



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, August 5, 2014

6:00 PM

Old 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 at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

### CALL MEETING TO ORDER

6:05 P.M.

### ROLL CALL

**Present** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused** 0

### INVOCATION - Reverend Phillip Smedstad, Unity of the Keys

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PRESENTATIONS

1 Charterboat Association

Sponsors: Mayor Cates

Received and Filed

2 Key West Police Chief Donald Lee - 20 Year Service Award

Sponsors: City Manager Scholl

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**

- 3                   \*June 30, 2014 (Special)  
  
                  Attachments:   [Minutes](#)  
  
                  Passed
  
- 4                   \*July 1, 2014 (Special)  
  
                  Attachments:   [Minutes](#)  
  
                  Passed
  
- 5                   \*July 1, 2014 (Regular)  
  
                  Attachments:   [Minutes](#)  
  
                  Passed
  
- 6                   \*July 21, 2014 (Workshop)  
  
                  Attachments:   [Minutes](#)  
  
                  Passed
  
- 7                   \*July 22, 2014 (Workshop)  
  
                  Attachments:   [Minutes](#)  
  
                  Passed

**RESOLUTIONS**

- 8 \*Authorizing TRIKW, LLC to conduct their annual Triathlon on Saturday, December 6, 2014 at Higgs Beach; Authorizing certain street closures thereof during the event and closing Atlantic Blvd except residents during the event; Granting an exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances from 6:00 A.M. to 12:00 Noon; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 14-194

- 9 \*Ratifying the Emergency Award of Bid in response to ITB 13-023 (Project OM1302) to DN Higgins, Inc. for Mole Pier Fender Replacement in a total amount not to exceed \$219,700.00, pursuant to Section 2-797 (2) of the Code of Ordinances; Ratifying an emergency budget transfer; Authorizing the City Manager to execute all necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Declaration of Procurement Emergency](#)  
[Authorized budget transfer](#)  
[City Clerk's bid tabulation](#)  
[Center Marine Contracting, LLC. proposal](#)  
[Douglas N Higgins Inc. proposal](#)

**Passed**

Enactment No: Res 14-195

- 10                    \*Approving Task Order No. 2-14-SWR from CH2M Hill Engineering, Inc. in the amount not to exceed \$66,190.00 for Design, Bid Phase Services, and Construction Phase Services for the Wastewater Treatment Plant Roof Repair Project at the Richard A. Heyman Environment Protection Facility.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Task Order](#)  
[Agreement with CH2M Hill Engineering, Inc.](#)  
[\\*Large File\\* Resolution 12-280](#)

**Passed**

Enactment No: Res 14-196

- 11                    \*Ratifying an Emergency Purchase of new solid tires for the Front End Loader at the Transfer Station from Kelly Tractor, in the amount of \$26,673.84, approved by the City Manager in excess of \$20,000.00, pursuant to Section 2-797 (2) of City's Code of Ordinances; Authorizing necessary Budget Transfers.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[City Manager Memo](#)  
[Kelly Tractor Letter](#)  
[Kelly Tractor Invoice](#)

**Passed**

Enactment No: Res 14-197

- 12 \*Authorizing the purchase of a mobile Port Security Guard House for Outer Mole Cruise Ship Operations from UH Structures - dba Ebtech Industrial Building Solutions pursuant to GSA Contract # GS-07F-0647W MOD P0025, in an amount not to exceed \$66,475.00, pursuant to Section 2-797 (3) of the Code of Ordinances.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[EBTech Industrial Building Solutions quote](#)  
[Spec](#)  
[General Services Administration Contract](#)  
[\\*Large File\\* Resolution 13-319](#)  
[Award Letter](#)  
[\\*Large File\\* application](#)

**Passed**

Enactment No: Res 14-198

- 13 \*Awarding the Bid of Sport Surfaces LLC for Bayview Park Tennis Courts Resurfacing in accordance with the terms specified in ITB #14-021 in an amount not to exceed \$28,700.00; Authorizing the City Manager to enter into a contract in substantial conformance with the contract documents contained in the bid package on behalf of the City of Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bid #14-021 Resurface Tennis Courts Bayview](#)  
[City Clerk bid tabulation](#)  
[Mc Court Construction proposal](#)  
[Sport Surfaces LLC proposal](#)

**Passed**

Enactment No: Res 14-199

- 14** \*Awarding the Bid of Faitella Enterprises, Inc. for the purchase of a trailer mounted pressure washer unit in accordance with the terms specified in ITB #14-022 in an amount not to exceed \$29,995.00; Authorizing the City Manager to enter into a contract in substantial conformance with the contract documents contained in the bid package on behalf of the City of Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bid #14-022 purchase of trailer mounted pressure washer](#)  
[City Clerk bid tabulation](#)  
[\\*Large File\\* Faitella Enterprises, Inc dba The Paint House proposal](#)  
[\\*Large File\\* Industrial Cleaning Equipment & Supply proposal](#)

**Passed**

Enactment No: Res 14-200

- 15** \*Rejecting, pursuant to Section 2-834 (4) of the Code of Ordinances, all submittals received in response to RFQ #14-003 for an Open Spaces and Recreation Master Plan.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 14-201

- 16 \*Approving the attached "Public Transportation Joint Participation Agreement" (JPA) between the Florida Department of Transportation (FDOT) and the City of Key West for District Discretionary Revenue Funds through the State Transit Corridor program for the City of Key West Department of Transportation to purchase up to five (5) bus engines, drive trains and related parts in an amount not to exceed \$100,000.00 (Contract #ARJ40); Authorizing the City Manager and/or Transit Director to execute necessary documents and necessary budget amendments.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 13-260](#)  
[Grant Request](#)  
[Agreement](#)

**Passed**

Enactment No: Res 14-202

- 17 \*Authorizing the authority to execute and submit grant documentation through the Transportation Electronic Award Management System (TEAM) to the Federal Transit Authority (FTA) and the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), and to the Florida Department of Transportation (FDOT) and U.S. Department of Transportation (USDOT) to the City Manager Jim Scholl, Key West Department of Transportation Director Norman Whitaker, and alternate designees Project and Grants Manager Carolyn Haia, and the Assistant City Manager Sarah Hannah-Spurlock; Authorizing City Attorney Shawn Smith and Chief Assistant City Attorney Larry Erskine to affirm the authority of the City and its designees to apply for and accept grant funding.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 13-260](#)

**Passed**

Enactment No: Res 14-203

- 18 \*Approving Renewal of the Administrative Agreement for the Community Development Office between the City of Key West and the Housing Authority of the City of Key West, Florida.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 14-204

- 19 \*Approving the attached "Combined Voluntary Cooperation and Operation Assistance Mutual Aid Agreement" between the Key West Police Department (KWPD) and the Monroe County Sheriff's Office (MCSO), pursuant to the Florida Mutual Aid Act, Chapter 23, Part I, Florida Statutes.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Mutual Aid Agreement](#)

**Passed**

Enactment No: Res 14-205

- 20 \*Approving a Commercial Dockage Agreement and Settlement Agreement for Bonita Pier, Slip 1 to Chianyai, LLC; Authorizing the City Manager to execute all documents consistent therewith.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Settlement Agreement](#)  
[Dockage Agreement](#)

**Passed**

Enactment No: Res 14-206

- 21 \*Authorizing and approving the location and placement of a Memorial Statue honoring African-American Soldiers of the Civil War at Bayview Park, in substantial conformance with the attached site plan; Directing the City Manager to work with the organizers to complete a suitable Memorial.

**Sponsors:** Commissioner Lopez

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Exhibit 1 - Description & Location](#)  
[Exhibit 2 - Composite & Article](#)

**Passed**

Enactment No: Res 14-207

- 22 \*Approving transfer of Mobile Vendor License (MVL) #12786 from Theodore Wasilak to Dylan Lafferman due to hardship.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 14-208

- 23 \*Approving the Attached "Amendment of Solicitation/Modification of Contract" to Contract Number N69450-12-RP-00166, Between the United States of America, Acting By and Through The Department of the Navy, Naval Facilities Engineering Command Southeast, and the City of Key West, Regarding a Portion of the Outer Mole Pier at Truman Annex.

**Sponsors:** City Attorney Smith

**Attachments:** [Resolution](#)  
[Letter from the Navy](#)  
[Amendment of Solicitation/Modification of Contract](#)  
[Resolution 14-034](#)

**Passed**

Enactment No: Res 14-209

- 24 \*Approving the settlement in Alice Ramierez-Gates vs. the City of Key West, Worker's Compensation Case No. 92-3797-CMH in the amount of \$146,119.00; Authorizing the City Manager to execute all settlement documents consistent therewith.

**Sponsors:** City Attorney Smith

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[Supplemental Executive Summary](#)

**Passed**

Enactment No: Res 14-210

#### Approval of the Consent Agenda

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

- 25 Approving the creation and placement of a Statue of Bishop Albert Kee in the area of the Southernmost Point; Authorizing the expenditure of City funds collected for the purpose of Art in Public Places.

**Sponsors:** Commissioner Lopez and Commissioner Wardlow

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 10-328](#)  
[Resolution 03-372](#)  
[Petitions in Support](#)  
[Letter From John Jones](#)

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

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

Enactment No: Res 14-211

26

Relating to the Collection and Disposal of Solid Waste in the City of Key West, Florida; Establishing the estimated assessment rate for the Solid Waste Service assessments against assessed property located within the City of Key West, Florida, for the Fiscal Year beginning October 1, 2014; Directing the preparation of an assessment roll; Authorizing a Public Hearing and directing the provision of notice thereof.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Appendix A](#)  
[Notice to property owners](#)  
[Letter from Chris Stone](#)

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

**No:** 2 - Commissioner Johnston and Commissioner Weekley

**Yes:** 5 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

**Excused:** 0

Enactment No: Res 14-212

27

Authorizing an Exempt Contractual Services Purchasing Exception pursuant to Section 2-797 (4) of the Code of Ordinances, to allow purchase of a Classification and Benefits Study for the City of Key West from Evergreen Solutions, LLC. in a total amount not to exceed \$43,000.00; Providing for a budget transfer from the City Manager's contingency funds.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Evergreen Quote](#)  
[Procurement Exception](#)

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

**No:** 2 - Commissioner Rossi and Commissioner Wardlow

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

Enactment No: Res 14-213

28

Nominating property located at 1012 Fleming Street for acquisition by the Monroe County Land Authority for Affordable Housing Condominium Units; Providing requirements.

**Sponsors:** Commissioner Weekley

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

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

**No:** 2 - Commissioner Johnston and Commissioner Rossi

**Yes:** 5 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

Enactment No: Res 14-214

29

**QUASI-JUDICIAL HEARING: EASEMENT & FEE WAIVER**

Approving an Easement of 129 square feet, more or less, to address the encroachment of existing brick pavers into City Right-of-Way abutting the property located at 951-955 Caroline Street, Key West, Florida (RE # 00002970-000000; AK # 1003069); Providing fees and conditions.

**Sponsors:** City Manager Scholl and Commissioner Weekley

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[\\*Large File\\* Easement Application](#)  
[Site Photos](#)  
[Fee Waiver Request](#)  
[Mailing Labels](#)  
[CC Resolution No 95-324 - Prelim Dev Agr](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Resolution be Postponed to August 19, 2014 meeting. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

30

**QUASI-JUDICIAL HEARING: EASEMENT**

Approving an Easement of 1,639 square feet, more or less, to address the encroachments of an existing metal awning and rooftop cornice into City Rights-of-Way abutting the property located at 500 Duval Street, Key West, Florida (RE # 00009850-000000, AK # 1010111); Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Historic Photos & Maps](#)  
[Awning Inspection Report](#)  
[Agreement](#)  
[\\*Large File\\* Easement Application](#)  
[Mailing Labels](#)  
[Petitions in Opposition](#)

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

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

Enactment No: Res 14-215

31

**QUASI-JUDICIAL HEARING: REVOCABLE LICENSE**

Authorizing the City of Key West to enter into a Revocable License Agreement for nonpermanent use of City property to maintain an existing wood fence located on City Right-of-Way abutting the property located at 1119 Olivia Street (RE # 00022290-000000, AK # 1023078) pursuant to Section 2-939 of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[Revocable License Application](#)  
[Mailing Labels](#)

**A motion was made by Commissioner Rossi, seconded by Commissioner Yaniz, that the Resolution be Postponed to the August 19 meeting. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

## ORDINANCES – FIRST READING

32

An Ordinance of the City of Key West, Florida, pursuant to Section 1.05(a) of the Charter of the City of Key West, Florida, proposing a Referendum to permit an Amendment to the Land Development Regulations to provide an exception to Building Height Regulations for the specific purpose(s) of protecting homes and possessions during flood events; To mitigate rising insurance rates; Facilitate potential flood insurance rate discounts Citywide by improving the City's Community Rating System standing; And in response to Comprehensive Plan Policies related to adaption; Setting the General Election of November 4, 2014, as the date of Referendum; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Johnston, Commissioner Lopez and Commissioner Wardlow

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Attachment A](#)  
[\\*Large File\\* Attachment B](#)

**A motion was made by Commissioner Yaniz, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

33

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 accept title to approximately 8.87 acres of land located at 1801 North Roosevelt Blvd., and commonly referred to as City Marina at Garrison Bight from the State of Florida without cost for continued use for public parking, public boat ramps, public dockmaster facility, and a commercial and live-abroad marina; Authorizing the City Clerk to take all necessary action to place this measure on the Ballot for November 4, 2014; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Approved Sketch and Legal](#)  
[Resolution 2218](#)  
[Resolution No 03-167](#)  
[City Deed - Key West to FDOT Nov. 1963 for Garrison Bight](#)  
[Construction](#)  
[Resolution 03-152](#)  
[QuitClaim Deed](#)

**A motion was made by Commissioner Yaniz, seconded by Commissioner Rossi, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**Excused:** 0

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT**

**9:05 P.M.**