



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, August 1, 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**

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

**INVOCATION - Rev. Daybree Thoms, Unity of the Keys Spiritual Center**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### **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                   \*July 5, 2017 (Regular)
- Attachments:     [Minutes](#)
- Approved
- 2                   \*July 17, 2017 (A.M. Workshop)
- Attachments:     [Minutes](#)
- Approved
- 3                   \*July 17, 2017 (P.M. Workshop)
- Attachments:     [Minutes](#)
- Approved
- 4                   \*July 18, 2017 (A.M. Workshop)
- Attachments:     [Minutes](#)
- Approved
- 5                   \*July 18, 2017 (P.M. Workshop)
- Attachments:     [Minutes](#)
- Approved

**RESOLUTIONS**

- 6                   \*Directing the City Manager to complete necessary analysis to determine a basis for adjustment of the cruise ship per passenger disembarkation fee, security fee and/or docking fees; Directing the City Manager to report to the City Commission at the October 17, 2017 Commission meeting.
- Sponsors:       Commissioner Kaufman
- Attachments:     [Resolution](#)
- Passed
- Enactment No: Res 17-188

- 7                   \*Authorizing "Key West Half Marathon LLC" to conduct their 20th Annual Key West Half Marathon and 5K Run on Saturday, January 13, 2018 from 8:00 A.M. to 8:00 P.M. and Sunday, January 14, 2018 from 5:00 A.M. to 12:00 Noon at the Waterfront Brewery, 200 William Street and the Half Shell Raw Bar, 231 Margaret Street; Authorizing certain street closures thereof during the event; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 17-189

- 8                   \*Approving the Staff Ranking for General Architectural Services in response to RFQ No. 17-001; Authorizing the City Manager to negotiate and enter into Contracts on a Task Order Basis with selected architectural firms upon consent of the City Attorney.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Evaluation Committee Ranking Proposals](#)  
                          [City's RFQ #17-001 Documents](#)  
                          [Addendum #1](#)  
                          [Addendum #2](#)  
                          [Addendum #3](#)  
                          [Notice of Meeting Advertisement](#)  
                          [City Clerk RFQ Tabulation](#)  
                          [\\*Large File\\* ADC Response](#)  
                          [\\*Large File\\* Amec Response](#)  
                          [\\*Large File\\* Behar Response](#)  
                          [\\*Large File\\* Bender Response](#)  
                          [\\*Large File\\* Hayes Response](#)  
                          [\\*Large File\\* Horn Response](#)  
                          [\\*Large File\\* K2M Response](#)  
                          [\\*Large File\\* PFB Response](#)  
                          [\\*Large File\\* Pike Response](#)  
                          [\\*Large File\\* Rodriguez Response](#)  
                          [\\*Large File\\* Saltz Response](#)

**Passed**

Enactment No: Res 17-190

- 9                   \*Authorizing a Local Agency Program (LAP) Agreement (FM #440023-1) between the City of Key West and the Florida Department of Transportation (FDOT) in the amount of \$383,781.00 for Cultural Resources Services for the Bahama Village Connectivity Project and the Greene Street Americans With Disabilities Act Ramp Installation Project; Authorizing any necessary budget amendments; Authorizing the City Manager to execute necessary documents.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [LAP Agreement](#)  
                              [100% Plans Bahama Village Connectivity](#)  
                              [FDOT Funding Information](#)

**Passed**

Enactment No: Res 17-191

- 10                  \*Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow an increase of \$25,000.00 in cumulative expenditures during FY 16-17 to Ten-8 Fire Equipment (Ten-8), for additional repair and testing services; Authorizing necessary budget amendments.

**Sponsors:**           City Manager Scholl

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 16-303](#)  
                              [Sole Source](#)  
                              [Price Sheet](#)

**Passed**

Enactment No: Res 17-192

- 11                    \*Ratifying a procurement pursuant to Section 2-797(2) and Section 2-797(4)(b) of the City's Code of Ordinances, for repair and sod replacement of portions of the Poinciana Soccer Field by T. Mac Wilder and Associates, in an amount not to exceed \$43,260.06; Authorizing the use of BP Funding.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Best Interest of the City Letter Poinciana](#)  
                              [Key West Soccer Sod Replacement](#)

**Passed**

Enactment No: Res 17-193

- 12                    \*Ratification and approving the attached "Amendment 1 - Agreement" to the Agreement (#16-137) between Enterprise Florida, Inc. (EFI) for the Florida Defense Support Task Force (FDSTF) and the City of Key West, for funding Truman Annex Seawall Refurbishment Project abutting the NOAA facility and the Truman Annex Boat Ramp to extend the term of the Agreement for grant funding through June 29, 2018; Authorizing the City Manager to execute necessary documents.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Amendment #1](#)  
                              [Resolution 16-201](#)

**Passed**

Enactment No: Res 17-194

- 13**                    \*Relating to the Collection and Disposal of Solid Waste in Key West, Florida; Describing the method of assessing Solid Waste Costs against assessed property located within the City of Key West; Determining the Solid Waste Cost and the Solid Waste Service Assessments; Directing the preparation of an Assessment Roll; Authorizing a Public Hearing and directing the provisions of notice thereof.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Public Notice](#)

**Passed**

Enactment No: Res 17-195

- 14**                    \*Approving the attached Joint Stipulation for Settlement in the case of Linda Tilghman v. City of Key West v. Florida Department of Transportation (Case 2015-CA-492-K); Authorizing the City Manager and the City Attorney to execute necessary documents.

**Sponsors:**            City Attorney Smith

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Exhibit to Executive Summary](#)  
                              [Joint Stipulation for Settlement](#)

**Passed**

Enactment No: Res 17-196

- 15**                    \*Approving the attached Joint Stipulation for Settlement in the case of Pamela Berklich & Anthony Berklich v. City of Key West and Perfect Pedicabs, Inc. (Case 2016-CA-539-K); Authorizing the City Manager and the City Attorney to execute necessary documents.

**Sponsors:**            City Attorney Smith

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Joint Stipulation for Settlement](#)

**Passed**

Enactment No: Res 17-197

**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.**

- 16** Requesting that the Tourist Development Council incorporate information about the City's "Car-Free Key West" Campaign in all ads referring to Key West.

**Sponsors:** Commissioner Kaufman

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

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed. 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: Res 17-198

- 17** Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Jeremy Leal for a Breakfast & Pool Party to support the local service industry staff during Fantasy Fest at 621 Caroline Street on October 28, 2017 from 10:00 P.M. to 4:00 A.M. and October 29th from 10:00 A.M. to 4:00 P.M.

**Sponsors:** City Manager Scholl

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

**Withdrawn**

- 18** Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Brett Tyler Smith for a wedding ceremony and reception at the Truman Little White House at 111 Front Street during the hours of 6:00 P.M. to 11:00 P.M. on Saturday, November 18, 2017.

**Sponsors:** City Manager Scholl

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

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

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



19

Authorizing Ohwook Productions, Inc. to conduct an Americana Folk Country Music Festival at the Truman Waterfront Amphitheatre on February 7-10, 2018 from 3:00 P.M. to 10:00 P.M. 4:00 A.M. on February 7th and 8th and 3:00 P.M. to 11:00 P.M. on February 9th and 10th; (Set up starting on February 7, 2018); 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 3:00 P.M. to 4:00 A.M. 10:00 P.M. on February 7th and 8th and from 3:00 P.M. to 11:00 P.M. on February 9th and 10th.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application](#)  
[Letter From Suzanne Washburn](#)

*A motion was made by Commissioner Wardlow, seconded by Commissioner Payne, that the Resolution be approved as amended providing for an exemption from the Noise Control Ordinance from 3:00 P.M. to 11:00 P.M. The motion failed by the following vote:*

*No: 4 - Commissioner Kaufman, Commissioner Lopez, Commissioner Romero and Commissioner Weekley*

*Yes: 3 - Commissioner Payne, Commissioner Wardlow and Mayor Cates*

**A motion was made by Commissioner Lopez, seconded by Commissioner Payne, that the Resolution be Approved as amended providing for an exemption from the Noise Control Ordinance from 3:00 P.M. to 10:00 P.M. on February 7 and 8, 2018, Wednesday and Thursday and from 3:00 P.M. to 11:00 P.M. on February 9 and 10, 2018, Friday and Saturday. The motion carried by the following vote:**

**No:** 3 - Commissioner Kaufman, Commissioner Romero and Commissioner Weekley

**Yes:** 4 - Commissioner Lopez, Commissioner Payne, Commissioner Wardlow and Mayor Cates

Enactment No: Res 17-199

20

Approving Task Order #6 under the City's General Utilities Contract with Charley Toppino & Sons, Inc., in a total amount not to exceed \$446,789.20 for installation of approximately 400 linear feet of culvert in Donald Canal; Ratifying the direct purchase of pipe and fitting materials from Contech Engineering Solutions in the amount of \$134,620.00; Authorizing necessary budget transfers as an Emergency Procurement pursuant to Section 2-797 of the Code of Ordinances.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Emergency Declaration](#)  
[Task Order Proposal](#)  
[Preliminary Plans](#)  
[General Utilities Services Contract Agreement Toppino](#)  
[Contech Engineered Solutions Signed Quote](#)  
[\\*Large File\\* Resolution 15-292](#)

**A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed. 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: Res 17-200

- 21 Approving the attached Stipulated Partial Settlement Agreement between the City of Key West and Burke Construction Group, Inc.; Authorizing payment in the amount of \$198,203.58 as full and complete payment of all monetary obligations of the City under the Contract; Authorizing any necessary budget adjustment; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Final Application & Certification for Payment](#)  
[Stipulated Partial Settlement Agreement](#)  
[Taylor Espino Vega Touron Email](#)  
[Resolution 14-348](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Payne, that the Resolution be Passed. 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: Res 17-201

- 22 Approving a temporary exemption to certain provisions of the Sound Control Ordinance, pursuant to Section 26-199 of the Code of Ordinances, for Kisinger Campo & Associates, on behalf of Southern Road and Bridge, for Garrison Bight Bridge Repair Project - Monroe County/FDOT District Six LAP Project FPD 431918-1-38-01; Providing conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Limits of Construction and MOT](#)  
[Contractor Noise Exemption Request](#)

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

Enactment No: Res 17-202

**ORDINANCES – FIRST READING**

- 23                    An Ordinance of the City of Key West, Florida, amending Chapter 34 of the Code of Ordinances entitled "Floods" by amending Section 34-125 to clarify the factors used by the Floodplain Administrator in determining repair and improvement value, in line with FEMA Guidelines; Amending Section 34-132 by adding "COASTAL A" to the definition of Special Flood Hazard Area; Clarifying the definition of "Substantial Improvement"; 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 Wardlow, that the Ordinance be Passed to Second Reading on August 15, 2017. The motion carried by the following vote:**

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

**CITIZEN COMMENTS****COMMISSION COMMENTS****ADJOURNMENT - 8:24 P.M.**