



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

City Commission

Tuesday, May 1, 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 - 6:01 P.M.

ROLL CALL

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

INVOCATION - Chaplain Derek Henson, United States Coast Guard Sector Key West

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved with changes unanimously.

PROCLAMATIONS

1 Trophia Foundation Appreciation Day

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

2 Texas Roadhouse Arbor Day

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

3 Letter Carrier Food Drive Day

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

City Attorney's Report

City Manager's Report
- Higgs Beach Progress

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

4 *April 3, 2018 (Regular)

Attachments: [Minutes](#)

Approved

5 *April 18, 2018 (Special)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

6 *Appointing Judy Lakin to the Key West Civil Service Board.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 18-132

7 *Appointing Tonya Cabanas to the Tree Commission.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 18-133

8 *Appointing Tiffany Pellicier to the Tree Commission.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 18-134

9 *Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a fundraiser at McCoy Indigenous Park and Fireworks on the Edward B. Knight Pier (formally White Street Pier) on July 4, 2018 (set up July 2, 2018 starting at 7:00 A.M. through July 5, 2018, 7:00 A.M.) authorizing a Fireworks display off the Edward B. Knight Pier on July 4, 2018 from 9:00 P.M. to 10:00 P.M.; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the July 4th Fireworks Celebration; Authorizing the sale and consumption of alcoholic beverages at McCoy Indigenous Park.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 18-135

10 *Authorizing Literacy Volunteers of America-Monroe County, Inc. to conduct its Annual Caribbean Street Fair on Saturday, July 21, 2018 from 10:00 A.M. to 10:00 P.M.;

Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Front and Angela Streets between the hours of 10:00 A.M. to 10:00 P.M.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 18-136

- 11 *Authorizing Sunrise Rotary Foundation of Key West, Inc. the use of City Property at 1405 Duval Street for a Brewfest Key West Festival on Saturday, September 1, 2018 from 3:00 P.M. to 8:00 P.M. (rain date Sunday, September 2, 2018); Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 18-137

- 12 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for the Vandenberg/Laird Wedding Ceremony and Reception at the Hemingway House at 907 Whitehead Street during the hours of 6:00 P.M. to 11:00 P.M. on Sunday, October 21, 2018.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 18-138

- 13 *Authorizing a \$500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) to the Key

West High School Operation Graduation Program, pursuant to Florida Statutes Section 932.7055.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Key West High School Letter](#)

Passed

Enactment No: Res 18-139

14

*Awarding the Bid of Coral Construction Company (Coral) for design build of the 10th Street Pocket Park, in an amount not to exceed \$186,000.00 in accordance with the terms specified in ITB 18-009; Authorizing the City Manager to execute a contract on behalf of the City of Key West in conformance with the Bid Documents, upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk's Bid Tabulation Memo](#)
[*Large File* Coral Construction Company proposal](#)
[*Large File* Charley Toppino & Sons, Inc. proposal](#)
[*Large File* DN Higgins proposal](#)
[*Large File* City Bid #18-009](#)
[Addendum 1](#)

Passed

Enactment No: Res 18-140

15

*Rejecting the Bid received in response to Invitation to Bid (ITB) #18-017, for VFD Replacement for Effluent Pump; and Rejecting the Bid received in response to Invitation to Bid (ITB) #17-023, for Effluent Pump FP-3-1 Control and VFD Replacement pursuant to Section 2-834(4) of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City's Bid #18-017](#)
[*Large File* D.N. Higgins Bid 18-023](#)
[City Clerk's Bid tabulation memo 18-023](#)
[Bid Clarification 18-023](#)
[*Large File* D.N. Higgins Bid 17-023](#)
[City Clerk's Bid tabulation memo 17-023](#)

Passed

Enactment No: Res 18-141

16

*Rejecting all Bids received in response to Invitation to Bid (ITB) #18-025, for Rebid: CCTV Surveillance System for Mallory Square and Outer Mole pursuant to Section 2-834(3) and (4) of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk's Bid Tabulation memo](#)
[City Bid Documents #18-025](#)
[*Large File* American Infrastructure Services proposal](#)
[*Large File* Broadwave proposal](#)
[Security Centres International, LLC. proposal](#)

Passed

Enactment No: Res 18-142

17

*Approving the staff ranking for General Traffic Engineering Services in response to RFQ No. 18-001; Authorizing the City Manager to negotiate and execute contracts on a Task Order basis with the three-top-ranked firms upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Ranking Form](#)
[City Clerk's RFQ Tabulation memo](#)
[*Large File* Calvin Giordano & Associates, Inc.](#)
[Calvin Giordano Information Request](#)
[Calvin Giordano Signed Forms & Affidavits](#)
[*Large File* Choice Engineering Consultants, Inc.](#)
[*Large File* Florida Transportation Engineering, Inc.](#)
[Keith & Schnars](#)
[*Large File* Langan Engineering and Environmental Services, Inc.](#)
[*Large File* Mathews Consulting, A Baxter & Woodman Company](#)
[*Large File* Vision Engineering and Planning, LLC.](#)
[City's Request for Qualifications #18-001](#)

Passed

Enactment No: Res 18-143

18

*Approving the staff ranking for Professional Surveying Services in response to Request for Qualifications (RFQ) No. 18-002; Authorizing the City Manager to negotiate and execute contracts on a task order basis with the three top-ranked firms upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Ranking Results](#)
[City Clerk's RFQ Tabulation memo](#)
[City's Request for Qualification #18-002](#)
[Addendum No.1](#)
[*Large File* Avirom & Associates](#)
[*Large File* Biscayne Engineering](#)
[*Large File* Florida Keys Land Surveying, LLC.](#)
[Florida Keys Land Surveying Executed Addendum](#)
[Keith & Schnars](#)
[*Large File* Longitude](#)
[*Large File* Maser](#)
[Maser Executed Addendum](#)
[Mathews Consulting, A Baxter & Woodman Company](#)
[Reece & Associates](#)
[Manuel G. Vera & Associates](#)

Passed

Enactment No: Res 18-144

19

*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 Key West High School and the Key West Fire Department to provide Fire Fighting Training to Students during the 2018-2019 School Year.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[2018 - KWFD - KWHS Fire Academy Memo of Understanding](#)
[KW Fire Department Memo of Understanding with Adult Education](#)

Passed

Enactment No: Res 18-145

20

*Approving the attached Lease Agreement between the City and Old Fire House Preservation, Inc. for 1026 Grinnell Street.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Lease](#)
[Corporate Filing](#)

Passed

Enactment No: Res 18-146

21

*Approving the attached “Addendum to General Architectural Services Agreement” to K2M Design, Inc. to incorporate Federal Contracting clauses required for FEMA reimbursement; Approving the attached “Addendum to General Engineering Services Agreement” to Artibus Design, LLC to incorporate Federal Contracting clauses required for FEMA reimbursement; Approving the attached “Addendum to General Environmental Engineering Services Agreement” for Atkins North America, Inc., to incorporate Federal Contracting clauses required for FEMA reimbursement; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[K2M Design Addendum](#)
[Artibus Design, LLC. Addendum](#)
[Atkins North America, Inc. Addendum](#)
[K2M Design agreement](#)
[*Large File* Artibus Design, LLC. Agreement](#)
[Atkins Agreement](#)
[Resolution 17-299](#)
[Resolution 17-207](#)
[Resolution 17-190](#)
[Resolution 14-359 with Agreement](#)

Passed

Enactment No: Res 18-147

22

*Approving the attached form of Month-to-Month

“Liveaboard Dockage Agreement” and accompanying “Marina Liveaboard Rules and Regulations” for Liveaboard Tenants of the City Marina at Garrison Bight.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Proposed Agreement](#)
[Current Marina Live-Aboard Rules](#)
[Resolution 03-362](#)

Postponed Indefinitely

23

*Amending the Contract for General Engineering Services and the Contract for General Architectural Services with AMEC Foster Wheeler Environment and Infrastructure, Inc. (AMEC) by amending the contracts to reflect a name change to Wood Environment and Infrastructure Solutions, Inc. (Wood).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Formal Letter Requesting Name Change](#)
[Resolution 17-207](#)
[Contract Amendment Architectural](#)
[Contract Amendment Engineering](#)

Passed

Enactment No: Res 18-148

24

Awarding the Bid of Mike's Painting and Repair, Inc. for painting of the Sports Facility Buildings in accordance with the terms specified in ITB #18-021 in an amount not to exceed \$36,500.00; 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](#)
 [City Clerk's Bid tabulation memo](#)
 [*Large File* Mikes Painting and Repair proposal](#)
 [*Large File* Worth Contracting, Inc proposal](#)
 [Mandatory Pre-Bid Sign In Sheet](#)
 [City Bid Documents #18-021](#)

Passed

Enactment No: Res 18-149

Approval of the Consent Agenda

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

25

Authorizing Key West Promotions, Inc. to conduct a Seafood Lobster Festival on Saturday, August 11, 2018, from 10:00 A.M. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200, 300 & 400 & 500 Blocks of Duval Street between Front and Southard Streets including the Greene Street intersection and Telegraph Lane & Charles Street from 10:00 A.M. to Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 10:00 A.M. to Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

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

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 18-150

26

Authorizing Rams Head Promotions, LLC to conduct a concert at the Truman Waterfront Amphitheatre on Friday, November 16, and Saturday, November 17, 2018 from 5:00

P.M. to 10:00 P.M. (Set up Thursday, November 15, 2018 and tear down Sunday, November 18, 2018); 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](#)

A motion was made by Commissioner Weekley, 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 18-151

27

Approving pursuant to Section 2-797 (4) (b) of the Code of Ordinances the procurement of one Shadow Four Horse Gooseneck Trailer with Accessories from Shadow Trailer World, in an amount not to exceed \$37,986.50, for use by the Key West Police Department Mounted Unit; Authorizing the use of funds from the Mounted Unit Donation account for this purchase.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Horse Trailer Bid - Shadow](#)
[Horse Trailer Bid - Gator](#)
[Horse Trailer Bid - Keifer](#)

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 18-152

28

Authorizing the City of Key West to enter into a Revocable License Agreement for Nonpermanent Use of City Property with Whoduz, Inc. to allow the operation of a Green Market at Bayview Park four times per month, upon additional terms

and conditions contained in the Agreement (July 1, 2018 through June 30, 2019).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[2018 Revocable License Agreement](#)
[Organizational Documents](#)
[Insurance](#)

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

Enactment No: Res 18-153

29

Authorizing a waiver of the One Percent Public Art Set-Aside requirement for the Basilica of Saint Mary Star of the Sea Activity Center Project, located at 1010 Windsor Lane, pursuant to Section 2-487(c)(1)c. of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Request from Basilica School](#)
[Ordinance Section 2-487](#)

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

No: 1 - Commissioner Kaufman

Yes: 6 - Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 18-154

30

Authorizing a waiver of the One Percent Public Art Set-Aside requirement for the Key West Housing Authority Frank P. Toppino Poinciana Gardens Senior Living Facility Project, located at 1664 Dunlap Drive, pursuant to Section 2-487(c)(1) c. of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Key West Housing Authority Request April 2018](#)
[November 14, 2016 AIPP Information](#)
[Key West Housing Authority Request October 2016](#)
[Ordinance Section 2-487](#)

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

No: 1 - Commissioner Kaufman

Yes: 6 - Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 18-155

31

Approving the attached Third Amendment to Employment Agreement between the City of Key West and Shawn D. Smith for the position of City Attorney.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Third Amendment](#)
[Performance Evaluation Summary 2016-2017](#)
[Resolution 14-362](#)

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 18-156

ORDINANCES - SECOND READING (Public Hearing)

32

An Ordinance of the City of Key West, Florida, amending Chapter 62, titled "Streets and Sidewalks" by adding Article VIII. Titled "Communications Facilities in Public Rights of Way" to the Key West Code of Ordinances; Adding Sections 62-401 through 62-421; Providing Findings & Intent; Providing Definitions; Providing for Registration of Communication Service Providers; Providing for Notice of

Transfer, Sale or Assignment of Assets; Providing Rules, Regulations and General Conditions to Placement of Communications Systems and Facilities in the Public Right of Way (ROW); Providing for Duty to Notify City of Resellers; Providing Wireless Facilities Rules and Conditions; Providing for Revocation of Suspension of Permanent ROW Permits; Providing for Involuntary Termination of Registration; Providing for Appeals; Providing for Fees Applicable to those not Subject to Communications Services Tax; Providing for Existing Communications Facilities; Providing for Insurance; Providing for Indemnification; Providing for Construction Bond; Providing for Performance Bond; ~~Providing for Security Fund~~; Providing Enforcement Remedies; Providing for Abandonment of a Communications Facility; Providing for Reservation of Rights and Remedies; 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 Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Adopted. The motion passed by an unanimous vote.

Enactment No: Ord 18-09

DISCUSSION

33

Commercial Recycling

Sponsors: Commissioner Kaufman

Attachments: [*Large File* Solid Waste Master Plan](#)

Discussed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:03 P.M.

