



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, February 19, 2014

6:00 PM

Old 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 at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:01 P.M.

ROLL CALL

Absent 1 - Commissioner Rossi

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

INVOCATION - Reverend Dr. Randolph W.B. Becker, Unitarian Universalist Fellowship of Key West

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

- 1 Recognizing the Reverend Doctor Randolph W.B. Becker for his Years of Service to the Bahama Village Redevelopment Advisory Committee.

Sponsors: Commissioner Johnston, Commissioner Lopez and Mayor Cates

Received and Filed

PROCLAMATIONS

- 2 Water Quality Awareness Month

Sponsors: Mayor Cates

Received and Filed

PRESENTATIONS**3** Presentation of the 2013 Holiday Parade Winners:

Best Commercial - Florida Keys Aqueduct Authority
Best Non Profit - Basilica School of Key West
Best Youth Group - Boys and Girls Club - Big Pine
Honorable Mention - Bling, Bling, DJ Services

Sponsors: City Manager Vitas

Received and Filed

4 State of the City - Mayor Cates

Sponsors: Mayor Cates

Received and Filed

5 Building Permit Allocation System 2013 Annual Report - City Planner
Don Craig

Sponsors: City Manager Vitas

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**6** *January 22, 2014 (Regular)

Approved

7 *January 29, 2014 (Special)

Approved

8 *February 4, 2014 (Regular)

Approved

RESOLUTIONS

9 *Authorizing pursuant to Sections 2-797 (3) (a) (b) (c) and 2-844 (A) of the Code of Ordinances the purchase of seventeen (17) GETAC B300 rugged notebook computers and related equipment from Hewlett-Packard in the amount of \$70,524.00, pursuant to State Contract #250-WSCA-10-ACS.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-044

10 *Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of eight (8) unmarked City-owned vehicles.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-045

11 *Approving four work orders under the City's General Services Contract with Douglass N. Higgins, Inc. in a total amount not to exceed \$178,019.03 for sidewalk replacement/installations.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-046

12 *Approving the attached Concession Agreement for the Wildlife Rescue Facility at Sonny McCoy Indigenous Park between the City of Key West and Key West Wild Bird Center, Inc.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-047

- 13** *Authorizing an Interlocal Agreement between Monroe County and the City of Key West for use of a portion of the Geographic Information System (GIS).

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-048

- 14** *Approving the attached "Public Transportation Joint Participation Agreement" (JPA) between the Florida Department of Transportation (FDOT) and the City of Key West for Section 5311 Grant Program Funding Assistance for FY 2013-14 for operating expenses of the fixed route Bus Transit System in Key West in an amount not to exceed \$542,452.00 (50% of the program cost) [FDOT Financial Project Number 42573218401, Contract #ARB19]; Authorizing the City Manager to execute necessary documents and necessary budget amendments.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-049

- 15** *Approving the settlement in Shoulton Tyler vs. the City of Key West, Worker's Compensation case No. OJCC11-4394CMH in the amount of \$125,000.00 and authorizing the City Manager to execute all settlement documents consistent therewith.

Sponsors: City Attorney Smith

Passed

Enactment No: Res 14-050

Approval of the Consent Agenda

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

- 16** Specifying that the Mayor deliver the State of the City Address to all the Citizens of Key West before addressing select groups.

Sponsors: Commissioner Yaniz

A motion was made by Commissioner Yaniz, seconded by Commissioner Lopez, that the Resolution be Passed. The motion failed by the following vote:

No: 3 - Commissioner Johnston, Commissioner Wardlow and Mayor Cates

Absent: 1 - Commissioner Rossi

Yes: 3 - Commissioner Lopez, Commissioner Weekley and Commissioner Yaniz

17

Awarding the Bid of Charley Toppino and Sons, Inc. for the Key West City Hall at Glynn Archer, Phase 1 - selective Demolition, in accordance with the terms specified in ITB 14-007, in an amount not to exceed \$483,610.20. (Base Bid plus Bid Alternate #1 and a \$50,000.00 unforeseen conditions allowance); Authorizing the City Manager to enter into a contract in substantial conformance with the contract documents contained in the Bid package on behalf of the City of Key West and upon advice and consent of the City Attorney.

Sponsors: City Manager Vitas

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

Absent: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 14-051

18

Approving Task Order No. 1-14-FAC from CH2M Hill Engineering, Inc. in an amount not to exceed \$71,560.00 for additional materials testing of the existing concrete walls of the Glynn Archer School Facility.

Sponsors: City Manager Vitas

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

Absent: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 14-052

19

Adopting the attached 2014 City of Key West Work Force Housing Income, Sale and Rent Limits; Stating that the Income, Sale and Rent Limits are based on Monroe County Annual Median Income for a family of four of \$63,500.00.

Sponsors: City Manager Vitas

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

Absent: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 14-053

- 20 Approving the settlement in Mitchell Andrews vs. the City of Key West, Worker's Compensation Case No. OJCC11-4394DWL in the amount of \$25,000.00 and authorizing the City Manager to execute all settlement documents consistent therewith.

Sponsors: City Attorney Smith

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

Absent: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 14-054

ORDINANCES – FIRST READING

- 21 An Ordinance of the City of Key West, Florida, amending Chapter 2 entitled "Administration", Article V entitled "Committees, Boards and Commissions", Division 8 entitled "Art in Public Places Board" of the Code of Ordinances by amending Section 2-487 entitled "Funding of Art in New Construction and Major Renovation Projects" by adding a purpose and intent statement, adding definitions, changing the method in which the amount representing 1% of construction costs is paid, clarifying and elaborating certain provisions of the program and establishing procedure for efficient implementation of the program; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

22

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending Article VI entitled "Mobile Vendors", Section 18-324 "Conditions of use"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

No: 1 - Commissioner Yaniz

Absent: 1 - Commissioner Rossi

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

23

An Ordinance of the City of Key West, Florida, Amending Chapter 62, Article V of the Code of Ordinances entitled "Newsracks" by adjusting the spelling to 'News Racks' throughout the Ordinance; by amending Section 62-151 to amend Definitions; Adding Section 62-152 to state Purpose and Criteria; Amending Section 62-177 to set July 15 as the Application for Locations Deadline; Amending Section 62-179 to establish and adjust Certain Fees; Amending Section 62-181, Denial; Amending Section 62-182 to Amend the Replacement Procedure; Amending Section 62-183, to Amend Location Requirements; Providing for severability, Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

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

Absent: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

24

An Ordinance of the City of Key West, Florida, amending Chapter 82 of the Code of Ordinances entitled "Waterways" by adding Section 82-2, "Alteration of Key West's Main Ship Channel" to provide for voting requirements in order to take any action which would result in the widening, deepening or other alteration of Key West's main ship channel; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Johnston

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

Absent: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 14-01

RESCINDING VOTE ON ORDINANCE

25

An Ordinance of the City of Key West, Florida, Amending Chapter 78 of the Code of Ordinances entitled "Vehicles For Hire" by adding Sections 78-65, 78-66 78-67 and Amending 78-198 to provide for the conversion of Contract Vehicle for Hire Licenses to Wheelchair Accessible Passenger Vehicle for Hire Licenses, Operations Requirements for such Vehicles and a Revocation Process; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

Withdrawn

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:10 P.M.