



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, May 4, 2021

5:00 PM

City Hall

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 (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 5:00 P.M.

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended.

PROCLAMATIONS

1 National Police Week

Attachments: [Proclamation](#)

Received and Filed

2 National Emergency Medical Services Week

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

3 Annual Multimodal Report

Attachments: [Transportation Report 2021](#)

Received and Filed

4 Army Corps Coastal Storm Risk Management Study Update
- Rachel Haug, Senior Planner, U.S. Army Corps of
Engineers

Attachments: [Presentation](#)

Received and Filed

5 Key West Department of Transportation - Rod Delostrinos,
Transportation Director

Attachments: [Presentation](#)

Received and Filed

- 6 Fiscal Year 2020-21 Financial Update and Fiscal Year 2021-22 Budget Schedule

Attachments: [FY 2020-21 Financial Update](#)
[FY 2021-22 CKW Budget](#)
[Fund Balance Recon FYE 2020](#)
[2021 Cashflow General Fund](#)
[General Fund Revenues - 6 Month Budget to Actual](#)
[General Fund Expenditures - 6 Month Budget to Actual](#)
[Infrastructure Fund Revenues - 6 Month Budget to Actual](#)
[Infrastructure Fund Expenditures - 6 Month Budget to Actual](#)
[Internal Improvements \(Gas Tax\) Fund Revenues - 6 Month Budget to Actual](#)
[Internal Improvements \(Gas Tax\) Fund Expenditures - 6 Month Budget to Actual](#)
[Fort Taylor Surcharge Fund Revenues - 6 Month Budget to Actual](#)
[Fort Taylor Surcharge Fund Expenditures - 6 Month Budget to Actual](#)
[Affordable Housing Fund Revenues - 6 Month Budget to Actual](#)
[Affordable Housing Fund Expenditures - 6 Month Budget to Actual](#)
[Truman Waterfront Fund Revenues - 6 Month Budget to Actual](#)
[Truman Waterfront Fund Expenditures - 6 Month Budget to Actual](#)
[Community Fund \(AIPP\) Revenues - 6 Month Budget to Actual](#)
[Community Fund \(AIPP\) Expenditures - 6 Month Budget to Actual](#)
[Transportation Alternative Fund Revenues - 6 Month Budget to Actual](#)
[Transportation Alternative Fund Expenditures - 6 Month Budget to Actual](#)
[Law Enforcement Trust Fund Revenues - 6 Month Budget to Actual](#)
[Law Enforcement Trust Fund Expenditures - 6 Month Budget to Actual](#)
[Capital Projects Fund Revenues - 6 Month Budget to Actual](#)
[Capital Projects Fund Expenditures - 6 Month Budget to Actual](#)
[Sewer Fund Revenues - 6 Month Budget to Actual](#)
[Sewer Fund Expenditures - 6 Month Budget to Actual](#)
[Stormwater Utility Fund Revenues - 6 Month Budget to Actual](#)
[Stormwater Utility Fund Expenditures - 6 Month Budget to Actual](#)
[Solid Waste Fund Revenues - 6 Month Budget to Actual](#)
[Solid Waste Fund Expenditures - 6 Month Budget to Actual](#)
[Key West Bight Fund Revenues - 6 Month Budget to Actual](#)
[Key West Bight Fund Expenditures - 6 Month Budget to Actual](#)
[Transit System Fund Revenues - 6 Month Budget to Actual](#)
[Transit System Fund Expenditures - 6 Month Budget to Actual](#)
[Garrison Bight Fund Revenues - 6 Month Budget to Actual](#)
[Garrison Bight Fund Expenditures - 6 Month Budget to Actual](#)
[Insurance Fund Revenues - 6 Month Budget to Actual](#)

[Insurance Fund Expenditures - 6 Month Budget to Actual](#)

[Bahama Village TIF Fund Revenues - 6 Month Budget to Actual](#)

[Bahama Village TIF Fund Expenditures - 6 Month Budget to Actual](#)

[Caroline Street TIF Fund Revenues - 6 Month Budget to Actual](#)

[Caroline Street TIF Fund Expenditures - 6 Month Budget to Actual](#)

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

7

*April 13, 2021

Attachments: [Minutes](#)

Passed

RESOLUTIONS

- 8 *Authorizing the City of Key West to join with the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a Unified Plan (for opioid settlement); Authorizing the City Manager to execute all related documents upon the advice and consent of the City Attorney; Authorizing the City Clerk to provide certified copies of this Resolution to the Florida League of Cities and the Florida Attorney General.

Attachments: [Resolution](#)
 [Memo from Office of Attorney General](#)
 [Proposed Memorandum of Understanding](#)
 [Supporting Informatiton](#)

Passed

Enactment No: Res 21-072

- 9 *Appointing Robert R. Chinnis to the Key West Contractors Examining Board.

Attachments: [Resolution](#)
 [Resume](#)
 [Roofing License](#)

Passed

Enactment No: Res 21-073

- 10 *Designating the "Kermit 'Shine' Forbes Building" located at the Truman Waterfront Public Works Facility.

Attachments: [Resolution](#)

Passed

Enactment No: Res 21-074

- 11 *Authorizing City staff to negotiate with the United States Navy, United States Coast Guard and related government agencies to relocate the tower located at Truman Waterfront to accommodate the construction of affordable housing.

Attachments: [Resolution](#)

Passed

Enactment No: Res 21-075

- 12 *Approving the proposed Settlement Agreement in Stephen Schumann and Laurie Margolin vs. The City of Key West, Monroe County Circuit Court Case No.: 2019-CA-1000-K in the amount of \$200,000.00; Authorizing the City Manager to execute all settlement documents upon the advice and consent of the City Attorney.

Attachments: [Resolution](#)
[Case Summary for Public](#)
[Settlement Agreement](#)
[Release](#)

Passed

Enactment No: Res 21-076

- 13 *Authorizing the Key West Police Athletic League, Inc. to conduct a Mango Fest at Bayview Park on Saturday, June 26, 2021 from 7:00 A.M. to 4:00 P.M.; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the sale and consumption of alcohol beverages within the enclosed area.

Attachments: [Resolution](#)
[Executive Summary](#)
[Application](#)
[Safety Plan](#)

Passed

Enactment No: Res 21-077

- 14 *Approving issuance of Task Order No. 9 to Black & Veatch Corporation for Engineering Evaluation and Design Services for replacement of activated sludge pumps at the Richard A. Heyman Environmental Protection Facility in an amount not to exceed \$92,813.00; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute documents upon consent of the City Attorney.

Attachments: [Resolution](#)
[Executive summary](#)
[Task order no. 9 proposal](#)
[Resolution 17-207](#)
[Contractor agreement](#)
[Res 20-142 Contract Renewal](#)

Passed

Enactment No: Res 21-078

- 15 *Approving a change order to provide additional bypass pumping at Pump Station D in the amount of \$25,764.02 (from \$156,403.245 to \$182,167.26), pursuant to Section 2-845(a) of the Code of Ordinances; Authorizing necessary budget transfers.

Attachments: [Resolution](#)
[Executive Summary](#)
[Change Order Documentation](#)
[Resolution 15-292](#)
[Resolution 18-322](#)
[Resolution 20-121](#)
[Contract - Charley Toppino & Sons, Inc.](#)

Passed

Enactment No: Res 21-079

- 16 *Approving the attached "First Amendment to Interlocal Agreement for Engineering Design, Permitting and Construction Services for Dennis Street Pump Station (Key West) Project" between Monroe County and the City of Key West; Authorizing any necessary budget adjustments.

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 20-050 Interlocal Agreement Dennis Street County](#)
[1st Amendment to ILA Dennis Street Pump Station -signed](#)

Passed

Enactment No: Res 21-080

- 17 *Approving three proposals from Raftelis Financial Consultants, Inc., in an amount not to exceed \$60,000.00 to provide utility rate models for preparation of the City's FY 2021-22 sewer, stormwater and solid waste budget.

Attachments: [Resolution](#)
[Executive Summary](#)
[Key West Sewer Rate Model Update Proposal Letter](#)
[Key West Solid Waste Financial Model Update Proposal Letter](#)
[Key West Stormwater Rate Model Update Proposal Letter](#)

Passed

Enactment No: Res 21-081

- 18 *Ratifying an Emergency Procurement dated April 19, 2021 approved by the Interim City Manager as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a Task Order in an amount not to exceed \$128,339.87 for Charley Toppino & Sons, Inc. to repair 25 manholes on North Roosevelt Boulevard; Authorizing an necessary budget transfers.

Attachments: [Resolution](#)
[Executive Summary](#)
[Emergency Declaration Signed PM](#)

Passed

Enactment No: Res 21-082

- 19 *Authorizing the purchase of 450 sewer manhole "Inflow Defender" rain pans from USSI, LLC on a brand name, sole source basis, and in the best interests of the City, pursuant to Section 2-844, 2-797(1) and 2-797(4)(b) of the Code of Ordinances, in a total amount not to exceed \$76,747.50.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [City of Key West Inflow Defender Estimate from USSI](#)
 [Inflow Defender Max sole source - Oversized Inflow Dish](#)

Passed

Enactment No: Res 21-083

- 20 *Authorizing the procurement of smoke testing/inflow & infiltration testing services, from USSI, LLC in an amount not to exceed \$104,180.00, by piggybacking on a government contract between USSI, LLC and the Toho Water Authority Bid #IFB-202-076, pursuant to Section 2-797(3) and Section 2-797(4)(b) of the Code of Ordinances; Authorizing necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [City of Key West Smoke Testing Proposal](#)
 [USSI 2020 Piggyback Package Pricing](#)

Passed

Enactment No: Res 21-084

- 21 *Awarding the proposal of Tetra Tech, Inc. in response to Request for Proposals (RFP) No. 003-21 for debris removal monitoring services; Authorizing the City Manager to negotiate and execute a contract in conformance with the RFP documents, upon advice and consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary 003-21](#)
 [RFP 003-21 Final](#)
 [Tetra Tech Proposal RFP#003-21](#)

Passed

Enactment No: Res 21-085

- 22 *Approving the Supplemental Fee Agreement in the amount of \$6,011.30 to the Task Order between the City and EAC Consulting, Inc. (EAC) for development of procurement documents for the Southard Street Improvements Project (from \$20,000 to \$26,183.40), pursuant to Section 2-845(a) of the Code of Ordinances; Authorizing any necessary budget adjustments and transfers; Authorizing the City Manager or designee to execute documents upon consent of the City Attorney.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [EAC Task Order](#)
 [EAC Supplemental](#)
 [Resolution 17-207](#)
 [Resolution 20-142](#)
 [LAP Construction Checklist](#)

Passed

Enactment No: Res 21-086

23

*Adopting and approving the attached "City of Key West Transit Department Substance Abuse Management Policy Plan" revision of 2021 (SAMS); Authorizing the City Manager or designee to execute the SAMS and submit same to the U.S. Department of Transportation.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [2021 Substance Abuse Management Policy](#)

Passed

Enactment No: Res 21-087

24

*Approving a temporary exemption to certain provisions of the Sound Control Ordinance, pursuant to Section 26-199 of the Code of Ordinances, for DL Porter Constructors, Inc. for 201 William Street spalling and structural repair for up to 180 calendar days.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Advertisement and Notice](#)
 [Citizen Newspaper Public Notice](#)

Postponed to May 19, 2021

25

*Approving the attached "Public Transportation Amendment to the Public Transportation Agreement" (PTGA) FM 444447-1-94-01 between the Florida Department of Transportation (FDOT) and the City of Key West for the Mallory T-Pier Extension/Improvements Project to add Fiscal Year 2021 funding of \$521,835.00 with a \$173,945.00 City match (\$695,780.00 total); Approving necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Amendment 2](#)
[Resolution 19-129](#)
[Resolution 19-363](#)
[Public Comment - HaskellE](#)
[Public Comment - Martini](#)
[Public Comment - Marquardt](#)
[Public Comment - HaskellA](#)
[Public Comment - HaskellA2](#)

Passed

Enactment No: Res 21-088

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.

26

Rescinding Resolution No. 17-055, which provided a recommendation on the roadway design option for AIA/South Roosevelt Boulevard to the Florida Department of Transportation (FDOT); Providing a new recommendation for design of the project segment from Bertha Street to the east end of Smather's Beach to Complete Street Standards with an undivided 3-lane roadway including center turn lane and continuous bike lanes in both directions; Stating that this recommendation should be followed only if it does not compromise the current schedule or funding of FDOT Project 2505488 - SR A1A/South Roosevelt Boulevard between Bertha Street and the east end of Smather's Beach.

Attachments: [Resolution](#)
[Res 17-055](#)
[Public Comment - Massicotte](#)
[Public Comment - Wigle](#)
[Public Comment - Tidball](#)

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

No: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Res 21-089

27

Adopting amended Rules of Procedure for City Commission Meetings to allow public comment related to presentations; Providing that this Resolution supercedes prior resolutions regarding Rules of Procedure for City Commission Meetings.

Attachments: [Resolution](#)
[Res 19-069 10-021 08-063 and 98-331 Commission Procedures](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed with an amendment to include language giving the Mayor discretion, based upon public interest, to waive the restriction of no public comment for discussion or presentation items. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Res 21-090

28

Directing the City Manager to work with the principals of the Frederick Douglass Black Educators Memorial to locate an appropriate space to develop and operate a museum primarily dedicated to the historically black Key West and Bahama Village families and individuals who have made significant contributions to the long history of Key West; Requesting the Frederick Douglass Black Educators Memorial to develop and present a proposal for the establishment of this museum, including a plan for its operation and sustainability.

Attachments: [Resolution](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed with an amendment to include the black educators from St. Francis Xavier School as well. The motion carried by the following vote:

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

Enactment No: Res 21-091

ORDINANCES - FIRST READING

29

An Uncodified Ordinance of the City of Key West, Florida, amending Ordinance 21-07 to mandate that individuals wear a face covering in public with certain exceptions; Declaring this Ordinance to be an emergency measure; providing for penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective and sunset date.

Attachments: [Ordinance 21-07](#)
[Public Comment - Dr. Whiteside](#)

Withdrawn

ORDINANCES - SECOND READING (Public Hearing)**30**

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Article VIII entitled "City Property"; Amending Section 2-939 titled "Licenses" to include signage, to require insurance, to provide to fees, to substitute the licensing official for the building official to administer licensing; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

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

Enactment No: Ord 21-11

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT - 7:51 P.M.**