



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, March 5, 2013

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 305-809-3951 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 - Pastor Ozzie Vater, Fifth Street Baptist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Red Cross Month

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

COMMENDATIONS

2 Extra Mile Award to Mrs. Martha Fitch, School Crossing Guard

Sponsors: City Manager Vitas

Postponed

PRESENTATIONS

- 3 Update on Moving Stormwater and Solid Waste Utility Billing to the Property Tax Roll

Sponsors: City Manager Vitas

Attachments: [Presentation](#)

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

- 4 *January 23, 2013 (Regular)

Attachments: [Minutes](#)

Passed

- 5 *February 5, 2013 (Regular)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

- 6 *Authorizing Bauer Restaurant, dba Key West Songwriter's Festival to conduct a Songwriter's Festival on Saturday, May 4, 2013 during the hours of 12:00 Noon to 11:00 p.m. authorizing the closure of the 200 block of Duval Street from 12:00 Noon to 11:00 p.m.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 5:00 p.m. to 11:00 p.m.

Sponsors: City Manager Vitas

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

Passed

Enactment No: Res 13-062

- 7 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Jessica Stewart & Kyle Bush for a wedding ceremony and reception at the Hemingway House at 907 Whitehead Street during the hours of 8:00 p.m. to 1:00 a.m. on Tuesday, December 31, 2013.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
 [Application](#)
 [Advertisement](#)

Passed

Enactment No: Res 13-063

- 8 *Authorizing the sale of one surplus 1991 Spartan Pumper (known as Engine 6) using the services of Engine Broker FireTec used Apparatus Sales, and provided the sale amount equals or exceed \$20,000.00 (net of brokerage fees).

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Pumper Web Form E-6](#)
 [Contract-signed](#)
 [Preferred Brokerage Firm](#)
 [Broker Analysis](#)

Passed

Enactment No: Res 13-064

- 9 *Approving the Award of Bid to Ingram Construction Company, Inc. for the construction of the Key West Cemetery Mausoleums in an amount not to exceed \$225,200.00; Authorizing necessary Budget Transfers; Authorizing the City Manager to execute a contract in accordance with the bid documents.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk Bid Memo](#)
[Budget Transfer](#)
[*Large File* Ingram Construction Company, Inc. Bid proposal](#)
[*Large File* JMW Construction Corporation Bid proposal](#)
[*Large File* DN Higgins, Inc. Bid proposal](#)
[City Contract Documents for ITB 13-002](#)
[Addendum I](#)

Passed

Enactment No: Res 13-065

10

*Awarding a Task Order for CDM, Inc. in an amount not to exceed \$71,473.00 for Engineering Services for FDEP permit renewal and Wastewater Reuse Evaluation for the Richard A. Heyman Environmental Protection Facility.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order](#)
[*Large File* Contract with CDM Smith, Inc](#)
[City of Key West Current Permit](#)

Passed

Enactment No: Res 13-066

11

*Approving the attached "State Wastewater Funding Distribution Agreement for Year Two of Four", an Interlocal Agreement between the City and the Monroe County Board of County Commissioners, the City of Key Colony Beach, the City of Marathon, the Florida Keys Aqueduct Authority, Key Largo Wastewater Treatment District and Islamorada City of Islands; Authorizing the Mayor to execute necessary documents.

Sponsors: City Manager Vitas

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

Passed

Enactment No: Res 13-067

- 12 *Authorizing Mote Marine Laboratory to conduct a “Florida Keys Ocean Festival” at 38 E. Quay Road Truman Annex on Saturday, March 30, 2013 from 11:00 a.m. to 6:00 p.m; Pursuant to terms and conditions set forth by the City Manager; Authorizing the use of the Truman Waterfront next to the Eco Discovery from 11:00 a.m. to 6:00 p.m; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

Sponsors: City Manager Vitas

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

Passed

Enactment No: Res 13-068

- 13 *Granting permission to initiate Development Agreement consideration with the Naval Properties Local Redevelopment Authority (LRA) for the Truman Waterfront Park Master Plan.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Request to Enter into Development Agreement](#)

Passed

Enactment No: Res 13-069

- 14 An Ordinance of the City of Key West amending the City of Key West Code of Ordinances by repealing current Chapter 14, Section 14-391 through and including 14-407; Repealing Chapter 34, Sections 34-26 through and including 34-121; and Repealing Chapter 108, Sections 108-821 through and including 108-927 in their entirety; By replacing the Flood Management provisions by adding new Sections to Chapter 34, beginning with Section 34-122 through 34-149 establishing a Floodplain Management Ordinance; To adopt Flood Hazard Maps, to designate a Floodplain Administrator, to Adopt Procedures and Criteria for Development in Flood Hazard areas, and for related purposes; Adopting local administrative and technical amendments to Florida Building Codes Sections 104, 107, 117 1612 & 202; Providing for applicability; Providing for repeal of inconsistent provisions; Providing for severability; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)
[Executive Summary](#)
[Memo from Staff](#)
[Planning Board Resolution 2012-24](#)
[2012 Building Codes](#)
[Florida Model Floodplain Ordinance](#)
[Frequently Asked Questions on New Model Ordinance & Code Amendments](#)

The Ordinance was postponed to March 19, 2013 meeting.

Approval of the Consent Agenda

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

- 15 *Authorizing pursuant to Section 2-797(3) the purchase of 65-gallon recycling carts with tracking software for \$631,290.00 from Rehrig Pacific Company through piggybacking on a Bid/Contract from the City of Deerfield Beach.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Rehrig Pacific Price Quote Based on Deerfield Beach Contract](#)
[City of Deerfield Beach Bid Package](#)
[*Large File* Rehrig Pacific Bid for Deerfield Beach](#)
[Deerfield Beach City Staff Review of Bids](#)
[*Large File* Rehrig Pacific Contract with Deerfield Beach](#)
[Deerfield Beach Award - See # 20 From Council Minutes](#)
[Recycle Cart Contract Comparison by Kessler Consulting](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, 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 13-070

- 16 *Ranking the respondents to City of Key West - Request for Proposals - Grant Writing Services, 002-13; Directing the City Manager to negotiate a contract with the highest ranked firm for City Commission approval.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* Request for Proposal #002-13](#)
[City Clerk RFP memo](#)
[*Large File* Langston Associates proposal](#)
[*Large File* Writers at Large proposal](#)
[*Large File CDM Smith, Inc. proposal](#)
[CM Approval of Evaluation Team](#)
[Public Notice of Evaluation Team Mtg.](#)
[Evaluator Rating Sheets](#)
[Committee Ranking tabulation](#)

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

No: 2 - Commissioner Wardlow and Commissioner Yaniz

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

Enactment No: Res 13-071

17

Opposing Florida House Bill 531 and Florida Senate Bill 354, which, if passed, would provide that certain leasehold interests and improvement to land owned by the United States, a branch of the United States Armed Forces, or any Agency or Quasi-Governmental Agency of the United States are exempt from Ad Valorem Taxation under specified circumstances.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
[Senate Bill 354](#)
[House Bill 531](#)

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

No: 1 - Mayor Cates

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

Enactment No: Res 13-072

ORDINANCES – FIRST READING

- 18 An Ordinance of the City of Key West, Florida, Amending Chapter 90 of the Code of Ordinances entitled "Administration" Amending Section 90-142 "Historic Architectural Commission Design Guidelines", for minimum requirements for submittal for a Certificate of Appropriateness as referenced in Section 90-142; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Package](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Yaniz, 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)

- 19 An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Off Premise Canvassing" by amending Section 18-412 penalties to provide for an amendment allowing violations to be punishable by Section 1-15; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, 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 13-03

- 20 An Ordinance of the City of Key West, Florida, amending the Key West Comprehensive Plan by adopting a new Future Land Use Map in its entirety; By amending the Goals, Objectives and Policies of the Land Use Element, the Historic Preservation Element, the Traffic Circulation Element, the Housing Element, the Public Facilities Element, the Coastal Management Element, the Port Master Plan Sub

Element, the Conservation Element, the Recreation and Open Space Element, the Intergovernmental Coordination Element, the Capital Improvements Element, and the General Monitoring and Review Criteria; By updating the Appendices; By amending the Data and Analysis supportive of the Plan but not a part of the Comprehensive Plan; By inserting the City's Strategic Plan in the Introduction to the Comprehensive Plan; By adopting a Water Supply Facilities Work Plan, as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon recommendations from the City Adopted 2005 and 2007 Evaluation and Appraisal reports; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for an Effective Date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)
[Executive Summary](#)
[ORC Report](#)
[Staff Report](#)
[Planning Board Resolution 2012-39](#)
[Planning Board Staff Report and Package August 2012](#)
[Com Plan Intro Key West 2013 with glossary](#)
[2012 Data and Analysis](#)
[Chapter 1 - Land Use Element](#)
[Chapter 2 - Transportation Element](#)
[Chapter 3 - Housing Element](#)
[Chapter 4 - Public Facilities Element](#)
[Chapter 5 - Coastal Management Element](#)
[Chapter 6 - Conservation Element](#)
[Chapter 7 - Recreation and Open Space](#)
[Chapter 8 - Intergovernmental Coordination](#)
[Chapter 9 - Capital Improvements](#)
[Capital Improvements Five Year Schedule](#)
[Water Supply Plan](#)
[Storm Surge Zones Map](#)
[Parks & Recreation Radius Map - Existing LOS](#)
[Transportation Maps - Existing LOS](#)
[Draft Historic District Map](#)
[Future Land Use Map](#)
[Parks & Recreation Radius Map](#)
[Storm Surge Zones Map](#)
[Amendments Water Supply Plan](#)
[2005 EAR Report](#)
[2007 EAR](#)
[EAR Notification Letter and Table of Statutory Changes](#)
[Project Timeline and State Coordinated Review Process](#)
[Florida Statutes ASCS and FAC Rule Principals for Guiding Development](#)

A motion was made by Commissioner Yaniz, 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 13-04

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

7:38 P.M.