursuant to the Agreement between the City and M.T. Causley, Inc. for Florida DBPR Licensed Professional Substitute Staffing on a Sole-Source Basis, pursuant to Section 2-797(1) of the Code of Ordinances; Authorizing necessary budget transfers and amendments to increase funding by \$30,000.00; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [*Large File* MT Causley Agreement](#)
 [Resolution 17-109](#)

Passed

Enactment No: Res 17-236

16

*Awarding the Bid of D. L. Porter Constructors, Inc. in response to ITB #17-018 for Smathers Beach Bathroom Construction in an amount not to exceed \$655,850.00, including Bid Alternate No. 1 (Deduct); Authorizing the City Manager to execute necessary documents in substantial conformance with the Bid Documents, upon consent of the City Attorney; Authorizing necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Bid Tabulation](#)
[Porter Proposal Form](#)
[Porter Proposal Complete](#)
[Toppino Proposal Form](#)
[ITB 17-018](#)
[Addendum 1](#)

Passed

Enactment No: Res 17-237

17

*Approving the attached assignment of Lease and Consent of Lessor from Island Tranquility, Inc. (Assignor) to Garrison Bight Marina, Inc. (Assignee/Guarantor) for Submerged Lands at 711-717 Eisenhower Drive, as described in the lease approved in Resolution 14-251.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Submerged Land Lease Assignment](#)
[*Large File* Resolution 14-251](#)

Passed

Enactment No: Res 17-238

- 18 *Approving the attached assignment of Lease and Consent of Lessor from Island Tranquility, Inc. (Assignor) to Garrison Bight Marina, Inc. (Assignee/Guarantor) for submerged lands at Angelfish Pier, as described in the Lease approved in Resolution 15-187.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Angelfish Pier Lease Assignment](#)
 [*Large File* Submerged Lands Lease in Garrison Bight adjacent to Angelfish Pier](#)

Passed

Enactment No: Res 17-239

- 19 *Approving the attached assignment of Lease and Consent of Lessor from Island Tranquility, Inc (Assignor) to Garrison Bight Marina, Inc. (Assignee/Guarantor) for the upland parcel at Angelfish Pier, as described in the Lease approved in Resolution 15-186.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Angelfish Pier Lease Assignment](#)
 [*Large File* Resolution 15-186](#)
 [Corporate filing](#)

Passed

Enactment No: Res 17-240

20

*Approving Lease Assignment from Island Tranquility, Inc. to Garrison Bight Marina, Inc. for the marina upland parcel at 711 Eisenhower Drive, as described in the Lease approved in Resolution 08-324 and amended in Resolutions 11-042, 14-016 and 15-133.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Lease Assignment](#)
[Lease Amendments 1 and 2](#)
[*Large File* Resolutions 15-133, 14-016, 11-042 and 08-324](#)
[Corporate filing](#)

Passed

Enactment No: Res 17-241

21

*To approve and authorize the Key West Police Department to apply for and accept a 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) - local solicitation, in the amount of \$13,162.00; Authorizing any necessary budget amendments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[2017 Byrne Local Allocation List](#)

Passed

Enactment No: Res 17-242

- 22 *Approving the attached Collective Bargaining Agreement between the City of Key West and the Florida Police Benevolent Association, Inc. (Key West Chapter) from October 1, 2017 through September 30, 2020.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [*Large File* Contract](#)

Passed

Enactment No: Res 17-243

- 23 *Waiving the City's right to pursue Attorney Fees and Costs in the case of David Fernandez v. City of Key West (Case No. 2014-CA-1062-K) in exchange for Plaintiff's Dismissal of all claims and appeals; Authorizing the City Manager and the City Attorney to execute necessary documents.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)

Passed

Enactment No: Res 17-244

Approval of the Consent Agenda

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

- 24 Directing City Staff to prepare a report as to the feasibility of renovating Building 187.

Sponsors: Commissioner Payne

Attachments: [Resolution](#)

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

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

Yes: 4 - Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Mayor Cates

Enactment No: Res 17-245

25

Authorizing MultiRace, LLC to conduct their Annual Triathlon on Saturday, December 9, 2017 throughout City Streets; Authorizing certain street closures thereof during the event and closing Atlantic Boulevard except residents during the event; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 5:00 A.M. to Noon; Authorizing the closure of the 400 block of Southard Street for the awards ceremony from 4:00 P.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

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

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, 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 17-246

26

Authorizing the Powerboat P1-USA LLC to conduct a Personal Watercraft World Championship Jet Ski Races off Smathers Beach on Saturday, December 9 and Sunday, December 10, 2017 (set up Friday, December 8) from 8:00 A.M. to 5:00 P.M. and the use of the White Street Pier for their VIP and Race Village during the event; 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](#)
[Release & Indemnification](#)
[Letter Key West Sailing Center](#)

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 17-247

27

Approving the attached “Addendum to Purchase and Sale Agreement” between the City of Key West and the Utility Board of the City of Key West d/b/a Keys Energy Services (“KEYS”), to accept a Disclaimer of Fort Street Right-Of-Way and approve an Ingress, Egress and Utility Easement Agreement for a strip of land adjacent to the Diesel Energy Plant; Authorizing the City Manager to execute necessary documents on behalf of the City, upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Agreement Addendum](#)
[Boundary Survey](#)
[Resolution 17-164](#)

A motion was made by Commissioner Payne, seconded by Commissioner Kaufman, 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 17-248

28

Approving the Collective Bargaining Agreement between the City of Key West and Teamsters Local 769, Office and Blue Collar Workers, effective October 1, 2017 through September 30, 2020.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Contract](#)

A motion was made by Commissioner Payne, seconded by Commissioner Lopez, 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 17-249

ORDINANCES – FIRST READING

- 29** An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 323 of the Police and Fire Pension Plan to Adjust Provisions for Military Service Buybacks/Reemployment; Adding Provisions for Prior Police Service Buybacks; Adding Provisions for Prior Fire Service Buybacks; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for an Effective Date.

Sponsors: City Manager Scholl

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

A motion was made by Commissioner Wardlow, seconded by Commissioner Payne, that the Ordinance be Passed to Second Reading on October 17, 2017. The motion carried by the following vote:

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

DISCUSSION

- 30** Emergency Medical Service

Sponsors: Commissioner Kaufman

Attachments: [Letter From Omar Garcia](#)

Discussed

- 31** Affordable Housing Change of Percent of AMI

Sponsors: Commissioner Kaufman

Discussed

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT - 8:04 P.M.**