



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, November 7, 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

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

**INVOCATION - Command Chaplain Scott Mason, NAS Key West**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### COMMENDATIONS

Craig and Cheryl Cates

**Sponsors:** Commissioner Lopez, Commissioner Weekley, Commissioner Wardlow, Commissioner Kaufman, Commissioner Davila and Commissioner Hoover

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

**Received and Filed**

- 1 Dick Moody
- Sponsors: Mayor Cates
- Attachments: [Commendation](#)
- Received and Filed

#### PROCLAMATIONS

- 2 Buddy Poppy Days
- Sponsors: Mayor Cates
- Attachments: [Proclamation](#)
- Received and Filed
- 3 16 Days of Activism
- Sponsors: Mayor Cates and Commissioner Lopez
- Attachments: [Proclamation](#)
- Received and Filed
- 4 National Apprenticeship Week
- Sponsors: Mayor Cates
- Attachments: [Proclamation](#)
- Received and Filed
- 5 National Hunger and Homelessness Awareness Week
- Sponsors: Mayor Cates, Commissioner Kaufman and Commissioner Weekley
- Attachments: [Proclamation](#)
- Received and Filed

#### PRESENTATIONS

- 6 Angela Budde, Master Municipal Clerk Designation
- Sponsors: City Manager Scholl
- Received and Filed



- 9 \*Approving Change Order No. 1 from Pedro Falcon Electrical Contractors, Inc. for the ITB 18-027 Edward B. Knight Pier Lighting Project, in an amount not to exceed \$10,472.00, along with a 120-day extension for contract completion; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents, upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Change Order Request](#)  
[ITB 18-027](#)  
[\\*Large File\\* Resolution 18-188](#)  
[Executed Contract](#)  
[Notice to Proceed](#)

**Passed**

Enactment No: Res 18-329

- 10 \*Approving Task Order 13, Phase II, under the City's Environmental Engineering Services Contract with Atkins North America, Inc. (Atkins) in a total amount not to exceed \$65,158.00, for final design and permitting for the South Beach Nourishment Project; Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Preliminary Design Alternatives Report](#)  
[Resolution 18-087](#)  
[Resolution 17-299](#)  
[Task Order 13](#)

**Withdrawn**

- 11                   \*Approving Task Order No. 2-19-STM from CH2M Hill Engineering, Inc. in an amount not to exceed \$254,973.00 for General Engineering Services for Design of the Patricia and Ashby Neighborhood Piping Project; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [CH2M Hill Task Order 2-19 STM](#)  
                          [Resolution 17-207](#)  
                          [CH2M Hill Engineering Services Agreement](#)

**Passed**

Enactment No: Res 18-330

- 12                   \*Approving Task Order No. 1-19-SWR from CH2M Hill Engineering, Inc. in an amount not to exceed \$199,780.79 for the Feasibility Investigation for the Directional Bore Influent Pipeline under Fleming Channel to the Richard A. Heyman Environmental Protection Facility; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:**       City Manager Scholl

**Attachments:**    [Resolution](#)  
                          [Executive Summary](#)  
                          [CH2M Task Order 1-19 SWR](#)  
                          [Resolution 17-207](#)  
                          [CH2M Hill Engineering Services Agreement](#)

**Passed**

Enactment No: Res 18-331

- 13                    \*Approving a Task Order under the City's General Utilities Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$222,809.12 for Generator Repairs at the Richard A. Heyman Environmental Facility; Authorizing necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
[Executive Summary](#)  
[CTS Task Order](#)  
[Resolution 18-322](#)  
[Charley Toppino and Sons, Inc. Contract](#)

**Passed**

Enactment No: Res 18-332

- 14                    \*Approving the Committee Ranking and Awarding a Contract for Medical Director of EMS in response to RFP No. 012-18; Authorizing the City Manager to negotiate and execute a contract in conformance with the terms and conditions contained in RFP 012-18 upon the advice and consent of the City Attorney.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
[Executive Summary](#)  
[RFP #012-18 Medical Director](#)  
[Dr Guerdan Proposal](#)  
[\\*Large File\\* Dr Gandia Proposal](#)  
[Dr Partrick/Dr Blass Proposal](#)  
[Ranking Summary RFP 012-18](#)

**Passed**

Enactment No: Res 18-333

15

\*Approving the attached Supplemental Joint Participation Agreement Number Two (SJPA #2) for Contract ARJ38 between the Florida Department of Transportation (FDOT) and the City of Key West, for the Mallory Square T-Pier Project for a funding increase of \$95,000.00 from FDOT with \$31,667.00 required City match (25%); Approving a Contract Extension to June 30, 2019; Approving necessary budget amendments and transfers.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[SJPA Number 2](#)  
[Resolution 14-266](#)  
[July 26, 2016 Letter with Scope Modification](#)  
[Resolution 17-186](#)  
[FDOT Concurrence for Fenders](#)

**Passed**

Enactment No: Res 18-334

- 16 \*Approving a purchase from GameTime, Dominica Recreation Products, Inc. pursuant to Section 2-797(3) of the Code of Ordinances of Playground Equipment for Nelson English Park, in the amount of \$117,998.88, pursuant to the U.S. Communities, Government Purchasing Alliance State of North Carolina, County of Mecklenburg, City of Charlotte Contract No. 2017001134; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Quote](#)  
[\\*Large File\\* Gametime Contract](#)  
[\\*Large File\\* GameTime Contract 2018 Master Price List](#)  
[Gametime Contract Installation Fees](#)  
[Installation Fees Calculation](#)  
[US Communities Membership](#)  
[Picture](#)

**Passed**

Enactment No: Res 18-335

- 17 \*Authorizing FY 2017-18 Budget Transfers from Solid Waste 403 Reserves in the total amount of \$400,227.00 to Solid Waste Collection in the amount of \$227,626.00, Transfer Station Operations in the amount of \$26,100.00 and Hauling in the amount of \$146,501.00; Authorizing the City Manager to execute all documents consistent therewith.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Waste Management Collection Contract Resolution 14-134](#)  
[Waste Management Hauling Contract Resolution 04-082](#)  
[First Amendment WM Hauling Contract](#)  
[Second Amendment WM Hauling Contract](#)

**Passed**



Enactment No: Res 18-336

18

\*Authorizing pursuant to Section 2-797(3) the purchase of 40 HP Desktop Computers from MRA International in an amount not to exceed \$30,400.00 through the State of Florida Contract - Miscellaneous IT Equipment (WSCA) 250-WSCA-10-ACS (Alternate Contract Source); Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[HP Inc Master Agreement](#)  
[Alternate Contract Source 43211500-WSCA -15-ACS Amendment 1](#)  
[MRA Quote](#)  
[CDW Quote](#)  
[Gov Connection Quote](#)

**Passed**

Enactment No: Res 18-337

19

\*Authorizing the purchase of eighteen (18) 2019 Ford Police Interceptor AWD SUV Utility Marked Police Patrol Vehicles (\$36,121.90 each) from Garber Ford Fleet Sales, pursuant to Section 2-797(3) of the Code of Ordinances, pursuant to Florida State Purchasing Contract 25100000-18-1, in the total amount of \$650,194.20 for use by the Key West Police Department.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Interceptor Utility Information](#)  
[E-mail Fleet Manager-City Garage](#)  
[Copy GARBER State Contract Quote - SUV](#)  
[State Contract Effective Dates](#)  
[State Contract Awarded Dealers](#)  
[ALAN JAY NJPA KEY WEST CITY OF K8A 16973-2 Quote](#)  
[DUVAL Sheriff's Contract Quote](#)  
[Sheriffs Contract Awarded Dealers](#)  
[Sheriffs Contract Effective Dates](#)  
[Keys Auto Center Email](#)

**Passed**

Enactment No: Res 18-338

20

\*Authorizing pursuant to Section 2-797(3) the purchase of a 2019 Freightliner M2-112 Water Truck from Lou Bachrodt Freightliner in an amount not to exceed \$188,470.00 through the Florida Sheriff's Association and Florida Association of Counties Contract for CAB and Chassis Trucks and Heavy Equipment #FSA18-VH16.0; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Sheriffs Contract Pricing](#)  
[Quote](#)  
[Sheriffs Contract Effective Date and Terms](#)  
[Picture](#)

**Passed**

Enactment No: Res 18-339

21

\*Authorizing pursuant to Section 2-797(3) the purchase of a 2019 Freightliner M2 Claw Truck from Lou Bachrodt Freightliner in an amount not to exceed \$133,320.00 through the Florida Sheriff's Association and Florida Association of Counties Contract for CAB & Chassis Trucks and Other Fleet Equipment #FSA18-VEH16.0; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Sheriffs Contract Pricing](#)  
[Quote](#)  
[Sheriffs Contract Effective Date and Terms](#)  
[Picture](#)

**Passed**

Enactment No: Res 18-340

22

\*Authorizing pursuant to Section 2-797(3) the purchase of a 2019 Freightliner M2 Flatbed Dump Truck from Lou Bachrodt Freightliner in an amount not to exceed \$89,790.00 through the Florida Sheriff's Association and Florida Association of Counties Contract for CAB & Chassis Trucks and Heavy Equipment #FSA18-VEH16.0; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Sheriffs Pricing](#)  
[Quote](#)  
[Sheriffs Contract Effective Date and Terms](#)  
[Picture](#)

**Passed**

Enactment No: Res 18-341

23

\*Awarding the Bid of PAC COMM, Inc. (PAC) in response to ITB #18-036 in a total amount not to exceed \$818,570.00, for Aquarium Seawall Repair (Hurricane Irma Damage); Approving any necessary budget transfers; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[City Clerk Bid Tabulation Memo](#)  
[\\*Large File\\* Pac Comm, Inc. Proposal](#)  
[\\*Large File\\* Ebsary Proposal](#)  
[\\*Large File\\* City Bid ITB #18-036](#)  
[Addendum 1](#)  
[Addendum 2](#)  
[Addendum 3](#)

**Passed**

Enactment No: Res 18-342

- 24 \*Approving a proposed Settlement Agreement in the case of Sandra Avanzato and Giacomo Avanzato v. City of Key West (Case No.: 2017-CA-716-K) in the amount of \$100,000.00; Authorizing the City Manager to execute all documents consistent with the Settlement Agreement, upon the advice and consent of the City Attorney.

**Sponsors:** City Attorney Smith

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Signed Settlement](#)

**Passed**

Enactment No: Res 18-343

- 25 \*Approving the attached "General Release and Settlement" in the case of Raymond Berthiaume v. David Smith and City of Key West (Case No.: USDC 15-CV-10001-KING/TORRES) in the amount of \$100,000.00; Authorizing the City Manager to execute all documents consistent with the Settlement Agreement, upon the advice and consent of the City Attorney

**Sponsors:** City Attorney Smith

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Report by Outside Counsel](#)  
[General Release and Agreement](#)

**Passed**

Enactment No: Res 18-344

### **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.**

- 26 Expressing appreciation to the Florida Department of Transportation (FDOT) for considering the concerns of the City of Key West with respect to the Cow Key Channel Bridge Project and Incorporating Contract Incentive Provisions to reduce completion time; Stating that the Cow Key Channel Project will have a major effect on public safety and quality of life for City residents, visitors and emergency response; Requesting FDOT to continue to investigate and consider ways to further compress the project timeframe to minimize the project impact on Key West; Specifically requesting that the construction contract require construction on a 24-hour/7 day a week schedule to reduce the timeframe.

**Sponsors:** Commissioner Kaufman

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

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

Enactment No: Res 18-345

- 27 Authorizing Rams Head Promotions, LLC to conduct a concert at the Truman Waterfront Amphitheatre on Saturday, April 6, 2019 from 5:00 P.M. to 10:00 P.M. (access day prior and after event); 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](#)

[Release](#)

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

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

Enactment No: Res 18-346

- 28 Approving the attached “Agreement Between the City of Key West and Affordable Housing Consulting, LLC Response to Request for Application Services” in a total amount of up to \$60,000.00, pursuant to Section 2-797(4) (b) of the Code of Ordinances; Authorizing necessary budget transfers; Authorizing the City Manager to execute the Agreement upon consent of the City Attorney.

**Sponsors:** City Manager Scholl

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

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

Enactment No: Res 18-347

- 29 Authorizing the City Manager to execute a Satisfaction of Lien in the case of Lissette Cuervo and Louis Cuervo T/C, Property Owners(s) of 2804 Seidenberg Avenue.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Excutive Summary](#)  
[Certificate of Compliance](#)  
[Mitigation of Lien Request](#)  
[Resolution 18-035 Partial Release of Lien](#)  
[Special Magistrate Findings and Orders](#)  
[Collection Letter](#)  
[Lien](#)  
[Summary of Mitigation](#)  
[Letters of Support](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Hoover, that the Resolution be Passed to include an Administrative Fee of \$250.00. The motion carried by the following vote:

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

Enactment No: Res 18-348

30

Authorizing the City Manager to execute a Satisfaction of Lien in the case of John MacLaughlin, property owner(s) of 1922 Patterson Avenue.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Lien](#)  
[Special Magistrate Findings and Orders](#)  
[Collection Letters](#)  
[Lien Mitigation Form](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed to include an Administrative Fee of \$250.00. The motion carried by the following vote:**

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

Enactment No: Res 18-349



31

**QUASI-JUDICIAL HEARING - SECOND READING:**

Development Agreement 3900 South Roosevelt Boulevard  
Pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, recommending approval of a Development Agreement on property located at 3900 South Roosevelt Boulevard (RE #00066180-000200) within the High Density Residential (HDR) Zoning District between Passco Ocean DST and the City of Key West for the construction of 56 New Market Rate Units and 24 New Affordable Units, for eighty (80) New Residential Dwelling Units.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Development Agreement](#)  
[Authorization](#)  
[\\*Large File\\* Exhibit A - Legal Description](#)  
[Exhibit B - Deed](#)  
[Exhibit C - Site Plan Approved 6-15-17 Planning Board Meeting](#)  
[Exhibit D - Site DataTable](#)  
[Exhibit E - Planning Board Resolutions 2015-26 & 2017-06](#)  
[Exhibit F - Planning Board Resolution 2017-24](#)  
[Exhibit G - Planning Board Resolution 2017-25](#)  
[Exhibit H - Commission Resolution 17-217](#)  
[Exhibit I - Commission Resolution 18-](#)  
[Exhibit J - Deed Restriction](#)  
[Exhibit K - Traffic Study - February 2017](#)  
[Exhibit L - Avigation Easement](#)  
[Planning Board Meeting June 15 - Staff Report](#)  
[Planning Board Meeting June 15 Noticing Package](#)  
[Letter From Peter Ryan](#)

**A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed as amended with the conditions detailed by the City Planner and that the applicant provide a formal finding from a professional environmental engineer that no secondary assessor road is feasible. The motion carried by the following vote:**

**No:** 1 - Commissioner Wardlow

**Yes:** 6 - Commissioner Davila, Commissioner Hoover, Commissioner Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Cates

Enactment No: Res 18-350

#### **ORDINANCES – FIRST READING**

**32**

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending Section 18-26 to provide definitions; Adding Section 18-29 to amend penalties; Adding Section 18-30 to require warning signs on premises of establishments which sell alcoholic beverages prohibiting the sale or dispensing of alcohol for persons under 21 years of age, providing penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Hoover

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

**A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on November 20, 2018, amending Definitions; "Conspicuously post means clearly visible to patrons, easily readable and immediately viewable upon reading." The motion passed by a unanimous vote.**

33

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-121 to provide a penalty for violation of Section 70-265; Adding Article IV - "Parking Stopping and Standing," Division 8, "Non-resident Truman Waterfront Parking Permit Program", by adding Section 70-265, to provide permit holders the right to park in the City's metered parking lots located at Truman Waterfront for a period of time not to exceed four hours per day; 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 Wardlow, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on November 20, 2018 amending Section 70-265(1)(a) from "Mile Marker 6" to "Mile Marker 11". The motion passed by a unanimous vote.

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

ADJOURNMENT - 9:07 P.M.