



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, June 18, 2019

5:00 PM

City Hall

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REVISED June 12, 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 TWENTY-FOUR (24) HOURS PRIOR TO THE MEETING.**

**CALL MEETING TO ORDER - 5:02 p.m.**

#### ROLL CALL

**Present** 7 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

**INVOCATION - Rev. Dr. Daniel Hagmaier, Peace Covenant Presbyterian**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

#### APPROVAL OF AGENDA

The agenda was approved unanimously as changed.

#### COMMENDATION

1

Commendation for Michael Behrend

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

Received and Filed

**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.

**Approval of the Consent Agenda**

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

**MINUTES**

2                   \*May 30, 2019

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

**Passed**

3                   \*June 4, 2019

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

**Passed**

**RESOLUTIONS**

4                   \*Directing that the City Manager shall develop language that restricts the use of Polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law.

**Attachments:**     [Resolution](#)

Enactment No: Res 19-174

- 5                   \*Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a Fundraiser at McCoy Indigenous Park and Fireworks on the Edward B. Knight Pier (Formerly White Street Pier) on July 4, 2019 (set up July 2, 2019 starting at 7:00 a.m. through July 5, 2019, 7:00 a.m.) Authorizing Fireworks display off the Edward Knight Pier on July 4, 2019 from 9:00 p.m. to 10:00 p.m.; Authorizing the Sale and Consumption of Alcoholic Beverages at the McCoy Indigenous Park.

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

**Passed**

Enactment No: Res 19-175

- 7                   \*Authorizing Race World Offshore, LLC to conduct the World Championship Race Week in November from 2019 through 2023; Authorizing the Sale and Consumption of Alcoholic Beverages on City Property/Rights-of-Way at the Truman Waterfront.

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

**Passed**

Enactment No: Res 19-176

- 8                   \*Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances to the Conch Republic Seafood Company for a Florida Power Boat Fashion Show and Awards Ceremony during the Florida Powerboat Fashion Show and Awards Ceremony during the Florida Power Boat event at the Conch Republic Seafood Company 631 Greene Street between the Hours of 7:00 p.m. to 11:00 p.m. on November 7-9, 2019.

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

**Passed**

Enactment No: Res 19-177

- 10                  \*Approving the Proposed Settlement Agreement in LeeAnne Harris and Geoffrey Harris v. the City of Key West, Monroe County Circuit Court Case No.: 2017-CA-692-K in the amount of \$300,000.00; Authorizing the City Manager to execute all settlement documents upon the advice and consent of the City Attorney; Providing for an effective date

**Attachments:**    [Resolution](#)  
                          [Harris Executed Release and Agreement to Satisfy Liens](#)  
                          [Letter from Michael Burke](#)

**Passed**

Enactment No: Res 19-178

- 11                   \*Authorizing the purchase of one (1) Ford F-250 in a total amount not to exceed \$34,369.00 from Duval Ford Fleet Sales, through piggybacking on the Florida Sheriff's Association and Florida Association of Counties BID No. FSA18-VEL26.0 Contract, Pursuant to Section 2-797 (3) of the Code of Ordinances for use by the Utilities Department.

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

**Passed**

Enactment No: Res 19-179

- 12                   \*Approving a two-year extension of the Aramark Uniform Services, A division of Aramark Uniform and Career Apparel, LLC, for the provision of City Staff Uniform Rentals; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)  
                          [Resolution 16-152](#)  
                          [Aramark Contract](#)

**Passed**

Enactment No: Res 19-180

13

\*Approving the sole source purchase of annual service agreements with Johnson Controls for the City Hall air conditioning system, \$10,259.00 for the chillers servicing agreement, \$11,556.00 for the controls servicing agreement, for an amount not to exceed \$21,815.00

**Attachments:**[Resolution](#)[Executive Summary](#)[City Of Key West Chillers Servicing Agreement](#)[City Of Key West Controls Servicing Agreement](#)**Passed**

Enactment No: Res 19-181

14

\*Approving award of the bid of Pedro Falcon Electrical Contractors, Inc. in response to ITB 19-010 in a total amount not to exceed \$29,900.00, to replace apparatus bay doors Building 507, Truman Fire Station, at Naval Air Station Key West as authorized by the Navy; Approving necessary budget amendments.

**Attachments:**[Resolution](#)[Resolution 14-034](#)[Executive Summary](#)[Falcon Bid Proposal](#)[ITB 19-010 Bay Door Replacement](#)[Bid Memo](#)[Navy Authorization Letter](#)**Passed**

Enactment No: Res 19-182

- 15                    \*Approving work order #29 under the City's right-of-way improvement contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$123,345.59 for Americans with Disabilities Act (ADA) sidewalk improvements and related work along Olivia Street between Frances and White Street; Authorizing necessary budget adjustments.

**Attachments:**     [Resolution](#)  
                              [Executive Summary Olivia](#)  
                              [Work Order](#)  
                              [Resolution 17-106](#)  
                              [Resolution 19-054 ROW Contract Extension](#)  
                              [ITB 17-017 ROW Executed \(Large File\)](#)  
                              [Contract & Bonds](#)  
                              [Olivia Street Plan](#)  
                              [Engineering Standard Details](#)  
                              [CTS 2019 Extension Signed](#)

**Passed**

Enactment No: Res 19-183

- 16                    \*Authorizing the City Manager to execute a Satisfaction of Lien in the case of Erwin Mayer, property owner and Marie Delus, mobile home owner of 1300 15 Court, Lot 11.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [NOCV NOH](#)  
                              [Findings and Orders](#)  
                              [Lien](#)  
                              [Mitigation of Lien Request](#)

**Postponed to July 16, 2019.**

- 17                    \*Awarding the bid of Barracuda Builders of Key West, Inc. in response to ITB #19-018 for Smathers Beach Bathroom West construction in an amount not to exceed \$519,800.00, including Bid Addendum No. 1; Authorizing the City Manager to execute necessary documents in substantial conformance with the bid documents, upon consent of the City Attorney; Authorizing any necessary budget amendments.

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [CKW Clerk Bid Memo](#)  
                          [ITB 19-018 SBRW Bid Documents \(Large File\)](#)  
                          [Barracuda Bid \(Large File\)](#)  
                          [Burke Bid \(Large File\)](#)  
                          [Porter Bid \(Large File\)](#)  
                          [Resolution 18-367 \(Artibus Award\)](#)

**Passed**

Enactment No: Res 19-184

- 18                    \*Ratifying the attached "Customized Training Agreement" between Career Source South Florida and the City of Key West, In a total grant award amount of \$28,000.00 for partial funding of police academy basic law enforcement tuition; Authorizing a necessary budget amendment to accept the funding to offset expenses for police academy tuition of approximately \$54,885.00 with the difference (Approximately \$26,885.00) to be funded by the City Manager contingency fund.

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [Customized Training Agreements](#)

**Passed**

Enactment No: Res 19-185



- 19                    \*Ratifying Pursuant to Section 2-797 (2) of the Code of Ordinances the attached change order No. 1 to work order #24 under the City's right-of-way improvement contract with DN Higgins, Inc. in a total amount not to exceed \$24,379.25 for ADA sidewalks along Whitehead Street from South Street to Truman Avenue; Authorizing any necessary budget transfers.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 17-106](#)  
                              [Change Order 1](#)  
                              [Work Order](#)  
                              [Large File ITB 17-017 ROW executed](#)

**Passed**

Enactment No: Res 19-186

- 20                    \*Ratifying pursuant to Section 2-797 (4) (b) - Best Interest of the City, a procurement as approved by the City Manager in a memo dated June 10, 2019, in an amount not to exceed \$147, 900.00 for Charley Toppino & Sons, Inc. for demolition of the Mosquito Control Building at 5224 College Road; Authorizing any necessary budget transfers.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Memo](#)  
                              [Mosquito Bldg Demo Contract 6.11.19.pdf](#)  
                              [FKAA Water Main Relocation Estimate](#)  
                              [CTS Demo Proposal](#)  
                              [D.L. Porter Demo Proposal](#)  
                              [SeaTech Demo Proposal](#)

**Passed**

Enactment No: Res 19-187

### **Approval of the Consent Agenda**

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

21

Time Approximate 5:20 PM

Directing the City Manager to cease negotiations for a Lease Agreement between the City and Tropical Soup Corporation for parcels 1, 2, 3 and 4 at Mallory Square; Withdrawing the “City of Key West Planning Department Authorization Form” signed by the City Manager and dated 1, May 2015, which authorized Tropical Soup Corporation and its professional team to represent the City in the application process for the parcels; Directing the City Manager to make recommendations to the City Commission/CRA for the best use of the property.

Attachments:     [Resolution](#)  
[Planning Department Authorization Form May 1, 2015](#)  
[From Walsh -Mallory rfp proposalTropical Soup](#)  
[From Walsh -Mallory signed HARC authorization 2016](#)  
[From Walsh -Mallory Authorization and emails 2015](#)  
[From Walsh- Mallory lease status may 2019 emails](#)  
[From Walsh -Mallory signed HARC authorization 2017](#)  
[From Walsh -Mallory Timeline to April 2019](#)  
[From Walsh -Mallory Resolution 10-167 \(1\)](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution Approved. The motion failed by the following vote:**

**No:** 5 - Commissioner Davila, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow and Mayor Johnston

**Yes:** 2 - Commissioner Hoover and Commissioner Weekley

- 6 Approving the attached "Agreement" for Annual Power Boat Championship Race Services at Truman Waterfront with Race World Offshore, LLC; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Agreement](#)  
                              [Exhibit A1 & A2](#)  
                              [Exhibit B](#)  
                              [Exhibit C1, C2, & C3](#)  
                              [Exhibit D1 & D2](#)  
                              [Resolution 19-141](#)  
                              [Race World Offshore Proposal](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Resolution be Passed. During discussion, Commissioner Davila asked that the contract be amended to include language regarding polystyrene restrictions. The motion carried by the following vote:**

**Yes:**    7 -    Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 19-188

- 9 Approving the attached Art in Public Places Board selections for Douglass Gym and Community Center Public Art in Response to Request for Proposal #007-19; Authorizing the City Manager to negotiate if necessary, and execute Agreements upon consent of the City Attorney between the City of Key West and the following two Artists: McMow Glass (Targeted Space #1 exterior/interior Mosaic Art Glass Vignettes in three locations -- \$25,000.00), J.H. Allen (Targeted space interior #4 ceiling trusses for banners \$14,400.00).

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [RFP 007-19 Public Art Douglass Gym](#)  
                              [JH Allen Agreement](#)  
                              [McMow Art Glass Agreement](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Resolution be Approved including development of a Phase II art plan with input from BVRAC & AIPP. The motion passed by a unanimous vote.

Enactment No: Res 19-189

## ORDINANCES – FIRST READING

- 22 Amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by creating Article XIII entitled "Mobile Billboards" and by creating Sec. 70-802 entitled "Purpose"; By creating Sec. 70-803 entitled "Definitions"; By creating Sec. 70-804 entitled "Prohibitions"; By creating Sec. 70-805 entitled "Exceptions"; by creating Sec. 70-806 entitled "Penalties"; Providing for severability; Providing for repeal of inconsistent provisions;

**Attachments:**     [Ordinance](#)  
                              [Executive Summary](#)

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.

**ORDINANCES - SECOND READING (Public Hearing)****23**

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.

**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](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to the July 16th City Commission Meeting. The motion passed by an unanimous vote.

**CITIZEN COMMENTS****COMMISSION COMMENTS****ADJOURNMENT -6:59 p.m.**