



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, June 18, 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 National HIV Testing Day

Sponsors: Mayor Cates and Commissioner Lopez

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

City Attorney's Report

- Assisted Care Discussion

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.

RESOLUTIONS

2 *Appointing Jeff Rodriquez to the Art in Public Places Board.

Sponsors: Commissioner Wardlow

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

Passed

Enactment No: Res 13-160

3 *Authorizing Helpline, Inc. to conduct it's Annual Caribbean Street Fair on Saturday, July 20, 2013 from 8:00 A.M. to 9:00 P.M; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Front and Fleming Streets between the hours of 8:00 A.M. to 9:00 P.M; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Vitas

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

Passed

Enactment No: Res 13-161

- 4 *Approving the attached "Memorandum of Agreement for Participating Miami UASI (Urban Area Security Initiative) Grant 2011 Agency" pursuant to a federally funded subgrant agreement between the U.S. Department of Homeland Security (USDHS) and the Miami and Fort Lauderdale Urban Area for the Miami UASI Grant Program FY 2011, in the amount of \$15,000.00, to fund the purchase of equipment, services and allowable personnel cost in connection with the development and support of the UASI Project administered by the City of Miami Department of Fire-Rescue; Authorizing the City Manager to execute the necessary documents.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Memorandum of Agreement](#)
[*Large File* Agreement](#)

Passed

Enactment No: Res 13-162

- 5 *Approving an amendment to the FY 2012-13 Budget by allocating funds from the U.S. Navy pooled cash account #602-0000-104-00 to the Navy Reserves account #602-1900-519.98-06 in the amount of \$1,675,000.00.

Sponsors: City Manager Vitas

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

Passed

Enactment No: Res 13-163

- 6 *Authorizing the Award of Invitation to Bid #13-006, Smathers and Rest Beach Renourishment to Dickerson Florida, Inc. in an amount not to exceed \$1,029,891.45; Authorizing necessary budget transfers; Authorizing the City Manager to execute the contract.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Dickerson Florida, Inc. Bid proposal](#)
[Charley Toppino & Sons, Inc. Bid proposal](#)
[*Large File* DN Higgins Bid proposal](#)
[*Large File* City of Key West Bid Documents 13-006](#)

Passed

Enactment No: Res 13-164

- 7 *Approving Task Order No. 2-13-SWR from CH2M Hill Engineering, Inc. in the amount not to exceed \$206,192.00 for Engineering Services for the Design, Permitting and Bid Phase Services for the Pump Variable Frequency Drive (VFD) Upgrades to Sewer Pump Stations A, B, C, D, and DA.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order](#)
[Resolution 12-280](#)
[Agreement with CH2M Hill](#)

Passed

Enactment No: Res 13-165

- 8 *Ratifying pursuant to Section 2-797(2) the City Manager's approval of Task Order No. 4-13-STM from CH2M Hill Engineering, Inc. in an amount not to exceed \$112,117.00 for Engineering Services for the Design, Permitting and Bid Phase Services for an Emergency Outfall and Generator for the Simonton Street Stormwater Pump Station; Approving Appropriate budget transfers from Stormwater Fund Reserves.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[City Manager's Emergency Declaration](#)
[Task Order 4-13 STM](#)
[CH2M Hill Contract with City of Key West](#)
[*Large File* Resolution 12-280](#)

Passed

Enactment No: Res 13-166

- 9 *Ratifying a proposal from Douglas N. Higgins to construct new valves for the Simonton Street Stormwater Pump Station in an amount not to exceed \$73,222.67. Authorizing a necessary budget transfer; Authorizing execution of related contract documents.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[City Manager's Emergency Declaration](#)
[Proposal from Douglas N. Higgins for New valves at Pump Station](#)
[*Large File* Contract with DN Higgins](#)

Passed

Enactment No: Res 13-167

- 10 *Authorizing pursuant to Section 2-797(3) the purchase of a Caterpillar 450F Backhoe loader vehicle from Kelly Tractor Company for \$138,980.00 through piggybacking on the Florida Sheriff's Association Contract; Approving a budget transfer.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Kelly Tractor Quote](#)
[Florida Sheriff's Award Bid Quote](#)
[Caterpillar 450F Price List and Specs](#)
[Caterpillar 450F Backhoe Loader Brochure](#)

Passed

Enactment No: Res 13-168

- 11 *Authorizing the purchase of four (4) Toyota Prius C Hybrid vehicles from Alan Jay Ford, pursuant to Section 2-797(3) of the Code of Ordinances, in the total amount of \$78,772.00; Authorizing a budget transfer from Infrastructure Reserves.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Toyota Prius Quote](#)
[Sheriff Bid Award](#)

Passed

Enactment No: Res 13-169

- 12 *Approving the attached "License for Nonfederal use of Real Property" (License Number N69450-13-RP-00085) between the United States of America by the Secretary of the Navy, and the City of Key West, for approximately 800 feet of the outer portion of the Mole Pier at Truman Annex.

Sponsors: City Manager Vitas

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

Passed

Enactment No: Res 13-170

- 13 *Approving the attached Supplement Number Two (2) to the Joint Participation Agreement (JPA) for Contract AQN20 between the Florida Department of Transportation (FDOT) and the City of Key West, to increase the maximum participation or grant award from FDOT from \$2,000,000.00 to \$3,781,266.00, reflecting an increased amount of \$1,781,266.00 to be used for construction costs or related capital expenses of the New Transit Facility at 5701 College Road, Key West, Florida.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 12-209](#)
[Resolution 12-316](#)
[Joint Participation Agreement No. 2](#)

Passed

Enactment No: Res 13-171

- 14 *Approving Grant Agreement No. ARE064 between the City and the Florida Department of Agriculture and Consumer Services, Office of Energy, in the amount of \$250,000.00; Authorizing the City Manager to execute a Grant Agreement upon consent of the City Attorney; Authorizing a City Match; Authorizing necessary budget amendments.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Draft Agreement](#)
[Attachments A~K](#)

Passed

Enactment No: Res 13-172

Approval of the Consent Agenda

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

15 Approving the attached "First Amendment to Agreement" between the City and School Board of Monroe County, Florida.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Memo from City Attorney](#)
[First Amendment to Agreement - Glynn Archer](#)
[Resolution 12-127](#)

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 13-173

16 Appointing a member to the Citizens Review Board.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Perry Frantzman Application](#)
[Hayward Magby Application](#)
[Fred Marchak Application](#)

A motion was made by Commissioner Weekley, 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 13-174

ORDINANCES – FIRST READING

17

An Ordinance of the City of Key West, Florida amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding Definitions to Section 6-116; Amending Chapter 18 of the Code of Ordinances entitled "Businesses" by deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; By adding Section 18-354 establishing that Permits Required, Application, Franchise Fees; By adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; By adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; By adding Section 18-357 establishing Restrictions on Bicycle Tour Companies; By adding Section 18-358 establishing Requirement of Concurrency Traffic Analysis for the Establishment of New or Relocated Recreational Rental Businesses; By adding Section 18-359 establishing Identification by Decal of all Recreational Rental Vehicles; By adding Section 18-360 establishing an Annual Inspection of Each Recreational Rental Vehicle Facility; By adding Section 18-361 establishing Penalties for Violations; Providing for severability; Providing for repeal of inconsistent provisions; and Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Resolution 2013-21](#)
[Planning Board Package](#)
[Public Comment](#)

A motion was made by Commissioner Rossi, 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

18

An Ordinance of the City of Key West, Florida, Repealing the Zoning in Progress Adopted by Ordinance No. 12-35; Amending Chapter 122 of the Code of Ordinances Entitled "Zoning" by Amending Section 122-418 "Conditional Uses" in the General Commercial (CG) Zoning District to provide for Pain Management Clinics as a conditional use; By creating Division 14 Entitled "Pain Management Clinics"; By adding Sections 122-1547 through and including 122-1553, to allow and register Pain Management Clinics as defined; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Resolution 2013-20](#)
[Planning Board Package](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, 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

Enactment No: Ord 13-12

ORDINANCES - SECOND READING (Public Hearing)

19

An Ordinance of the City of Key West, Florida, amending Chapter 58 of the Code of Ordinances entitled "Solid Waste" to convert monthly utility billing to a non ad valorem assessment on the property tax roll beginning in FY 2014; Amending certain regulations to conform the Solid Waste Ordinance with the current Solid Waste Collection Process, and the City's Recycling Goals; By amending Section 58-1 to add definitions; Amending Section 58-2 to clarify authority of Franchisees; Amending Section 58-31 to clarify waste container requirements; Amending Section 58-32 to clarify temporary dumpster provisions; Amending Section 58-35 to clarify bulk and excess yard waste pick-ups; Rescinding Section 58-62 to rescind monthly billing; Rescinding Section 58-63 to rescind delinquency provisions; Amending Section 58-66 to adjust the conversion rate for non-compaction containers; Amending Section 58-68 regarding commercial solid waste accounts; Amending Section 58-71 Trash Haulers; Rescinding Section 58-72 responsibility of owner and tenant for payment; Rescinding Section 58-73 regarding issuance of business tax receipt; Amending Section 58-82 to amend residential recyclable materials; Amending Section 58-84 regarding collection containers of residential recyclable materials; Amending Section 58-86 to include white goods in the anti-scavenger clause; Adding Division V - Sections 58-100 through 58-115 to establish regulations for implementing an annual solid waste assessment for residential properties and billing regulations for commercial and government properties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)
[Executive Summary](#)
[*Large File* Resolution 13-051](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, 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 13-09

20

An Ordinance of the City of Key West, Florida, amending Chapter 74 of the Code of Ordinances entitled "Utilities," Article V, Stormwater Utility, to convert monthly stormwater billing to a non ad valorem assessment on the property tax roll beginning in FY 2014; By amending Section 74-361 to add definitions; Amending Section 74-365 to provide for user fee; Repealing Section 74-366 and replacing it with a new Section 74-366 regarding stormwater service assessments; Adding a new Section 74-367 to provide for stormwater improvement assessments; Adding a new Section 74-368 to provide for an initial assessment resolution; Adding a new Section 74-369, Stormwater Assessment Roll; Adding Section 74-370 to provide notice by publication; Adding Section 74-371 to provide notice by mail; Adding Section 74-372 to provide for final assessment resolution; Adding Section 74-373 to provide an annual rate resolution; Adding Section 74-374 to provide effect of stormwater resolutions; Adding Section 74-375 to provide for lien of stormwater assessments; Adding Section 74-376 to provide a method of collection of stormwater assessments; Adding Section 74-377 to provide an alternative method of collection of stormwater assessment; Adding Section 74-378 to provide for collection of stormwater assessments from government property; Adding Section 74-379 to provide responsibility for enforcement; Adding Section 74-381 to provide for procedural irregularities; Adding Section 74-382 to provide for correction of errors and omissions; Adding Section 74-383, Applicability; Adding Section 74-484 alternative method; Renumbering Section 74-367 to 74-385; Renumbering Section 74-368 to 74-386; Renumbering Section 74-369 to Section 74-387 and adjusting the Equivalent Stormwater Unit (ESU) Rate; 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 Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

No: 1 - Commissioner Rossi

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

Enactment No: Ord 13-10

21

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adding Section 2-773, "Cone of Silence" to provide for limitations and procedures regarding communications concerning City issued competitive solicitations; Providing penalties for violations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

Attachments: [Ordinance](#)

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 13-11

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:08 P.M.