



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, December 2, 2015

6:00 PM

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

CALL MEETING TO ORDER

6:00 P.M.

ROLL CALL

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

INVOCATION - Deacon Peter Batty, Basilica St. Mary's Star of The Sea

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as changed without objection.

COMMENDATIONS

1 Michael Shields, Art in Public Places

Sponsors: Commissioner Romero

Attachments: [Commendation](#)

Received and Filed

2 Lisa Tennyson, Planning Board

Sponsors: Commissioner Romero

Attachments: [Commendation](#)

Received and Filed

PROCLAMATIONS

- 3 National Homeless Person's Memorial Day
Sponsors: Commissioner Weekley, Commissioner Kaufman and Mayor Cates
Attachments: [Proclamation](#)
Received and Filed

- 4 Military Volunteer Appreciation Day
Sponsors: Commissioner Romero
Attachments: [Proclamation](#)
Received and Filed

PRESENTATIONS

- 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

- 5 *November 17, 2015 (Regular)
Attachments: [Minutes](#)
Approved

RESOLUTIONS

- 6 *Appointing Commissioner Samuel Kaufman as City Commission Liaison to the Florida Caribbean Cruise Association.
Sponsors: Commissioner Kaufman
Attachments: [Resolution](#)
Passed

Enactment No: Res 15-346

7 *Re-appointing Richard Tallmadge to the Art in Public Places Board.

Sponsors: Commissioner Payne

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

Passed

Enactment No: Res 15-347

8 *Appointing John David Buzogany to the Art In Public Places Board.

Sponsors: Commissioner Romero

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

Passed

Enactment No: Res 15-348

9 *Authorizing the Monroe County Commercial Fishermen, Inc. to conduct their Annual Florida Keys Seafood Festival at Bayview Park including the softball fields on Saturday, January 16, 2016 from 11:00 A.M. to 8:00 P.M. and Sunday, January 17, 2016 from 11:00 A.M. to 5:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 A.M. to 8:00 P.M.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 15-349

- 10 *Authorizing the Storm Trysail Club, Inc. the use of the Truman Waterfront for the staging, launching and hauling of racing sailboats and support boats from January 1, 2016 to February 1, 2016 from 6:00 A.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](#)

Passed

Enactment No: Res 15-350

- 11 *Authorizing Storm Trysail Club, Inc. to conduct a street closure during Key West Race Week on Friday, January 17, 2016 through Friday, January 22, 2016 from 8:00 A.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street between Whitehead Street and Telegraph Lane between the hours of 8:00 A.M. to 8:00 P.M.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 15-351

- 12 *Authorizing the Key West Art Center to conduct a Craft Festival Show on Saturday, January 30, 2016 and Sunday, January 31, 2016 during the hours of 10:00 A.M. to 5:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline from Telegraph to Whitehead Street on January 30, 2016 and January 31, 2016 from 6:00 A.M. to 8:00 P.M.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 15-352

- 13** *Authorizing the Key West Art Center to conduct an Art Show on Saturday, February 27, 2016 and Sunday, February 28, 2016 (street closed from February 27, 2016 at 6:00 A.M. through February 28, 2016 at 8:00 P.M.) during the hours of 10:00 A.M. to 5:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline Street between Telegraph & Whitehead on February 27, 2016 and February 28, 2016 from 10:00 A.M. to 5:00 P.M.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 15-353

- 14** *Authorizing Free Bus Transportation on December 23rd and 24th, 2015; and Authorizing Free Metered Parking in Old Town from December 23rd through and including December 25th, 2015.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Transit Revenue December, 2014](#)

Passed

Enactment No: Res 15-354

- 15** *Approving the attached Collective Bargaining Agreement between the City and the International Association of Firefighters Local 1424 (IAFF) for the period of October 1, 2015 through September 30, 2018.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[IAFF Collective Bargaining Agreement](#)
[Ratification Email](#)

Passed

Enactment No: Res 15-355

- 16 *Authorizing pursuant to Section 2-797(3) of the Code of Ordinances the purchase of Target Solutions Training Software for the Key West Fire Department from Municipal Emergency Services, Inc. in an amount not to exceed \$38,710.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Miami Beach Agreement](#)
[Quote](#)

Passed

Enactment No: Res 15-356

- 17 *Authorizing pursuant to Section 2-797(3) of the Code of Ordinances a one-year renewal of Microsoft Office 365 Software Licensing "Enrollment Agreement" through Software House International Corp. (SHI) in the amount of \$56,700.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[2014 Executive Summary](#)
[Resolution 14-287](#)
[Office 365 Contract](#)

Passed

Enactment No: Res 15-357

- 18 *Approving the attached Joint Participation Agreement (JPA) for FY 15-16 between the Florida Department of Transportation (FDOT) Commuter Assistance Grant Program and the City of Key West for State Commuter Operating Assistance Funding (Contract G0580) for the Lower Keys Shuttle in an amount of up to \$353,000.00 (total project cost \$706,000.00).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 14-203](#)
[Joint Participation Agreement #G0580](#)

Passed

Enactment No: Res 15-358

19 *Authorizing pursuant to Section 2-797(3) the purchase of a Johnston Sweeper ES351 single engine from Lou Bachrodt Freightliner in the amount of \$249,601.00 through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Contract #15-13-0904.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Lou Bachrodt Sweeper Quote](#)
[Sheriffs Contract for Piggyback](#)
[Comparable Quote](#)
[Sweeper Brochure](#)

Passed

Enactment No: Res 15-359

20 *Authorizing an expenditure not to exceed \$35,000.00 from State Law Enforcement Trust Funds to the Florida Keys Community College (FKCC) for Police Academy Tuition for Cadets; Authorizing the use of the Police Regular Salaries and Wages (001-2101-12) Fund to provide temporary salaries for the pre-screened cadets; Authorizing any necessary budget transfers.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 15-360

- 21 *Authorizing the purchase of one (1) clean diesel (low sulfur) Gillig 35' low floor BRT bus in a total amount not to exceed \$455,000.00 pursuant to State Contract, pursuant to Sections 2-797(1)(3) and 2-844(A) of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Transit Bus Price Quote](#)
[35' LF Deisel Price Summary](#)
[LYNX Contract 13-C09 Final Executed Contract](#)
[Resolution 14-150](#)
[Resolution 15-099](#)

Passed

Enactment No: Res 15-361

- 22 *Approving the purchase of Fire Apparatus Repair/Maintenance Services from Ten-8 Fire Equipment, Inc. in an amount not to exceed \$33,000.00, pursuant to Section 2-797(1) and (3) of the Code of Ordinances.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Ten-8 Repairs October 2015](#)
[Ten-8 Service Pricing](#)
[Ten-8 Pierce Sole Source](#)
[Roy Khanna Estimate](#)
[Roy Khanna 367 pump test](#)
[Roy Khanna 374 hourly 2016](#)
[Apparatus Repair Cost Comparison](#)
[FireTech Repair Service Estimate](#)

Passed

Enactment No: Res 15-362

- 23** *Approving the distribution of Submerged Land Lease Revenue to the Garrison Bight Fund (City Marina); Approving the distribution of Upland (adjacent to Garrison Bight Submerged Lands) Lease Revenue to the City's General Fund.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Lease Revenue Summary](#)
[City Marina 1990](#)
[19259 and 19259-A](#)
[19259-B](#)
[19259-C](#)
[Property Layout](#)

Passed

Enactment No: Res 15-363

- 24** *Approving the attached First Amendment to Lease Agreement between the City and Key West Sail & Power Squadron, formerly known as Key West Power Squadron, Inc., a Florida Not-For-Profit Corporation, for property located at 5205 College Road, to grant use of a portion of the property to allow the Key West Botanical Garden Society, Inc. to establish a canoe/kayak launch/landing area as described within the First Amendment to Lease Agreement.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[First Lease Amendment](#)
[Lease](#)

Passed

Enactment No: Res 15-364

- 25** *Approving the attached Third Amendment to Lease Agreement between the City and the Key West Botanical Garden Society, Inc. for use of a portion of the property located at 5205 College Road leased by the Key West Sail and Power Squadron, in order for the Key West Botanical Garden Society, Inc. to establish a canoe/kayak launch/landing area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Third Lease Amendment](#)
[Resolution 04-018 Grant for Botanical Gardens Addition](#)
[Resolution 06-180 Lease](#)
[Resolution 07-159 1st Lease Amendment](#)
[Resolution 13-283 2nd Lease Amendment](#)

Passed

Enactment No: Res 15-365

- 26** *Approving Task Order for Arcadis U.S., Inc. in an amount not to exceed \$25,500.00 to provide Flood Mitigation Financial Consulting Services (Phase 1).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Task Order](#)
[Qualifications and Past Experience](#)

Passed

Enactment No: Res 15-366

27 *Approving the Committee Ranking of firms submitting responses to Request for Proposals (RFP) No. 01-016: Pension Benefit Study Consultant; Authorizing City Staff to negotiate a contract for approval by the City Commission.

Sponsors: City Manager Scholl

- Attachments:** [Resolution](#)
[Executive Summary](#)
[RFP # 01-016 Pension Benefit Consultant](#)
[Bid Tabulation Memo](#)
[Tally Ranking Form](#)
[Individual Tally Forms](#)
[Bolton Partners Proposal](#)
[Foster & Foster Proposal](#)
[Cavanaugh Macdonald Proposal](#)
[Segal Consulting Proposal](#)

Passed

Enactment No: Res 15-367

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.

28 Approving the attached 2016 Meeting Schedule for the Key West City Commission.

Sponsors: City Manager Scholl

- Attachments:** [Resolution](#)
[Meeting Dates](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Resolution be Passed changing the first meeting date in October to Wednesday, October 5. The motion passed by a unanimous vote.

Enactment No: Res 15-368

29 Authorizing pursuant to Section 2-797(3) the purchase and installation of office furnishings, equipment and integral infrastructure from Herman Miller, Inc., in an amount not to exceed \$754,599.65 through Piggybacking on Government Contracts with State of Florida and U.S. Communities.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Proposal](#)
[State of Florida 425-001-12-12 & Invitation to Bid](#)
[Herman Miller State of Florida Price Sheet](#)
[Notice of Award US Communities](#)
[Acceptance Agreement US Communities](#)
[US Communities RFP](#)
[Bender Memorandum](#)
[Floor Plans & Example Furnishings](#)
[Ordinance Section 2-797](#)
[Resolution 14-348](#)
[Resolution 15-169](#)
[Letter From Robert Frechette](#)

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

No: 3 - Commissioner Kaufman, Commissioner Romero and Commissioner Wardlow

Yes: 4 - Commissioner Lopez, Commissioner Payne, Commissioner Weekley and Mayor Cates

Enactment No: Res 15-369

ADMINISTRATIVE APPEALS

30 **ADMINISTRATIVE APPEAL: 2319 and 2401 North Roosevelt Boulevard**

The purpose of this hearing is to consider an appeal of the City Planner's decision regarding the Major Development Plans for 2319 and 2401 North Roosevelt Boulevard by Michael Halpern, Attorney for Banana LLC and KW26 LLC.

Attachments: [Appeal](#)

Withdrawn

ORDINANCES – FIRST READING

- 31** An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled “Traffic and Vehicles”, Article XI “Wreckers and Towing Service”, Division 3 “Non-consensual Private Towing Services”, Sections 70-707, 70-708, providing for the setting of rates and requirements for non-consensual tows; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Ordinance be Passed as amended to Second Reading on December 16, 2015. The motion carried by the following vote:

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

- 32** An Ordinance of the City of Key West, Florida, amending Chapter 2 entitled “Administration,” Article V entitled “Committees, Boards and Commissions,” Division 8 entitled “Art In Public Places Board” of the Code of Ordinances by amending Section 2-486 entitled Duties and amending Section 2-487 entitled “Funding of Art in New Construction and Major Renovation Projects” by modifying the method in which the accounting and use of funds are utilized, clarifying and elaborating certain provisions of the program and adding procedures for efficient implementation of the program; 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 Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed as amended to Second Reading on January 5, 2016. The motion carried by the following vote:

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

ORDINANCES - SECOND READING (Public Hearing)

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 purchase that portion of the real property located at 541 White Street, commonly referred to as Peary Court, and which currently contains 157 existing dwelling units, from Peary Court Holdings, L.P., for use as Workforce Housing for a purchase price not to exceed \$55,000,000.00, with the condition that the seller execute a deed restriction which restricts the use of the remaining real property of Peary Court to workforce housing in perpetuity; Authorizing the City Clerk to take all necessary action to place this measure on the ballot for March 15, 2016; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)
[Exhibit A-Peary Court Housing Development](#)
[Exhibit B-Proforma-120% AMI-\(10M\)](#)
[Exhibit C-Proforma-25% @ Low 25% @ Median 50% @ Moderate AMI \(10M\)](#)
[Exhibit D-Building Official Letter](#)
[Exhibit E-Engineering Report 7-17-13](#)
[Exhibit-F Meridian Appraisal of Peary Court](#)
[Exhibit G-Appraisal Co. of Key West Transmittal Letter](#)
[Exhibit G-Appraisal Co. of Key West Report - Part A](#)
[Exhibit G-Appraisal Co. of Key West - Part B](#)
[Exhibit H-Ownership Certification](#)
[Exhibit I-Peary Court Demographics](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted as amended. The motion carried by the following vote:

No: 1 - Commissioner Romero

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

Enactment No: Ord 15-15

34

An Ordinance of the City of Key West, Florida, pursuant to Section 8.03 of the City Charter, ordering and providing for the holding of a referendum Election to determine if the Electors of the City of Key West, Florida, approve the issuance of not exceeding \$55,000,000.00 Revenue Bonds maturing in 30 years or less, to be issued in one or more series, to be secured by and payable from a Mortgage Lien with right of Foreclosure and a Lien on all or a portion of the Revenues of the Housing Complex located at 541 White Street and commonly referred to as Peary Court in order to finance the cost of acquiring, improving and equipping of the Peary Court Housing project, for use as Affordable Workforce Housing in compliance with City of Key West Code of Ordinances, subpart B, Chapter 122, Article V, Division 10, Sections 122.1465 - 122.1472, inclusive, as amended, entitled "Work Force Housing"; Providing for a Bond Referendum to be held on March 15, 2016, or as soon thereafter as practicable; Establishing its intent to reimburse such capital expenditures incurred with proceeds of such revenue bonds; Providing certain other matters in connection therewith; And providing an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

No: 1 - Commissioner Romero

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

Enactment No: Ord 15-16

35

An Ordinance of the City of Key West, Florida, amending the Water Supply Element of the 2013 Comprehensive Plan by amending Chapter 1: Future Land Use Element, Chapter 4: Public Facilities Element, Chapter 5: Coastal Management Element, Chapter 6: Conservation Element, Chapter 8: Intergovernmental Coordination Element, and Chapter 9: Capital Improvements Element, in order to address development of traditional and alternative water supplies and management strategies, including conservation and reuse; 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 2015-53](#)
[Planning Board Staff Report and Analysis](#)
[Attachment A](#)
[Attachment B - Summary SFWMD Lower East Coast Water Supply Plan 2013](#)
[Attachment C - FCAA Strategic Plan 2011](#)
[Attachment D - applicable Florida Statutes](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. 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: Ord 15-17

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:03 P.M.