



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, February 6, 2018

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 - Mayor Cates

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

**INVOCATION - Pastor Terri Hill, Key West United Methodist Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### 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**

- 1                   \*January 17, 2018 (Regular)

**Attachments:**     [Minutes](#)

Approved

**RESOLUTIONS**

- 2                   \*Re-appointing Raymond Vazquez to the Contractor's Examining Board.

**Sponsors:**       Mayor Cates

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

Passed

Enactment No: Res 18-039

- 3                   \*Re-appointing Richard J. Milelli to the Key West Contractor's Examining Board.

**Sponsors:**       Mayor Cates

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

Passed

Enactment No: Res 18-040

- 4                   \*Re-appointing Domingo Castellanos to the Key West Contractors Examining Board.

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 18-041

- 5                   \*Re-appointing Frank Balbuena, Sr. to the Contractors Examining Board.

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 18-042

- 6                   \*Urging the Florida Legislature to amend or defeat HB 5301 in order to retain a total of four County Judgeships for Monroe County; Directing the City Clerk to provide this Resolution to certain members of the Florida Legislature.

**Sponsors:** Commissioner Kaufman, Commissioner Payne and City Attorney Smith

**Attachments:**   [Resolution](#)  
                          [HB 5301 Judgeships](#)  
                          [HB 5301 Raschein Amendment](#)

**Passed**

Enactment No: Res 18-043

- 7                   \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Alex Panas for a wedding at the Southernmost House, 1400 Duval Street, during the hours of 9:00 P.M. to 10:00 P.M. on Saturday, June 30, 2018.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 18-044

- 8                   \*Approving the attached “Amendment (2nd Amendment) to Agreement” to the Interlocal Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for the Smathers Beach Restrooms Project ID#1651, to extend the termination date to September 30, 2018.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [2nd Amendment](#)  
                              [Time Extension Request Letter](#)  
                              [Grant Award Agreement](#)  
                              [Resolution 17-101 1st Amendment](#)  
                              [Resolution 17-237 Bid Award to DL Porter](#)

**Passed**

Enactment No: Res 18-045

- 9                   \*Approving the attached Supplemental Joint Participation Agreement Number Two (SJPA #2) for Contract AR707 between the Florida Department of Transportation (FDOT) and the City of Key West, for the procurement and installation of an elevator at the Park N Ride Garage in an amount not to exceed \$266,639.28; Approving necessary budget amendments and transfers.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Supplemental Joint Agreement](#)  
                          [Letter Request for PNR Elevator](#)  
                          [FDOT Approval](#)  
                          [Resolution 17-146](#)

**Passed**

Enactment No: Res 18-046

- 10                  \*Approving the attached “DEP Agreement No. LP44031 Change Order No. 1” to the “DEP Agreement No. 44031, State of Florida Department of Environmental Protection, Division of Water Restoration Assistance Grant Agreement” to change the name of the Grant Manager in Paragraph 17; Authorizing the City Manager to execute the necessary documents.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Change Order 1](#)  
                          [Resolution 17-124](#)

**Passed**

Enactment No: Res 18-047

- 11                   \*Approving the attached “Addendum to Agreement to Furnish Disaster Response Services” for Ashbritt Environmental Services, Inc. (Ashbritt) 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](#)  
                          [Addendum to Contract Agreement 2018](#)  
                          [\\*Large File\\* Resolution 16-011](#)  
                          [AshBritt Environmental Services, Inc Contract from 2016](#)  
                          [RFP #08-015 Addendum No. 2](#)

**Passed**

Enactment No: Res 18-048

- 12                   \*Approving Task Order 03-2017-CST for Arcadis U.S., Inc in an amount not to exceed \$36,920.00 to provide a Cruise Ship Tariff Analysis - Mallory Square Dock and Outer Mole Pier.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Cruise Ship Tariff Analysis Task Order](#)  
                          [Executed Master Agreement Arcadis](#)  
                          [Resolution 17-188](#)

**Passed**

Enactment No: Res 18-049

- 13                   \*Authorizing the purchase of one (1) Ford F-250 in a total amount not to exceed \$25,729.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA17-VEL25.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Utilities Department.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [\\*Large File\\* Quote](#)  
                              [Florida Sheriff's Association Contract](#)

**Passed**

Enactment No: Res 18-050

- 14                   \*Authorizing the purchase of two (2) Ford F-250s in a total amount not to exceed \$69,744.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA17-VEL25.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Parks and Recreation Department.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Quote](#)  
                              [Florida Sheriff's Association Contract](#)

**Passed**

Enactment No: Res 18-051

- 15                   \*Authorizing the purchase of two (2) Ford F-250s in a total amount not to exceed \$75,526.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA17-VEL25.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Facilities Maintenance Department (FMT).

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Quote](#)  
                          [Florida Sheriff's Association Contract](#)

**Passed**

Enactment No: Res 18-052

- 16                   \*Authorizing the purchase of four (4) Ford F-250s and one (1) Ford Transit Connect Cargo Minivan in a total amount not to exceed \$160,799.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA17-VEL25.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Public Works Department.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Quote Duval Ford](#)  
                          [Florida Sheriff's Association Contract](#)

**Passed**

Enactment No: Res 18-053



- 17                   \*Authorizing the purchase of one (1) Ford F-350 in a total amount not to exceed \$39,659.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA17-VEL25.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Community Services Department.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Quote Duval Ford](#)  
                          [Florida Sheriffs Association Contract](#)

**Passed**

Enactment No: Res 18-054

- 18                   \*Authorizing the purchase of one (1) Ford F-250 in a total amount not to exceed \$25,729.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA17-VEL25.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by Key West Port Operations.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [\\*Large File\\* Quote](#)  
                          [Florida Sheriff's Association Contract](#)

**Passed**

Enactment No: Res 18-055

19

\*Awarding pursuant to Section 2-797(3)(b), 2-798 and 2-797(4)(b) of the Code of Ordinances the bid of Niles Chevrolet in an amount not to exceed \$81,500.50 for two (2) 2018 Chevrolet Tahoe Police K-9 Specialty Vehicles with accessories for use by the Key West Police Department (KWPD).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[NILES Chevrolet SUV Quote](#)  
[GARBER Tahoe State Contract Quote](#)  
[Michigan State Police Vehicle Descriptions](#)  
[NJPA Quote](#)  
[State Contract Awarded Dealers](#)  
[State Contract Effective Dates](#)

**Passed**

Enactment No: Res 18-056

20

\*Ratifying an Emergency Procurement approved by the City Manager as allowed under Section 2-797(2) of the Code of Ordinances, for Survey, Permitting and Engineering Services for the Aquarium Basin Seawall Replacement at Mallory Square resulting from Hurricane Irma by Tetra Tech, Inc., in an amount not to exceed \$72,724.00, under the City's Environmental Engineering Services Contract, as amended; Authorizing any necessary budget amendments; Authorizing the City Manager to execute any necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Proposal Statement of Work](#)  
[\\*Large File\\* Condition Assessment](#)  
[Resolution 17-299 General Environmental Services](#)

**Passed**

Enactment No: Res 18-057

**Approval of the Consent Agenda**

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

21

Authorizing A. H. of Monroe County, Inc. to conduct the Annual Taste of Key West at Mallory Square Plaza and Parking Lot on Monday, April 16, 2018 from 6:00 P.M. to 9:00 P.M. (Set up starting at 8:00 A.M.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 5:00 P.M. to 10:00 P.M.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application](#)  
[Insurance Certificate](#)  
[Release & Indemnification](#)  
[Advertisement for Noise](#)

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

**Absent:** 1 - Mayor Cates

**Yes:** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 18-058

22

Authorizing Conch Republic Independence Celebration, LLC to conduct a concert at the Truman Waterfront Amphitheatre starting Saturday, ~~April 28~~, **April 21**, 2018 from ~~6:00 P.M. to 11:00 P.M.~~ **2:00 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 within an enclosed area.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, that the Resolution be Passed Amending the date to April 21 and the time from 2:00 p.m. to 9:00 p.m. The motion carried by the following vote:**

**Absent:** 1 - Mayor Cates

**Yes:** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 18-059

23

Approving the attached "Litter Control and Prevention Grant Agreement Between the State of Florida Department of Transportation and the City of Key West, Florida" for Contract G0T46, Financial Project Number 409750-3-74-01, in the amount of \$16,000.00 (City Match); Authorizing necessary budget amendments; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[2018 Grant Application](#)

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

Enactment No: Res 18-060

24

Authorizing reimbursement in the amount of \$21,049.00 for Law Enforcement and Fire Protection Services provided to Super Boat International Productions, Inc. (SBI) for the Key West World Championships of November 5-12, 2017 in excess of the Annual Fee Cap set forth in Section 4 of the Agreement between the City and SBI; Authorizing the use of City Manager Contingency Funds.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Invoice](#)  
[Resolution 14-187](#)

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

**Absent:** 1 - Mayor Cates

**Yes:** 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 18-061

25

Authorizing the purchase of one (1) Ford Explorer in a total amount not to exceed \$25,247.00 from Duval Ford Fleet Sales, through Piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA17-VEL25.0 Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the City Manager's Office and other Administrative Offices without an assigned vehicle.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Quote Duval Ford](#)  
[Florida Sheriff's Association Contract](#)

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

Enactment No: Res 18-062

26

Awarding the bid of Pedro Falcon Electrical Contractors, Inc. for Bayview Park Boys and Girls Club Renovations Project, in an amount not to exceed \$518,315.80 in accordance with the terms specified in ITB 17-021, inclusive of permitting fees and Deductive Alternate No. 3; Approving the use of an Owner Direct Purchase Program to eliminate sales tax fees on selected project materials; Authorizing necessary budget amendments; Authorizing the City Manager to execute a Contract on behalf of the City of Key West.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* City Bid No. 17-021](#)  
[City Clerk Bid Tabulation Memo](#)  
[\\*Large File\\* D L Porter Bid Proposal](#)  
[\\*Large File\\* Pedro Falcon Bid Proposal](#)

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

Enactment No: Res 18-063

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

27

An Ordinance of the City of Key West, Florida, amending the Land Development Regulations on Property located at 5220, 5224, 5228 & 5230 College Road (RE #00072082-002200, AK #8757883; RE #00072082-002100, AK #8757875; RE #00072080-002200, AK #1076155; RE #00072082-002400, AK #8757905) Pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations, to Create a New High Density Residential College Road District (HDR-1) of the Code of Ordinances of the City of Key West, Florida; Providing for permitted uses, conditional uses, prohibited uses and dimensional requirements; Providing for a residential density of 40 units per acre amending Chapter 122, Article IV, Division 1, providing amendments to the Tables of Uses and Dimensional Requirements for High Density Residential College Road (HDR-1) District; Providing for Concurrent and Conditional Adoption upon adoption of Comprehensive Plan Amendments; 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 2017-64](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 1 - Commissioner Romero

**Absent:** 1 - Mayor Cates

**Yes:** 5 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Wardlow and Commissioner Weekley

Enactment No: Ord 18-04

28

An Ordinance of the City of Key West, Florida, Amending Chapter 122 of the Code of Ordinances, entitled "Zoning" by repealing Section 122-1336; by Amending Section 122-1338, to amend the BPAS equivalency to .86 when a transient unit is transferred to a non-transient unit and to require removal of the transferred medallion and placement of same at the receiver site; Amending Section 122-1339 to permit the transfer of a Business Tax Receipt for transient use to an area where transient use is permitted without the accompanying transfer of the unit and to require removal of a transferred medallion and placement of same at the receiver site; Amending Section 122-1371 to clarify intent and to require return of the medallion upon termination of a Business Tax Receipt; 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 2017-65](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Romero, that the Ordinance be Postponed indefinitely. The motion carried by the following vote:**

**No:** 2 - Commissioner Kaufman and Commissioner Payne

**Absent:** 1 - Mayor Cates

**Yes:** 4 - Commissioner Lopez, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

**ADJOURNMENT - 6:54 P.M.**