



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, May 19, 2015

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

Absent 3 - Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Present 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi and Commissioner Yaniz

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

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

It was moved by Commissioner Johnston and seconded by Commissioner Lopez to approve the Agenda as Amended.

COMMENDATIONS

1 Green Commute Challengers & US Coast Guard-Sector Key West

Sponsors: Mayor Cates

Attachments: [Commendation](#)

Received and Filed

PROCLAMATIONS

2 Bethel Family
Sponsors: Mayor Cates
Attachments: [Proclamation](#)
Received and Filed

3 Maritime Day
Attachments: [Proclamation](#)
Received and Filed

PRESENTATIONS

4 Key West Police Department Captain J.R. Torres - 20 Year Service Award
Sponsors: City Manager Scholl
This Item was Postponed to June 2, 2015 meeting.

5 Evergreen Solutions City of Key West Classification and Benefits Study
Sponsors: City Manager Scholl
Attachments: [Final Report](#)
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 *May 5, 2015 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

7 *Urging the Florida Legislature to discuss and enact a healthcare expansion solution to enable the State of Florida to accept \$51 Billion Dollars of Federal Healthcare Funding and extend coverage to Florida's low-income working poor during the 2015 Legislative Session.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

Passed

Enactment No: Res 15-176

8 *Authorizing Key West Business Guild, Inc. to conduct a Pride Street Fair on Saturday, June 13, 2015 from 10:00 A.M. to 10:00 P.M. and a Parade on Sunday, June 14, 2015 from 5:00 P.M. to 7:00 P.M.; Authorizing the closure of the 700 and 800 blocks of Duval Street from 7:00 A.M. to 11:00 P.M. and the Parade starting on the Truman Waterfront; 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 Ordinances pursuant to Section 6-86 of the Code of Ordinances during the event.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[*Large File*Application](#)
[Advertisement](#)

Passed

Enactment No: Res 15-177

- 9 *Authorizing Sloppy Joe's Bar to conduct an event for Hemingway Days on Saturday, July 25, 2015 from 12:00 Noon to 11:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[*Large File* Application](#)
[Advertisement](#)

Passed

Enactment No: Res 15-178

- 10 *Authorizing Sloppy Joe's Bar to conduct an event for Motorcycle Bike Week on Saturday, September 19, 2015 from 12:00 Noon to 11:00 P.M.: Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval Street and Ann Street from 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[*Large File* Application](#)
[Advertisement](#)

Passed

Enactment No: Res 15-179

- 11 *Approving the attached "Contract Employee Employment Agreement" between Larry Beaver and the City of Key West.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Contract Employment Agreement](#)

Passed

Enactment No: Res 15-180

- 12 *Approving an Amendment to Article 2 of Collective Bargaining Agreement between the City of Key West and Teamsters Local 769, Office and Blue Collar Workers, effective October 1, 2014 through September 30, 2017.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Article 2 *Recognition*](#)
[*Large File* Resolution 15-032 Teamsters CBA 10-1-2014 to 9-30-2017](#)
[Public Employees Relations Commission Certification 241](#)
[Public Employees Relations Commission Certification 526](#)

Passed

Enactment No: Res 15-181

- 13 *Awarding the Bid of Charley Toppino and Sons, Inc. for Donald Avenue Embankment Stabilization, including Linda Avenue Embankment Riprap, in accordance with the terms specified in ITB 15-010, in an amount not to exceed \$50,912.00; 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

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* City Bid Documents](#)
[City Clerk's Bid tabulation memo](#)
[Charley Toppino & Sons Bid proposal](#)
[*Large File* DN Higgins Bid proposal](#)

Passed

Enactment No: Res 15-182

- 14 *Awarding the Bid of Charley Toppino and Sons, Inc. for the Donald Avenue and 16th Terrace Street Pavement Stabilization in an amount not to exceed \$107,850.00 in accordance with the terms specified in ITB 15-016; Authorizing the City Manager to execute a contract and pursuant to Legal review on behalf of the City of Key West.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* City Bid Documents](#)
[City Clerk's Bid tabulation memo](#)
[Proposals Evaluation Matrix](#)
[Douglas N. Higgins proposal](#)
[Charley Toppino & Sons, Inc. proposal](#)
[Correspondence](#)

Passed

Enactment No: Res 15-183

- 15 *Authorizing extending the Agreement for Administrative Services with Employers Mutual (EMI) / Ascension, as the City's Insurance Program Third Party Claims Administrator for the Policy Period of 10/1/15 - 9/30/16 with an option to renew for Three (3) Additional One (1) Year periods at the sole discretion of the City; Pursuant to Section 2-797(4) (b), best interests of the City; Authorizing the City Manager to execute all necessary documents upon advice and consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Employers Mutual Insurance Agreement](#)
[*Large File* Resolution 14-085](#)
[Resolution 13-232](#)
[Resolution 10-113](#)

Passed

Enactment No: Res 15-184

- 16 *Awarding pursuant to Section 2-797 (4)(b) of the Code of Ordinances the Bid of Duncan Ford in the total amount of \$20,194.00 for one (1) Toyota Prius C Vehicle with accessories for use by the Key West Parking Enforcement Department.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Current Fleet Asset information](#)
[Florida Sheriff's Association Bid award](#)
[Duncan Auto proposal](#)
[Alan Jay Fleet proposal](#)

Passed

Enactment No: Res 15-185

- 17 *Approving the attached Lease Renewal Agreement, between the City of Key West and Island Tranquility, Inc. for property located in the Upland Area at Angelfish Pier on Palm Avenue.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* Lease Agreement](#)
[Rent Report](#)

Passed

Enactment No: Res 15-186

- 18 *Approving the attached "Submerged Lands Lease" for City-owned Submerged Lands in Garrison Bight adjacent to Angelfish Pier on Palm Avenue between the City and Island Tranquility, Inc.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Submerged Lands Lease](#)
[*Large File* FDEP Audit](#)
[FDEP Letter of non-compliance notice](#)
[Letter from City's Senior Property Manager](#)
[FDEP Letter of confirmation](#)

Passed

Enactment No: Res 15-187

- 19** *Rescinding City Commission Resolution No. 08-133 which approved an Easement of ± 86.18 Square Feet on a public alleyway for property located at 617 Grinnell Street (RE # 00010940-000000; AK # 1011231).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Applicant Request](#)
[Survey](#)
[*Large File* Resolution 08-133](#)

Passed

Enactment No: Res 15-188

- 20** *Approving the proposed Settlement Agreement with Barbara Turner in an amount not to exceed \$34,000.00 for a trip and fall liability claim; Authorizing the City Manager to issue payment with the advice and consent of the City Attorney.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Executive Summary](#)
[General release and waiver](#)

Passed

Enactment No: Res 15-189

Approval of the Consent Agenda

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

- 21** Authorizing the expenditure of \$5,000.00 in support of the Keys be the Change program Youth Leadership, Education and Activity programs.

Sponsors: Commissioner Yaniz

Attachments: [Resolution](#)
[Florida Non Profit Corporation](#)

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

No: 1 - Commissioner Rossi

Absent: 3 - Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Yes: 3 - Commissioner Johnston, Commissioner Lopez and Commissioner Yaniz
Enactment No: Res 15-190

22 Directing the inclusion of a Bicycle Pedestrian Coordinator for the FY 15-16 Budget.

Sponsors: Commissioner Yaniz

Attachments: [Resolution](#)
[Letter in Support from Jean Gregory](#)
[Letter in Support from Tom Theisen](#)

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

Absent: 3 - Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Yes: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi and Commissioner Yaniz

Enactment No: Res 15-191

23 Authorizing the City to apply for and execute a Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Florida Forest Service in response to Urban and Community Forestry Grant Bid # RFP/ FFS 15/16-50.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* Grant Application](#)

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

Absent: 3 - Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Yes: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi and Commissioner Yaniz

Enactment No: Res 15-192

ORDINANCES – FIRST READING

24

*An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 246 of the Code of Ordinances to increase the post retirement supplement paid to retirees of the Police Officers' and Firefighters' Retirement Plan; Creating Chapter 46, Section 328 of Code of Ordinances to provide for an Ad-Hoc Thirteenth Check to be paid funded by net investment returns of the plan over nine percent; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

Attachments: [Ordinance](#)
[Actuarial Impact Statement for Plan Amendment](#)
[Letter from Key West Police and Fire Pension Board Trustees](#)
[Letter from City's Labor Attorney Paul T. Ryder, Jr. legal opinion](#)
[Letter from The Bogdhan Group](#)
[Letter from the International Association of FireFighters Local 1424](#)
[Letter from the Dade County Police Benevolent Association](#)

A motion was made by Commissioner Teri Johnston, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to June 2, 2015 meeting. The motion passed by an unanimous vote.

ORDINANCES - SECOND READING (Public Hearing)

25

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses" by amending Section 18-701, to amend the Definition of a Cosmetic Retailer; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive summary](#)
[Cosmetic definition](#)

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

Absent: 3 - Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Yes: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi and Commissioner Yaniz

Enactment No: Ord 15-09

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

7:42 P.M.