



# 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 6, 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 - 6:02 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Wardlow

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

**INVOCATION - Rev. Larry Hooper, St. Paul's Episcopal Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### COMMENDATIONS

**1** 3rd Annual Green Commute Awards

**Sponsors:** Mayor Cates

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

Received and Filed

#### PROCLAMATIONS

**2 Alzheimer's and Brain Awareness Month**

**Sponsors:** Mayor Cates

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

**Received and Filed**

**3 Gilbert Baker Day**

**Sponsors:** Mayor Cates

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

**Received and Filed**

**4 Key West Pride Week**

**Sponsors:** Mayor Cates

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

**Received and Filed**

**5 Dr. Bruce Boros**

**Sponsors:** Commissioner Lopez, Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

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

**Received and Filed**

**6 Flower Conroy 2017 Poet Laureate**

**Sponsors:** Mayor Cates and Commissioner Weekley

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

**Received and Filed**

**PRESENTATIONS****7 Gilbert Baker 8 Color Rainbow Flag - Aaron Huntsman, LovelsLove Foundation**

**Sponsors:** Commissioner Kaufman

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

**Received and Filed**

- 8 News from the Florida Keys Community College - Dr. Jonathan Gueverra

**Sponsors:** Commissioner Lopez

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

Received and Filed

- 9 Keefe, McCullough & Company, LLP - Fiscal Year 2016 Audit

**Sponsors:** City Manager Scholl

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.

#### **MINUTES**

- 10 \*May 16, 2017 (Regular)

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

Approved

#### **RESOLUTIONS**

- 11 \*Re-Appointing Cheryl Smith to the Board of Trustees of the General Employees Retirement Plan.

**Sponsors:** Mayor Cates

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

Passed

Enactment No: Res 17-153

- 12                   \*Authorizing the Key West Police Athletic League, Inc. to conduct a Mango Fest at Bayview Park on Saturday, July 15, 2017 from 10:00 A.M. to 11:00 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 10:00 A.M. to 11:00 P.M.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 17-154

- 13                   \*Approving Task Order 17-01.1 to William P. Horn, Architect, PA under the General Architectural Services Contract, for Design of a New Air Conditioning System and Electric Services for the Glynn Archer School Gymnasium in an amount not to exceed \$9,825.00.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Revised Bill Horn Task Order](#)  
                              [Resolution 17-069](#)  
                              [Original Bill Horn Task Order](#)  
                              [Resolution 14-307](#)

**Passed**

Enactment No: Res 17-155

- 14** \*Approving Amendment 1 to Task Order No. 1-16-SWR from CH2M Hill Engineering, Inc. in an amount not to exceed \$45,265.00 for Design, Permitting and Bid Phase Services for the Replacement of Pump Station "A".

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order 1-16 SWR Amendment 1](#)  
[Resolution 15-208](#)  
[Resolution No 16-284](#)

**Passed**

Enactment No: Res 17-156

- 15** \*Approving the attached "Exhibit A" (2017-18) to the "State of Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement, Contract ARU46"; Authorizing the City Manager to execute any necessary documents, upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Exhibit A 2017-2018](#)  
[Resolution 15-224](#)

**Passed**

Enactment No: Res 17-157

- 16**                    \*Authorizing the 60-month Lease of a Pitney Bowes Connect+ Series Postage Meter plus accessories in an amount not to exceed \$31,102.80, pursuant to Florida Department of Management Services State Contract #44102100-17-1.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Lease for 60 months](#)  
                              [State of Florida Pricing - New Contract Feb 2017](#)  
                              [State Contract Mail Processing Equipment](#)  
                              [Pitney Bowes Bid Proposal](#)  
                              [State Contract Pricing Pitney Bowes Price Sheet-Core Materials.pdf](#)  
                              [State Contract Awarded Vendors.pdf](#)

**Passed**

Enactment No: Res 17-158

- 17**                    \*Request the Florida Department of Transportation to conduct a comprehensive study to identify the distinct transportation user groups using US 1 in Monroe County and Key West to develop potential solutions to alleviate traffic congestion and enhance the quality of life and the safety of residents and visitors of the Florida Keys.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Draft Monroe County Resolution](#)

**Passed**

Enactment No: Res 17-159

18

\*Approving Change Order No. 6 to D. L. Porter Constructors, Inc. in an amount not to exceed \$250,007.93 for unforeseen spalling and structural repairs at the Frederick Douglass Community Center Project, as an emergency procurement pursuant to Section 2-797(2) of the Code of Ordinances; Authorizing a Waiver of Code of Ordinances Section 2-845, to authorize the City Manager to allocate up to \$30,000.00 of contingency allowance as necessary; Authorizing necessary budget transfers/amendments; Authorizing the City Manager to execute necessary documents.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Change Order No. 6 Spalling Repair](#)  
[Change Order Revised #10R - Spalling Repairs Revised](#)  
[RFQ 17-001 Architecture Evaluation Form-FILLED.](#)  
[Shift Frederick Douglass Concrete Restoration](#)  
[Bella Douglass Gym Concrete Repair Cost Proposal](#)  
[Schnell Contractors Douglass Gym Concrete Repair Cost Proposal](#)  
[M13178 Fredrick Douglass Gym Repair Recommendations 5.11.2017](#)  
[\\*Large File\\* 2013 Structural Assessment](#)  
[\\*Large File\\* Resolution No. 16-198](#)

**Passed**

Enactment No: Res 17-160

### Approval of the Consent Agenda

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

19

Directing the City Manager to work with the three shopping center property owners, Monroe County Overseas Market Property Owner and the Key West Department of Transportation to establish a Lower Keys Shuttle Bus Stop on those properties the ~~Overseas Market Property~~.

**Sponsors:** Commissioner Kaufman

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

**A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Resolution be Passed as amended; requesting the City Manager to work with all three shopping center owners and Monroe County. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Wardlow

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

Enactment No: Res 17-161

**20**

Approving and authorizing the execution of the attached Agreement between the City of Key West and the Phil Peterson's Key West Poker Run, LLC for Charity Motorcycle Bike Week on September 15 & 16, 2017; Authorizing the closure of Duval Street from Eaton Street to Front Street on Friday, September 15, 2017 and Saturday, September 16, 2017 from 9:00 A.M. to 12:00 Midnight; All cross streets shall remain open except Greene Street between Whitehead to Simonton Street and Caroline Street between Whitehead to Simonton Street; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Agreement](#)  
[Application](#)  
[Map](#)  
[Advertisement](#)  
[Letter From Randy Becker](#)  
[Letter From Barbara Ramey](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Resolution be Postponed to June 20, 2017. The motion carried by the following vote:**

**No:** 1 - Commissioner Kaufman

**Absent:** 1 - Commissioner Wardlow

**Yes:** 5 - Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Weekley and Mayor Cates



21

Designating a process to disburse fund allocations nominated to the Monroe County Land Authority ("Land Authority") in Resolution 16-347 for Affordable Housing Projects by Habitat for Humanity of Key West and the Lower Florida Keys, Inc. ("Habitat"); Requiring Habitat to use procurement procedures in conformance with City Purchasing Code for the projects at 1116 Truman Avenue and 209 Olivia Street; Stating that City will disburse funds upon receipt of final inspections and Certificate of Occupancy, if necessary; Requiring a release upon payment of funds; Ratifying the payment of funds nominated in Resolution 16-347 by Land Authority to the mortgage holder for 716 Eisenhower Drive.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Resolution 16-347](#)

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

**Absent:** 1 - Commissioner Wardlow

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

Enactment No: Res 17-162

22

Authorizing the City Manager to enter into an Agreement with Risk Management Associates, Inc. d/b/a Public Risk Insurance Agency, a wholly owned subsidiary of Brown & Brown, Inc. ("Brown & Brown") in conformance with terms contained in RFP 005-17 for "Insurance Broker Services - Property/Casualty and Workers' Compensation," in the annual fee basis in the amount of \$55,000.00 for policy periods 10/1/17 through 9/30/2020, with two successive one year option policy periods; Authorizing the City Manager to enter into an Agreement with Arthur J. Gallagher Risk Management Services, Inc., ("Gallagher") in the event an Agreement is not reached with Brown & Brown; Authorizing the City Manager to execute all documents consistent therewith with the consent and advice of City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[RFP # 005-17](#)  
[RFP # 005-17 Ad for Citizen](#)  
[RFP 005-17 Bid Tabulation](#)  
[\\*Large File\\* Brown and Brown Proposal](#)  
[Corrected Exhibit IV - PRIA](#)  
[\\*Large File\\* Gallagher Proposal](#)  
[\\*Large File\\* Gehring Group Proposal](#)  
[Legal Ad KW Citizen - Evaluation Committee](#)  
[Consultant Notes](#)  
[Evaluation of Proposals](#)  
[Combined Evaluation Scoresheet](#)

**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 - Commissioner Wardlow

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

Enactment No: Res 17-163

23

Approving the attached "Purchase and Sale Agreement" between the City of Key West and the Utility Board of the City of Key West d/b/a Keys Energy Services ("KEYS") for the Diesel Energy Plant, located at 100 Angela Street, adjacent to the Truman Waterfront Property; Authorizing the City Manager to execute necessary documents on behalf of the City, upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Purchase and Sale Agreement](#)  
[Exhibits for Diesel Plant Purchase](#)  
[Ex D Item 1 Property Boundary Survey 11-10-10 Island Surveying COPY](#)  
[Ex D Item 2 Site Insp Report FDEP and EPA 8-16-12](#)  
[Ex D Item 3 Site Insp Report FDEP Section 8 and 9](#)  
[Ex D Item 4 Site Insp Report FDEP 8-16-12 Tables 3 to 6d](#)  
[Ex D Item 5 Lead Based Paint Survey 7-18-13 PSI](#)  
[Ex D Item 6 Asbestos Containing Materials Survey 7-27-13 PM Environmental](#)  
[Ex D Item 7 Phase I Site Assessment PM Environmental 7-26-13](#)  
[Ex D Item 8 Phase II Environmental Assessment 10-8-13](#)  
[Ex D Item 9 Site Assessment Report 03-10-14 PM Environmental](#)  
[Ex D Item 10 Surface Water Sampling Report - 07-22-14 PM Environmental](#)  
[Ex D Item 11 Supplemental Site Assessment - 08-25-2014 PM Environmental](#)  
[Ex D Item 12 Property Appraisal 2-16-15 Appraisal Company of KW](#)  
[Ex D Item 13 PM Environmental Natural Attenuation Monitoring 7-10-15](#)  
[Ex D Item 14 KEYS Letter Possible Disposition of Portion of KW Diesel Plant 10-15-15](#)  
[Ex D Item 15 CKW Acquisition Recommendation 10-23-15](#)  
[Ex D Item 16 Recorded Copy of DRC - Book 2790 Page 736 Keys Diesel](#)  
[Ex D Item 17 FDEP Site Rehab Completion Order 4-26-16](#)  
[Ex D Item 18 CKW Res 16-157 Pre Acquisition Inspection Consultant Task Order](#)  
[Ex D Item 19 AES Final Structural Assessment 8-3-16](#)  
[Ex D Item 20 AMEC Summary Report 8-9-16](#)

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

**Absent:** 1 - Commissioner Wardlow

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

Enactment No: Res 17-164

**24**

Urging cooperation between the Key West Goombay Festival, Inc. and Florida Keys Performing and Visual Arts, Inc.; Approving and authorizing one of the two applicants to conduct a Goombay Festival on October 20 & 21, 2017 from 10:00 A.M. to Midnight; Authorizing the closure of Petronia Street between Duval Street and Fort Street including the Truman Waterfront Recreational Fields; Authorizing the consumption of alcoholic beverages within the barricaded area of the festival; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the festival.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application - Key West Goombay Festival, Inc](#)  
[Application - Florida Keys Performing & Visual Arts](#)  
[Letter From FKPVAI](#)  
[Letter From Yul Knighten](#)  
[Advertisement](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed granting permission to conduct the Goombay Festival to The Key West Goombay Festival, Inc. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Wardlow

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

Enactment No: Res 17-165

## **ORDINANCES – FIRST READING**

25

An Ordinance of the City of Key West, Florida, amending Chapter 1 of the Comprehensive Plan entitled "Future Land Use Element" by amending Policy 1-1.16.1, entitled "Maintain a Building Permit Allocation Ordinance," amending Policy 1-1.16.2, entitled "Building Permit Allocation Ordinance and Affordable Housing," amending Policy 1-1.16.3, entitled "Permit Allocation System Ratio by Structure Type," and by adding Policy 1-1.16.5 entitled "Transfer Of Building Permit Allocations;" by amending Chapter 2 entitled "Transportation Element," by amending Policy 2.16.4 to properly reflect as Policy 2-1.6.4, and revising the reference to the number of allocated units; Amending Chapter 3 of the Comprehensive Plan entitled "Housing," by amending Policy 3-1.1.4, entitled "Building Permit Allocation System;" Providing for Severability; Providing for Repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[Comprehensive Plan Report](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Romero, that the Ordinance be Passed to Second Reading amending Page 7, replacing the Interlocal Agreement pursuant to Florida Statute Section 380 Agreement per the City Attorney. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Wardlow

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

## DISCUSSION

26

Affordable Housing Status of RFP on Stock Island Properties and Transition of KOTS

**Sponsors:** Commissioner Kaufman

**Discussed**

## CITIZEN COMMENTS

## COMMISSION COMMENTS

**ADJOURNMENT - 9:25 P.M.**