



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, March 4, 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

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

INVOCATION - Lt. Peter Dietz, Chaplain Coast Guard Sector Key West

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

- 1 Be The Change Day
- Sponsors: City Commission
- Received and Filed

PRESENTATIONS

- 2 25 Year Service Award - Key West Fire Department Captain Wayne Owen
- Postponed

- 3 Brian LaPointe - "Effects of Everglades Restoration on Water Quality of the Florida Keys and Key West."

Sponsors: Commissioner Weekley

Received and Filed

City Attorney's Report

City Manager's Report
- Truman Waterfront Park Project
Historical Overview - Postponed

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

- 4 *Appointing Daniel E. Acevedo to the Key West Contractor's Examining Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 14-056

- 5 *Appointing Richard J. Milelli to the Key West Contractor's Examining Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 14-057

- 6 *Providing for a waiver of impact fees in the amount of \$14,094.32 for a lawful unit located at 326 Truman Avenue.

Sponsors: Commissioner Lopez

Postponed to March 18, 2014 meeting

- 7 *Authorizing the Key West Film Society, Inc. to conduct their 10th Anniversary Celebration for the Tropic Cinema on Sunday, April 6, 2014 from 3:00 P.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 400 block of Eaton Street between Whitehead and Duval Streets from 3:00 P.M. to 10:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 3:00 P.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 14-058
- 8 *Authorizing free use of Key West Public Transportation on March 17, 2014; Encouraging residents and visitors to use Public Transportation throughout the year.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 14-059
- 9 *Authorizing the purchase of up to three (3) Clean Diesel (low sulfur) Gillig 30' Low Floor BRT Buses and one (1) Hybrid Clean Diesel (low sulfur) Electric Gillig 30' Low Floor BRT Bus in a total amount not to exceed \$1,990,393.00 pursuant to State contract, pursuant to Sections 2-797(1)(3) and 2-844(a) of the Code of Ordinances; Conditioning purchase authority upon the award and acceptance by the City Commission of funding through FDOT Grant and Federal Transit Administration (FTA) Toll Revenue Credits.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 14-060
- 10 *Authorizing a one-year extension, for the policy year 2014/2015, of the Broker Services Agreement with Brown & Brown - Public Risk Insurance Agency (PRIA) for the City's Property and Casualty Insurance Program.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 14-061

- 11 *Authorizing the approval of Task Order 02-2014-STM for Arcadis, d//b/a Malcolm Pirnie, Inc., in an amount not to exceed \$19,750.00 to provide a Rate Study for preparation of the City's 2015 Stormwater Billing.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 14-062
- 12 *Authorizing the approval of Task Order 03-2014-SWR for Arcadis, d//b/a Malcolm Pirnie, Inc., in an amount not to exceed \$19,750.00 to provide a Rate Study for preparation of the City's 2015 Sewer Billing.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 14-063
- 13 *Authorizing the purchase of new Odor Control Units for Sewer Lift Stations R and S from Hayward, Inc., on a Sole Source Basis in accordance with the City Code Section 2-797(1), in the total amount of \$52,400.00.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 14-064
- 14 *Accepting and authorizing the execution of the attached "Federally Funded Subgrant Agreement" Contract Number 14HM-2V-11-54-02-XXX (FEMA Number: 1539-47-R) with the State of Florida Division of Emergency Management (FDEM) for Phase II FEMA Funding for East Front Street Flood Mitigation Project, in the amount of \$2,454,440.00 (City Match 25% of project cost); Authorizing necessary budget amendments or transfers to accept the Grant.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 14-065
- 15 *Awarding the Bid of Arnold's Towing & Marine Repair, Inc. in response to RFP 01-14, for Towing Services.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 14-066

Approval of the Consent Agenda

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

- 16** *Approving the relocation of the Mallory Square Panhandling Zone.

Sponsors: Mayor Cates

A motion was made by Commissioner Yaniz, 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 14-067

- 17** *Approving the attached conceptual site plan for a proposed Vietnam Veteran's Memorial at Bayview Park and directing the City Manager to continue to work with the organizers to complete a suitable memorial; Supporting the use of City funds for up to one-third of the cost of constructing the Vietnam Veteran's Memorial.

Sponsors: Commissioner Wardlow and Mayor Cates

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed as Amended. 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 14-068

- 18** *Approving the attached "Lease Agreement" between the City and Key West Players, Inc. for the Waterfront Playhouse; Finding a public benefit.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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 14-069

- 19 *Extending the "Consulting Agreement" between the City of Key West and Langton Associates, Inc., and IN REM Solutions, Inc. for Grant Writing Services for a period of one year; Approving an increase of \$500.00 per month effective October 1, 2014 through March 5, 2015, not to exceed \$3,000.00.

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:

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

Enactment No: Res 14-070

- 20 *Authorizing the City Manager to enter into an Agreement with Dr. Richard Walker, property owner(s) in Code Compliance File No. 10-1425 (2407 N. Roosevelt Boulevard) permitting a release of lien upon payment by the owners of the amount of ~~\$40,000.00~~ \$34,550.00.

Sponsors: City Manager Vitas

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

No: 2 - Commissioner Johnston and Commissioner Weekley

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

Enactment No: Res 14-071

- 21 Authorizing the City of Key West to enter into a Revocable License Agreement for nonpermanent use of 760.75 square feet of City property for parking, brick pavers and landscaping associated with an historic structure located at 4 Pinder Lane, pursuant to Section 2-939 of the Code of Ordinances; Providing conditions.

Sponsors: City Manager Vitas

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 14-072

ORDINANCES – FIRST READING

- 22** An Ordinance of the City of Key West, Florida amending Chapter 42 of the Code of Ordinances entitled “Miscellaneous Offenses” by amending Section 42-9 to revise the Definition of Body Painting; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Withdrawn

- 23** 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 and 78-67 to provide for wheelchair accessible vehicles, operational requirements for such vehicles and a revocation process; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

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

No: 2 - Commissioner Rossi and Commissioner Yaniz

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

Enactment No: Ord 14-05

ORDINANCES - SECOND READING (Public Hearing)

- 24** 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; Adding Section 62-186 to establish news rack mounting standards; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Ordinance be Adopted as Amended. 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 14-02

25

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 Jimmy Weekley, seconded by Commissioner Teri Johnston, that the Ordinance be Adopted. The motion passed with 6 Yea Vote and 1 Nay vote by Commissioner Rossi.

Enactment No: Ord 14-03

26

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 Lopez, 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 14-04

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:33 P.M.