



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

City Commission

Tuesday, December 5, 2017

6:00 PM

City Hall

REVISED DECEMBER 1, 2017

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

ROLL CALL

INVOCATION - Reverend Lenworth Haughton, St. Peter's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 100th Anniversary of Naval Aviation in Key West

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

2 National Homeless Persons' Memorial Day

Sponsors: Mayor Cates, Commissioner Kaufman and Commissioner Weekley

Attachments: [Proclamation](#)

PRESENTATIONS

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

- 30 Year Award - Key West Police Department Sergeant Robert Allen
- Old Island Restoration Foundation Grant – Parlin Meyer
- KOTS
- Potential Affordable Workforce Housing Sites

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 *November 21, 2017 (Regular)

Attachments: [Minutes](#)

RESOLUTIONS

- 4 *Sponsoring a Hurricane Irma Benefit Event supporting recovery of the Lower Keys to the North of the City, at the Truman Waterfront Park and Amphitheater on Sunday, December 17, 2017, from Noon to 8:00 P.M.; Providing terms and conditions; Authorizing the sale and consumption of alcoholic beverages in an enclosed area.

Sponsors: Mayor Cates

Attachments: [Resolution](#)

[Keysstrong Information](#)

- 5 *Directing City Staff to make recommendations regarding beneficial amendments to the City Roofing Code.

Sponsors: Commissioner Payne

Attachments: [Resolution](#)

- 6 *Authorizing Impact Events, LLC to conduct a concert at the Truman Waterfront Amphitheatre on Sunday, December 31, 2017 from 4:00 P.M. to 9:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages with an enclosed area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Application](#)

[Sister Season Fund Letter of Request](#)

[Sister Season Fund IRS 501 C Certificate](#)

[Sister Season Fund Tax Exempt Certificate](#)

[Non Refundable User Fee](#)

- 7 *Authorizing Free Bus Transportation on December 23 and 24, 2017; And authorizing Free Parking in the Park N' Ride Garage from December 23 through and including December 25, 2017.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

- 8 *Approving a Temporary Exemption to certain provisions of the Sound Control Ordinance, Pursuant to Section 26-199 of the Code of Ordinances, for One Call Construction, for overnight construction/repairs on weekdays from December 11, 2017 through January 12, 2018 between the hours of 10:00 P.M. and 6:00 A.M. to the Hard Rock Cafe at 313 Duval Street, Key West; Providing conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Request from One Call](#)

[Permits Hard Rock](#)

[Labels with Notice for neighbors](#)

[26-199 Temporary Waiver Ordinance](#)

- 9 *Authorizing the purchase of 500 Mity-Lite Swiftset Chairs for the Truman Waterfront Amphitheater from Mity-Lite, Inc. in an amount not to exceed \$28,869.42, through General Services Administration Contract GS-03F-041DA, pursuant to Section 2-797 (3) of the Code of Ordinances; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Mity Lite Quote](#)

[Mity Lite GSA Contract](#)

[Truman Waterfront Park Amphitheatre Seating RFP](#)

[Swift Set Chair Price](#)

- 10 *Approving pursuant to Section 7-797(4)(b) and 7-771(3)(c) of the Code of Ordinances the attached proposal of Murray Marine, Inc. to purchase a 20' 2018 Bluewave Bay Boat with engine and trailer for use by the Key West Police Department Marine Unit at a cost of \$5,000.00 plus the trade-in of two surplus vessels.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Murray Marine Order](#)

[Brand Name](#)

- 11 *Authorizing pursuant to Section 2-797(3) the purchase of a Caterpillar 430F2 Backhoe Loader Vehicle from Kelly Tractor Company for \$122,000.00 through piggybacking on the Florida Sheriff's Association and Florida Association of Counties Contract.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Sheriffs Contract - Backhoe](#)

[Kelly Tractor Quote](#)

[Backhoe 430F2](#)

[Add Ons Price List](#)

[Cooperative Purchasing Program with Monroe County Sheriff](#)

- 12 *Renewing for two years the Environmental Engineering Services Agreements with Tetra Tech, Inc. and Atkins North America, Inc. originally awarded in Resolution 14-359.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Atkins Extension Request](#)

[Atkins Extension Agreement](#)

[Tetra Tech Extension Request](#)

[Tetra Tech Extension Agreement](#)

[Resolution 14-359](#)

- 13 *Authorizing the second of two extensions of the attached contract, for a term of six years, between the City and Waste Management, Inc. of Florida.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Resolution 11-040](#)

[Resolution 04-082](#)

Legislative History

11/21/17

City Commission

Postponed

- 14 *Approving the execution of a Notice of Grant Award (NOGA), FM #439255-6-94-14 with the State of Florida Department of Transportation (FDOT) via Section 5339 Rural Bus and Bus Facilities Capital Funds in an amount of up to \$61,125.00 to be used to purchase necessary bus and bus facility equipment (trim unit, fareboxes, cash boxes and other equipment); Authorizing the City Manager and/or Transit Director to execute necessary documents and budget amendments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Resolution 17-146](#)

[Notice of Grant Award](#)

- 15 *Approving the attached "Public Transportation Joint Participation Agreement" (JPA) between the Florida Department of Transportation (FDOT) and the City of Key West for Section 5311 Grant Program Funding Assistance for FY 2017-18 for operating expenses of the Fixed Route Bus Transit System in Key West in an amount not to exceed \$537,000.00 (50% of the program cost) [FDOT Financial Project Number 43294318401, Contract #GOS00]; Authorizing the City Manager to execute necessary documents and necessary budget amendments.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Resolution 17-146](#)

[Joint Participation Agreement](#)

16

*Awarding the bid of Charley Toppino and Sons, Inc. in response to City of Key West Request for Proposals (RFP) No. 003-18 for Hurricane Irma - Vegetative Debris Burn (Project HU171002) in an amount not to exceed \$892,150.00; Authorizing necessary budget transfers; Authorizing the City Manager to negotiate and execute a contract in substantial conformance with the RFP, upon consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[RFP Evaluation](#)

[Individual Evaluation sheets](#)

[Clerk Bid Tabulation](#)

[*Large File* Paynes Environmental Proposal](#)

[CTS Proposal](#)

[TFR Enterprises Proposal](#)

[RFP 003-18](#)

[RFP 003-18 Addendum 1](#)

[RFP 003-18 Addendum 2](#)

[Current Vegetative Debris Pile Photo](#)

[Debris Burn Site Aerial](#)

[Debris Burn Site Map](#)

[FDEP Emergency Authorization](#)

- 17 *Ratifying an Emergency Procurement approved by the City Manager as allowed under Section 2-797(2) of the Code of Ordinances, for necessary damage assessment of the Aquarium Basin Seawall at Mallory Square resulting from Hurricane Irma by Tetra Tech, Inc. in an amount not to exceed \$22,384.00, under the City's Environmental Engineering Services Contract, as amended; Approving the addendum to the General Environmental Services Contract Agreement, to facilitate FEMA reimbursement; Authorizing any necessary budget amendments; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Tetra Task Order #1 Aquarium Seawall](#)

[FEMA Addendum to Tetra GESC Agreement](#)

[14-359 Environmental Eng Contracts](#)

- 18 *Approving the City Attorney Performance Evaluation.

Attachments: [Resolution](#)

[Performance Evaluation Form](#)

[Commissioner Kaufman Evaluation](#)

[Commissioner Lopez Evaluation](#)

[Commissioner Payne Evaluation](#)

[Commissioner Romero Evaluation](#)

[Commissioner Wardlow Evaluation](#)

[Commissioner Weekley Evaluation](#)

[Mayor Cates Evaluation](#)

[2017 Evaluation Calculation](#)

19

**Request to Postpone to January 18, 2018
QUASI-JUDICIAL HEARING - SECOND READING:
Development Agreement 3900 South Roosevelt
Boulevard**

Pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, recommending approval of a Development Agreement on property located at 3900 South Roosevelt Boulevard (Re #00066180-000200) within the High Density Residential (HDR) Zoning District between Ocean Walk Key West Owner, LLC and the City of Key West for the construction of 56 New Market Rate Units and 24 New Affordable Units, for eighty (80) New Residential Dwelling Units.

Sponsors: City Manager Scholl

Attachments: [Request to Postpone to January 17, 2018](#)

[Resolution](#)

[Executive Summary](#)

[Development Agreement](#)

[*Large File* Exhibit A - Legal Description](#)

[Exhibit B - Special Warranty Deed](#)

[Exhibit C - Site Plan Approved 6-15-17 Planning Board Meeting](#)

[Exhibit D - Site Data Table](#)

[Exhibit E - Planning Board Resolutions 2015-26 & 2017-06](#)

[Exhibit F - Planning Board Resolution 2017-24](#)

[Exhibit G - Planning Board Resolution 2017-25](#)

[Exhibit J - Deed Restriction](#)

[Exhibit K - Traffic Study - February 2017](#)

[Exhibit L - Form of Avigation Easement](#)

[Planning Board Meeting June 15 - Staff Report](#)

[Planning Board Meeting June 15 Noticing Package](#)

Legislative History

4/28/16	Development Review Committee	Received and Filed
5/18/17	Planning Board	Postponed
6/15/17	Planning Board	Passed
8/15/17	City Commission	Passed
10/17/17	City Commission	Postponed

20

QUASI-JUDICIAL HEARING:**Easement 919-921 Duval Street**

Approving an easement of 347 ± square feet, more or less, to maintain a wood framed awning, second floor porch molding and stepped parapet molding which encroaches onto the Duval Street right-of-way located at 919-921 Duval Street (RE #00017780-000000), Key West, Florida; Providing fees and conditions.

Attachments: [Resolution](#)

[Executive Summary](#)

[Easement Agreement](#)

[*Large File* Application](#)

[Liability Insurance](#)

21

QUASI-JUDICIAL HEARING:**Major Development 725 Duval Street**

Granting a Major Development Plan pursuant to Section 108-91.A.2.(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the interior renovations and related site work to divide the first floor into four separate commercial units and construct seven new residential units on the second and third floors on property located at 725 Duval Street (RE #00015920-000000) within the Historic Residential Commercial Core (HRCC-1) Zoning District.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Approved COA and Decision letter](#)

[725 Duval Final Landscape approval](#)

[Planning Board Resolution 2016-62](#)

[Planning Board Resolution 2016-61](#)

[Planning Board Resolution 2016-16](#)

[*Large File* MDP Package](#)

[Noticing Package](#)

Legislative History

12/15/16	Planning Board	Passed
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ORDINANCES – FIRST READING

- 22** An Ordinance of the City of Key West, Florida, amending Chapter 108, Article X, Division 2, by amending existing Section 108-997, entitled “Period of Allocation and Ranking/Review of Applications” of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

[Executive Summary](#)

[Staff Report](#)

[Resolution](#)

[City Commission Ordinance](#)

Legislative History

10/19/17 Planning Board Passed

ORDINANCES - SECOND READING (Public Hearing)

- 23** An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, to provide for a Referendum to increase the maximum height exclusively for Affordable Workforce Housing in the HDR-1 Zoning District to 40 feet; Setting March 13, 2018, as the date of the Election concerning the Referendum; Providing for severability; Providing for inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

Attachments: [Ordinance](#)

Legislative History

11/21/17 City Commission Passed to Second Reading

- 24 *An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-121 to adjust certain penalties for violation of Parking Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

[Executive Summary](#)

Legislative History

11/8/17	City Commission	Passed to Second Reading
11/21/17	City Commission	Postponed

RESOLUTIONS CONTINUED:

25 **PROPOSED ADD-ON**

Approving the attached Lease between the City and the Key West Botanical Garden Society, Inc. d/b/a Key West Tropical Forest and Botanical Garden for the operation of the Key West Botanical Garden.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[*Large File* Lease](#)

[Attachment A - Survey](#)

[Attachment B - Resolution 04-018](#)

[Attachment C - Resolution 11-164](#)

[Attachment D - Management Plan](#)

[Attachment E - Ordinance 06-11](#)

[Attachment F - Resolution 15-365](#)

[Attachment G](#)

[Resolution 06-180](#)

[Resolution 07-159](#)

[Resolution 13-283](#)

[2018 Insurance](#)

26

PROPOSED ADD-ON

Approving the attached "Third Amendment to Lease Agreement" between the City and the Florida Keys Mosquito Control District (formerly known as Monroe County Mosquito Control District) for the property located at 5224 College Road.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Third Lease Amendment](#)

[Second Amendment to Lease](#)

[Lease and Extension Resolution 77-62](#)

27

PROPOSED ADD-ON

Approving the attached "Second Amendment to Lease Agreement" between the City and the Florida Keys Mosquito Control District for the Parking Lot on property adjacent to 5224 College Road.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[2nd Lease Amendment Parking](#)

[16-124 First Amendment to Lease](#)

[Parking Lot Lease 02-124](#)

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT