



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, July 5, 2017

6:00 PM

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 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 - 6:00 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Kaufman

**Present** 6 - Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

**INVOCATION - Pastor Gary Faith, Grace Lutheran Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA - The Agenda was approved as changed unanimously.**

#### COMMENDATIONS

**1** Thomas Milone

**Sponsors:** Mayor Cates

**Attachments:** [Commendation](#)

Received and Filed

2 Zachary Robert Brown

**Sponsors:** Mayor Cates and Commissioner Payne

**Attachments:** [Commendation](#)

Received and Filed

#### PROCLAMATIONS

3 8U Travel Softball Team Day

**Sponsors:** Mayor Cates

**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

4 \*June 20, 2017 (Regular)

**Attachments:** [Minutes](#)

Approved

5 \*June 21, 2017 (Workshop)

**Attachments:** [Minutes](#)

Approved

#### RESOLUTIONS

- 6                   \*Calling for Staff Recommendations for the establishing of Youth Recreational and Park Facilities on property adjacent to the Key West International Airport; Directing the City Manager to report Recommendations at the August 15, 2017 City Commission Meeting; Requesting that the Recommendation Report specify what can be done most immediately to create playing fields.

**Sponsors:**       Commissioner Payne

**Attachments:**    [Resolution](#)  
                          [Hawk Missile Site Deed](#)  
                          [Little Hamaca Deed](#)  
                          [Letter From Thomas Sweets](#)

**Passed**

Enactment No: Res 17-179

- 7                   \*Authorizing the City Manager to negotiate an Agreement with PAL (Key West Police Athletic League) for use of the Gymnasium at the Josephine Parker City Hall at the Historic Glynn R. Archer School, subject to approval by the City Commission.

**Sponsors:**       Commissioner Wardlow

**Attachments:**    [Resolution](#)

**Passed**

Enactment No: Res 17-180

- 8                   \*Authorizing and approving the restoration and reinstallation of the 12-foot Cigar Sculpture on permanent display in the Gato Village Pocket Park; Accepting and acknowledging a contribution from the Fuente Family Foundation to partially fund the sculpture restoration; Authorizing an expenditure of up to \$3,000.00 from Community Fund 110, pursuant to Section 2-487(e) of the City Charter.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Art in Public Places Advisory Board Resolution 01-2017](#)  
                          [Gato Park Cigar Restoration Request](#)

**Passed**

Enactment No: Res 17-181

- 9                   \*Approving the attached Mutual Aid Agreement between the City of Key West and the Monroe County School District regarding a School Resource Officer at Key West High School and Horace O'Bryant School for the 2017-2018 School Year.

**Sponsors:**       City Manager Scholl

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

**Passed**

Enactment No: Res 17-182

- 10                  \*Awarding the Bid of Ebsary Foundation Company in response to ITB #17-015 in a total amount not to exceed \$883,960.00, for Dolphin Pier Replacement at City Marina at Garrison Bight.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [City Clerk Bid Tabulation](#)  
                          [\\*Large File\\* Ebsary Proposal](#)  
                          [\\*Large File\\* Kearns Proposal](#)  
                          [\\*Large File\\* Shoreline Proposal](#)  
                          [\\*Large File\\* City ITB #17-015 Bid Documents](#)  
                          [\\*Large File\\* City ITB #17-015 Drawings](#)  
                          [Addendum #1](#)  
                          [Addendum #2](#)  
                          [Addendum #3](#)  
                          [Mandatory Pre-Bid Sign-in Sheet](#)

**Passed**

Enactment No: Res 17-183

- 11                   \*Approving the Change in Services Notification 02 to Task Order No. 12.0D01.B from Hayes/Cumming Architects, PA as an Emergency Procurement pursuant to Section 2-797(2) of the Code of Ordinances, in an amount not to exceed \$31,885.93 for additional Architectural and Engineering Services for the Frederick Douglass Community Center Project addressing unforeseen conditions.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Change in Services Notification 02](#)  
                          [\\*Large File\\* Resolution 13-295](#)

**Passed**

Enactment No: Res 17-184

- 12                   \*Approving Change Order #1 to Task Order No. 1 of the General Architectural Services Contract for Design/Technical Services at the Garrison Bight Marina Transient Facility/Dockmaster Building in an amount not to exceed \$21,500.00 for redesign to reduce construction costs.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Design Modification Proposal](#)  
                          [Resolution 12-313](#)  
                          [Resolution 17-144](#)  
                          [\\*Large File\\* Resolution 14-307 Contract](#)  
                          [City's ITB #17-004 Bid Documents](#)  
                          [\\*Large File\\* City's ITB #17-004 Drawings](#)

**Passed**

Enactment No: Res 17-185

- 13**                    \*Approving the attached “Public Transportation Supplemental Joint Participation Agreement” (SJPA) between the City and the Florida Department of Transportation (FDOT) to add additional scope to the Mallory T-Pier Project (Project FM 43503519401/Contract #ARJ38); Authorizing necessary budget transfers; Authorizing the City Manager to execute the attached SJPA.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Supplemental Joint Participation Agreement](#)  
                              [Resolution 14-266](#)  
                              [FDOT Letter](#)

**Passed**

Enactment No: Res 17-186

#### **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.**

- 14**                    Authorizing Lucas Oil Ocean Cup to conduct an event at Mallory Square Plaza & Parking Lot on August 15-19, 2017 from 8:00 A.M. to 10:00 P.M. to set up race village to promote the Key West to Cuba new record attempt from Key West to Cuba and back.

**Sponsors:**            City Manager Scholl

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 17-187

15

**QUASI JUDICIAL HEARING:****EASEMENT AGREEMENT 930 EATON STREET**

Approving an easement of 243 square feet along the Grinnell Street and Eaton Street Right-of-Ways, to address an area to maintain the existing building and overhang located at 930 Eaton Street (RE #00005470-000100), Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Easement Agreement](#)  
[\\*Large File\\* Application](#)  
[Specific Purpose Survey](#)  
[Mailing](#)

A motion was made by Commissioner Payne, seconded by Commissioner Weekley, that the Resolution be Postponed to August 15, 2017. The motion passed by a unanimous vote.

**ORDINANCES - SECOND READING (Public Hearing)**

16

An Ordinance granting a Franchise to Buggy Bus, Inc. D/B/A/ Old Town Trolley to operate city-wide sightseeing/shuttle operation; Providing terms and conditions, including the following: Providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing city inspection of sightseeing/shuttle vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the Franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of Franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees, and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of Franchisee; Indicating Franchise is not a waiver of other city requirements; Clarifying that no joint venture is created; Prohibiting discrimination; Providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorneys fees, waiver of Jury Trial and specifying venue in the event of Litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Supplement to Application](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 17-04



17

An Ordinance granting a Franchise to Conch Tour Train, Inc. to operate city-wide sightseeing/shuttle operation; Providing terms and conditions, including the following: Providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing city inspection of sightseeing/shuttle vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the Franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of Franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of Franchisee; Indicating Franchise is not a waiver of other city requirements; clarifying that no joint venture is created; Prohibiting discrimination; Providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorneys fees, waiver of jury trial and specifying venue in the event of litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Supplement to Application](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 17-05

18

An Ordinance granting a Franchise to Cityview Trolley Tours of Key West, Inc. to operate city-wide sightseeing/shuttle operation; Providing terms and conditions, including the following: Providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing City inspection of sightseeing/shuttle vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the Franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of Franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of Franchisee; Indicating Franchise is not a waiver of other city requirements; Clarifying that no joint venture is created; Prohibiting discrimination; Providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorneys fees, waiver of Jury Trial and specifying venue in the event of litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[\\*Large File\\* Supplement to Application](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 17-06

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

**ADJOURNMENT - 6:30 P.M.**