



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, November 18, 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

6:00 P.M.

ROLL CALL

Present 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

INVOCATION: Lt. Ethan Everts, Command Chaplain Naval Air Station Key West

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

A motion was made by Commissioner Rossi, second by Commissioner Lopez to approve the agenda as changed. The motion was passed unanimously.

PROCLAMATIONS

1 Healthy Weight Florida Key West Day

Sponsors: City Commission

Received and Filed

2 World AIDS Day

Sponsors: Mayor Cates

Received and Filed

PRESENTATIONS

- 3 Assisted Living - Manuel Castillo, Executive Director Key West Housing Authority

Sponsors: City Manager Scholl

Received and Filed

City Attorney's Report

City Manager's Report

- Ambassador's Program Graduation Class 23

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

- 4 *October 21, 2014 (Regular)

Passed

RESOLUTIONS

- 5 *Ratifying an Emergency purchase approved by the City Manager in excess of \$20,000.00 as allowed under Section 2-797 (2) of City's Code of Ordinances, from American Bronze Foundry, Inc. for the creation and placement of a Statue of Bishop Albert Kee in the area of the Southernmost Point; Authorizing the expenditure of City funds collected for the purpose of Art in Public Places; and recognizing the efforts and financial contributions of private parties to the project.

Sponsors: Commissioner Lopez and Commissioner Wardlow

Passed

Enactment No: Res 14-333

- 6 *Authorizing Ragnar Relay Florida Keys to hold a relay starting in Miami and ending in Key West at Salute Higgs Beach on February 7, 2015 from 4:00 A.M. to 10:00 P.M.; Authorizing certain street closures thereof during the event; Pursuant to terms and conditions set forth by the City Manager.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 14-334
- 7 *Approving the attached 2015 Meeting Schedule for the Key West City Commission.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 14-335
- 8 *Approving Change Order Number One from D. N. Higgins, Inc, in the amount of \$139,117.00 for the Navy Mole Pier Switchgear Enclosures and Fueling Station Project (Project OM 1301).
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 14-336
- 9 *Awarding the bid of Charley Toppino and Sons, Inc. for Pump Station F Improvements, in accordance with the terms specified in ITB 14-015, in an amount not to exceed \$1,670,744.25; Authorizing the City Manager to enter into a contract in substantial conformance with the contract documents contained in the bid package and upon advice and consent of the City Attorney.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 14-337

- 10** *Approving the attached "Public Transportation Joint Participation Agreement" (JPA) between the Florida Department of Transportation (FDOT) and the City of Key West for FTA Section 5339 Rural Bus and Bus Facility Capital Funds for the City of Key West Department of Transportation to purchase necessary support vehicles and/or equipment in an amount not to exceed \$53,584.00 (Contract #ARN65); Authorizing the City Manager and/or Transit Director to execute necessary documents and budget amendments.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-338

- 11** *Authorizing a \$10,000.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) to the Key West Police Athletic League Program.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-339

- 12** *Authorizing a \$5,000.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) to The Keys To Be The Change, Inc. Program.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-340

- 13** *Approving and authorizing City Staff and Grant Writer(s) to assist the Key West Players, Inc. (Waterfront Playhouse) with an application for a special category grant from the Florida Division of Historical Resources, in the present grant cycle, and/or future grant cycles, for the structural stabilization of the Waterfront Playhouse; Authorizing the City Manager to execute application documents in substantial conformity with the attached agreement to execute restrictive covenants or preservation agreement and owner concurrence forms.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-341

- 14 *Authorizing a Sole Source Purchasing Exception pursuant to section 2-797(1) of the Code of Ordinances, for the purchase of Environmental Systems Research Institute (ESRI) ARGIS Mapping Software Licenses for the City of Key West Planning Department in a total amount not to exceed \$29,950.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-342

- 15 *Ratifying an emergency procurement approved by the City Manager in excess of \$20,000.00 as allowed under Section 2-797 (2) of City's Code of Ordinances, for the procurement from DN Higgins, Inc. of emergency repairs at Pump Station D; Authorizing necessary budget transfers.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-343

Approval of the Consent Agenda

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

- 16 Authorizing Walker International Events, Inc. the use of the southwest corner field of the Truman Waterfront for a small family circus with showtimes on Thursday and Friday, February 5 and 6, 2015 at 5:30 P.M. and 7:30 P.M.; and Saturday, February 7, 2015 at 3:00 P.M. and 5:30 P.M. and Sunday, February 9, 2015 at 3:00 P.M. ending at 4:30 P.M.

Sponsors: City Manager Scholl

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

No: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Commissioner Yaniz

Yes: 3 - Commissioner Rossi, Commissioner Wardlow and Mayor Cates

Enactment No: Res 14-350

- 17 Authorizing a Sole Source Purchasing Exception pursuant to Section 2-797(1) of the Code of Ordinances, for the purchase of Technical Services for the City's Records Management Plan from SML, Inc. for the City of Key West in a total amount not to exceed \$80,000.00.

Sponsors: City Manager Scholl

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

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 14-344

- 18 Awarding the bid of Stryker Sales Corp. for the purchase of Stretchers and Stair Chairs pursuant to the terms and specifications contained in ITB #15-001 in an amount not to exceed \$36,120.00; Allocating funds through the Infrastructure Surtax Capital Account; 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.

Sponsors: City Manager Scholl

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

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 14-345

- 19 Approving the Committee Ranking and Awarding a Contract for Medical Director of EMS in response to RFP No. 03-015; Authorizing the City Manager to negotiate and execute a contract in conformance with the terms and conditions contained in RFP 03-015 upon the advice and consent of the City Attorney.

Sponsors: City Manager Scholl

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

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 14-346

20

Approving the Committee Ranking of the proposals received for EMS Billing Agency Services in response to RFP No. 02-015; Authorizing the City Manager to negotiate and execute a contract in conformance with the terms and conditions contained in RFP 02-015 upon the advice and consent of the City Attorney.

Sponsors: City Manager Scholl

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

No: 1 - Commissioner Wardlow

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

Enactment No: Res 14-347

21

Accepting the proposal of Biltmore-Burke Construction Group, Inc. for construction of the New City Hall at Glynn Archer, in accordance with the terms specified in RFP 001-15, with a base bid amount not to exceed \$14,997,500.00 ~~\$15,236,557.00~~; Authorizing City staff to negotiate a contract to be presented to the City Commission for final approval.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Resolution be Amended to declare Burke Construction as the Successful Proposer for the Construction of the New City Hall at Glynn Archer School and Negotiate for Value-Engineered Cost Reduction and have the Resolution be Passed as amended. The motion failed by the following vote:

Yeas: Commissioners Lopez, Rossi and Wardlow

Nays: Commissioners Johnston, Weekley, Yaniz and Mayor Cates

Motion Failed.

A motion was made by Commissioner Yaniz, seconded by Commissioner Lopez, that all Proposals are to be rejected based upon budget. The motion failed by the following vote:

Yeas: Commissioners Johnston and Yaniz

Nays: Commissioners Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Motion Failed.

A motion was made by Commissioner Lopez, seconded by Commissioner Rossi to reconsider the Resolution.

Yeas: Commissioners Lopez, Rossi, Wardlow and Mayor Cates

Nays: Commissioners Johnston, Weekley and Yaniz

Motion Passed.

A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Resolution be Amended to award Burke Construction Group, Inc for the construction of the New City of Key West City Hall at Glynn Archer and to pass as amended. The motion carried by the following vote:

No: 2 - Commissioner Johnston and Commissioner Yaniz

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

Enactment No: Res 14-348

22

Approving the attached Agreement between the City and the Key West Cultural Preservation Society, Inc. for the use of Mallory Square for the Sunset Celebration and an Artisan Market on cruise ship days.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi and seconded by Commissioner Johnston, for discussion, that the Resolution be passed and adopted as read.

After discussion, Commissioner Rossi amended his motion to renew their lease for \$5000.00 a month for rent.

The amended motion failed due to a lack of a second.

A motion was made by Commissioner Yaniz to amend the motion to remove the daylight hours.

The motion failed due to a lack of a second motion.

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

No: 1 - Commissioner Yaniz

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

Enactment No: Res 14-349

ORDINANCES – FIRST READING

23

An Ordinance of the City of Key West, Florida, Amending Chapter 26, of the Code of Ordinances entitled "Environment" by amending Section 26-96 "Definitions" to include the upland areas of Rest Beach; AIDS Memorial Park and White Street Pier; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

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

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

24

An Ordinance of the City of Key West, Florida, repealing Ordinance 91-33 which established Fees for Boat Ramp and Related Parking at the City Marina at Garrison Bight; Providing for an effective date.

Sponsors: City Manager Scholl

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

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 14-19

RESOLUTIONS - CONTINUED:

25

Authorizing Walker International Events, Inc. the use of the southwest corner field of the Truman Waterfront for a small family circus with showtimes on Thursday and Friday, February 5 and 6, 2015 at 5:30 P.M. and 7:30 P.M.; and Saturday, February 7, 2015 at 3:00 P.M. and 5:30 P.M. and Sunday, February 9, 2015 at 3:00 P.M. ending at 4:30 P.M.

Sponsors: City Manager Scholl

A motion was made by Commissioner Lopez, seconded by Commissioner Rossi to reconsider the Resolution for Walker International Events, Inc.

The Mayor acknowledged the motion and second and requested the Clerk call the roll.

Yeas: Commissioners Lopez, Rossi, Wardlow and Mayor Cates

Nays: Commissioners Johnston, Weekley and Yaniz

Motion Passed.

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

No: 3 - Commissioner Johnston, Commissioner Weekley and Commissioner Yaniz

Yes: 4 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Mayor Cates

Enactment No: Res 14-350

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:15 P.M.