



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

City Commission

Tuesday, May 7, 2019

5:00 PM

City Hall

AMENDED May 6, 2019

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 (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER

ROLL CALL

INVOCATION- Bishop Jonathan Carey, Glad Tidings Tabernacle

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

1 Carl A. Fischer

Sponsors: City Commission

Attachments: [Commendation](#)

2 School Resource Officers

Sponsors: City Commission

Attachments: [Commendation](#)

PROCLAMATIONS

3 Letter Carrier Food Drive Day

Sponsors: City Commission

Attachments: [Proclamation](#)

4 Sister Islands Cuba and Key West

Sponsors: City Commission

Attachments: [Proclamation](#)

5 National Safe Boating Week

Sponsors: City Commission

Attachments: [Proclamation](#)

6 Motorcycle Safety and Awareness Month

Sponsors: City Commission

Attachments: [Proclamation](#)

7 Williams Syndrome Awareness Month

Sponsors: City Commission

Attachments: [Proclamation](#)

PRESENTATIONS

8 Duval Street Pocket Park - Michael Halpern

Sponsors: Mayor Johnston

9 Sustainability Advisory Board Annual Report - Monica Haskell

Sponsors: City Manager Scholl

Attachments: [2018 SAB Annual Report](#)

10 FY19-20 Bicycle Action Plan.

Sponsors: City Manager Scholl

Attachments: [BAPFY19-20 One Pager](#)

[Bicycle Action Plan 19-20](#)

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

11 *April 2, 2019 (Regular)

Attachments: [Minutes](#)

RESOLUTIONS

12 *Re-appointing Mark Albury to the Key West Civil Service Board.

Sponsors: Mayor Johnston

Attachments: [Resolution](#)

[Mark Albury Resume](#)

13 *Authorizing Literacy Volunteers of America-Monroe County, Inc. to Conduct its Annual Caribbean Street Fair on Saturday, July 20, 2019 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 Southard Streets between the hours of 10:00 a.m. to 10:00 p.m.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Application](#)

- 14 *Authorizing MZF Mile Zero Fights, LLC to conduct a Jiu-Jitsu Competition on Friday, May 24, 2019 from 4:00 p.m. to Midnight and a MMA, Muay Thai and Boxing Fights on Saturday, May 25, 2019 from 4:00 p.m. to Midnight at the Truman Waterfront Amphitheatre (Access Day prior and After 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](#)

[Letter from the Conch Republic Wrestling Club](#)

- 15 *Authorizing Key West Promotions, Inc. to conduct a Seafood Lobster Festival on Saturday, August 10, 2019 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](#)

- 16 *Accepting a Florida Department of Health (FDOH) Emergency Medical Services Data Collection Grant in the amount of \$23,960.00 through the overdose prevention in states (OPIS) Cooperative agreement approved by the Bureau of Emergency Medical Oversight (BEMO) for the procurement of computers with proprietary software and accessories on a reimbursement basis; Authorizing the procurement of five (5) Panasonic CF-20GX-01VM Laptop Computers with proprietary software and accessories, extended warranty and wireless plans from Intermedix with said grant funds on a sole-source basis Pursuant to Section 2-797 (1) in accordance with Section 2-844, Brand Name Specifications, of the Code of Ordinances; Authorizing necessary budget transfers; Authorizing the City Manager to execute necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[City of Key West Award Letter](#)

[Hardware Quote](#)

- 17 *Approving and Authorizing the City Manager to execute the attached “Local Agency Program Supplemental Agreement #5” between the City of Key West and the Florida Department of Transportation (FDOT) to receive \$162,802.00 for additional design services associated with Project 250548-4: US-1/South Roosevelt Blvd. from Bertha St. to Smathers Beach; approving any necessary budget amendments and transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[LAP Supplemental Agreement #5](#)

[Resolution 08-122](#)

[Resolution 13-293](#)

[Resolution 15-294](#)

[Resolution 18-070](#)

- 18 *Approving Task Order 01-2019-SWM for Arcadis U.S., Inc., in an amount not to exceed \$23,100.00 to provide a rate study for preparation of the City's FY 2020 Solid Waste billing.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Task Order](#)

[Master Agreement](#)

[Resolution 15-162 \(Original\)](#)

[Res 18-167 \(Extension\)](#)

- 19 *Approving Task Order 02-2019-STM for Arcadis U.S., Inc., in an amount not to exceed \$23,100.00 to provide a rate study for preparation of the City's FY 2020 Stormwater billing.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Task Order](#)

[Resolution 15-162 \(Original\)](#)

[Resolution 18-167 \(Extension\)](#)

[Master Agreement](#)

- 20 *Approving Task Order 03-2019-SWR from Arcadis US, Inc. in an amount not to exceed \$23,100.00 to provide a rate study for the preparation of the City's FY 2020 Sewer Billing.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Task Order](#)

[Resolution 15-162 \(Original\)](#)

[Resolution 18-167 \(Extension\)](#)

[Master Agreement](#)

- 21 *Approving the Purchase of twelve (12) Victor Stanley SD-42 trash and recycling receptacles from Victor Stanley on a sole source basis pursuant to Section 2-797 (4) and 2-797 (1) for brand name items in accordance with 2-844 of the Code of Ordinances in an amount not to exceed \$29,618.20, as described in the attached executive summary; Authorizing necessary budget transfers; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.
- Sponsors: City Manager Scholl
- Attachments: [Resolution](#)
- [Executive Summary](#)
- [Victor Stanley Sole Source Letter](#)
- [Victor Stanley Quote](#)
- 22 *Approving the attached Public Transportation Grant Agreement (PTGA) FM 444447-1-94-01 between the Florida Department of Transportation (FDOT) and the City of Key West for the Mallory T-Pier Extension/ improvements Project in an amount not to exceed \$425,000.00 (City Match \$141,667.00 for a total project cost of \$556,667.00); Authorizing necessary budget amendments and transfers to accept the grant; Authorizing City Manager to execute the PTGA and related documents upon consent of the City Attorney.
- Sponsors: City Manager Scholl
- Attachments: [Resolution](#)
- [Executive Summary](#)
- [Public Transportation Grant Agreement](#)
- [Application](#)

- 23 *Approving the proposed Settlement Agreement in Jennifer Weinstock vs. The City of Key West Monroe Circuit Court Case No.: 2017-CA-730-K in the amount of \$50,000.00; Authorizing the City Manager to execute all settlement documents with the advice and consent of the City Attorney.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)

[Executive Summary and Photos](#)

[Mediation Agreement](#)

- 24 *Authorizing pursuant to Code of Ordinances 2-771 (3)c the disposal of two surplus and obsolete International Vactor Sewer Cleaning Vehicles in exchange for a trade-in allowance of \$50,000.00 toward the purchase of a 2019 Sewer Cleaning Truck from Environmental Products of Florida; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Resolution 18-370](#)

[Disposal Forms](#)

- 25 *Approving the use of an owner direct purchase program to eliminate sales tax fees on select project materials (sand) for Smathers Beach re-nourishment, in conformance with terms contained in the project contract between the City and Earth Tech Enterprises, Inc.; Ratifying Pursuant to Section 2-797 (4) (B) of the Code of Ordinances, an emergency procurement dated April 1, 2019, from Vulcan Construction Materials LLC, in the amount of \$176,460.00 Under the ODP Program; Authorizing any necessary budget adjustments.

Attachments: [Resolution](#)

[Executive Summary](#)

[Purchase Order 089141 for Sand](#)

[Smathers Change Order 1](#)

[Res 18-197 Earth Tech Beaches Renourishment](#)

[Earth Tech Executed Contract 7/17/18](#)

26

*Authorizing pursuant to Sections 2-797(4) (b) - Best Interests of the City, and 2-844(a) (b) - Brand Name Specifications, of the Code of Ordinances the purchase of twenty-two (22) GETAC B300G7 Extreme Rugged Convertible Notebook Computers and related equipment from PCN Strategies in the amount of \$85,800.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[PCN Quote](#)

[MRA Quote](#)

[SHI Quote](#)

27

*Accepting the Ranking, Approving the selection committee recommendation and Awarding a contract to AECOM in response to RFQ 18-003 for cultural resources assessment under FDOT LAP Agreement FM# 440023-1 for the Bahama Village Connectivity Project in amount not to exceed \$202,491.41 (Task #1 for a Cultural Resources Assessment in the amount of \$50,002.00, Task #2 for a Cultural Resources Survey in the amount of \$152,498.41, contingent upon the completion of Task #1); Authorizing the City Manager to execute necessary documents; Authorizing the necessary budget adjustments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[FDOT Concurrence to Award](#)

[AECOM Contract](#)

[Res 17-191](#)

[Res 18-357](#)

[RFQ 18-003-SA #1](#)

[*Large File* AECOM Response](#)

[*Large File* Edwards Pitman Response](#)

[*Large File* S&ME Response](#)

[Clerks Qualifications Tabulation](#)

[Scoring Matrix](#)

[Ranking Meeting Minutes](#)

[Conflict of Interest/Confidentiality Form](#)

[FDOT Professional Services Checklist](#)

28

*Denying the Special Event Application of Super Boat International Productions, Inc. (SBI) to conduct power boat races on November 3-10, 2019; Denying the Special Event Application of SBI for a boat parade on November 8, 2019.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Super Boat International Event Application 2019](#)

- 29 *Denying the Special Event Application of Race World Offshore, LLC (RWO) to conduct power boat races on November 3-10, 2019.
- Sponsors: City Manager Scholl
- Attachments: [Resolution](#)
[Special Event Application](#)
- 30 *Authorizing the City Manager to enter into an agreement with Mark & Elizabeth McLaughlin as property owners, Permitting a Release of Lien on 1922 Patterson Avenue upon payment by the owners of \$5,037.75 (\$8,137.75 less \$3,100.00 already paid).
- Attachments: [Resolution](#)
[Executive Summary](#)
[1922 Patterson Avenue mitigation of lien request](#)
[3710 Pearlman Terrace courtesy code violation letter](#)
[3710 Pearlman Terrace lien order](#)
[3710 Pearlman Terrace NOH letter](#)
[3710 Pearlman Terrace notice of compliance hearing](#)
[3710 Pearlman Terrace notice of lien hearing](#)
[3710 Pearlman Terrace notice of non-compliance](#)
[3710 Pearlman Terrace certificate of title](#)
- 31 *Approving the Budget Adjustments in FY 2018-19 to facilitate the purchase of Property located at 3420 Northside Drive (The Key West Citizen Building), as approved in Ordinance 19-02, and approved in a General Election on April 16, 2019 Pursuant to Section 2-739 (2) of the Code of Ordinances.
- Attachments: [Resolution](#)
[Executive Summary](#)
[Budget Transfer Form](#)
[Ordinance 19-02](#)
[Commercial Contract](#)

32

Supporting the comprehensive enhancement of Higgs Beach Park by the Monroe County Board of County Commissioners; Urging all local, State and Federal Permitting Authorities to ensure the successful completion of enhancement of Higgs Beach Park; Authorizing the City Attorney and City Manager to assist Monroe County in any way needed to ensure the cooperation by all local, State and Federal Permitting Authorities to ensure the successful completion of enhancements of Higgs Beach Park; Directing the City Clerk to distribute copies of this Resolution.

Sponsors: Commissioner Hoover

Attachments: [Resolution](#)

[Monroe County Resolution 132-2011 Higgs Beach \(KW City 5.2019\)](#)

[Higgs Beach Presentation 6.2018 DC \(KW City 5.2019\)](#)

[FDNR Funding Monroe County Higgs Tennis Courts 1983](#)

[36 CFR Ch 1 Part 59 Post Completion Compliance](#)

33

Time approximate 6:15 PM

Approving the ranking of proposals for Annual Power Boat Championship Race in accordance with the response to Request for Proposals (RFP) No. 006-19; Authorizing the City Manager to negotiate and execute a contract with the first-ranked Race Promoter, Race World Offshore, in substantial conformance with terms contained in RFP 006-19, upon consent and advice of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[RFP 006-19 FINAL](#)

[*Large File* Super Boat International Productions Proposal](#)

[*Large File* Powerboat P1 and OPA Proposal \(Part I\)](#)

[Powerboat P1 and OPA Proposal \(Part II\)](#)

[*Large File* Race World Offshore Proposal](#)

[Powerboat Minutes](#)

[Evaluation Panel Scoring](#)

[Public Meeting Notice](#)

[Public Comment](#)

34

Approving the attached Third Amendment to Employment Agreement between the City and the City Manager, providing for an extension of the term.

Sponsors: City Commission

Attachments: [Resolution](#)

[Third Amendment to Employment Agreement](#)

[Employment Agreement and Amendments](#)

35

Time Approximate 7:00 PM**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

Attachments: [Resolution](#)

[Executive Summary](#)

[Plans](#)

[*Large File* Application](#)

[*Large File* Planning Board Approval \(Resolution 2016-51\)](#)

[*Large File* Final Landscape Plan Approval](#)

[Letter of Support](#)

[*Large File* Opposition to Approval](#)

[Response from Applicant Joe Walsh](#)

[Comments from Smith/Hawks](#)

[Mallory Square Administrative Determination](#)

Legislative History

8/18/16	Planning Board	Postponed
9/15/16	Planning Board	Postponed
10/20/16	Planning Board	Passed
9/5/18	City Commission	Postponed
10/2/18	City Commission	Postponed
10/16/18	City Commission	Postponed
12/4/18	City Commission	Postponed
1/15/19	City Commission	Postponed
2/20/19	City Commission	Postponed
4/2/19	City Commission	Postponed

ORDINANCES – FIRST READING

- 36 An Ordinance Amending Chapter 2, Article V, Division 10 of the Code of Ordinances, titled "Key West Bight Management District Board" by amending Section 2-548 titled "Created; Composition," to provide for direct appointments; Amending Section 2-549 "Composition; Appointments; Terms," to provide for terms parallel with City Commissioners; Repealing Section 2-555 titled "Sunset"; Providing for severability; Providing for repeal of inconsistent provisions.

Sponsors: Commissioner Kaufman

Attachments: [Ordinance](#)

[Current Ordinance](#)

- 37 An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, entitled "Zoning", by amending Section 122-1183, to amend fence regulations in the Single Family Residential (SF) and Medium Density Residential (MDR) Districts; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Davila

Attachments: [Ordinance](#)

[Executive Summary](#)

[Draft Resolution](#)

Legislative History

3/21/19

Planning Board

Approved

38

An Ordinance of the City of Key West, Florida amending Chapter 86 of the Land Development Regulations, entitled “General Provisions”, Section 86-9, entitled “Definition of terms” and Chapter 108, entitled “Planning and Development”, Section 108-997, entitled “Period of allocation and ranking/review of applications”; pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

[Executive Summary](#)

[Staff Report](#)

[PB Resolution](#)

[Sustainability Board's Friendly Amendment to Cistern Demotion in BPAS](#)

[Text Amendment Language Recommendation from the SAB](#)

Legislative History

2/21/19	Planning Board	Postponed
3/21/19	Planning Board	Approved

39

An Ordinance of the City of Key West, Florida, amending the City’s Comprehensive Plan, Chapter 1, entitled “Future Land Use Element”, Table 1-1.1.5, pursuant to Chapter 90, Article VI, Division 3; Providing for severability; Providing for repeal of inconsistent provisions; Providing for inclusion into the City of Key West Comprehensive Plan and providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

[Executive Summary](#)

[Staff Report](#)

[PB RES 2019-06](#)

Legislative History

1/17/19	Planning Board	Approved
---------	----------------	----------

40

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, entitled “Zoning”, Subdivision IV.1, entitled “Medium Density Residential District-1 (MDR-1), Section 122-280, entitled “Dimensional Requirements”; pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

[Executive Summary](#)

[Staff Report](#)

[PB RES 2019-05](#)

Legislative History

1/17/19	Planning Board	Approved
---------	----------------	----------

ORDINANCES - SECOND READING (Public Hearing)

41

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, entitled “Planning and Development”, Article X, Division 1, Section 108-991, entitled “Development not affected by article”; Pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

[Executive Summary](#)

[Planning Board Resolution no. 2019-01](#)

[Staff Report](#)

[Email from Owen Trepanier](#)

[Email from Barbara Powell](#)

Legislative History

11/15/18	Planning Board	Postponed
1/17/19	Planning Board	Approved
4/2/19	City Commission	Passed to Second Reading

42

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, entitled "Zoning", Division 10, entitled "Work Force Housing"; pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

[Executive Summary LDR](#)

[Executive Summary 3-20-19](#)

[Ordinance With Proposed Revisions](#)

[Staff Report for Planning Board Meeting](#)

[Planning Board Resolution 2019-15](#)

[Proposed Revisions from Spottswood](#)

Legislative History

2/21/19	Planning Board	Approved
4/2/19	City Commission	Passed to Second Reading

PROPOSED ADD ON

43

Authorizing pursuant to Section 2-797 (4)(b) - best interests of the City, of the Code of Ordinances the purchase of trees for planting in Mallory Square from Ecoscapes, in the amount of \$25,274.60.00; Authorizing an expenditure from tree funds, and any necessary budget transfers; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: Mayor Johnston

Attachments: [Executive Summary](#)

[Mallory Square Tree Purchase](#)

Legislative History

4/9/19	Tree Commission	Passed
--------	-----------------	--------

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT